HOUSE OF REPRESENTATIVES—*Thursday, June 20, 1991*

The House met at 10 a.m.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

May our words, O gracious God, be acceptable in Your sight and be instruments of truth and good will and understanding. As we communicate our feelings and attitudes toward each other, may we be reminded how significant words can be and how they reflect our beliefs and all we hold dear. May the words of our lips and the meditations of our hearts be acceptable in Your sight, O God, our strength and our redeemer. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentlewoman from Colorado [Mrs. SCHROEDER] please come forward and lead the House in the Pledge of Allegiance.

Mrs. SCHROEDER led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ANOTHER WEST VIRGINIAN WITH NO ACCESS TO HEALTH CARE

(Mr. WISE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WISE. Mr. Speaker, as part of my weekly program of introducing West Virginians who cannot get access to health care, I introduce my colleagues to Victoria from Dunbar, WV. She was born prematurely, weighing 2 pounds, 2 ounces. Victoria was born with cerebral palsy. Her mother had to give custody of Victoria to Victoria's grandparents so that her grandfather's health insurance could pay for all of Victoria's hospital expenses. The hospital bill came to $90,000. Happily, the grandfather's insurance policy paid for it.

Mr. Speaker, Victoria's father graduated from West Virginia University with a degree in electrical engineering and recently got a new job, but unfortunately his employer's insurance carrier will not cover preexisting illness, so Victoria is not covered by this insurance. She does qualify for a supplemental security income card, but many pediatricians will not accept it.

Mr. Speaker, Victoria is now 5 years old and striving to be independent, but, Mr. Speaker, parents should not have to give up custody of their children in order to get medical help. If the President will not propose health care legislation for all, then Congress is going to have to do it, and soon.

GREEN BAY WELCOMES HOME 432D CIVIL AFFAIRS ARMY RESERVE UNIT

(Mr. ROTH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROTH. Mr. Speaker, today the city of Green Bay welcomes home the 432d Civil Affairs Army Reserve Unit from the gulf.

Mr. Speaker, the brave men and women of the 432d were the first civil affairs unit deployed in the gulf, and they were the first civil affairs unit to enter Kuwait City during Desert Storm. Once there they restored power and water service and organized food delivery to that battle-torn city and to its weary population.

However, Mr. Speaker, the task of the 432d did not end there. As word of the unspeakable Iraqi atrocities against the Kurdish people spread through the region, America once again came to the rescue, and the 432d led the way into the cold, mountainous landscape of eastern Turkey and northern Iraq to rescue thousands of refugees.

Scrapping plans that would have brought the 432d home in May, the reservists instead tackled the assignment to save the Kurds. Every day was crucial to these people, and the 432d did a masterful job in delivering medical supplies and food to the Kurdish people. Today, millions of Kurds owe their lives to the men and women of the 432d and other units that assisted in the general relief.

Mr. Speaker, I am deeply honored to represent in this Congress the brave men and women of the 432d, and we welcome them home with open arms today.

ELDERLY AMERICANS FACING CRISIS IN ACCESS TO AFFORDABLE HEALTH CARE

(Mr. REED asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. REED. Mr. Speaker, Congress recognized that elderly Americans face a crisis in access to affordable health care. In 1988, Congress moved to ease the burden for low-income elderly by recognizing that Medicaid should pay the Medicare premiums and out-of-pocket expenses of the elderly living in poverty.

But a law is no good unless people know about it. And, this law has been little good because no serious attempt was made by the administration to inform the elderly.

There are an estimated 4.2 million elderly people living in poverty whose Medicare payments should be covered by Medicaid and more than half of them do not know about this program.

The head of the Health Care Financing Administration said that she would ask private groups to help notify these people of the benefits available to them. But why are HCFA and the Social Security Administration not taking a more active role?

Why should we rely on voluntary efforts by private advocacy groups to tell people about a program to which they are entitled?

We have a health care crisis in this country. And this is an example of elderly people who most need health care benefits being denied help to which they are entitled because the Government has not taken the initiative to tell them.

In order to apply for these benefits, the elderly have to go to a welfare office. Even though in 30 States the Social Security office will accept general Medicaid applications, SSA will neither accept nor make available applications for this benefit in their offices.

If the Social Security Administration is really sincere about wanting to help people get these benefits, why won't they even let people apply for the benefits in their offices?

Mr. Speaker, this is only a small piece of the health care puzzle, but there's no reason not to solve this problem right away. I hope that HCFA and the Social Security Administration will work with us to get the word out to 2 million people as soon as possible.

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

THE IMPORTANCE OF THE WOMEN'S HEALTH EQUITY ACT

(Mrs. SCHROEDER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. SCHROEDER. Mr. Speaker, last week many of the women in Congress had a press conference talking about how important it was for women to have a mammogram, that breast cancer was really becoming an epidemic in this country.

One of our colleagues who has been a very, very active member of the caucus, the gentlewoman from Tennessee [Mrs. LLOYD] was there holding a banner and gave an impassioned speech. She remembered, as she went home, that it had been about a year since she had a mammogram.

So, Mr. Speaker, she went home to Tennessee, and had a mammogram, and unfortunately a malignancy was found. She is now resting in a hospital, and the Congresswomen have sent cookies to the staff taking care of her, and we await eagerly her return.

However, Mr. Speaker, this tells how this can strike anywhere, and it can strike any woman. I hope every woman out there is getting their regular mammograms. We must get the Federal Government into these areas. Women's health has been treated recklessly for so long by the Federal Government, and the congressional caucus on women's issues is very dedicated to trying to change that so that the women's health agenda is dealt with equally by the end of this decade.

My colleagues, please join us in passing the Women's Health Equity Act. It is time.

ESCOBAR RUNNING DOPE BUSINESS FROM HOTEL HILTON PRISON

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, Pablo Escobar, the cocaine king of Colombia, is in jail. It is called the Hilton Prison. He has a jacuzzi, air-conditioning, a guest room, and everybody, supposedly, all excited.

Now just listen to this: After Escobar killed over 300 judges and politicians, the Colombian Government caved in. They passed a law that says no more extradition of drug punks to America, and that is just what Escobar wanted.

My colleagues, Pablo Escobar did not surrender. The Colombian Government surrendered. The Colombian Government has lost the war against cocaine, and it is time for Congress to tell Colombia, as a government, that they really have to be part of the solution or they will be treated as part of the problem. It is time for the death penalty for drug kingpins, and let me say one thing. He is not in jail. He is on vacation running the dope business from Hotel Hilton Prison.

□ 1010

ADMINISTRATORS OF EPA SUPERFUND LETTING AMERICA DOWN

(Mr. GLICKMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GLICKMAN. Mr. Speaker, during the past decade Congress passed a law called Superfund, to provide for the cleanup of hazardous and toxic waste sites in the United States. Over 1,000 sites, located all over the country, are on a special list called the national priority list, the worst environmental sites in America, for special cleanup.

Taxes are being levied on the chemical and petroleum industry to pay for these sites, and, in addition, moneys coming out of the general fund to help pay for the cleanup. Billions have been raised and spent.

How many sites have been fully and completely cleaned up? Zero sites have been fully and completely cleaned up. Less than 2 percent had even substantial cleanup.

Is the environment cleaner because of this? No. Virtually no sites have been cleaned up, and, unbelievably, hundreds of millions of dollars have been spent by the EPA on consultants, management firms, and engineers.

After a decade, all this money is going out, and there is no cleanup. It is so frustrating.

I do not know if we have another HUD scandal, why are so many dollars being spent on consultants and so little for housing, or another savings and loan scandal, where the money is going to developers and lawyers. But the administrators of this program are letting us down. It is one of the biggest boondoggles I have ever seen, and these toxic wastes go uncleaned up.

So I would suggest that the President, the Congress, and the private sector get together immediately and have a meeting, a kind of forum where we constitute what is involved in a baseline solution to this terrible Superfund problem.

CHANGES IN THE SOVIET UNION

(Mr. DREIER of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DREIER of California. Mr. Speaker, for the first time in over 2,000 years we have seen an election take place in the Russian Republic, and the fact this election has taken place has clearly impressed all of us. But we have all been equally impressed by the fact that the winner of that election, the new President of Russia, Boris Yeltsin, has descended on Washington, DC.

Mr. Speaker, we saw him on Nightline the other night give a very impressive presentation. Many of us had the opportunity to meet with him here in the Congress yesterday. Last night he addressed a dinner at the Center for Democracy.

Mr. Yeltsin has made a number of very impressive statements, which every Member of this House should be aware of. He has talked about the fact that the recognition of the Baltic States is a priority, and then, last night, he said that as long as Mikhail Gorbachev stands for democracy and reform, he stands with Gorbachev.

Mr. Speaker, it is very apparent that this very, very unprecedented action is something we need to herald, and, as we look at the 15 republics of the Soviet Union, it is clear that dramatic change is taking place, and is taking place because of the leadership which we in the United States of America have shown over the past several decades.

WELCOME TO THE DELEGATION OF EUROPEAN PARLIAMENT

(Mr. SWETT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SWETT. Mr. Speaker, it is a great privilege and honor for me today to welcome the delegation of the European Parliament to Washington and to my home State of New Hampshire, where this year's summer meeting will take place this weekend.

The European Parliament, a body with over 500 members, has forged new alliances that link the countries of Western Europe together with common goals and a commitment to peace and economic progress. The completion of economic integration in 1992 will mark a historic step toward a united Europe.

This year's meeting in Hanover, NH, will be the first in New England since the European Community's inception. Not since the historic Bretton Wood's Conference of 1944, which laid the foundation for the post-Second World War economic order, has such a significant international meeting taken place in the Granite State.

Mr. Speaker, I invite my colleagues to join me and the people of New Hampshire in welcoming the European Parliament delegation.

COMMUNITY RIGHT-TO-KNOW MORE BILL

(Mr. SIKORSKI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SIKORSKI. Mr. Speaker, I rise today to applaud a magazine ad by the Chemical Manufacturers Association.

It reads: "You're driving by that chemical plant, just like you do every day, when one of your kids asks you what they make in there and you answer that you're not really sure and it occurs to you that you probably should be." It says: "We want you to know."

This open door policy is great—I commend them. I only wish CMA had been there in the first place. In 1985, my community right-to-know amendment won by a single vote on this floor. The administration fought it. The chemical companies fought it. And 210 of my own colleagues fought it.

They said it was radical. They said it would cost money. It was unworkable, unfair, un-American. Now EPA touts it. Wall Street embraces it. And big companies report they are saving millions of dollars as they cut chemical use.

Rave reviews for community right to know. But hundreds of toxic chemicals don't have to be reported at all. And many major polluters are not even covered. Federal facilities pollute big—without having to report a drop.

In 1985 we established the public's right to know. Now we must take the next step and recognize the public's right to know more. Next week I will introduce the community right-to-know more bill—and the CMA will have a chance to support it and live up to this very commendable ad.

ANNUAL MEETING OF U.S. CONGRESS AND EUROPEAN PARLIAMENT

(Mr. LANTOS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LANTOS. Mr. Speaker, as the distinguished gentleman from New Hampshire [Mr. SWETT] indicated a few moments ago, a historic event is about to take place in New Hampshire, the annual meeting of the United States Congress and European Parliament. This meeting is taking place at a unique moment in history.

Yesterday we welcomed the first democratically elected President of Russia in history. Yesterday, after 46 years of occupation, the last Soviet troops pulled out of Hungary, and we are left with the transatlantic axis as the basis of peace and prosperity on the face of this planet.

Mr. Speaker, it is critical that our European friends and allies understand that we not only have an enormous opportunity of leading this globe into an era of peace and prosperity, but they have a responsibility of sharing with us all of the burdens of this enormous enterprise.

The Soviet system is bankrupt. It is up to all of us in the democratic world to demonstrate that there is a new renaissance in the democratic countries of the world. The New Hampshire conference will be a milestone in carrying us down that road.

ISRAELI SETTLEMENTS IN THE WEST BANK AND GAZA DO NOT ADVANCE THE PEACE PROCESS

(Mr. MAZZOLI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MAZZOLI. Mr. Speaker, yesterday I voted for the Bryant amendment. The Bryant amendment would have escrowed something around 2 percent of the $3 billion which under the foreign aid bill goes to the State of Israel, until Israel's policy of expanding settlements into the occupied territories has ended.

Mr. Speaker, I need not tell anyone here how tough that vote was, both because of the ardent lobbying on both sides of the issue, but also because no one of us wants to do anything which will show any lack of love and affection for Israel, nor any reduction of our commitment to its continued existence in safe and secure borders.

But we must keep this in mind: the Likud-Shamir government is not Israel, any more than the Bush-Republican government is the United States. If my President is wrong, despite the pain and torment, I have to vote against him. When the Government of Israel in my judgment is wrong, I must vote against it.

Though the Bryant amendment did not pass yesterday, I think it does show, Mr. Speaker, many Members feel that Israel's policy of continued territorial expansion, which is an impediment to peace, must stop, and must stop immediately.

INCOME-DEPENDENT EDUCATION ASSISTANCE ACT

(Mr. PETRI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PETRI. Mr. Speaker, a short time ago I proposed my Income-Dependent Education Assistance Act—known as IDEA for short.

For both students and taxpayers, the IDEA Program would be a better deal than current student loan programs.

There are four sources of savings in IDEA that correspond to four sources of waste in current student loan programs.

First, the IDEA Program would virtually eliminate defaults.

Under IDEA, the rate at which you repay your loan would vary with your income. If your income increases, you pay faster. If it drops, your loan is automatically stretched out. So IDEA loans would always be affordable. There would be no reason to default.

Further, the loan repayments would be defined as income taxes. Evading repayment would be tax evasion. So there would be no opportunity to default.

Second, the cost of loan capital under IDEA would be lower. This is because IDEA would use direct Government capital rather than bank capital, which, under current programs, comes with a politically negotiated high interest rate.

Third, loan subsidies under the IDEA Program would be targeted precisely to those who need them and to the extent of their need. These subsidies would be balanced by premium payments from high income graduates.

Fourth, and finally, IDEA would be much simpler to administer, with no family needs analyses at the beginning, and then collection by the IRS as a part of income taxes.

Mr. Speaker, I am seeking cosponsorships, and those interested can find more information on IDEA on page E-1792 of the May 16 CONGRESSIONAL RECORD.

□ 1020

UNITED STATES SHOULD SPEND MORE MONEY AT HOME

(Mr. APPLEGATE asked and was given permission to address the House for 1 minute.)

Mr. APPLEGATE. Mr. Speaker, yesterday we voted nearly $14 to $15 billion in foreign aid for other countries. Our older communities in this country, of which I have a lot of them, are deteriorating. They are going bankrupt. The roads are breaking up and decaying. Sewer- and waterlines are breaking up.

We are losing industries and jobs to other nations. We are running a $300 billion a year deficit. We have got almost $4 trillion in total deficit. We are paying out $200 billion each year just in interest. And yet we are sending $15 billion to other countries of the world.

Mr. Speaker, where are our priorities? Americans are not going to wait too much longer if we do not support our own American workers. They are going to take themselves off of the endangered species list and they are going to put Congress on. I think my colleagues better start thinking about that right now.

PRAISE FOR COLOMBIAN PEOPLE IN PROSECUTING DRUG WAR

(Mr. OXLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. OXLEY. Mr. Speaker, the jury is still out on all the ramifications of the surrender of Pablo Escobar, leader of the Medellin drug cartel, to Colombian authorities, but one thing is certain: The fourth and final founder of the cartel is in the hands of the Colombian

justice system. Of the others, one is in prison in the United States, one was killed by Colombian police, and the third is also in a Colombian prison. I believe this event is a milestone in the international war on narco-traffickers.

There was a great deal of speculation leading up to the surrender of Escobar, and much of it focused on the concern that Escobar's prison accommodations might be overly comfortable and it might be possible for him to continue to direct the cartel from his cell. For the time being, however, I think we should accept the assurances of the Colombian Ambassador and President Gaviria that the prison is secure, that Mr. Escobar's every communication and visit will be monitored, and that if he—or any other narco-trafficker—is found to be conducting any illegal activities from the penitentiary, they will lose the benefits of their plea bargains.

At this time, I believe it is most important that we applaud the determination and the courage of the Colombian people in prosecuting this war. No people have sacrificed more in the effort than the Colombians. And the capture of perhaps the biggest drug baron in the world deserves our recognition and strong praise.

DRUG DEALERS SHOULD BE EXTRADITED

(Mr. SCHUMER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SCHUMER. Mr. Speaker, today we receive two disturbing reports which indicate that the war on drugs has yet to win a battle. The Bush administration reports that Americans spent $40 billion last year on illegal narcotics, a figure experts say may be as high as $100 billion. We are not yet seriously addressing the drug plague within our borders: tens of billions spent to consume drugs, and we still can't offer sufficient treatment, can't keep our schools safe, and can't stop the crime that drug addiction fuels.

At the same time, we learn that we will have less help from beyond our borders as well. Yesterday the world's leading drug dealer, Colombia's Pablo Escobar, surrendered. But will he be extradited to the United States to face his 10 indictments for drug trafficking and murder? No. Hours before he surrendered, the Colombia Assembly voted to ban extradition. That sends a message to the rest of the cocaine cartels that they too can avoid real justice in the United States, where judges don't get assassinated and prisoners don't escape.

Meanwhile, Escobar heads to his own private prison, specially prepared by him as Medellin's only five-star hotel. In his leisure time, he might phone over to the Ochoa brothers, who surrendered earlier this year to a similar resort-style jail, from which they continue to operate their drug cartel. Is the Colombian Government throwing in the towel in its courageous battle against the drug cartels? Have the U.S. Federal agents and the hundreds of Colombian officials who have lost their lives in this struggle died in vain? We must urge the Colombian Government in the strongest possible terms to defeat the drug cartels, or to extradite the drug dealers here where we can do the job.

PRAISE FOR LOUISIANA LEGISLATURE

(Mr. HOLLOWAY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HOLLOWAY. Mr. Speaker, I am proud to note here today that my State of Louisiana has now passed the strictest antiabortion law in the Nation. This historic bill was passed over the veto of Gov. Buddy Roemer. It is the first time this century that a Louisiana Governor has been overridden. I am very pleased that Louisiana has taken the lead on resolving the issue on behalf of the innocent unborn.

With this action, the Louisiana Legislature has made a clear statement: we are moving slowly, but favor the permanent protection of unborn children.

TRIBUTE TO MAJ. CARL T. KIRKLAND

(Mr. RAY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RAY. Mr. Speaker, we have recently recognized, and rightly so, the Desert Storm veterans in their outstanding and brilliant success. We must not, however, forget those who are America's first line of defense, our local law-enforcement officers.

I am pleased today to recognize one of those heroes.

Mark Sullivan, a journalist and historian, once wrote that:

> To find a career to which one is adapted by nature and then to work hard at it is about as near to a formula for success and happiness as the world provides.

It is my pleasure to honor and salute a person who achieved that formula for succes and happiness. His name is Carl T. Kirkland, a major in the Columbus, GA, police force who recently retired after 41 years on the Columbus, GA, police force.

Published reports indicate that he retired after 41 years, the longest career in Columbus police history.

His superior, Chief of Police W.J. Wetherington, took note of his meritorious career when he wrote:

> You have always represented the department in a most professional manner and you are going to be missed.

The chief of police added:

> I can honestly say that your performance has been outstanding. No chief could ask for more than what you have given the department. You have always been on top of every situation in your area of responsibility and always kept me informed on the critical issues. I really have appreciated that.

Our community is not going to lose all of Mr. Kirkland's many talents. For the past 10 years he has enjoyed a sideline of teaching criminal justice courses at Troy State University—Fort Benning.

He plans to continue teaching, bringing to his students a world of experience, backed by his own formula for success and happiness.

RECYCLING EFFORTS IN THE CITY OF OLYMPIA, WA

(Mrs. UNSOELD asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. UNSOELD. Mr. Speaker, I am honored to acknowledge the city of Olympia as the Grand Award Winner in the small city category of the National Recycling Awards Program. The award was presented to the capital city of Washington State at the 59th annual meeting of the U.S. Conference of Mayors on June 16 in San Diego. The award carries with it a $20,000 grant to be used for recycling education and participation efforts. Olympia deserves the right to carry the title "America's Recycling City."

I commend the cooperative efforts of city planners, the business community, and Olympia's citizens in developing and implementing an innovative, world-class comprehensive recycling program. The leadership shown by this great American city should serve as a successful case study to help promote and encourage recycling in other cities. My congratulations and thanks to Olympia. Their efforts to conquer the solid waste problem are much appreciated.

Olympia was among the first cities in Washington to implement curbside collection with a program that recycles newsprint, glass, aluminum, tin/steel cans, yard waste, tires, and large items such as furniture and metal appliances.

More than 85 percent of eligible single-family households and small multifamily dwellings participate. Residents who recycle receive a 20-percent discount on their waste disposal bill during participation months. An innovative program designed to reduce collection costs, called Dirt Works, allows residents to examine 15 different backyard composting systems and demonstration gardens utilizing compost.

More than 2,600 tons of materials—25 percent of the total residential waste

stream—were diverted from landfills in 1990, enabling the city to avoid more than $132,000 in landfill fees.

Olympia even has a recycling superhero, Captain Waste-Not. Captain Waste-Not has helped to implement a comprehensive educational program including presentations to schools and community groups, direct mail, and newsletters. The Worms in Schools Program teaches young students about natural cycles, decomposition, and recycling through composting of food snack waste and demonstrations.

Olympia's integrated waste management system includes a citizens advisory committee, a comprehensive waste management plan, and waste composition studies to measure the effectiveness of recycling programs and their influence on the solid waste stream. The city works with local businesses and associations to implement joint public/private collection, processing, and marketing of commercial recyclables. Recyclable materials are also processed and marketed by Exceptional Forresters, Inc., a nonprofit organization employing developmentally disabled adults.

Olympia enacted a city ordinance in 1990 to require city offices, contractors, and consultants to purchase reusable and recycled materials whenever possible and practical. Almost all paper used by the city is made from recycled material. In addition, Olympia has adopted a comprehensive, 5-year solid waste collection and recycling plan designed to achieve a long-term goal of 50-percent recycling.

The city of Olympia was chosen based on criteria such as the level of coordination of recycling programs with integrated solid waste management, the quality and diversity of public education programs, the degree of innovation in recycling program design, the political leadership in promoting and overcoming barriers to recycling, and the degree of participation in local buy recycled programs.

Along with Olympia, the U.S. Conference of Mayors and the H.J. Heinz Co. Foundation cited additional programs in other cities for outstanding performance in a particular facet of recycling. The State of Washington can be justly proud of the cities of Seattle and Bellingham, for their respective contributions to recycling leadership and innovation, and outreach and education programs.

AMENDING THE METROPOLITAN WASHINGTON AIRPORTS ACT OF 1986

(Mrs. MORELLA asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. MORELLA. Mr. Speaker, today I am pleased to introduce legislation to amend the Metropolitan Washington Airports Act of 1986, which has been overturned by a Supreme Court ruling. Under the 1986 Airports Act, Congress transferred control of National and Dulles Airports from the Federal Aviation Administration [FAA] to a local authority, the Metropolitan Washington Airports Authority [MWAA]. When the Supreme Court decided that the Congressional Board of Review's veto power over major actions by MWAA was unconstitutional, it also dissolved the authority of MWAA. Consequently, we, in Congress, must act quickly and pass legislation to allow National and Dulles Airports to continue to operate.

My legislation would create a new airport authority governed by a board of directors made up of 11 members who would meet certain criteria: They must hold elective office at the local or State level; they must live in the area affected by the airports; and they cannot be paid for their services on the board.

Under my bill, Congress would continue to oversee operations at National and Dulles through the legislative process. All actions by the board of directors would be submitted to the House Committee on Public Works and Transportation and the Senate Committee on Commerce, Science, and Transportation 30 days before they would take effect. Congress could adopt, repeal, or amend any proposal by the board, from the authorization of the issuance of bonds to the adoption of a budget or a master plan.

The members of the board of directors would be appointed: One by the Governor of Virginia, one by the Mayor of the District of Columbia, one by the Governor of Maryland, two each by the representatives from the local governments of Virginia, Maryland, and the District of Columbia who sit on the Metropolitan Washington Council of Governments [COG] board of directors, and two by the Virginia State Legislature.

An airport authority made up of local elected officials, under the watchful eye of Congress, would work hard to foster regulations that are fair and in the best interest of both the airlines and the public. An authority that is responsive to local concerns will help the aviation industry remain a good neighbor to the communities that it serves. I hope all of my colleagues will join me in support of this necessary legislation.

□ 1030

ARMY OWES CONGRESS AND AMERICAN PEOPLE A FULL ACCOUNTING

(Mr. ABERCROMBIE asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. ABERCROMBIE. Mr. Speaker, Kuwaiti liberty was supposed to have been the reason for committing our Armed Forces in the gulf.

But many of us here are concerned about reports from Kuwait of kangaroo courts, death squads, mass graves, and life sentences imposed for the crime of having been forced at gun point by Iraqi occupiers to sing songs in praise of Saddam Hussein.

These human rights abuses are being conducted in the name of royal rulers whose authority depends—and depends absolutely—on the force of American arms.

That is why I am outraged by a report in this morning's Washington Post. It states that four civilian Filipino women employees of the U.S. Army in Kuwait were beaten and raped by Kuwaiti policemen.

Their crime? They had the bad luck to return to their apartment as it was being looted by those same agents of law and order.

Worse, Mr. Speaker, U.S. Army officers are apparently trying to cover up the incident by confiscating the pass of a reporter trying to cover the story.

Is this what we committed the might and prestige of the United States for? Murder, robbery, rape? And now, the capstone of shame, U.S. Army complicity in suppressing the truth?

The Army owes the Congress and the American people a full accounting, and I for one intend to press for one.

[From the Washington Post, June 20, 1991]

U.S. ARMY WORKERS BEATEN IN KUWAIT: FOUR FILIPINO WOMEN HELD BY POLICE FOR WEEK, AMBASSADOR IS TOLD

(By John Arundel)

KUWAIT CITY, June 19.—The U.S. Army has notified the American ambassador here of the beating by Kuwaiti policemen of four Filipino women who worked at an American military base in Kuwait, an Army spokesman said today.

The four Filipinos, who worked as cooks and food servers at the now-closed Camp Freedom, told Army security officials that they were detained for seven days at a police station, where they were repeatedly beaten, Army Lt. Col. Douglas Coffey said.

"They . . . showed us large bruises on their legs and arms," Coffey said. "We took their stories and asked them to substantiate them with a witness, which they did. We passed our report on to the ambassador."

One of the women said in an interview that she had been raped by policemen during their detention. Two of the three women interviewed denied being raped but revealed cuts and bruises on their arms, chests, legs and stomachs from the beatings.

But Spec. Robert Osman of Palm Springs, Calif., an acquaintance of the four, said some of the other women told him that they also have been raped by policemen. Osman, who is an Army broadcaster, and another soldier, who asked not to be identified, said they were reprimanded by their commanding officers for talking to a reporter about the alleged rapes.

Capt. Terence Ryan of the Army's Criminal Investigation Division, when asked today about the charges, took away this reporter's pass and escorted him out of the Army's headquarters building.

Osman and the other soldier said they went out with the four women the night of

June 6, then dropped them off at their home in Farwiniyah, a poor neighborhood where many Palestinians and Filipinos live.

As the women entered the fourth-floor apartment, according to their accounts, they found Kuwaiti policemen rifling their belongings. They were arrested, handcuffed and taken to a nearby police station, they said.

"They put money and gold jewelry in our pockets on our way there," one of the women said. "They wanted to make it look like we took something. When we got to the station they told [their senior officers] they caught us stealing and took the jewelry out to show them. That's when they took us into a room and started beating us."

The women said Kuwaiti police commanders have called their home twice to apologize for the incident.

"They didn't know we [also] worked at the Army base," one of the women said. "They said it was a misunderstanding and we will not be charged with stealing."

U.S. Embassy spokeswoman Jane Gaffney had no comment on the report.

INTERNATIONAL COOPERATION ACT OF 1991

The SPEAKER pro tempore (Mr. McNULTY). Pursuant to House Resolution 170 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 2508.

□ 1031

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 2508) to amend the Foreign Assistance Act of 1961 to rewrite the authorities of that act in order to establish more effective assistance programs and eliminate obsolete and inconsistent provisions, to amend the Arms Export Control Act and to redesignate that act as the Defense Trade and Export Control Act, to authorize appropriations for foreign assistance programs for fiscal years 1992 and 1993, and for other purposes, with Mr. McDERMOTT (Chairman pro tempore) in the chair.

The Clerk read the title of the bill.

The CHAIRMAN pro tempore. When the Committee of the Whole rose on Tuesday, June 19, 1991, title X had been designated and was open for amendment at any point.

Mr. FASCELL. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I just simply wanted to apprise our colleagues of where we are here.

As the Chair has said, we are at title X. The first amendment, I gather, will be the amendment offered by the gentleman from Nebraska [Mr. BEREUTER]. There is no objection to the Bereuter amendment. We have seen it, and we are prepared to accept it. The next amendment will be the Burton amendment, and I have been advised that there will be a rollcall vote on both those amendments.

We would ask the Chair to roll those votes, cluster the votes. We are then in position to designate title XI. There are no amendments to title XI, Mr. Chairman, and that would finish the bill.

AMENDMENT OFFERED BY MR. BEREUTER

Mr. BEREUTER. Mr. Chairman, I offer an amendment. It is printed in the RECORD.

The Clerk read as follows:

Amendment offered by Mr. BEREUTER:

Page 705, after line 13, insert the following new chapter 4 and redesignate existing chapter 4 of title X (and sections thereof) accordingly:

CHAPTER 4—HORN OF AFRICA RECOVERY AND FOOD SECURITY

SEC. 1061. FINDINGS.

The Congress makes the following findings:

(1) The Horn of Africa (the region comprised of Ethiopia, Somalia, Sudan, and Djibouti) is characterized by an extraordinary degree of food insecurity as a result of war, famine, mounting debt, recurrent drought, poverty, and agricultural disruption, as well as by gross violations of human rights, political repression, environmental destruction, and the breakdown of such essential services as primary education and health care.

(2) Famine and war have killed an estimated 2,000,000 people in Ethiopia and Sudan since 1985, and generated another 8,000,000 displaced persons and refugees, a number so high as to make millions wards of the United Nations and international community. Relief officials now estimate that another 15,000,000 to 20,000,000 people are threatened by starvation as civil war and drought continue to ravage the area.

(3) Governments and armed opposition groups in Ethiopia, Sudan, and Somalia have been guilty of gross violation of human rights, which further erode food security in those countries.

(4) Countries in the Horn of Africa are among the poorest in the world, yet military expenditures by regimes in the region consumed as much as half of all government revenues, thereby diverting scarce resources from development and basic human needs.

(5) Until recently, United States and Soviet security aid in the Horn of Africa has served short-term Cold War objectives. This and other foreign security aid have exacerbated the conflicts and suffering in the Horn of Africa by contributing to the militarization of the region and entrenching undemocratic regimes.

(6) Assistance from the International Development Association and other international financial institutions have not productively addressed the major causes of hunger and proverty in the Horn of Africa. Neither has the International Monetary Fund been effective at achieving economic reform objectives through lending programs in circumstances of conflict such as have existed in the Horn of Africa in recent years.

(7) Such assistance policies have failed in large part because they did not target assistance to assist the poor majority and did not build upon or support the activities of indigenous and international nongovernmental organizations. Programs to achieve sustainable development and food security must support a grassroots approach which aids the poor majority.

(8) Appropriate assistance should also promote real food security which means access by all people at all times to enough food for an active and healthy life and the availabilty of sufficient income and food to prevent a chronic dependency upon food assistance.

(9) The end of the Cold War rivalries in the Horn of Africa affords the United States the opportunity to develop a policy which addresses the extraordinary food security problem in the region.

(10) Notwithstanding other pressing needs, the United States must accordingly fashion a new foreign policy toward the Horn of Africa and cooperate with other major donors and the United Nations—

(A) to develop an emergency relief plan which meets the immediate basic human needs that arise as long as civil strife and famine afflict the region;

(B) to promote immediately ceasefires, secure relief corridors, and an end to these conflicts; and

(C) to provide creative development assistance which attacks the root causes of famine and war and assists these nations on the path to long-term food security, reconstruction, voluntary repatriation, economic recovery, democracy, and peace.

SEC. 1062. HORN OF AFRICA RELIEF AND REHABILITATION PROGRAM.

(a) EQUITABLE DISTRIBUTION OF RELIEF AND REHABILITATION ASSISTANCE.—It shall be the policy of the United States in promoting equitable distribution of relief and rehabilitation assistance in the Horn of Africa—

(1) to assure noncombatants (particularly refugees and displaced persons) equal and ready access to all food, emergency, and relief assistance and, if relief or relief agreements are blocked by one faction, to continue supplies to the civilian population located in the territory of the opposing faction;

(2) to provide relief, rehabilitation, and recovery assistance to promote self-reliance, such as seeds, tools, water management technology, training, credit, child immunization and other health care, school construction, animal inoculation, and veterinary and medical supplies; and

(3) to assure that relief shall be provided on the basis of need without regard to political affiliation, geographic location, or the ethnic, tribal, or religious identity of the recipient.

(b) MAXIMIZING INTERNATIONAL RELIEF EFFORTS.—It shall be the policy of the United States in seeking to maximize relief efforts for the Horn of Africa—

(1) to redouble its commendable efforts to secure safe corridors of passage for emergency food and relief supplies in affected areas and to expand its support for the growing refugee population;

(2) to commit sufficient Food for Peace resources and Office of Foreign Disaster Assistance resources to meet urgent needs in the region and to utilize unobligated security assistance to bolster these resources; and

(3) to consult with member countries of the European Community, Japan, and other major donors in order to increase overall relief and development assistance for the people of the Horn of Africa.

(c) HORN OF AFRICA CIVIL STRIFE AND FAMINE ASSISTANCE.—

(1) AUTHORIZATION OF ASSISTANCE.—The President is authorized to provide assistance under chapter 6 of title I of the Foreign Assistance Act of 1961 (relating to international disaster assistance) for civil strife and famine relief, rehabilitation, and recovery in the Horn of Africa. During the remainder of fiscal year 1991, such assistance may be provided under chapter 9 of part I of that Act.

(2) DESCRIPTION OF ASSISTANCE TO BE PROVIDED.—Assistance pursuant to this subsection shall be provided for humanitarian purposes and shall include—

(A) relief and rehabilitation projects to benefit the poorest people, including (as needed) the furnishing of seeds for planting, fertilizer, pesticides, farm implements, crop storage and preservation supplies, farm animals and vaccine and veterinary services to protect livestock on which people depend; blankets, clothing, and shelter; emergency health care; emergency water and power supplies; and basic education; and

(B) emergency food assistance (primarily wheat, maize, other grains, processed foods and oils) for the needs of the affected and displaced civilian population of the Horn of Africa; and

(C) inland and ocean transport and storage of emergency food assistance, including the provision of trucks and other such measures.

Assistance pursuant to subparagraphs (B) and (C) shall be in addition to any such assistance provided under title II of the Agricultural Trade Development and Assistance Act of 1954.

(3) USE OF PVO'S FOR RELIEF, REHABILITATION, AND RECOVERY PROJECTS.—The maximum utilization of United States, international, and indigenous private voluntary organizations prudent to carry out this subsection is urged.

(4) EMERGENCY HEALTH PROJECTS.—The maximum inclusion of emergency health projects, including efforts to provide primary health care systems, prudent to carry out this subsection is urged.

(5) BASIC EDUCATION PROJECTS.—The maximum inclusion of projects to provide basic education, including efforts to support the teaching of displaced children, prudent to carry this subsection is urged.

(6) MANAGEMENT SUPPORT ACTIVITIES.—Up to two percent of the amount made available each fiscal year under paragraph (7) for use in carrying out this subsection may be used by the Agency for International Development for management support activities associated with the planning, monitoring, and supervision of emergency humanitarian and food assistance for the Horn of Africa pursuant to this subsection and subsection (d).

(7) TRANSFER OF SECURITY ASSISTANCE FUNDS.—To carry out this subsection, the authority of section 6101 of the Foreign Assistance Act of 1961 may be used to transfer unobligated security assistance funds made available for fiscal years 1992 and 1993 for use in carrying out this subsection without regard to the 20-percent increase limitation contained in that section. As used in this paragraph, the term "security assistance funds" means funds available for economic support assistance, foreign military financing assistance, or international military education and training.

(d) EMERGENCY FOOD ASSISTANCE.—The President is urged to use the authorities of title II of the Agricultural Trade Development and Assistance Act of 1961 to provide supplemental emergency food assistance for the various civilian victims of civil strife in the Horn of Africa in accordance with paragraphs (2)(B), (2)(C), and (3) of subsection (c), in addition to the assistance otherwise provided for such purpose.

SEC. 1063. HORN OF AFRICA PEACE INITIATIVE.

(a) SUPPORT FOR GRASSROOTS PARTICIPATION.—It shall be the policy of the United States in promoting peace and development in the Horn of Africa—

(1) to support expanded pluralistic and popular participation, the process by which all groups of people are empowered to involve themselves directly in creating the structures, policies, and programs to contribute effectively to equitable economic development, and to local, national, and regional peace initiatives;

(2) to ensure that all citizens enjoy the protection of civil, political, economic, social, religious, and cultural rights, an independent judiciary, and representative governmental institutions, regardless of gender, religion, ethnicity, occupation, or association; and

(3) to provide assistance to indigenous nongovernmental institutions working in government-controlled or opposition-controlled territories that have the capacity or potential to promote conflict resolution, to advance development programs, or to carry out relief, which routinely includes rehabilitation activities (as described in section 1062(a)(2)).

(b) CONSULTATIONS.—The President is encouraged to undertake immediate consultations with the Soviet Union and other nations, with armed and unarmed parties in the Horn of Africa, and with the Secretary General of the United Nations in order to bring about negotiated settlements of the armed conflicts in the region.

(c) MECHANISMS.—It is the sense of the Congress that, to best achieve the policy under subsection (a), the President should—

(1) direct the United States representative to the United Nations to—

(A) urge the Secretary General of the United Nations to make cease-fires, safe corridors for emergency relief, and negotiated settlements of the armed conflicts in the Horn of Africa a high and urgent priority;

(B) propose that the United Nations Security Council establish a United Nations arms embargo to end the supply of arms to the region, pending the resolution of civil wars and other armed conflict; and

(C) pledge diplomatic and material resources for enhanced United Nations peacekeeping and peacemaking activities in the region, including monitoring of cease-fires;

(2) play an active and ongoing role in other fora in pressing for negotiated settlements to such conflicts; and

(3) support and participate in regional and international peace consultations that include broad representation from the nations and factions concerned.

SEC. 1064. HORN OF AFRICA FOOD SECURITY AND RECOVERY STRATEGY.

(a) TARGETING ASSISTANCE TO AID THE POOR MAJORITY; USE OF PVO'S AND INTERNATIONAL ORGANIZATIONS.—

(1) TARGETING ASSISTANCE.—United States developmental assistance for the Horn of Africa should be targeted to aid the poor majority of the people of the region (particularly refugees, women, the urban poor, and small-scale farmers and pastoralists) to the maximum extent practicable. United States Government aid institutions should seek to—

(A) build upon the capabilities and experiences of United States, international, and indigenous private voluntary organizations active in local grassroots relief, rehabilitation, and development efforts;

(B) consult closely with such organizations and significantly incorporate their views into the policymaking process; and

(C) support the expansion and strengthening of their activities without compromising their private and independent nature.

(2) PVO'S AND INTERNATIONAL ORGANIZATIONS.—While support from indigenous governments is crucial, sustainable development and food security in the Horn of Africa should be enhanced through the active participation of indigenous private voluntary organizations as well as international private voluntary organizations and international organizations with demonstrated ability to work as partners with local nongovernmental organizations and a commitment to promote local grassroots activities on behalf of long-term development and self-reliance in the Horn of Africa.

(3) RESTRICTIONS ON ASSISTANCE TO GOVERNMENTS.—United States assistance should not be provided to the Government of Ethiopia, the Government of Somalia, and the Government of Sudan until concrete steps toward peace, democracy, and human rights are taken. Meanwhile, programs of developmental assistance should be promoted by supporting United States, indigenous, and international private voluntary organizations working in the afflicted countries. Assistance of this sort must be expanded as quickly as possible.

(b) EXAMPLES OF PROGRAMS.—Assistance pursuant to this section shall include programs to—

(1) reforest and restore degraded natural areas and reestablish resource management programs,

(2) reestablish veterinary services, local crop research, and agricultural development projects,

(3) educate young people outside of their countries if conflict continues, restore primary education, and rebuild schools,

(4) reconstitute and expand the delivery of primary and material health care, and

(5) establish credit, microenterprise, and income generation programs for the poor.

(c) VOLUNTARY RELOCATION AND REPATRIATION.—Assistance pursuant to this section should also be targeted to the voluntary relocation and voluntary repatriation of displaced persons and refugees, once peace arrives. Assistance pursuant to this chapter may not be made available for any costs associated with any program of involuntary or forced resettlement of persons.

(d) DEBT RELIEF, INTERNATIONAL FUND FOR RECONSTRUCTION.—Developmental assistance for the Horn of Africa should be carried out in coordination with long-term strategies for debt relief of countries in the region and with emerging efforts to establish an international fund for reconstruction of developing nations which settle civil wars.

(e) ASSISTANCE THROUGH PVO'S AND INTERNATIONAL ORGANIZATIONS.—Unless a certification has been made with respect to that country under section 1066, assistance for the people of Ethiopia, Somalia, and Sudan pursuant to this section shall be provided only through—

(1) United States, international, and indigenous private voluntary organizations (as defined in section 5101(e)(2) of the Foreign Assistance Act of 1961), or

(2) through international organizations with demonstrated effectiveness in working in partnership with local nongovernmental organizations and a commitment to the promotion of local grassroots activities on behalf of development and self-reliance in the Horn of Africa (such as the United Nations Children's Fund, the International Fund for Agricultural Development, the United Nations High Commissioner for Refugees, the United Nations Development Program, and the World Food Program).

(f) UNITED STATES VOLUNTARY CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS FOR DEVELOPMENT ASSISTANCE FOR THE HORN OF AFRICA.—It shall be the policy of the United

States to provide increasing voluntary contributions to United Nations agencies (including the United Nations Children's Fund, the International Fund for Agricultural Development, the United Nations High Commissioner for Refugees, the United Nations Development Program, and the World Food Program) for expanded programs of assistance for the Horn of Africa and for refugees from the Horn of Africa who are in neighboring countries.

(g) DEVELOPMENTAL ASSISTANCE AUTHORITIES.—

(1) IN GENERAL.—After the effective date specified in section 1101 of this Act, assistance to carry out this section shall be provided pursuant to the authorities of subchapter A of chapter 2 of title I of the Foreign Assistance Act of 1961b (relating to development assistance) and chapter 1 of title V of that Act (relating to the Development Fund for Africa).

(2) FISCAL YEAR 1991.—For the remainder of fiscal year 1991, assistance to carry out this section shall be provided under chapters 1 and 10 of part I of the Foreign Assistance Act of 1961. Such assistance may be provided through private voluntary organizations pursuant to subsection (e)(1) notwithstanding any provision of law that would otherwise prohibit assistance to Ethiopia, Somalia, or Sudan under the Foreign Assistance Act of 1961.

(h) PROHIBITION ON ASSISTANCE TO GOVERNMENTS.—Assistance pursuant to this section shall not be transferred to the Government of Ethiopia, the Government of Somalia, or the Government of Sudan unless the President makes the certification described in section 1066 with respect to that government. This subsection does not prohibit private voluntary organizations and international organizations receiving assistance pursuant to subsection (e) from working with appropriate ministries or departments of any such government.

SEC. 1065. PROHIBITIONS ON SECURITY ASSISTANCE TO ETHIOPIA, SOMALIA, AND SUDAN.

Economic support assistance, foreign military financing assistance, international military education and training may not be provided for fiscal year 1992 or 1993 for the Government of Ethiopia, the Government of Somalia, or the Government of Sudan unless the President makes the certification descibed in section 1066 with respect to that government.

SEC. 1066. CERTIFICATION.

The certification required by sections 1064 and 1065 is a certification by the President to the appropriate congressional committees that the government of the specified country—

(1) has begun to implement peace agreements, national reconciliation agreements, or both;

(2) has demonstrated a commitment to human rights within the meaning of section 6302 of the Foreign Assistance Act of 1961;

(3) has manifested a commitment to democracy, has held, or scheduled, free and fair elections, and has agreed to implement the results of those elections; and

(4) in the case of a certification under sections 1064 (e) and (h), has agreed to distribute development assistance without discrimination.

SEC. 1067. REPORTING REQUIREMENT.

Not later than 180 days after the date of the enactment of this Act and each 180 days thereafter, the President shall submit a report to the appropriate congressional committees concerning efforts and progress in carrying out this chapter.

Page 685, strike out lines 1 through 9, line 10, strike out "(d)" and insert in lieu thereof "(c)"; and page 685, strike out line 22 and all that follows through line 18 on page 686.

Page 688, strike out line 12 and all that follows through line 9 on page 689 and insert in lieu thereof the following:

(b) ASSISTANCE FOR BASIC HUMAN NEEDS.—Should any assistance be provided to meet basic human needs in Sudan, the President shall take the necessary steps to ensure that such assistance reaches the intended recipients.

Mr. BEREUTER (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Nebraska?

There was no objection.

PARLIAMENTARY INQUIRY

Mr. DYMALLY. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN pro tempore. The gentleman will state his parliamentary inquiry.

Mr. DYMALLY. Mr. Chairman, would the Chair advise the House as to the division of time on this particular amendment?

The CHAIRMAN pro tempore. The proponent gets 5 minutes, and an opponent gets 5 minutes.

Mr. DYMALLY. Mr. Chairman, if there is a no opposition, I rise to claim the time allocated to the opposition, as chairman of the Subcommittee on Africa.

The CHAIRMAN pro tempore. Without objection, the gentleman may claim the time. Does the gentleman wish to make that request?

Mr. DYMALLY. Yes, Mr. Chairman.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from California?

Mr. BEREUTER. Mr. Chairman, this amendment establishes aid and food security policies toward the Horn of Africa countries of Ethiopia, Somalia, and Sudan. I offer it also on behalf of my distinguished colleague from North Dakota who chairs the International Task Force of the Select Committee on Hunger, Mr. DORGAN, on which this member serves, and my distinguished colleague from Missouri, who also serves on the Select Committee on Hunger, Mr. WHEAT. The legislation and the parallel amendment is also cosponsored and supported by the distinguished chairman and ranking minority member of the Select Committee on Hunger, Mr. HALL of Ohio and Mr. EMERSON.

I want to thank the distinguished chairman of the Foreign Affairs Committee, Mr. FASCELL, and the distinguished ranking member, Mr. BROOMFIELD, for their support in ensuring that this important legislation on foreign assistance policy in the countries of the Horn of Africa is considered as part of the foreign assistance bill today. I also particularly wish to express my deep thanks to its distinguished Africa Subcommittee Chairman DYMALLY and the distinguished ranking member, DAN BURTON, for their interest in the welfare of the people in the Horn, for their support as original cosponsors of the bill (H.R. 1454) on which this amendment is based, and for Chairman DYMALLY's assistance in conducting timely hearings and crafting this amendment so that it would reflect the rapidly changing situation in the Horn countries in recent weeks and consistency with provisions already included in title X.

This amendment comes from the foreign assistance provisions of H.R. 1454, the Horn of Africa Recovery and Food Security Act of 1991, which was introduced by Mr. DORGAN, Mr. WHEAT, and this Member on March 14, 1991. That bill now has 177 cosponsors in this body. Over 60 major relief, development, and antihunger groups, including Bread for the World, have endorsed this legislation. The leadership and staff of Bread for the World were particularly instrumental in providing initial drafting and especially to Sharon Pauling for her outstanding assistance and major role. It is also supported by both the distinguished chairman and ranking member of the Hunger Committee, Mr. HALL of Ohio and Mr. EMERSON.

This amendment, like H.R. 1454, addressed the pattern of United States relief, recovery, diplomatic, and assistance activities that are appropriate for the tragic situation in Ethiopia, Sudan, and Somalia, where protracted civil wars, drought, and poverty have created a living hell.

The Horn of Africa is by far the largest current disaster relief situation in the world in absolute numbers. Right now more than 15 million people in the Horn are in serious danger of dying from the combined effects of civil wars and drought. Within the region, almost 2 million people are refugees outside their own countries, running from one war zone into another. Millions more are internally displaced within their own countries. Herding peoples have lost their animals; agricultural people have eaten their seeds and been forced to leave their land. Conflicts have disrupted health and education systems. In the past 5 years alone, an estimated 2 million people in Sudan and Ethiopia have been killed by war or famine. Both governments and armed opposition groups in the Horn have been guilty of gross violation of human rights and of making the food security situation of civilians worse and impeding relief efforts.

Although the suffering and death of hundreds of thousands of people have been ongoing and intense, Ethiopia, Sudan, and Somalia had disappeared from the front pages until the recent political and military developments there. Somalia and Ethiopia are still in

political disarray and ferment after their long-time rulers fled in the midst of continuing armed opposition earlier this year.

A civil war of disastrous proportions has been convulsing the Sudan for several decades. All three countries face real problems of national fragmentation along regional and ethnic lines.

These events are not exceptional but—unfortuntely—the regular pattern in this region. In this prolonged tragic conflict situation where so many lives are at risk we need to have a clear U.S. policy that is directed at helping the people who are suffering while refusing to assist governments that are contributing to needless suffering.

The amendment therefore defines four basic areas of U.S. policy toward the Horn countries because of the special emergency conditions there:

First, an expanded authority for relief, rehabilitation, and recovery assistance under the international disaster assistance authorities carried out by the Office of Foreign Disaster Assistance. The President is given discretionary authority for fiscal years 1992 and 1993 to transfer unobligated security assistance funds from economic support funds, military assistance, or IMET to supplement OFDA resources for the Horn.

OFDA is asked to carry out special rehabilitation and recovery activities such as primary health care, basic education, and restoring agricultural livelihoods of small producers in addition to normal emergency relief assistance. OFDA is also given the authority to fund the provision of emergency food to supplement Public Law 480, title II programs.

Second, the President is urged to take various actions to promote peace initiatives for the region in collaboration with the Soviet Union, other countries, the United Nations, and parties in the Horn. The objectives are to promote negotiated settlement of conflicts in the region, an end to further militarization of the Horn, safe corridors of passage for relief supplies during conflicts, and support for international peacekeeping efforts that may be needed.

Third, medium and long-term development assistance to the region is targeted toward the poorest and most vulnerable people, to the extent practicable, and must be channeled only through private voluntary groups and through international organizations like UNICEF that work at the grassroots level.

Fourth, no United States economic assistance, military assistance, or security assistance money can go to or through the Governments of Ethiopia, Somalia, or Sudan until the United States President certifies that they are making concrete progress toward peace, human rights, democratic elections, and nondiscriminatory distribution of aid. Once this certification is made, all provisions of the Development Fund for Africa apply to that country, as under normal conditions.

In summary, the United States needs to take a leadership role in expanding emergency relief efforts, in exerting international pressure for conflict resolution in the Horn, and providing creative forms of development assistance that will assist long-term food security, democracy, and peace. I urge your support for the amendment.

Mr. Chairman, I yield to the gentleman from New York [Mr. GILMAN] for his comments.

Mr. GILMAN. Mr. Chairman, I rise in strong support of the Horn of Africa amendment to H.R. 2508 and I commend the gentleman from Nebraska [Mr. BEREUTER] for his foresight, leadership, and hard work in crafting this amendment. I also commend the chairman of our Select Committee on Hunger, the gentleman from Ohio [Mr. HALL] and the Select Committee cochairman, the gentleman from Missouri [Mr. EMERSON], and the gentleman from North Dakota [Mr. DORGAN], the chairman of our International Task Force on honor for their determined efforts to ensure that Mickey Leland's voice and struggle for those in need continues to be heard.

I also thank Mr. DYMALLY the dinguished chairman of the African Subcommittee and Mr. BURTON the ranking minority member for their efforts in support of this measure.

Due to the extraordinary degree of food insecurity in Ethiopia, Somalia, Sudan, and Djibouti as a result of recurrent drought war, famine, environmental degradation, and a host of other significant reasons, the United States and the international community must take far-reaching efforts to help those in need. A combination of food relief, the end to militarization and political polarization of the region is the only approach that could be considered long term.

Mr. BEREUTER's amendment, which requires no additional funding, does necessary that. It encourages the President to undertake immediate consultations with the Soviet Union to work out some of the political aspects of the problems in the Horn, and the amendment further provides discretionary authority through fiscal year 1993 for the President to transfer unobligated security assistance funds to supplement disaster assistance for emergency use.

This approach to the immense and tragic problems in the Horn is the only one that will work. It reflects the work of our hard working staffs and senior members of the House Foreign Affairs Committee and the Select Committee on Hunger. If our deceased member Mickey Leland were here with us today he would be happy and proud to be associated with this amendment. Accordingly, I urge its adoption.

□ 1040

Mr. DYMALLY. Mr. Chairman, I move to strike the last word, and I rise in support of this amendment.

Mr. Chairman, the subcommittee knows of no opposition to this. I urge its passage.

Mr. Chairman, I yield to the gentleman from North Dakota [Mr. DORGAN].

Mr. DORGAN of North Dakota. Mr. Chairman, I appreciate the gentleman yielding me this time. I want to thank all the folks here on the floor of the House including the gentleman from Nebraska [Mr. BEREUTER], the gentleman from Missouri [Mr. WHEAT], and so many others who have made it possible for Members to bring this legislation to the floor today.

This is a newspaper article of recent days, and the first line says "Africa Is Starving Again." This is a picture from that newspaper. It is the picture with the black and white, and finally the grays of death, of children in their mothers' arms with no food. Twenty million people and more are at risk of starvation in the Horn of Africa.

The world cannot sit idly by and do nothing. We need emergency responses now, and we need to put in place legislation that responds in the longer term to the plague of hunger and famine in the Horn of Africa.

This next article from the Christian Science Monitor is an entirely different picture. It is called the "River of Life," a project under food for peace and food for work, a project that brings water to an area so that that water can be used to produce crops and to help in daily living by people ravaged without water. It is a picture of color, of life, of people working together, of hope.

The legislation we have introduced today, the Horn of Africa Recovery Act, is an attempt to understand that we have a responsibility to help those people help themselves. The legislation, we hope, will represent a river of life in the long term for people who live not just in the Horn of Africa but especially in the Horn of Africa and all around the world, where people go to bed now with an ache in their belly because they are hungry, where children die because they do not have enough to eat. It will be a better world when we respond to that the way we can.

I am proud to have been a part of this piece of legislation to give hope to so many millions in the world.

HOPE FOR THE HORN OF AFRICA

Mr. Chairman, since the House is completing a long debate on the 1992–93 foreign aid authorization bill (H.R. 2508), I will make only brief remarks in support of the Bereuter-Dorgan-Wheat amendment on the Horn of Africa. To do so, I would like to present two pictures of the Horn of Africa—the first, agonizing; the second, inspiring.

THE GRIM GRAYS OF DEATH

The first photo is drawn in the stark colors of black and white and the grim shades of

gray. It shows an Ethiopian child dying from starvation and dehydration in its mother's arms. Behind them is another gaunt, famished child waiting for food which has not arrived.

One could easily imagine in the deeper background a crowd of 20 million Africans from the Horn looking to the heavens for relief from famine, conflict, and poverty.

This is a picture from proverbs: "Where there is no vision (or hope), the people perish."

This is a picture of what is and what could be. It would seem to be a hopeless picture, but that is not the case. There is hope for another outcome than famine and death.

SIGNS OF HOPE

One sign of hope is the apparent end of civil war in Ethiopia and Somalia. Although the situations in both countries is tenuous, the brutal regimes of Mengistu Haile Mariam and Mohammed Siad Barre have been sent packing.

The test will now be whether provisional governments can give way to democratically elected governments which truly represent the will of the people in this troubled region and whether national fragmentation along ethnic lines can be avoided in each case. But at least there is hope.

Regardless of politics, hope also arises from the gritty determination of the people of the Horn themselves. Buffeted by recurring famine, persistent civil strife, and grinding poverty, the long-suffering people in these nations continue to strive to create a brighter future for themselves and their families.

THE LUSH GREENS OF THE RIVER LIFE

And that brings me to my second picture. It is a collage of photos from the June 5, 1991 issue of the Christian Science Monitor. Illustrating an aptly-titled story called "Ethiopian Oasis," the photos show how Africans themselves have created a solution to hunger and recurring famine.

The villagers of Gerame, Ethiopia constructed a rudimentary canal to their fields from a spring high up in nearby mountains. The canal carries life-giving water which supplies their drinking water and irrigates their crops. Instead of one unpredictable harvest per year, the villagers now grow three crops a year. Instead of being dependent on uncertain food and from distant centers, the people here now grow their own food.

In the words of the article:

> In this village, food, laughter, colorful dresses, and playing children—and water—are plentiful. Instead of weakness and despair, there is strength and vitality. Instead of rags, simple, but clean attractive clothing.

This project results from an innovative program called Food for Work, organized by the Lutheran World Federation. Rather than coming in to build a canal, LWF offered farmers food in exchange for their work in building in the canal.

The concept is elegantly simple and remarkably effective. It's like many other ones which use the abundant wheat and other grain from North America under the Food for Peace program to encourage self-help projects, designed and developed by indigenous people.

It's really American foreign policy at its very best. We act as good neighbors by extending a helping hand to other nations in need. We help feed hungry people even as they gain the means to feed themselves. What could make more sense. Why isn't this done throughout the Horn and throughout the world?

Yet Lutheran World Federation points out that a shortage of international donations prevents it from extending this program to other villagers. That is where Congress itself can help to provide hope to the people of the Horn.

A ROLE FOR THE CONGRESS

A final sign of hope is the legislation before us today. It is our challenge today to enact an amendment which can help to save the 20 million from the fate of the child in my imaginary picture.

It is an amendment supported by Bread for the World and numerous relief and religious organizations such as Lutheran World Relief. It enjoys the enthusiastic bipartisan support of over 175 Members of the House.

The amendment before us would do several things to build hope in the Horn:

It would expand the relief authority of our Government to include not only shelter and medicine but seeds, agricultural implements, emergency health care, and water supplies—to name a few.

It would allow the President to transfer unobligated funds from security aid accounts to provide additional food aid and humanitarian relief.

It would call for a high-level peace initiative by the President in the United Nations to foster peace and national reconciliation in the Horn of Africa.

It would authorize development aid through nongovernmental organizations such as Lutheran World Relief until such time that Horn governments could meet certain tests. They are democracy, respect for human rights, a commitment to deliver aid without discrimination, and a willingness to achieve peace and national reconciliation.

So I would urge my colleagues to join in unanimous support of this amendment today. In so doing they will help to create the conditions for an oasis of peace and food security in the entire Horn of Africa.

HORN OF AFRICA RECOVERY AND FOOD SECURITY AMENDMENT

Mr. Chairman, I am pleased to join my colleagues DOUG BEREUTER and ALAN WHEAT in offering an amendment to H.R. 2508 which consists of the main provisions of the Horn of Africa Recovery and Food Security Act. Joining us in this bipartisan effort are the chairman and ranking minority member of the Hunger Committee, TONY HALL and BILL EMERSON, as well as the chairman and ranking member of the African Affairs Subcommittee, MERVYN DYMALLY, and DAN BURTON.

May I thank Chairman DYMALLY and Chairman DANTE FASCELL of the Foreign Affairs Committee for cooperating with the sponsors and the Hunger Committee in expediting the consideration of this amendment. At a recent joint hearing of the two panels we heard testimony which revealed the dimensions of the famine in the Horn of Africa as well as the need for this amendment.

We are offering this amendment with the strong backing of Bread for the World and a wide coalition of private, voluntary organizations [PVO's] involved with promoting food security in the Horn of Africa. May I say at the outset how much I value the support and advice of these organizations.

This timely measure will focus attention on an enormous, looming, human tragedy in the countries of Sudan, Ethiopia, and Somalia. The tragedy is hunger—a killer threatening some 20 million people in the Horn of Africa. As chairman of the Hunger Committee's International Task Force, I can think of no global problem which should receive greater attention in Congress.

Our legislation will also reformulate U.S. policy toward the region and set forth a comprehensive program to prevent widespread famine and to chart a course for long-term recovery and food security in the region.

A REGION IN PERIL

The region has been plagued by persistent famine, widespread poverty, and decades of devastating civil wars. Some 2 million Ethiopians and Sudanese have died from war or famine in the last 5 years alone. Relief officials estimate that another 8 million have become refugees or displaced persons. Although some progress has been made in curtailing civil strife, military conflict and famine continue to threaten millions of people in the Horn.

Let me illustrate the urgency and magnitude of the problem by noting the comments of one witness at the hearing:

Roger Winter, Director of the U.S. Committee on Refugees, noted that in Sudan "some starvation death is inevitable * * *. Indeed it is already beginning to occur."

In other words, this is not an abstract problem but a current emergency.

Some weeks ago, James Grant, worldwide director of UNICEF, anticipated the "threat of a major disaster in the months immediately ahead" in Sudan. Estimates are that 9 million people need emergency food in Sudan alone. Most of these people live in government-held areas, according to Grant, while severe hunger continues to imperil Sudanese in civil war zones in the south.

Ethiopia's persistent civil wars have exacerbated the suffering caused by another drought. The northern part of the country is thought to need 1 million tons of food relief in 1991. I would note for the record that the Hunger Committee and the African Affairs Subcommittee were instrumental in getting the Ethiopian Government and opposition groups to open the port of Massawa and overland routes for secure passage of emergency food relief before the civil war ended in that nation. We can now only hope that peace and food security will become permanent realities in Ethiopia with the end of civil war.

The food situation in Somalia is also precarious, although precise estimates of need are still unclear. The rebel victory in January that ended that nation's civil war has created an opportunity to prevent widespread starvation. However, millions are now in need of food and other emergency aid. The de facto division of Somalia into two parts also sows the seed for renewed conflict unless efforts for national reconciliation and accommodation are pursued promptly. Testimony at our recent hearing underscored that we must get emergency food aid into Somalia, as well as into Sudan and Ethiopia.

THE WIDER PICTURE OF AFRICAN FAMINE

Let me say that the sponsors of this legislation are acutely aware that famine stalks several other African nations—particularly in Angola, Mozambique, Liberia, and other sub-Saharan nations. In Angola, for example, U.N. officials are striving to implement peace corridors to reach some 2 million people in need of emergency food. The United States also bears a special responsibility for Liberia, where a massive refugee problem in the aftermath of another civil war, has put over 1 million people at risk.

The United States will certainly need to exercise leadership in responding to these emergencies, as well. I know that the Hunger Committee has, and will continue, to press for cease-fires, peace settlements, and secure relief arrangements in these nations, too.

A NEW POLICY FOR THE HORN OF AFRICA

Our purpose, then, is not to single out the Horn of Africa to the exclusion of other needy nations. It is rather, to reaffirm that the United States will not neglect the Horn of Africa in an hour of dire human need. It is to say that many of the problems affecting individual nations in the region can only be resolved as peace, stability, and food security grow in the whole region. It is to assert that the peace settlements which have been achieved elsewhere in Africa should be sought with equal diligence in the Horn, as well. That will require the top-level attention of the President and the United Nations.

It is also our intent to capitalize on the reversal of the cold war as an occasion to redefine our policy toward the region. It is time to move away from a preoccupation with security aid toward an approach that pays attention to basic human needs and a strategy for recovery and food security.

Part of that effort entails solving problems from the bottom up, rather than from the top down. The bill recognizes the essential role of grassroots and private organizations in policymaking and development. It authorizes the use of bilateral development funding through indigenous organizations, PVO's and international organizations, even as we retain current restrictions on government to government aid. The bill sets forth specific criteria for human rights, democracy, and national reconciliation which must be met before U.S. Government aid can flow to any given government in the region.

A BUDGET NEUTRAL INITIATIVE

The bill does not authorize new funding. It provides authority to transfer from unobligated security aid balances such funds as are necessary to meet food and other emergency requirements in the Horn. It also authorizes the use of existing resources in the Development Fund for Africa to support the special, human-needs-based projects described in the bill. Among these are restoring agricultural extension services, veterinary assistance, and primary health care centers.

If we truly believe that averting starvation and human tragedy should be a top foreign policy priority, then surely we should be prepared to divert resources from lower priority needs to achieve more important goals. I am pleased that we have obtained a strong bipartisan group of cosponsors in support of this vital and fiscally responsible effort.

LEADERSHIP BEYOND THE PERSIAN GULF

For several months, the Persian Gulf war and the relief of Kurdish refugees have eclipsed news about most other regions of the world. Happily, that war has been won and relief has been delivered to hungry and suffering Kurds.

I hope that the President and the Congress will now turn to an even tougher challenge: mobilizing to fight hunger in the Horn of Africa and wherever it threatens. I urge the administration and all of my colleagues to join over 175 sponsors in this fight to keep millions of people alive. And, then, I request support for the ensuring effort to help the people of Somalia, Sudan, and Ethiopia on the road to recovery and food security.

So I urge unanimous support of this amendment and its prompt implementation.

Mr. DYMALLY. Mr. Chairman, I yield to the gentleman from Missouri [Mr. WHEAT].

Mr. WHEAT. Mr. Chairman, I thank the gentleman for yielding time to me, but I especially thank the gentleman for the leadership that he and the gentleman from Florida [Mr. FASCELL] has shown on this issue, holding hearings and bringing attention to the problems that still exist in the Horn of Africa.

The gentleman from North Dakota [Mr. DORGAN], the gentleman from Nebraska [Mr. BEREUTER], and myself have been working on this legislation. We are pleased that it is included in the foreign aid bill. Oftentimes when people in this country think of the Horn of Africa, the image that they get are the pictures that we will never forget in 1984, the images of the bloated bellies of children in Africa, of the parched soil of that land, of the overflowing refugee camps as people sought a blade of grass, a leaf, anything to feed their starving children. Those pictures, those images have gone away, but unfortunately the problem has not.

As the gentleman from North Dakota [Mr. DORGAN] pointed out, there are currently not thousands, not hundreds of thousands, but literally millions, perhaps 20 million people at risk of starvation in the Horn of Africa. We just have to look at the news accounts of recent days to find that the problem is not just of the vagaries of weather. It is also one of the vagaries of political instability. In Somalia and Ethiopia we have seen governments fall, governments that were never sensitive to the needs of their people, but now people are left without a system of being able to distribute much needed food at all.

This legislation takes into account the need to resolve the political unrest in those areas as a key element in recognizing and enshrining as a human right the fact that food should be available to all people. That is what we attempted to do with this legislation, and that is what I think this legislation does in all of the areas of the world, as well as the Horn of Africa. It enshrines as a right the principle that Mickey Leland found in the Horn of Africa and brought back to this House of Representatives. After he had a child die in his arms, he came back and told Members that no child should ever die again because of an inability, a political inability to feed that child.

That is what the Select Committee on Hunger has worked on for years. That is the initiation of this legislation, and that is the fruition of his work. We ought to get on with the passage of this legislation today.

Mr. Chairman, I rise to urge my colleagues to support the Bereuter-Dorgan-Wheat amendment. This measure contains the provisions of the Horn of Africa Recovery and Food Security Act, legislation a number of my colleagues, including BYRON DORGAN and DOUG BEREUTER, and I introduced earlier this year which affects United States policy toward the countries of Ethiopia, Somalia, and Sudan.

In recent days, we have not had to look beyond the front page of the newspaper to read and witness mind-numbing accounts of the human suffering and political instability that exist in the Horn of Africa. Relief officials report that at this moment over 20 million people, in the region are on the brink of starvation. Meanwhile, in the past 6 months alone, two of the three governments in the region have literally disintegrated.

Even though each of the countries in the Horn is distinct in its own right, recent events clearly show they are all united in having to confront extraordinary problems associated with war, famine, political unrest, and recurrent drought.

After years of repressive rule, Mengistu Haile Mariam, the dictator of Ethiopia, fled his nation last month, leaving behind 7 million people at risk of starvation along with lingering questions and anxious hopes about the political future of that country.

In Somalia, the embattled government of Siad Barre has fallen, the country has splintered, conflict continues, and the resulting disruption has left the entire Somali population in a desperate search for food.

And in Sudan, the government of Omer Hassan al-Bashir remains engaged in a brutal civil war and only recently and reluctantly has it acknowledged that a food crisis exists in that country. This lethal combination of war, famine, and negligence has left as many as 10 million people in immediate need of assistance in Sudan. Relief officials tell us that, even under the most hopeful conditions, up to 300,000 people will lose their lives this year.

These accounts of starvation, conflict, and instability may seem all too familiar. After all it was less than a decade ago that the whole world mobilized to help the starving masses in Ethiopia. Yet now, just a few years later, relief officials report that the Horn may be encountering a famine more devastating than that of 1984. And so, in our newspapers and on our television screens the scearing, indelible images are returning: The bloated bellies, the parched soil, the overflowing refugee camps, and old women and children desperately searching for a few leaves, a blade of grass, simply anything to fill their stomachs.

To many, these enduring images have become synonymous with the Horn of Africa. To

many, the region seems fated to disaster. And to more than a few, the pervasive problems there seem utterly insoluble.

But others look to the Horn and see hope, opportunity, and potential. That sentiment, Mr. Speaker, is what our measure encapsulates. We believe that the changing world scene presents a unique chance to reshape and reformulate a more effective regional policy. To be sure, there are no easy answers or quick-fix solutions. But we just as firmly believe that properly targetted efforts can end the cycle of war, famine, and death that has rolled through the Horn for decades.

The Horn of Africa Recovery and Food Security Act sets out a comprehensive framework to address the basic needs of the people of the region—from short-term efforts to provide immediate relief to long-term initiatives designed to establish food security to the region. Through every step of this process, the measure supports grassroots efforts to help ensure that the indigenous population is directly involved in creating the structures, policies, and programs to promote equitable economic development.

The legislation is based on a fundamental recognition that any effort to move the Horn on the road to recovery must acknowledge the root causes of the suffering in the region and attempt to systematically redress them. While natural disasters, particularly drought, have certainly contributed to the problem, much of the tragedy is man-made.

Decades-long conflict is clearly a primary cause of the problems that are manifest today. These problems have been further complicated by misguided government policies. Callously unresponsive to even the most basic needs of their populations, these governments have maliciously pursued an agenda that emphasizes military weaponry over fundamental necessities. They have recklessly invested in the bankrupt policies of war and destruction instead of the tools of peace and development.

In Sudan, for example, where 40 percent of the population is confronting the prospect of death by starvation, the Government has devoted upwards of $1 million a day to wage its war against the South. And every year, half of the revenues of Ethiopia—perhaps the world's poorest country—have been devoured by its war machine.

Recognizing the enormous costs of conflict in the region, the legislation provides a framework to achieve peace in the Horn of Africa. It calls on our President to utilize the United Nations and other international organizations to make resolution of the conflicts in the Horn a priority. The measure further proposes a worldwide arms embargo to the region.

In the absence of peace, the Horn of Africa Act affirms that a time of crisis is not too early to begin laying the ground work to help ensure that a catastrophe like this never revisits the region. Small-scale relief and development projects, targeted toward the poor majority and provided by nongovernmental organizations, must be expanded.

And this measure lays out a program that would provide relief assistance and broaden its definition to routinely include projects geared toward self-subsistence and participatory development. By including seeds, fertilizers, farm implements, and basic education and health projects in emergency assistance, our measure will provide to the people of the Horn what they want and need most: The tools to help themselves.

Further, the legislation intensifies efforts to ensure that the governments of the region begin to take concrete steps to meet the needs of their own populations. To maximize pressure toward reform, the bill prohibits all but emergency humanitarian assistance to the governments in the region until the President certifies that firm progress has been made in establishing peace and promoting human rights and democracy. We believe that this will send an unmistakable message to the region's governments, new and old alike, that in order to win U.S. support, they must first make a commitment to reconciliation and democratic rule.

As we reformulate U.S. policy, we must also reassess the way our limited foreign assistance dollars are utilized. Consequently, our measure authorizes the President to transfer funds from foreign military accounts to help finance the humanitarian projects outlined in the bill.

In my view, this approach is long overdue. In a time of fiscal constraints, our Nation must set priorities and devote resources accordingly. If we truly believe that averting famine and suffering should be a top priority in U.S. foreign policy, then we should also be prepared to divert resources from less pressing or dubious needs.

It should be noted that our legislation is not an attempt to discount current U.S. efforts to bring an end to the suffering in the region. Our ongoing humanitarian efforts to provide aid to the millions in need and to support diplomatic negotiations to settle the conflicts are highly commendable.

But we believe that much more can be done. As the title of the legislation suggests, its ultimate objective is to promote the concept of food security: Access by all people at all times to enough food for an active and healthy life. Our measure enshrines this basic human right as an explicit goal and priority of U.S. policymakers toward the Horn.

Mr. Chairman, for the desperate millions in the Horn of Africa, time is of the essence. Weeks, days, even hours could make the difference between life and death. The extraordinary nature of the crisis warrants an extraordinary response from our Government. And that's where Congress has an essential role to play. Acknowledging the importance of the provisions outlined in this measure, over 160 of my colleagues—from across the ideological spectrum—are cosponsors of the House bill. In addition, over 120 individuals and organizations, led by Bread for the World, have endorsed the legislation.

The message from all of these supporters is universal. The time has come to build a lasting foundation of relief, rehabilitation, and recovery for those suffering in the Horn of Africa. Let us seize this opportunity and approve this critical measure.

Mr. BURTON of Indiana. Mr. Chairman, will the gentleman yield?

Mr. WHEAT. Mr. Chairman, I yield such time as he may consume to the gentleman from Indiana.

Mr. BURTON of Indiana. Mr. Chairman, I support this.

Mr. EMERSON. Mr. Chairman, I rise in support of my colleague Mr. BEREUTER's amendment concerning food security and relief for the Horn of Africa.

For the millions of people trapped by the devastating cycles of drought, famine, and war throughout the Horn of Africa, this amendment is of vital importance. The problems plaguing this region of the world are complex, and they require comprehensive solutions. About 2 million people in Ethiopia and Sudan have died during famine and civil conflict since 1985. And this year, millions of people across the Horn of Africa are again threatened by drought and the greatest food shortage Africa has ever known. It is clear, moreover, that severe food insecurity will continue unless the endemic civil wars raging throughout the region are brought finally to an end.

It is with these issues in mind that I endorse Mr. BEREUTER's amendment for its long-term approach to these very difficult problems. It recognizes the need for international effort to bring about peaceful solutions to the conflicts. It recognizes the need to maintain relief programs and to ensure that innocent civilians receive the emergency assistance they need. And this amendment recognizes the need for people to participate in their own rehabilitation and development, an essential step on the road to self-sufficiency. I ask your support for these important ideas, and that support can be demonstrated by voting for the Bereuter amendment.

Mr. PENNY. Mr. Chairman, I rise in strong support of the amendment offered by Representatives BEREUTER, DORGAN, and WHEAT. This amendment, based on the Horn of Africa Recovery and Food Security Act of 1991, proposes to oversee the establishment of peace and democracy in the Horn of Africa. I would also like to commend Congressman EMERSON for his dedicated and substantive work on this legislation.

In the Horn of Africa countries, many children have known nothing but hunger and violence all their lives. Tragically, photos of starving children along with bands of youths armed with automatic weapons and missile launchers have become commonplace. This amendment, however, intends to make these images mere bad memories. This legislation stipulates that the governments of Djibouti, Ethiopia, Somalia, and the Sudan must take concrete steps toward peace, human rights, and democracy before development aid and security assistance can be provided to them.

If this amendment is adopted, U.S. development assistance in the region will be targeted to the poor majority there, particularly refugees, women, and urban poor, and small-scale farmers. Such assistance would help provide a foundation for a stable family infrastructure. This aid would be provided through private voluntary groups and international organizations with experience in grassroots development programs.

As a member of the Select Committee on Hunger, I think I can speak for many of my colleagues when I say that we have agonized over this region for many years. Drought, famine, disease, war, and underdevelopment are the norm in the Horn of Africa. Now we have

a chance to start, in a small way, the recovery process in this war-torn area and give hope to some of the most deprived people on earth.

I urge my colleagues to support this amendment.

The CHAIRMAN pro tempore (Mr. McDERMOTT). The question is on the amendment offered by the gentleman from Nebraska [Mr. BEREUTER].

The question was taken; and the Chairman pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. BEREUTER. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The CHAIRMAN pro tempore. Pursuant to a previous order of the House, the vote on the amendment offered by the gentleman from Nebraska [Mr. BEREUTER] will be postponed until after debate on the next amendment.

AMENDMENT OFFERED BY MR. BURTON OF INDIANA

Mr. BURTON of Indiana. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. Is the amendment printed in the RECORD?

Mr. BURTON of Indiana. It is, Mr. Chairman.

The Clerk read as follows:

Amendment offered by Mr. BURTON of Indiana: Page 688, after line 3, insert the following:

(c) LIMITATION ON ASSISTANCE.—Assistance for any fiscal year under the Foreign Assistance Act of 1961, including assistance with funds appropriated before the date of enactment of this Act, may not be delivered to any organization or institution in South Africa which—

(1) is formally linked to the Communist Party of South Africa;

(2) is engaged in violations of internationally recognized human rights, including the unlawful detention of individuals; or

(3) does not have in place democratic processes for internal decisionmaking and the selection of leaders.

This subsection does not prevent the provision of training, instruction, or education in democratic processes for individual members of an organization or institution that is ineligible for assistance under this subsection.

Mr. BURTON of Indiana (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Indiana?

There was no objection.

The CHAIRMAN pro tempore. The gentleman from Indiana [Mr. BURTON] is recognized for 5 minutes.

PARLIAMENTARY INQUIRY

Mr. DYMALLY. Mr. Chairman, has the Chair advised the House on the division of time?

The CHAIRMAN pro tempore. The proponent of the amendment gets 5 minutes and the opponent of the amendment gets 5 minutes.

Mr. DYMALLY. Mr. Chairman, I rise in opposition to the amendment to claim the 5 minutes.

Mr. BURTON of Indiana. Mr. Chairman, I yield myself 2 minutes.

This amendment is very easily understood, it is very straightforward. It says that the foreign assistance that may be appropriated under this act shall not be forwarded to any organization that is formally linked to the Communist Party of South Africa, is engaged in violations of internationally recognized human rights, including the unlawful detention of individuals, or third, does not have in place democratic processes for internal decisionmaking in the selection of leaders.

Mr. Chairman, I do not believe any American taxpayer, or at least very few American taxpayers would support sending our tax dollars to other parts of the world in support of groups that have Communist principles as one of their primary goals and objectives. This legislation simply restricts the aid to any group that has links with the Communist Party, that violates human rights, does not choose its leaders in a democratic fashion. I think this is consistent with American values.

We have a very difficult time right now, Mr. Chairman, with a tremendous deficit that we are facing in this country. As a matter of fact, many people estimate the deficit to be between $350 and $400 billion this year. For the United States of America and this body to send taxpayers' dollars to any group that supports terrorism or Communist principles is, in my opinion, wrong, and we should be very clear that we do not want that to happen.

I urge my colleagues to review this amendment very carefully. I hope they will support it.

Mr. Chairman, I reserve the balance of my time.

□ 1050

Mr. DYMALLY. Mr. Chairman, I yield to the gentleman from Florida [Mr. FASCELL], the chairman of the full committee.

Mr. FASCELL. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, let me just say that I think this amendment, while well-intentioned, does a great deal of damage. This House has already expressed itself in the past. This amendment would undo all of that in terms of $10 million that is now being held up over the same argument, and that is the reason for this amendment to go back and recapture previously appropriated funds and puts conditions on new organizations which we have encouraged in order to try to bring about a democratic process in Africa. So while it is well-intentioned and we certainly do not want to help any Communist organization, we do not intend to do that, I am perfectly content to leave it with the administration.

The amendment simply infers that the administration would not do that, and I do not believe it.

Mr. DYMALLY. Mr. Chairman, I yield to the gentleman from California [Mr. DELLUMS].

Mr. DELLUMS. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, first let me say that I do not question the motive of my distinguished colleague in offering the amendment. I simply question the gentleman's judgment in offering the amendment.

Obviously this amendment is directed at cutting off aid to the ANC. The ANC was born in this gentleman's humble opinion in a very unique situation that exists in South Africa, that is indeed specific to South Africa, bringing together various organizations and groups in South Africa struggling against the cruelty and the absurdity that is the reality of apartheid in South Africa.

I think we must continue to understand what our objective is in South Africa, and that is the ending of the apartheid system and the emergence of democracy in South Africa. If that is indeed our objective and our goal, we should not tie ourselves to a strategy that is not flexible enough to allow the various parties coming together in a very unique environment to overthrow this reality, to be able in as flexible an environment as possible to continue to assert themselves.

I do not challenge the motive of the gentleman. I simply say it does not give the flexibility to see the emergence of the democratic society in South Africa, and I thank the gentleman for his generosity.

Mr. DYMALLY. Mr. Chairman, I yield to the gentleman from Michigan [Mr. WOLPE].

Mr. WOLPE. Mr. Chairman, I also rise in opposition to the amendment that has been offered by our distinguished colleague, the gentleman from Indiana.

Really, I cannot think of anything we could do that would be more counterproductive than appearing to want to undermine the antiapartheid struggle and effort inside South Africa.

This is the kind of mindset that I really think is antiquated at this point. The struggle in South Africa is not between East and West. It is a struggle against a minority regime that is totally undemocratic. The United States correctly has thrown its support to the antiapartheid struggle. On a bipartisan basis, they have agreed to try to provide assistance to the African National Congress and to other groups, such as Inkatha and other groups that are a part of that struggle in South Africa. To now attempt in some way to limit or interfere with that struggle and with American support for those groups that are really leading the way

I think would be very foolish and very counterproductive in terms of American national interests within the region.

So I hope that this body will once again reaffirm the bipartisan commitment to the antiapartheid struggle and affirm our understanding that the East-West conflict, which is perhaps anachronistic worldwide, is certainly no longer relevant to American policy considerations in South Africa.

Mr. DYMALLY. Mr. Chairman, I yield to the gentleman from New York [Mr. SOLARZ].

Mr. SOLARZ. Mr. Chairman, my good friend, the gentleman from Indiana, seems to have something against the South African Communist Party. I am going to surprise the gentleman. I share his concerns about the South African Communist Party. I do not think we should be providing any aid to the South African Communist Party.

The problem with the gentleman's amendment, however, is that it could throw out the baby with the bath water. There may be political movements in South Africa which are not part of the Communist Party, but which from time to time for tactical reasons enter into an alliance with it. That is what Francois Mitterrand did when he formed the first Socialist government in France.

So I believe the chairman of the African Subcommittee, the gentleman from California [Mr. DYMALLY] is going to offer a perfecting amendment to the amendment of the gentleman from Indiana [Mr. BURTON] which will prohibit any American assistance to the South African Communist Party.

If the gentleman from Indiana wants to vote against that amendment in order to permit aid to the South African Communist Party, he is free to do so, but if he wants to join those of us on this side of the aisle who say not a single American taxpayer dollar should go to the South African Communist Party, then the gentleman will vote for the perfecting amendment to be offered by the gentleman from California.

Mr. BURTON of Indiana. Mr. Chairman, I yield to my colleague, the gentleman from California [Mr. DORNAN], and just say that, "It's a great facade, STEVE, a great facade."

Mr. DORNAN of California. Mr. Chairman, I say with great sincerity what personal anguish it is to take the well following my distinguished colleague and friend, one of the heroes of the liberation of Kuwait in the battle of Desert Storm as played out in words on this House floor, my colleague, the gentleman from New York [Mr. SOLARZ], and disagree that we are throwing out the baby with the bath water.

We had a historic day in this town yesterday. I got Boris Yeltsin to sign a picture of a passion play in Red Square, and then last night down in the House dining room 12 of us met with the chief of the Kwa-Zulus, Chief Minister Buthelezi. He told us that 153 of his Zulu leaders and chairmen had been murdered in cold blood, burned to death, incinerated in their cars, throats slit, and one of their women chairmen was necklaced, killed by extremists in the ANC.

Then he told us that at every meeting now Nelson Mandela, a heroic person seemingly caught in a time warp, refers to Joe Slovo, the Communist leader, in every single serious call of the ANC.

This money is going to Communists, because the ANC is still crippled by its Communist leadership.

Mr. DYMALLY. Mr. Chairman, I yield 30 seconds to the gentleman from New Jersey [Mr. PAYNE].

Mr. PAYNE of New Jersey. Mr. Chairman, I also rise in strong opposition to the Burton amendment.

I think that as we find that communism is crumbling around the world, we are looking for places to fight them. Soon they will be gone and there will be no more threat of the Communist Party, so perhaps one of the last vestiges for this battle is South Africa.

This money will not go to the Communist Party. As a matter of fact, this country has a very flawed policy when we give most-favored-nation status to the People's Republic of China, and unless they had elections recently, that is a Communist government, from what I understand, and we are giving them benefits for trade to the United States of America, making them stronger. If we are opposed to communism, we should be opposed to communism everywhere, and this selectivism, especially when the dollars in the corrected amendment will not go to the Communist Party.

I think if we look at the atrocities in South Africa we will see that the man that you sat around the table with and had dinner with last night may be the one that is causing the deaths of hundreds more than what is happening on the side of ANC.

Mr. BURTON of Indiana. Mr. Chairman, I yield myself the balance of the time.

Mr. Chairman, this is not designed to undermine the democratic processes in South Africa. Everybody in this Chamber, I believe, without exception, is opposed to apartheid and has worked for years to make sure it has ended. That is not the issue.

The issue is do we want American taxpayer dollars going to groups that are involved in many human rights violations, as were expressed by the gentleman from California [Mr. DORNAN], to go to groups that are tied very closely to the South African Communist Party which has as its goal not democracy, but complete control of the Government over everybody's lives over there?

We have been supporting Eastern European countries who are moving away from communism toward democracy. Why should American taxpayer dollars be given to aid an institution that is tied to the very things that we abhor?

American taxpayers do not want their taxpayer dollars spent for that purpose.

So I just say to my colleagues, there is nothing inherently wrong with this amendment. All it states, in my view, is what the American people truly want, and that is their taxpayer dollars used for one purpose, to promote freedom, democracy, and human rights in this world, and not for other purposes such as supporting the Communist movement in this world.

Mr. Chairman, I urge all my colleagues to support my amendment.

□ 1100

AMENDMENT OFFERED BY MR. DYMALLY TO THE AMENDMENT OFFERED BY MR. BURTON OF INDIANA

Mr. DYMALLY. Mr. Chairman, I offer an amendment to the amendment.

The Clerk read as follows:

Amendment offered by Mr. DYMALLY to the amendment offered by Mr. BURTON of Indiana: Strike out all of the amendment that follows "LIMITATION ON ASSISTANCE.—" and insert in lieu thereof the following: "Assistance for any fiscal year under the Foreign Assistance Act of 1961, including assistance with funds appropriated before the date of enactment of this Act, may not be delivered to the Communist Party of South Africa. The President shall undertake efforts to ensure that recipients of United States assistance in South Africa are not engaged in violations of internationally recognized human rights, including the unlawful detention of individuals, and do not have in place democratic processes for internal decisionmaking and the selection of leaders.".

Mr. DYMALLY. Mr. Chairman, this amendment is very clear. This amendment bans any aid to the Communist Party. If that is the fear of my good friend, the gentleman from Indiana [Mr. BURTON], I think this amendment has taken care of this problem, and I ask for an aye vote.

PARLIAMENTARY INQUIRIES

Mr. WALKER. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN pro tempore (Mr. MCDERMOTT). The gentleman will state his parliamentary inquiry.

Mr. WALKER. Mr. Chairman, did I understand the Clerk when he read the amendment offered by the gentleman from California [Mr. DYMALLY], to have language in it which says the President shall undertake efforts to insure that recipients of United States assistance in South Africa do not have in place democratic processes for internal decisionmaking and selection of leaders?

Mr. DYMALLY. That is not the amendment which was read, Mr. Chairman.

Mr. WALKER. That is the amendment which I heard the Clerk read. Will the Clerk confirm that that is what this amendment says?

The CHAIRMAN pro tempore. Without objection, the Clerk will re-report the amendment.

Mr. BURTON of Indiana. Mr. Chairman, I think to save time all that needs to be read is the last paragraph. That is the paragraph in question.

The CHAIRMAN pro tempore. Without objection, the Clerk will re-report the amendment.

Mr. DYMALLY. Mr. Chairman, there is a portion of the amendment that has a technical error. With unanimous consent, I would like to correct it.

Mr. BURTON of Indiana. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN pro tempore. The gentleman will state it.

Mr. BURTON of Indiana. Mr. Chairman, what does the gentleman from California [Mr. DYMALLY] mean by technical error?

The CHAIRMAN pro tempore. Without objection. The Clerk will re-report the amendment.

Mr. DYMALLY. Line 11, a drafting error. It should read——

Mr. WALKER. No, no, no, no, no. I am sorry.

The CHAIRMAN pro tempore. The Clerk will report the amendment.

The Clerk re-read the amendment as follows:

Amendment offered by Mr. DYMALLY to the amendment offered by Mr. BURTON of Indiana: Strike out all of the amendment that follows "LIMITATION ON ASSISTANCE.—" and insert in lieu thereof the following: "Assistance for any fiscal year under the Foreign Assistance Act of 1961, including assistance with funds appropriated before the date of enactment of this Act, may not be delivered to the Communist Party of South Africa. The President shall undertake efforts to ensure that recipients of United States assistance in South Africa are not engaged in violations of internationally recognized human rights, including the unlawful detention of individuals, and do not have in place democratic processes for internal decisionmaking and the selection of leaders."

The CHAIRMAN pro tempore. The Chair recognizes the gentleman from California [Mr. DYMALLY].

Mr. DYMALLY. Mr. Chairman, I have another perfecting amendment at the desk.

Mr. BURTON of Indiana. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN pro tempore. This amendment is now pending and must be disposed of.

Mr. DYMALLY. Mr. Chairman, I ask unanimous consent to make a correction in my amendment to the amendment offered by the gentleman from Indiana [Mr. BURTON].

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from California?

Mr. BURTON of Indiana. Mr. Chairman, I object.

The CHAIRMAN pro tempore. The gentleman from California [Mr. DYMALLY] will first state the modification.

Mr. DYMALLY. Mr. Chairman, the modification is on line 11. Cross out the word "not."

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from California?

Mr. WALKER. Mr. Chairman, reserving the right to object, yesterday on the House floor, when the gentleman from California [Mr. CUNNINGHAM] sought to withdraw his amendment by unanimous consent, the chairman of the subcommittee on the other side denied him the opportunity to be able to make that kind of a change in what he wanted to do. Therefore, exercising the right of the minority in this case, I think it is extremely important that we have fairness, and so I do object.

The CHAIRMAN pro tempore. Objection is heard.

The question is on the amendment offered by the gentleman from California [Mr. DYMALLY] to the amendment offered by the gentleman from Indiana [Mr. BURTON].

PARLIAMENTARY INQUIRY

Mr. SOLARZ. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN pro tempore. The gentleman will state it.

Mr. SOLARZ. Mr. Chairman, if the perfecting amendment is defeated, would another perfecting amendment be in order, or would we have to move right away to a vote on the amendment offered by the gentleman from Indiana [Mr. BURTON]?

The CHAIRMAN pro tempore. Another perfecting amendment will still be in order.

Mr. SOLARZ. It would be?

The CHAIRMAN pro tempore. The gentleman is correct.

The question is on the amendment offered by the gentleman from California [Mr. DYMALLY] to the amendment offered by the gentleman from Indiana [Mr. BURTON].

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. BURTON of Indiana. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 16, noes 399, not voting 17, as follows:

[Roll No. 182]

AYES—16

Abercrombie
Andrews (NJ)
Anthony
Boucher
Dixon
Dymally
Espy
Fascell
Frank (MA)
Johnston
Rahall
Rangel
Swift
Washington
Wheat
Wise

NOES—399

Ackerman
Alexander
Allard
Anderson
Andrews (ME)
Andrews (TX)
Annunzio
Applegate
Archer
Armey
Aspin
Atkins
AuCoin
Bacchus
Baker
Ballenger
Barnard
Barrett
Barton
Bateman
Beilenson
Bennett
Bentley
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bliley
Boehlert
Boehner
Bonior
Borski
Boxer
Brewster
Broomfield
Browder
Brown
Bruce
Bryant
Bunning
Burton
Bustamante
Byron
Callahan
Camp
Campbell (CA)
Campbell (CO)
Cardin
Carper
Chandler
Chapman
Clay
Clement
Clinger
Coble
Coleman (MO)
Coleman (TX)
Collins (IL)
Collins (MI)
Combest
Condit
Conyers
Cooper
Costello
Coughlin
Cox (CA)
Cox (IL)
Coyne
Cramer
Crane
Cunningham
Dannemeyer
Darden
Davis
de la Garza
DeFazio
DeLauro
Dellums
Derrick
Dickinson
Dicks
Dingell
Donnelly
Dooley
Doolittle
Dorgan (ND)
Dornan (CA)
Downey
Dreier
Duncan
Durbin
Dwyer
Early
Eckart
Edwards (CA)
Edwards (OK)
Edwards (TX)
Emerson
Engel
English
Erdreich
Evans
Fazio
Feighan
Fields
Fish
Flake
Foglietta
Ford (MI)
Ford (TN)
Franks (CT)
Frost
Gallegly
Gallo
Gaydos
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
Gonzalez
Goodling
Gordon
Goss
Gradison
Grandy
Green
Guarini
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Hancock
Hansen
Harris
Hastert
Hatcher
Hayes (IL)
Hayes (LA)
Hefley
Hefner
Henry
Herger
Hertel
Hoagland
Hobson
Hochbrueckner
Holloway
Horn
Horton
Houghton
Hoyer
Hubbard
Hughes
Hunter
Hutto
Hyde
Inhofe
Ireland
Jacobs
James
Jefferson
Jenkins
Johnson (CT)
Johnson (SD)
Johnson (TX)
Jones (GA)
Jones (NC)
Jontz
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kleczka
Klug
Kolbe
Kolter
Kopetski
Kostmayer
Kyl
LaFalce
Lagomarsino
Lancaster
Lantos
LaRocco
Laughlin
Leach
Lehman (CA)
Lehman (FL)
Lent
Levin (MI)
Lewis (CA)
Lewis (FL)
Lewis (GA)
Lightfoot
Lipinski
Livingston
Long
Lowery (CA)
Lowey (NY)
Luken
Machtley
Manton
Markey
Marlenee
Matsui
Mavroules
Mazzoli
McCandless
McCloskey
McCollum
McCrery
McCurdy
McDade
McDermott
McEwen
McGrath
McHugh
McMillan (NC)
McMillen (MD)
McNulty
Meyers
Mfume
Michel
Miller (CA)
Miller (OH)
Miller (WA)
Mineta
Mink
Moakley
Molinari
Mollohan
Montgomery
Moody
Moorhead
Moran
Morella
Morrison
Mrazek
Murphy
Murtha
Myers
Nagle
Natcher
Neal (MA)
Neal (NC)
Nichols
Nowak
Nussle
Oakar
Obey
Olin
Olver
Orton
Owens (NY)
Owens (UT)
Oxley
Packard
Pallone
Panetta
Parker
Patterson
Paxon
Payne (NJ)
Payne (VA)
Pease
Pelosi
Penny
Perkins
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pickle
Porter
Poshard
Price
Pursell
Quillen
Ramstad
Ravenel
Ray
Reed
Regula
Rhodes
Richardson
Ridge
Riggs
Rinaldo
Ritter
Roberts
Roe
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Rostenkowski
Roth
Roukema
Rowland
Roybal
Russo
Sabo
Sanders
Sangmeister
Santorum
Sarpalius
Savage
Sawyer
Saxton
Schaefer
Scheuer
Schiff
Schroeder
Schulze

Schumer	Stark	Valentine
Sensenbrenner	Stearns	Vander Jagt
Sharp	Stenholm	Vento
Shaw	Stokes	Visclosky
Shays	Studds	Volkmer
Shuster	Stump	Vucanovich
Sikorski	Sundquist	Walker
Sisisky	Swett	Waters
Skaggs	Synar	Waxman
Skeen	Tallon	Weber
Skelton	Tanner	Weiss
Slattery	Tauzin	Weldon
Slaughter (NY)	Taylor (MS)	Whitten
Slaughter (VA)	Taylor (NC)	Williams
Smith (FL)	Thomas (CA)	Wilson
Smith (IA)	Thomas (GA)	Wolf
Smith (NJ)	Thomas (WY)	Wolpe
Smith (OR)	Thornton	Wyden
Smith (TX)	Torres	Wylie
Snowe	Torricelli	Yates
Solarz	Towns	Yatron
Solomon	Traficant	Young (AK)
Spratt	Traxler	Young (FL)
Staggers	Unsoeld	Zeliff
Stallings	Upton	Zimmer

NOT VOTING—17

Brooks	Hopkins	Oberstar
Carr	Huckaby	Ortiz
DeLay	Levine (CA)	Serrano
Fawell	Lloyd	Spence
Gray	Martin	Walsh
Hammerschmidt	Martinez	

□ 1205

Messrs. VISCLOSKY, PERKINS, HEFLEY, KILDEE, FOGLIETTA, MARLENEE, SISISKY, McDERMOTT, LANTOS, HAYES of Illinois, and FROST, Mrs. KENNELLY, Messrs. RAY, COYNE, PICKLE, SPRATT, CAMPBELL of Colorado, BUSTAMANTE, and HOUGHTON, Mrs. MINK, Messrs. DINGELL, FEIGHAN, GORDON, FORD of Tennessee, SOLARZ, GEJDENSON, GUARINI, WYDEN, GIBBONS, OWENS of Utah, ROSE, DOWNEY, MARKEY, PANETTA, KOSTMAYER, CHAPMAN, JENKINS, DARDEN, and MURTHA, Mrs. SCHROEDER, Messrs. GEREN of Texas, SYNAR, DWYER of New Jersey, MORAN, STAGGERS, OLIN, and NOWAK, Ms. PELOSI, Mr. LEHMAN of California, Ms. HORN, Messrs. STOKES, SAWYER and DELLUMS, Mrs. BOXER, Messrs. CLEMENT, BERMAN, BEILENSON, DERRICK, FORD of Michigan, McCLOSKEY, BRYANT, VENTO, JONTZ, SANGMEISTER, FAZIO, CLAY, ROYBAL, HALL of Ohio, LUKEN, and RICHARDSON, Mrs. LOWEY of New York, Mr. BACCHUS, Mr. VOLKMER, Mrs. MORELLA, Messrs. LEWIS of Georgia, PEASE, COX of Illinois, GRANDY, KENNEDY, EDWARDS of Texas, LEVIN of Michigan, DeFAZIO, SMITH of Florida, FISH, McMILLEN of Maryland, SKAGGS, BORSKI, McNULTY, GAYDOS, WAXMAN, ECKART, and HOCHBRUECKNER, Ms. DeLAURO, Messrs. PALLONE, CARDIN, and FLAKE, Mrs. COLLINS of Michigan, Messrs. DOOLEY, JEFFERSON, EDWARDS of California, and LaFALCE, Mrs. COLLINS of Illinois, Messrs. JONES of North Carolina, LaROCCO, ANDERSON, JACOBS, BROWN, APPLEGATE, OWENS of New York, CONYERS, NAGLE, STARK, MILLER of California, STUDDS, MOAKLEY, AuCOIN, POSHARD, PETERSON of Florida, OLIVER, MFUME, THORNTON, SANDERS, ACKERMAN, ENGLE, BONIOR, WOLPE, MANTON, ANDREWS of Texas, TRAFICANT, HOYER, BILBRAY, TORRICELLI, MURPHY, SAVAGE, YATRON, SCHUMER, PAYNE of New Jersey, and GREEN of New York, Ms. SLAUGHTER of New York, Messrs. GEPHARDT, MINETA, ALEXANDER, MATSUI, KLECZKA, SCHEUER, KOPETSKI, DE LA GARZA, MOLLOHAN, and LIPINKSI, Ms. LONG, Messrs. EVANS, PETERSON of Minnesota, and JOHNSON of South Dakota, Mrs. UNSOELD, Mr. TOWNS, and Mr. LEACH changed their vote from "aye" to "no."

So the amendment to the amendment was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. WISE. Mr. Chairman, on rollcall vote No. 182, I voted "aye," returned to a Budget Committee hearing, and learned of the technical error. Before I could get back the vote had been closed. I should have voted "no."

PERSONAL EXPLANATION

Mr. SWIFT. Mr. Chairman, on rollcall vote No. 182, I voted "aye." There was a technical error in the amendment. I should have voted "no."

PERSONAL EXPLANATION

Mr. ANTHONY. Mr. Chairman, on rollcall No. 182, I had originally voted "aye." I was notified later that there was an error in the drafting of the amendment. Had I known that, I would have voted "no."

PERSONAL EXPLANATION

Mr. JOHNSTON of Florida. Mr. Chairman, when voting on the Dymally amendment, rollcall No. 182, I inadvertently voted "aye" when I meant to vote "no."

AMENDMENT OFFERED BY MR. DYMALLY TO THE AMENDMENT OFFERED BY MR. BURTON OF INDIANA

Mr. DYMALLY. Mr. Chairman, I offer a perfecting amendment to the amendment.

The Clerk read as follows:

Amendment offered by Mr. DYMALLY to the amendment offered by Mr. BURTON of Indiana: Strike out all of the amendment that follows "LIMITATION ON ASSISTANCE.—" and insert in lieu thereof the following: "Assistance for any fiscal year under the Foreign Assistance Act of 1961, including assistance with funds appropriated before the date of enactment of this Act, may not be delivered to the Communist Party of South Africa. The President shall undertake efforts to ensure that recipients of United States assistance in South Africa are not engaged in violations of internationally recognized human rights, including the unlawful detention of individuals, and have in place democratic processes for internal decisionmaking and the selection of leaders.".

Mr. DYMALLY (during the reading). Mr. Chairman, I ask unanimous consent that the perfecting amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore (Mr. McDERMOTT). Is there objection to the request of the gentleman from California?

Mr. SOLARZ. Mr. Chairman, reserving the right to object, can the gentleman from California tell Members whether this perfecting amendment eliminates the technical and grammatical error contained in the amendment that was just defeated?

Mr. DYMALLY. Mr. Chairman, will the gentleman yield?

Mr. SOLARZ. I yield to the gentleman from California.

Mr. DYMALLY. Mr. Chairman, in the amendment which was just defeated there was a technical error. We had the words "not have in place democratic processes." This perfecting amendment eliminates the word "not."

Mr. SOLARZ. Mr. Chairman, further reserving the right to object, under the language of the perfecting amendment that the gentleman from California is now putting before the House, would the President have to undertake efforts to ensure that recipients of our aid in South Africa have in place democratic processes for internal decisionmaking in the selection of leaders?

Mr. DYMALLY. If the gentleman from New York will continue to yield, the gentleman is correct.

Mr. SOLARZ. Further reserving my right to object, if the gentleman's amendment is adopted, does that prohibit aid to the South African Communist Party?

Mr. DYMALLY. If the gentleman will continue to yield, the gentleman from New York is correct.

Mr. SOLARZ. Further reserving the right to object, if the gentleman's amendment is adopted, does it prohibit aid to the African National Congress?

Mr. DYMALLY. Mr. Chairman, if the gentleman will continue to yield, no.

Mr. SOLARZ. Mr. Chairman, further reserving my right to object, if the gentleman's amendment is defeated and the Burton amendment to which it has been offered as a perfecting amendment is adopted, would that prohibit aid to the African National Congress?

Mr. DYMALLY. That is correct.

Mr. SOLARZ. Finally, further reserving my right to object, it is the intention of the gentleman's amendment to prohibit aid to the South African Communist Party, but to permit aid to the African National Congress?

Mr. DYMALLY. That is correct.

Mr. SOLARZ. Mr. Chairman, I thank the gentleman for his classification.

Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from California?

Mr. BURTON of Indiana. Mr. Chairman, reserving the right to object, as I understood it a moment ago, the gen-

tleman from New York asked if my amendment would prohibit aid from going to the ANC if it passed in its original form. I just wanted to ask the gentleman for clarification purposes, why would my amendment prohibit aid going to ANC when it only applies to those connected with the Communist Party?

Mr. DYMALLY. If the gentleman will yield, Mr. Chairman, the gentleman has to answer that question. I do not know what the gentleman's motive is.

Mr. BURTON of Indiana. Further reserving the right to object, I think the gentleman from New York has misled Members of the body by indicating that my amendment would keep the ANC from getting aid because it only directs its entire intentions toward those who are affiliated with or members of the Communist Party over there.

Now, if the ANC is affiliated with them, then that is another matter.

Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN pro tempore (Mr. McDERMOTT). Is there objection to the request of the gentleman from California?

There was no objection.

Mr. BROOMFIELD. Mr. Chairman, I move to strike the requisite number of words.

BILL NATCHER—A ROLE MODEL FOR YOUNG AND OLD

Mr. BROOMFIELD. Mr. Chairman, this year is the 50th anniversary of a famous event in baseball history. Joe DiMaggio, the Yankee Clipper, hit safely in 56 consecutive games. That is the longest consecutive hitting streak in this century and a record that will probably never be broken.

Today another legend from a different field passes another historical milestone. BILL NATCHER, the legislative thoroughbred from Bowling Green, KY, cast his 17,000th consecutive vote since coming to Congress in 1954.

What an achievement. That is a record that I am sure will never be broken.

NATCHER and DiMaggio. These two great American legends share two important virtues: Dedication and persistence.

These two men symbolize the virtues that made America the great Nation that it is, and I would like to think both men are terrific role models for all Americans—young and old.

We all are very proud of you, BILL.

Mr. FASCELL. Mr. Chairman, will the gentleman from Michigan yield?

Mr. BROOMFIELD. I am very happy to yield to the gentleman from Florida, my good friend, the chairman of the Foreign Affairs Committee.

Mr. FASCELL. Mr. Chairman, I would just like to add my words of congratulations to not only a milestone in the life of one of our colleagues, but the creation of a legend in the Congress of the United States. If the gentleman from Kentucky is around anywhere, I want to let the gentleman know that we have held up the vote until he could get here. I wonder if the gentleman is here to take not only our congratulations, but to be right here where we can all see him cast the 17,000th vote.

Mr. BROOMFIELD. I am sure he will be here.

Mr. FASCELL. If he is around, Mr. Chairman, I would urge him to come forward to the well of the House so that we can see this event.

Mr. BROOMFIELD. He will.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from California [Mr. DYMALLY] to the amendment offered by the gentleman from Indiana [Mr. BURTON].

The amendment to the amendment was agreed to.

AMENDMENT OFFERED BY MR. WALKER AS A SUBSTITUTE FOR THE AMENDMENT OFFERED BY MR. BURTON OF INDIANA, AS AMENDED

Mr. WALKER. Mr. Chairman, I offer an amendment as a substitute for the amendment, as amended.

The Clerk read as follows:

Amendment offered by Mr. WALKER as a substitute for the amendment offered by Mr. BURTON of Indiana, as amended: In lieu of the matter proposed to be inserted, insert the following:

"Limitation on Assistance". Assistance for any fiscal year under the Foreign Assistance Act of 1961, including assistance with funds appropriated before the date of enactment of this Act, may not be delivered to the Communist Party of South Africa or any affiliated or associated organization. The President shall undertake efforts to ensure that recipients of United States assistance in South Africa are not engaged in violations of internationally recognized human rights, including the unlawful detention of individuals and do have in place democratic processes for internal decisionmaking and the selection of leaders.

Mr. WALKER (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

Mr. BURTON of Indiana. Reserving the right to object, Mr. Chairman, I would like to ask my colleague, the gentleman from Pennsylvania, the content and intent of his amendment.

Mr. WALKER. Mr. Chairman, if the gentleman will yield, the amendment that I have at the desk is exactly the same as that which the House has just adopted which denies aid to the Communist Party, except it adds the following language: "or any affiliated or associated organization."

In other words, it is not enough just to cut off money to the Communist Party if the Communist Party goes out and calls itself the Socialist Workers' Party, or some other name. So all this amendment does is suggest that what we want to do is deny money to the Communist Party or any affiliated or associated organization with the Communist Party.

This amendment would simply take the language that we just adopted relating to the Communist Party and assure that all associations affiliated with the Communist Party or any kind of other organization that is Communist Party oriented would also be denied money under the amendment.

Mr. BURTON of Indiana. Further reserving the right to object, Mr. Chairman, it is my understanding that no American taxpayer dollars would go to the Communist Party or any affiliated association organization if this amendment is adopted.

Mr. WALKER. Mr. Chairman, if the gentleman will yield further, that is exactly my understanding of the amendment and my intent in the amendment.

Mr. DORNAN of California. Mr. Chairman, will the gentleman yield?

Mr. BURTON of Indiana. I yield to my colleague, the gentleman from California.

Mr. DORNAN of California. One clarifying point, Mr. Chairman. Is the intent of the gentleman's substitute amendment to clarify and stop things like this list of 153 executive officers of the Inkatha Freedom Party murdered, stoned to death, incinerated, throats slit, of 153 people by assassins and operatives of the ANC, is that what the gentleman is attempting to bring to light and to stop by this amendment?

Mr. WALKER. Mr. Chairman, will the gentleman yield to me?

Mr. BURTON of Indiana. I am happy to yield to the gentleman from Pennsylvania.

Mr. WALKER. Mr. Chairman, my amendment would only apply to the ANC if in fact the ANC is an associate or affiliate of the Communist Party.

Mr. DORNAN of California. Well, I believe it is.

Mr. WALKER. The gentleman believes it is? But it will only be related to the ANC if in fact that is the case. If the President finds that is the case, obviously this would cut off money to the ANC.

Mr. BURTON of Indiana. Further reserving the right to object, Mr. Chairman, so if the President of the United States determined that the ANC or any other organizations was not affiliated with the Communist Party, then the funds would go forward?

Mr. WALKER. Mr. Chairman, if the gentleman will yield, that is certainly the understanding under this amendment.

Mr. BURTON of Indiana. Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

Mr. SOLARZ. Reserving the right to object, Mr. Chairman, if the author of the amendment would answer a ques-

tion, if members of the South African Communist Party are also members of the African National Congress, under the terms of the gentleman's amendment would the gentleman consider the ANC to be an associated or affiliated party?

□ 1210

Mr. WALKER. Mr. Chairman, will the gentleman yield?

Mr. SOLARZ. I yield to the gentleman from Pennsylvania.

Mr. WALKER. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, let me read to the gentleman the exact language of the amendment. It says that the funds appropriated may not be delivered to the Communist Party of South Africa or any other affiliated or associated organization.

Now, it seems to me that what you would have to have is some direct linkage there; the fact that you have overlapping members is certainly not a direct linkage. There would have to be some tie-in that the President could certify. It does not seem to me that that is too much to ask.

Mr. SOLARZ. Mr. Chairman, further reserving the right to object, is the gentleman saying that, merely because members of the South African Communist Party are also members of the African National Congress, this does not constitute an associated or affiliated organization?

Mr. WALKER. I would say to the gentleman it would depend upon the nature of the membership. As the gentleman well knows, in matters of corporate affairs and so on of this type, if there are interlocking directorships, for instance, if you have people who serve on the boards of both of them and so on, then of course there could be a membership problem. But if we are talking about fairly minor players, obviously that would not be the case. So it would depend on the nature of the relationship.

Mr. SOLARZ. Further reserving the right to object, is it the intention of the gentleman's amendment to preclude aid to the African National Congress?

Mr. WALKER. The intention of the gentleman's amendment is only to preclude money going to any affiliated or associated organization to the Communist Party.

Mr. SOLARZ. Does the gentleman consider the African National Congress to be associated or affiliated with the South African Communist Party?

Mr. WALKER. This gentleman does not have enough information of that kind on which to make a judgment. All I am attempting to do in this is to assure that if it would be, then it would be cut off; if it is not, then it would not.

Mr. SOLARZ. The gentleman has no opinion on that question?

Mr. WALKER. I have no opinion on that question.

Mr. SOLARZ. Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN pro tempore (Mr. McDERMOTT). Is there objection to the request of the gentleman from Pennsylvania?

Mr. WEISS. Mr. Chairman, reserving the right to object, would the gentleman consider the membership of the Communist Party of South Africa and the African National Congress and other organizations in a confederation of organizations in South Africa to be an affiliation or association with the Communist Party?

Mr. WALKER. Mr. Chairman, will the gentleman yield?

Mr. WEISS. I yield to the gentleman from Pennsylvania.

Mr. WALKER. I thank the gentleman for yielding.

Mr. Chairman, I think I said to the gentleman here a moment ago that I think it has to be clear from the nature of the association. As the gentleman well knows from many of the investigations he has conducted, we regard these associations as being something where you have interlocking directorships or where you have people who have membership on both governing boards.

Mr. WEISS. Mr. Chairman, my question is different.

As the gentleman knows, there are confederations of organizations in South Africa which are united, for example, in removing all the apartheid laws. In that confederation there may in fact be the Inkatha Party, the ANC, the Communist Party and 100 other organizations. Does the gentleman consider that kind of relationship to be an affiliation or association with the Communist Party which in fact would bar aid to the African National Congress?

Mr. WALKER. I would say to the gentleman, under this amendment, that we would want to have somebody who is competent to make that decision to see how closely linked those organizations are, to make that judgment, make that determination.

All this amendment speaks to is whether or not the Communist Party or its affiliates or people associated with it are going to be denied the money. This gentleman is not about to make those determinations on the floor. I do not know all of the facts. I just want to make certain that the prohibition of funding for the Communist Party goes to the whole of the Communist Party activity in South Africa.

Mr. WEISS. Mr. Chairman, further reserving the right to object, it just seems to me this is not only very vague but very disingenuous.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

REQUEST FOR MEMBER TO SPEAK ON PENDING AMENDMENT

Mr. DYMALLY. Mr. Chairman, I ask unanimous consent that I may be permitted to address the Committee for 30 seconds.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from California?

Mr. BURTON of Indiana. Mr. Chairman, I object.

The CHAIRMAN pro tempore. Objection is heard.

The question is on the amendment offered by the gentleman from Pennsylvania [Mr. WALKER] as a substitute for the amendment offered by the gentleman from Indiana [Mr. BURTON], as amended.

Mr. BURTON of Indiana. Mr. Chairman, in deference to my committee chairman, I withdraw my objection to allow the gentleman from California 30 seconds.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The CHAIRMAN pro tempore. The gentleman from California [Mr. DYMALLY] is recognized for 30 seconds.

Mr. DYMALLY. Mr. Chairman, the legislative history on this particular language offered by the gentleman from Pennsylvania [Mr. WALKER] is somewhat murky. There is the feeling that this language will not in any way affect it and it has to be perfected in conference committee.

Therefore, I ask for a "no" vote.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Pennsylvania [Mr. WALKER] as a substitute for the amendment offered by the gentleman from Indiana [Mr. BURTON], as amended.

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. WALKER. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The CHAIRMAN pro tempore. Pursuant to clause 2(c), rule XXIII, the Chair announces that he will reduce to 5 minutes the time for a recorded vote, if ordered, on the Burton amendment, as amended, if the vote occurs immediately following the pending vote, and then the postponed vote on the Bereuter amendment, immediately thereafter, will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 279, noes 134, not voting 19, as follows:

[Roll No. 183]

AYES—279

Allard	Armey	Barton
Andrews (TX)	Aspin	Bateman
Annunzio	Baker	Bennett
Anthony	Ballenger	Bentley
Applegate	Barnard	Bereuter
Archer	Barrett	Bevill

Bilbray
Bilirakis
Bliley
Boehlert
Boehner
Boucher
Brewster
Broomfield
Browder
Bruce
Bryant
Bunning
Burton
Byron
Callahan
Camp
Campbell (CA)
Campbell (CO)
Carper
Chandler
Chapman
Clement
Clinger
Coble
Coleman (MO)
Coleman (TX)
Combest
Condit
Cooper
Costello
Coughlin
Cox (CA)
Cramer
Crane
Cunningham
Dannemeyer
Darden
Davis
de la Garza
DeFazio
Derrick
Dickinson
Dicks
Doolittle
Dorgan (ND)
Dornan (CA)
Dreier
Duncan
Durbin
Dwyer
Early
Edwards (OK)
Edwards (TX)
Emerson
Engel
English
Erdreich
Fields
Fish
Franks (CT)
Frost
Gallegly
Gallo
Gaydos
Gekas
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
Goodling
Gordon
Goss
Gradison
Guarini
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Hancock
Hansen
Harris
Hastert
Hatcher
Hayes (LA)
Hefley
Hefner
Henry
Herger
Hobson
Holloway
Horn
Horton
Hubbard
Hughes
Hunter
Hutto
Hyde
Inhofe
Ireland
Jacobs
James
Jenkins
Johnson (CT)
Johnson (SD)
Johnson (TX)
Johnston
Jones (NC)
Kanjorski
Kaptur
Kasich
Klug
Kolbe
Kolter
Kyl
LaFalce
Lagomarsino
Lancaster
LaRocco
Laughlin
Lehman (CA)
Lent
Lewis (CA)
Lewis (FL)
Lightfoot
Lipinski
Livingston
Lowery (CA)
Luken
Marlenee
Mavroules
Mazzoli
McCandless
McCollum
McCrery
McCurdy
McDade
McEwen
McGrath
McHugh
McMillan (NC)
McMillen (MD)
Meyers
Michel
Miller (OH)
Miller (WA)
Molinari
Mollohan
Montgomery
Moody
Moorhead
Moran
Morrison
Murphy
Myers
Nagle
Neal (NC)
Nichols
Nussle
Obey
Olin
Orton
Owens (UT)
Oxley
Packard
Panetta
Parker
Patterson
Paxon
Payne (VA)
Penny
Perkins
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pickle
Porter
Poshard
Price
Pursell
Quillen
Ramstad
Ravenel
Ray
Regula
Rhodes
Richardson
Ridge
Riggs
Rinaldo
Ritter
Roberts
Roe
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Rowland
Russo
Sangmeister
Santorum
Sarpalius
Saxton
Schaefer
Schiff
Schulze
Sensenbrenner
Shaw
Shays
Shuster
Sisisky
Skeen
Skelton
Slattery
Slaughter (NY)
Slaughter (VA)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spratt
Stallings
Stearns
Stenholm
Stump
Sundquist
Swett
Tallon
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Thomas (CA)
Thomas (GA)
Thomas (WY)
Torricelli
Traficant
Traxler
Upton
Valentine
Vander Jagt
Visclosky
Volkmer
Vucanovich
Walker
Weber
Weldon
Williams
Wilson
Wolf
Wylie
Young (AK)
Young (FL)
Zeliff
Zimmer

NOES—134

Abercrombie
Ackerman
Alexander
Anderson
Andrews (ME)
Andrews (NJ)
Atkins
AuCoin
Bacchus
Beilenson
Berman
Bonior
Borski
Boxer
Brown
Bustamante
Cardin
Clay
Collins (IL)
Collins (MI)
Cox (IL)
Coyne
DeLauro
Dellums
Dingell
Dixon
Donnelly
Dooley
Downey
Dymally
Eckart
Edwards (CA)
Espy
Evans
Fascell
Fazio
Feighan
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Gejdenson
Gephardt
Gonzalez
Grandy
Green
Hayes (IL)
Hertel
Hoagland
Hochbrueckner
Houghton
Hoyer
Jefferson
Jones (GA)
Jontz
Kennedy
Kennelly
Kildee
Kleczka
Kopetski
Kostmayer
Lantos
Leach
Lehman (FL)
Levin (MI)
Lewis (GA)
Long
Lowey (NY)
Manton
Markey
Matsui
McCloskey
McDermott
McNulty
Mfume
Miller (CA)
Mineta
Mink
Moakley
Morella
Mrazek
Murtha
Natcher
Neal (MA)
Nowak
Oakar
Olver
Owens (NY)
Pallone
Payne (NJ)
Pease
Pelosi
Rahall
Rangel
Reed
Rose
Rostenkowski
Roybal
Sabo
Sanders
Savage
Sawyer
Scheuer
Schroeder
Schumer
Sharp
Sikorski
Skaggs
Smith (FL)
Smith (IA)
Solarz
Staggers
Stark
Stokes
Studds
Swift
Synar
Thornton
Torres
Towns
Unsoeld
Vento
Washington
Waters
Waxman
Weiss
Wheat
Whitten
Wise
Wolpe
Wyden
Yates
Yatron

NOT VOTING—19

Brooks
Carr
Conyers
DeLay
Fawell
Gray
Hammerschmidt
Hopkins
Huckaby
Levine (CA)
Lloyd
Machtley
Martin
Martinez
Oberstar
Ortiz
Serrano
Spence
Walsh

□ 1245

The Clerk announced the following pair:

On this vote:

Mr. DeLay for, with Mr. Ortiz against.

Messrs. KENNEDY, KOSTMAYER, and THORNTON changed their vote from "aye" to "no."

Messrs. MOLLOHAN, McMILLEN of Maryland, MURPHY, EARLY, GILCHREST, OWENS of Utah, PETERSON of Minnesota, ORTON, and NUSSLE changed their vote from "no" to "aye."

So the amendment offered as a substitute for the amendment, as amended, was agreed to.

The result of the vote was announced as above recorded.

(By unanimous consent, Mr. NATCHER was allowed to proceed out of order.)

MR. NATCHER REPLIES TO MEMBERS' TRIBUTE ON HIS 17,000TH VOTE

Mr. NATCHER. Mr. Chairman, I want thank my friend, BILL BROOMFIELD who is one of the ablest Members in this House, for the statement he made in regard to my 17,000th vote.

I was elected a Member of Congress on August 1, 1953, and I was sworn in as a Member on January 6, 1954. I have never missed a day, and I have never missed a vote.

Mr. Chairman, it is a distinct honor and a privilege for me to stand here and say to all of you, ladies and gentlemen, that it is a distinct honor and a privilege for me to serve with you.

I have had about a hundred close calls. I was sitting in the Speaker's chair presiding as the Chairman of the Committee of the Whole on a bill, and I was announcing the vote. I had the slip of paper in my hand, and I said, "On this vote the ayes are 216, and the noes"—and John Monahan, who sits in the chair that my friend, Mary Alyce Jones, sits in now, ran up to the chair and said, "Don't you think you should vote?"

I said, "I believe I should." So I filled out my paper card and handed it in.

I was at one time snowed in at New Stanton, PA. They would not let us back on the turnpike. Finally at 6 o'clock they said, "If you want to take a chance, you can get on the turnpike." So I got on and I got here 5 minutes before the vote.

Mr. Chairman, for a number of years I have talked to the new Members at the beginning of each 2 years, and I have said to them that they should consider missing a little vote because not missing would create a problem.

Mr. Chairman, it has been a distinct honor and a privilege for me to be with you. In talking to the new Members, I have also said this to them "that I have been very fortunate. When I was here about 2 weeks, I learned that when you cross the center aisle and you have friends on both sides, you are a Member of the most powerful legislative body in the world."

I also learned early, Mr. Chairman, when I was first sworn in, that there are just as many smart Members sitting on that one side of the aisle as those that sit on the other side. I need help every day that I am here. On the bill that we will present, that we will bring in here next week, all of you have helped me and I want you to know that I appreciate it. You have all been good to me, and again I want you to know that from the bottom of my heart it is a distinct honor and a privilege for me to serve with you in the House of Representatives.

[Applause, the Members standing.]

□ 1242

AMENDMENT OFFERED BY MR. BURTON OF INDIANA AS AMENDED

The CHAIRMAN pro tempore (Mr. McDERMOTT). The pending business is the vote on the amendment offered by the gentleman from Indiana [Mr. BURTON], as amended.

The amendment, as amended, was agreed to.

AMENDMENT OFFERED BY MR. BEREUTER

The CHAIRMAN pro tempore. The pending business is the vote on the amendment offered by the gentleman from Nebraska [Mr. BEREUTER], on which a recorded vote is ordered.

This vote will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 410, noes 0, not voting 22, as follows:

[Roll No. 184]

AYES—410

Abercrombie
Ackerman
Alexander
Allard
Anderson
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Annunzio
Anthony
Applegate
Archer
Armey
Aspin
Atkins
AuCoin
Bacchus
Baker
Ballenger
Barnard
Barrett
Barton
Bateman
Beilenson
Bennett
Bentley
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bliley
Boehlert
Boehner
Bonior
Borski
Boucher
Boxer
Brewster
Broomfield
Browder
Brown
Bruce
Bryant
Bunning
Burton
Bustamante
Byron
Callahan
Camp
Campbell (CA)
Campbell (CO)
Cardin
Carper
Chandler
Chapman
Clay
Clement
Clinger
Coble
Coleman (MO)
Coleman (TX)
Collins (IL)
Collins (MI)
Combest
Condit
Conyers
Cooper
Costello
Coughlin
Cox (CA)
Cox (IL)
Coyne
Cramer
Crane
Cunningham
Dannemeyer
Darden
Davis
de la Garza
DeLauro
Dellums
Derrick
Dickinson
Dicks
Dingell
Dixon
Donnelly
Dooley
Doolittle
Dorgan (ND)
Dornan (CA)
Downey
Dreier
Duncan
Durbin
Dwyer
Dymally
Early
Eckart
Edwards (CA)
Edwards (OK)
Edwards (TX)
Emerson
Engel
English
Erdreich
Espy
Evans
Fascell
Fazio
Feighan
Fields
Fish
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Franks (CT)
Frost
Gallegly
Gallo
Gaydos
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
Gonzalez
Goodling
Gordon
Goss
Gradison
Grandy
Green
Guarini
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Hancock
Hansen
Harris
Hastert
Hatcher
Hayes (IL)
Hayes (LA)
Hefley
Hefner
Henry
Herger
Hertel
Hoagland
Hobson
Hochbrueckner
Holloway
Horn
Horton
Houghton
Hoyer
Hubbard
Hughes
Hunter
Hutto
Hyde
Inhofe
Ireland
Jacobs
James
Jefferson
Jenkins
Johnson (CT)
Johnson (SD)
Johnson (TX)
Johnston
Jones (GA)
Jones (NC)
Jontz
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kleczka
Klug
Kolbe
Kolter
Kopetski
Kostmayer
Kyl
LaFalce
Lagomarsino
Lancaster
Lantos
LaRocco
Laughlin
Leach
Lehman (CA)
Lehman (FL)
Lent
Levin (MI)
Lewis (CA)
Lewis (FL)
Lewis (GA)
Lightfoot
Lipinski
Long
Lowery (CA)
Lowey (NY)
Luken
Machtley
Manton
Markey
Marlenee
Matsui
Mavroules
Mazzoli
McCandless
McCloskey
McCollum
McCrery
McCurdy
McDade
McDermott
McEwen
McGrath
McHugh
McMillan (NC)
McMillen (MD)
McNulty
Meyers
Michel
Miller (CA)
Miller (OH)
Miller (WA)
Mineta
Mink
Moakley
Molinari
Mollohan
Montgomery
Moody
Moorhead
Moran
Morella
Morrison
Mrazek
Murphy
Murtha
Myers
Nagle
Natcher
Neal (MA)
Neal (NC)
Nichols
Nowak
Nussle
Oakar
Obey
Olin
Olver
Orton
Owens (NY)
Owens (UT)
Oxley
Packard
Pallone
Panetta
Parker
Patterson
Paxon
Payne (NJ)
Payne (VA)
Pease
Pelosi
Penny
Perkins
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pickle
Porter
Poshard
Price
Pursell
Quillen
Rahall
Ramstad
Rangel
Ravenel
Ray
Reed
Regula
Rhodes
Richardson
Ridge
Riggs
Rinaldo
Ritter
Roberts
Roe
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Rostenkowski
Roth
Roukema
Rowland
Roybal
Russo
Sabo
Sanders
Sangmeister
Santorum
Sarpalius
Savage
Sawyer
Saxton
Schaefer
Scheuer
Schiff
Schroeder
Schulze
Schumer
Sensenbrenner
Sharp
Shaw
Shays
Shuster
Sikorski
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter (NY)
Slaughter (VA)
Smith (FL)
Smith (IA)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solarz
Solomon
Spratt
Staggers
Stallings
Stark
Stearns
Stenholm
Stokes
Studds
Stump
Swett
Swift
Synar
Tallon
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Thomas (CA)
Thomas (GA)
Thomas (WY)
Thornton
Torres
Towns
Traficant
Traxler
Unsoeld
Upton
Valentine
Vander Jagt
Vento
Visclosky
Volkmer
Vucanovich
Walker
Washington
Waters
Waxman
Weber
Weiss
Weldon
Wheat
Whitten
Williams
Wilson
Wise
Wolf
Wolpe
Wyden
Wylie
Yates
Yatron
Young (AK)
Young (FL)
Zeliff
Zimmer

NOES—0

NOT VOTING—22

Brooks
Carr
DeFazio
DeLay
Fawell
Gray
Hammerschmidt
Hopkins
Huckaby
Levine (CA)
Livingston
Lloyd
Martin
Martinez
Mfume
Oberstar
Ortiz
Serrano
Spence
Sundquist
Torricelli
Walsh

□ 1304

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The CHAIRMAN pro tempore (Mr. McDERMOTT). Are there additional amendments to title X?

Mr. McCOLLUM. Mr. Chairman, I move to strike the last word.

I have two amendments at the desk, but rather than offering those amendments, I would like to engage in a colloquy.

The amendments that I would have offered today but do not now intend to, assuming that we do have the understanding with the gentleman from New York [Mr. SOLARZ] on them, concern the question of the Peace Corps and Laos. And what they concerned was the fact that it is my belief that we should get understandings from the Government of Laos on the questions of our POW's and MIA's before we go in and that I think we also need to be concerned, as we were on the OPIC amendment that was agreed to earlier in this bill, on the question on the drug cartels.

I have a great deal of concern with the level of cooperation with the Government of Laos regarding the drug trafficking, the POW-MIA issue, and also the forced repatriation issue of the Hmong tribespeople from Thailand.

I would like to ask the gentleman from New York if he would agree to encourage the Peace Corps to refrain from beginning negotiations with the Government of Laos or entering that country until we have some clear progress on these issues?

Mr. SOLARZ. Mr. Chairman, will the gentleman yield?

Mr. McCOLLUM. I yield to the gentleman from New York.

Mr. SOLARZ. I thank the gentleman for yielding to me. Let me say first of all that I certainly share his concern on these issues. I very much hope that we can achieve some progress in solving them to our satisfaction.

As the gentleman knows, the Peace Corps is a people-to-people program. That is a concept I very much support, but I do believe that in making any decision about proceeding with the Peace Corps program in Laos, that the very problems to which the gentleman referred should certainly be taken into account by our Government.

I do not see how we can be indifferent to those problems, and I would hope and expect that the Government would be thinking about them and taking them into account before making any concrete decisions about moving forward.

Mr. McCOLLUM. Reclaiming my time, the gentleman would encourage the Government to take them into account then before proceeding?

Mr. SOLARZ. I certainly think they should be taken into account. As I said, I also believe the Peace Corps Program is a people-to-people program, but it functions in the context of the larger world in which we live. And the gentleman has referred to some very legitimate concerns, and I believe that it is important for the administration to be thinking about them and to be discussing them with the Lao officials and to let them know that the willingness of the Congress and of the American people to support our efforts there will in some measure be influenced by their willingness to address our concerns on these matters.

Mr. McCOLLUM. I thank the gentleman for that colloquy.

Mr. LAGOMARSINO. Mr. Chairman, will the gentleman yield?

Mr. McCOLLUM. I yield to the gentleman from California, who is very interested in the POW-MIA's.

Mr. LAGOMARSINO. Mr. Chairman, I thank the gentleman for yielding to me.

I agree with what the chairman of the subcommittee has said. I am particularly concerned, as the gentleman knows, with the POW-MIA issue. I had some concern with the amendment, as I understand it stood, not with the objectives but with some of the wording.

For example, as I understand the amendment, it would have required the Laotians to report on things where there might have been POW's and MIA's in areas that were not under their control but were under control of the Vietnamese. So from that standpoint, I had some concern.

I certainly have no concern whatsoever with what the gentleman is trying to do, what we are all trying to do, get more information from them. And although they have, I think, been more forthcoming than they had in the past, there is still a long ways to go. That is something that we should continue to discuss with them.

I would also say, I do have some concern also with regard to the attemping to make or appearing to make the Peace Corps in any way political.

□ 1300

Not only has that not been done before, but I am advised that unless we are very careful in how we approach this issue, we could put our volunteers in danger if people in the country perceived there was some kind of a political operation.

Mr. Chairman, I appreciate the gentleman yielding.

Mr. McCOLLUM. Mr. Chairman, I would just like to comment, in closing, that what the two gentlemen have said generally expresses my views, and I share them, because I do think the Peace Corps is important as an instrumentality of our presence and in terms of the good will and hopefully the spreading of democracy. But we do not want to see the Peace Corps or any other agency of our Government going into Laos or any other country if there is, indeed, still a question of lack of cooperation on things like POW/MIA's or on the drug question, and with that in mind, I will not offer either of these two amendments today.

I thank the gentlemen for engaging in the colloquy.

ESCALATION IN LAOS: VIETNAMESE WARFARE AGAINST THE HMONG AND LOWLAND LAO RESISTANCE

(By Yossef Bodansky, Director, Republican Task Force on Terrorism and Unconventional Warfare)

There is a marked escalation in the mostly unreported fighting in Laos. Most significant are widespread bombings aimed primarily at the destruction of segments of the Laotian civilian population who had declared liberated zones. In mid-January, field reports indicate that the Vietnamese Air Force was using chemical weapons and cluster-bombs against civilians.

In fact, a virtually unnoticed liberation war has been fought in Laos since the early-1970s. Despite the US withdrawal from South-East Asia, the collapse of South Vietnam and Cambodia, Laotians continued to resist the Kaysone Pathet-Lao regime and the North Vietnamese occupation forces.

The liberation struggle of the United Lao National Liberation Front (ULNLF) under the leadership of Prince Chao Sourivong Savang escalated in the late-1980s. Toward the end of 1989, the ULNLF controlled sufficient portions of Laos to declare the independence of the liberated areas on 5 December. A Revolutionary Provisional Democratic Government was formed at that time.

Facing the prospect of a popular uprising in the rest of Laos in support for an anti-communist struggle, Hanoi and the Pathet-Lao regime reacted swiftly and decisively. On 6 December, the communist LPDR (Laotian People's Democratic Republic) leader Kaysone Phomyihane declared that his forces "would continue to drop bombs and seek to destroy" the ULNLF forces (the Free Lao Resistance) "until they were totally wiped out." Analysis of Vietnamese military activity indicates that the primary objective of the Vietnamese and their allies is the civilian population. For the occupation forces, it is imperative to ruthlessly suppress the civilians so they will not support a rebellion. Analysis indicates that a military decision has been made that the bombing of civilians is a quicker solution that would preclude the use of ground troops in a lengthy offensive in an extremely rugged terrain.

A major intensification of the bombing took place in mid-January with the significant reinforcement of the communist air forces operating in Laos. Analysis from field reports on combat sorties and aircraft types indicates that the aircraft committed to the offensive are Vietnamese for the LPDR Air Force has only 4 MIG–21s.

The propaganda and psychological warfare against the resistance intensified simultaneously, reflecting Vientian's fears of the growing popularity of the ULNLF. A Radio Vientian's broadcast on 17 January 1990 warned about the ULNLF's "schemes to create dissatisfaction among the people over the party's leadership and the government's administrative affairs, as well as to create confusion in the people's thinking in order to make them lose confidence in the party and the new system. By doing so, these counter-revolutionary forces have tried to create political disturbances which will lead to the overthrowing of the new system." Vientiane called for a popular campaign for "the strengthening of the implementation of the national defense and public security maintenance" which includes both military and ideological measures amounting to a total war against the enemy.

According to on site field reports major bombing started on 4 January 1990 when some 20 MiG-21s flying from Vietnam dropped high explosive and chemical 60 MGs against several villages.

On the 5th, some MiG–21s were used in the Xieng Khouang Province against 5 villages. On 6 January 2 MiG–21s and Mi-8 helicopters attacked Ban Pakchao where the aircraft bombed and the helicopters fired rockets into local villages. On the 7th, 8 and 12 MiG–21s conducted two bombing raids in the Borikhane Province against 2 and 3 villages respectively, causing heavy destruction and causalties.

Fighting intensified on 9 January when 4 MiG–21s and 4 Mi-8 helicopters bombed and fired rockets at several villages and ULNLF positions. The next day, 3 Mi-8s and artillery attacked the same positions and villages. Each helicopter carried bombs, rockets and 12.7 mm machine guns. After they dropped their bombs and strafed, the helicopters in multiple sorties landed 400 Vietnamese-led Pathet Lao troops in the Dang Xo area and conducted a search and destroy mission against the civilians and resistance fighters in the area.

On 10 January, Vientiane announced that its air force would "continue air raids on all strongholds of the resistance."

Ground and air attacks on ULNLF continued. Further escalation took place on 12 January when 4 MiG–21s bombed ULNLF positions. These MiG–21s arrived from a new direction, other than Laos' only airbase in Vientiane, and after the raid returned in the general direction of Hanoi. The ground pressure intensified simultaneously. On 13 January, ULNLF forces were in dire situation having been subjected to 3–4 days of continued air and ground attacks.

On 19 January, Vietnamese forces were committed to the ground offensive as reinforcements. On site field reports indicate that Mi-8 helicopters dispersed "yellow and red powder" in the Phou Bia area, causing the death of 32 civilians and the injuring of an additional 173. The helicopters also bombed and strafed the village.

MiG–23 fighter-bombers were first used around 20 January. On site field reports say that they dropped chemical bombs. Reports from the field describing "invisible gas" that is "highly toxic and kills on contact." This fits very close with reported descriptions from both Afghanistan and Angola of the super-lethal Cyanogenic agents used there with devastating effectiveness. Reports indicate that the kill zone is approximately 1 km.

There were sketchy reports of black aircraft with longer nose and short wings. The description fits that of the dark blue Yak–38 of the Soviet Fleet. These aircraft were reportedly first used in bombing raids on 28–29 January.

If the reports on MiG–23s, Yak–38s and Cyanogenic-agents are correct, they point to a direct Soviet role in the offensive.

The reported aircraft may be the aircraft the USSR claimed to have evacuated from Cam-Ranh Bay. The Yak–38 was never exported and Vietnam has only a few MiG–23s.

If the reports of the Cyanogenic-agents are correct, this would indicate a direct Soviet role in the Vietnamese war against the Lao resistance.

This is also the first clear indication that despite Vietnam's proclamations of withdrawal from Laos, Hanoi has in fact increased its military presence in Laos as they have in Cambodia.

(This article may or may not express the views held by all of the members of the House Republican Task Force on Terrorism and Unconventional Warfare. The purpose of this article is to provoke discussion concerning current events.)

THE VIETNAM WAR: 1990

(By Yossef Bodansky and Vaughn S. Forrest, April 25, 1990)

It has become increasingly apparent that Vietnam is moving to consolidate its control over Laos and Cambodia despite the intensification of national liberation struggles against the Vietnamese sponsored puppet regimes in those countries. Hanoi is committed to a long term solution in Southeast Asia based on an effectively unified region under Vietnam's control, despite that country's highly publicized, albeit phony, withdrawal. At the present stage, the existence of local communist puppet regimes in Phnom Penh and Vientiane serves Hanoi's interests. Therefore, the Vietnamese Armed Forces, and the local forces they control, facilitate the bolstering of their allies' regimes in key sectors of Cambodia and Laos.

Indeed, there are indications that Vietnam is moving toward the furthering of a regional

arrangement, with the PAVN near completion of an integrated regional command structure controlled from Hanoi. In the forward areas of Laos and Cambodia, this trend has been manifested in the establishment of combined units dominated by the Vietnamese, while several PAVN command structures disregard national boundaries. Taken together, these developments reflect Hanoi's commitment and determination to dominate Southeast Asia.

Furthermore, there is every indication that the USSR is in full support of the steps taken by Hanoi. Key military-organizational steps were accomplished with several Soviet military advisers and experts on site and largely on the basis of their knowledge. Further, there has been a corresponding increase in supplies of weapons from the USSR. Moreover, virtually all deliveries of such weapons have been conducted through Vietnam and under close Soviet-Vietnamese supervision, thus giving Hanoi effective control over the local Laotian and Cambodian regimes and armed forces. The Soviets have further enhanced this situation by redeploying combat aircraft from Cam Ranh Bay to interior bases from which they can provide direct support of the PAVN-dominated units in combat actions in Laos and Cambodia.

Currently, after the brief period of constant movement brought about by the ostensible withdrawal of Vietnamese forces from Cambodia, the deployment of Vietnamese forces has stabilized. At present, the Vietnamese continue to deploy forces in key strategic positions and persistently expand their zones of control. Adopting Soviet-Cuban doctrine, these PAVN forces continue Quality Edge measures operations. They bolster local units, that operate at times in their skirmishes and confrontations with a seeming PAVN quality, against national liberation forces. Further, invariably, the Vietnamese exercise a decisive impact on any given battle by holding key strategic positions and by delivering suppressive firepower, that is, artillery and airpower (including the use of chemical weapons), as well as by providing tactical mobility, largely by the landing of elite forces from helicopters at key points.

Thus, it is clear that the Vietnamese are committed to a long-term solution. In this context, their strategy is to confront and engage Laotian and Cambodian national liberation forces militarily only when necessary. Instead, the Vietnamese and their allies concentrate on controlling the regional strategic infrastracture and economic resources of key areas. By doing so, the Vietnamese are able to isolate the resistance from its base of power of support in the civilian population. The isolation and alienation of the population is then further enhanced through the implementation of repressive measures, such as the use of suppression fire (including chemical weapons), that force the population into internal migration away from areas where the resistance could utilize its support and resources.

This Vietnamese strategy is virtually identical to that used by the USSR and Cuba in their local wars in the 1980s. The Soviets further refined this strategy in their 1980–1984 drive to consolidate their control over Afghanistan and to prevent the resistance from turning into an effective popular force. Indeed, since 1982, as a result of this approach, the Afghan resistance has been rendered incapable of interfering with the USSR's consolidation and expansion of its strategic infrastructure in Afghanistan.

Similarly, by employing a derivative of this approach, the Cuban forces in Angola were able to seize the strategic intiative from UNITA. Indeed, since 1985, Cuban-MPLA forces have forced UNITA back into a succession of defensive battles around an ever shrinking bastion in south-eastern Angola.

Thus, Vietnamese dominated combat operations in Laos and Cambodia have seen the same principles and characteristics employed by the Soviets and the Cubans in other Third World locations. Below are outlined the specifics of Vietnamese operations in Laos and Cambodia:

CAMBODIA

Hanoi is implementing a comprehensive program to control and effectively annex Cambodia. To this end, the Vietnamese are conducting three distinct operations in Cambodia. These are:

1. In the eastern provinces of Cambodia, the Vietnamese are moving to consolidate their direct control over the area to facilitate its evolution into an integral part of Vietnam's economy.

2. The Vietnamese Armed Forces are expanding their deployment in the periphery of Cambodia in order to block the penetration of liberation forces and to isolate them from the population.

3. The Vietnamese are securing the main population and national centers of Cambodia, as well as the lines of communication from Vietnam, thus making Phnom Penh completely dependent on Hanoi for its survival.

The patterns of the Vietnamese deployment in Cambodia correspond to these objectives.

The current deployment of Vietnamese forces in Cambodia was accomplished in two phases. The first phase was accomplished during the "withdrawal" of late 1989. Major PAVN units, and a few subordinate subunits, were left behind in key strategic locations. Each of these subunits supervised a few RPKAF units with PAVN quality core elements and concealed caches of weapons and ammunition in the countryside. Moreover, the 4 Vietnamese concentrations of forces withdrawn from Cambodia remained just behind the border in 4 distinct force groupings (from south to north: Front 479, Front 979, Front 779 and Front 579), with training facilities and munitions stockpiles, ready to return and intervene in Cambodia. [Map not reproduced in RECORD.] The second phase involved the still continuing insertion of small units into Cambodia to consolidate positions and garrisons in key military installations. From there, the PAVN subunits, independently or with subordinate RPKAF subunits, deploy to small posts and garrisons in the countryside, gradually expanding the area controlled by Hanoi and displacing the rural population.

In addition, Hanoi is expanding its strategic centers for regional intervention in the Laos—Cambodia—Thailand border area. For example, PAVN Naval Infantry, subordinated to the F590 division on the Dao Phu Quoc Island (Vietnamese territory), deployed to control Cambodia's key harbors. [Map not reproduced in RECORD.] (These regional activities are discussed in detail below.)

The current deployment of PAVN forces and their RPKAF subordinates (excluding the annexed provinces and the regional intervention force) are controlled from a Corps Headquarters in south-east Pursat province where 7,000 PAVN troops are deployed. (See Map 1.) In early March 1990, the Corps Headquarters was in command of approximately 46,970 to 45,370 PAVN troops. (This total does NOT include the multiple small PAVN garrisons and caches spread all over rural Cambodia.) Further, Cambodian resistance sources claimed in mid-April, 1990 that a total of some 30,000 PAVN troops have been inserted into Cambodia since the "withdrawal", that is, approximately 9,500 to 10,000 Vietnamese troops have been inserted since early March. (See Map 1.) Because independent verification of the whereabouts of some of these forces is still lacking, they are not included in the above count.

The parts of Cambodia dominated by the Corps are divided into two strategic echelons (S.E.): The Western command is the 1st S.E., which is divided into two Fronts. The northern Front is devoted to dealing with the freedom fighters operating from Thailand. The southern Front is devoted to securing the main lines of communication from southern Vietnam and the Cambodian shore line. The 2nd S.E. is the Eastern command which is devoted to controlling the Cambodian interior and especially ground and river transportation.

This command structure remained intact even during the height of the Vietnamese "withdrawal". Indeed, the Corps Headquarters and its approximately 7,000 troops remained inside Cambodia well into late-1989, with control of the northern Front of the S.E. accomplished by two "stay-behind" PAVN Regiments (1,200 and 3,000 troops respectively.) These regiments, in turn, controlled 3 RPKAF divisions (286th, 5th and 81st) with PAVN core elements, as well as 2 RPKAF divisions (196th & 4th) with only PAVN special forces elements, all deployed along the Thai border. The control of the southern Front of the 1st S.E. was accomplished through a single "stay-behind" PAVN Regiment (5,000 troops specialized in internal security). This regiment also controlled 2 RPKAF divisions with PAVN core elements deployed along the Tonle River. (See Map 1.) During the "withdrawal", the control of the 2nd S.E. was accomplished through 2 PAVN Regiments (3,000 troops each) in the eastern Kompong Cham province near the Vietnamese border. A RPKAF division with a PAVN core unit in the center of the province was subordinated to this force. All together, approximately 27,060 troops remained in this deployment in Cambodia when the "withdrawal" was completed.

The expansion and bolstering of this deployment began in October, 1989 and is still in progress. At first, the PAVN deployment in the southern Front of the 1st S.E. was significantly reinforced. With the main lines of communication secured, forward forces of the northern Front of the 1st S.E. were reinforced. Then, the Vietnamese gradually built their garrisons near Phnom Penh and in Kompong Thom where a 1,560 troop strong PAVN Regiment was established to secure traffic to the north. Further, several PAVN battalions and companies are still in Cambodia, bolstering and expanding the PAVN deployment. Naval Infantry Battalions of the F590 Division on Dao Phu Quoc Island were landed in Kompot (1000 troops) and Thmar Sar (450 troops). (See Map 1.) Ultimately, a total of approximately 18,310 to 18,610 PAVN troops were inserted into these parts of Cambodia between 1st October, 1989 and 2nd March, 1990.

These PAVN and PAVN-controlled RPKAF forces continue to expand the areas covered by their operations. The main direction of advance and build-up being aimed at disconnecting the axes of penetration and advance into the interior of the Cambodian liberation forces. Offensive sweeps continue to be conducted in the border area in order to

weaken the freedom fighters and stall their advance into the interior. Simultaneously, the civilian population is being suppressed by Vietnamese artillery and air power and is thus being pushed away from the key lines of communication into the deep interior so that it cannot link-up with, and thus support, the freedom fighters. The cumulative impact of the stalling of the freedom fighters and the induced internal migration has been to hasten the collapse of the popular support mechanism so crucial for the establishment of an effective liberation movement.

The effectiveness of these PAVN offensive sweep operations is significantly enhanced by the supply of Soviet weapons that is being provided through Vietnam. Most important is the supply of 4 Mi-17 assault helicopters that doubled the force of 4 older Mi-8s that had originally made up the RPKAF arsenal. In addition, the Soviets also supplied through Vietnam large quantities of artillery, rocket and small arms ammunition.

In the meantime, Soviet and Vietnamese advisers continue to supervise the build-up and organization of highly mobile PAVN-RPKAF subunits for the conduct of offensive sweeps against both the population and the liberation forces. Hun Sen stated in mid-April that the rejuvenated RPKAF forces were "moving into the offensive" in the Pailin area. An indication of the potential of these offensive sweeps was the limited, yet well organized and planned, offensive against the KPNLF of February, 1990. This offensive sweep resulted in the capture of the Svay Chek strategic town west of Battambang. The offensive relied on advance suppression by fire, mainly BM-14 and BM-21 MBRLs, followed by a swift attack by a motor-mechanized force in trucks and a few BTR-60s spearheaded by T-55 and T-54 tanks. This offensive sweep was organized and supervised by Soviet and Vietnamese advisers.

General Pan Thai of the KPNLAF attributed the success of the PAVN-RPKAF artillery forces in fighting in Svay Chek and Thmar Puok to a special PAVN Artillery unit identified as the 106th Regiment. A Captain Nguyen Van Tin of this regiment, who was captured by the KPNLAF, disclosed that his unit was 1,300 troops strong. They were deployed to Cambodia in December, 1989 "to supervise artillery units of the Phnom Penh army in Sisophon, Svay Chek and Phnum Srok."

Further, the tactics and force structure used during the Svay Check offensive sweep closely resembled past Soviet-style operations in Afghanistan and Angola (see below). The emphasis is on the suppression of the population and its isolation from popular forces. Swift decisive assaults relying on suppressive fire power and shock engagements with the resistance forces are intended only to stall and compel a withdrawal, rather than hold vast territories.

By this strategy, Vietnam has managed to consolidate control over key Cambodian territory, effectively annexing 3 provinces and altering the border in the other zones. At the same time, in the southern provinces, the Vietnamese completed a 550 km long canal stretching from Kep-Ha Tien on the Gulf of Thailand to Chipou. The canal is 25 meters wide and runs some 4-5 kms into Cambodian territory. Vietnam has since annexed this stretch of land, while in the eastern provinces, a new border line was established from Chipou to the Bo Duc area along controlling heights and main roads, and was annexed by Vietnam as well. [Map not printed in RECORD.]

Of even greater significance is the effective annexation of Cambodian's eastern provinces of Mondolkiri, Rattankiri and Stung Treng (east of the Mekong river). [Map not printed in RECORD.] The annexation was accomplished through a massive resettlement of some 400,000 to 950,000 Vietnamese who have their own 100,000-man militia. The Vietnamese settlers exploited local gold mines, cleared age-old forests and forbade Cambodian authorities from entering into the area. The administration of the area is coordinated by the F7579 Corps Headquarters east of Lomphat, with three PAVN internal security regiments (the 5501st, 5502nd and 5503rd) in effective control of the area. Three additional PAVN subunits—battalion to regiment in size—are also garrisoned in these provinces. This entire Vietnamese deployment stayed behind during the "withdrawal" and is now backed by the forces of Front 579 deployed just across the Vietnamese border.

LAOS

Hanoi is also implementing a comprehensive program to control and effectively annex Laos. The Vietnamese are conducting two distinct operations in Laos to this end:

1. The Vietnamese Armed Forces are expanding their deployment in the northern periphery of Laos in order to block the penetration of liberation forces and isolate them from the population.

2. The Vietnamese are securing the main population and national centers of Laos as well as lines of communication from Vietnam, thus making Vientiane completely dependent on Hanoi for its survival.

The pattern of the Vietnamese deployment in Laos corresponds to these objectives.

In northern Laos, the deployment of the PAVN and Pathet Lao forces are organized in two clusters aimed at interdicting ULNLF infiltration and the isolation of the civilian population. The northernmost PAVN deployment is comprised of the 600-man strong 185th Regiment and 4 supporting battalions. [Map not printed in RECORD.] The main Vietnamese fighting force is the central cluster which is comprised of 4 PAVN and PAVN-Pathet Lao battalions controlling at least 10 Pathet Lao battalions. All of these PAVN and PAVN-Pathet Lao forces are earmarked for the containment of the Laotian population and the ULNLF, as well as maintaining the local road network.

It is highly significant that the main PAVN deployment in the central to southern parts of Laos is not involved in fighting. Its primary objective is regional and strategic. Four PAVN divisions (the 336th, 968th and two U/Is) constitute the bulk of this 20,000 to 28,000 troop strong PAVN deployment. In comparison, only some 3,000 to 5,000 PAVN troops are involved in fighting the ULNLF throughout Laos. In addition, a few PAVN and PAVN-Pathet Lao battalions provide local internal security in the central and southern areas. (See Map. 2)

The strategy of the Vietnamese and the Pathet-Lao is to isolate the population from external support and penetration of ULNLF forces, as well as to suppress all possibility for popular support of the ULNLF by making the price of such support unbearable for the civilian population. Since January, 1990, the main military actions of the Vietnamese and the Pathet Lao were concentrated in the 2nd Military Region, where the ULNLF's main axes of penetration and best organized popular support are located. Most of the centers of Laos are located in this region as well.

The current Vietnamese military strategy is to contain and reduce the size of the "liberated areas." To that end, the first priority is to prevent the emergence of a unified system of "Liberated areas" in the central highlands that will threaten Vietnamese control over the road system between Luang Prabang, Vientiane and Xieng Khouang. Such a "liberated zone" would be able to serve as a distribution point for weapons and fighters from Thailand and would thus facilitate an effective escalation of the ULNLF's war. A secondary objective is to contain the "liberated area" along the Vietnamese border (east of Paksane) because if successful there, the ULNLF will be in a position to threaten the lines of communication into Vietnam as well as subvert the Vietnamese tribal population.

In order to cope with these missions, the Pathet-Lao formed a special task force in February, 1990, with headquarters in Vang Vieng. Vietnamese and Soviet military experts, as well as Vietnamese elite units, support the task force. While at least 5 battalions, including PAVN units and mixed Vietnamese-Laotian units, constitute the core of the task force. In addition, the task force was allocated 8 assault helicopters (5 Mi-17s and 3 Mi-8s) to operate from 3 landing sites in Vang Vieng, Phounsavan and Phoun Hong. (See Map 2.) Further, the task force has the authority to direct bombing raids by Vietnamese fighter-bombers.

The organization of such a Special Task Force to clear the 2nd Military Region is significant. It reflects a commitment to an escalation of the suppression of the civilian population as well as of the ULNLF itself. This will occur in two steps. First, there will be an intensified drive to significantly expand Vietnamese controlled lines of communication by forcing the population (via bombing, chemical weapons, heliborne raids, etc.) into abandoning areas overlooking the road systems and retreating into the mountainous areas that are considered "liberated areas". There, in the absence of external support, a socio-economic infrastructure and proper contact with the ULNLF leadership outside, there will emerge, because of competition for meager resources, increasing popular discontent. With popular support undermined, and with the ULNLF incapable of reacting to the crisis, popular trust in, and support for, the resistance will be severely damaged.

Such a strategy does not require the use of massive forces. Rather, it calls for selective and persistent suppression of isolated areas in order to build the cumulative impact of overall operations.

REGIONAL OPERATIONS

Most significant is the PAVN-dominated multi-national force being organized near the Laos-Cambodia-Thailand border area. The core of this force is two PAVN Divisions. In Cambodia it is the PAVN F315 Division in northern Preah Vihear Province. (The 7,000 PAVN troops left behind during the "withdrawal" were reinforced by 2,200 additional troops by the end of 1989.) And just north of the Laotian border are 4,000 troops of the PAVN F2 Division, supported by an independent PAVN regiment slightly to the north. (See Map 2.) These Vietnamese units serve as a quality edge element for Cambodian and Laotian formations built and trained around them. These combined forces undergo extensive advance training and are supervised by Soviet advisers and experts. Reportedly, some of the locally based elite PAVN forces were sent in late-November, 1989 to reinforce the fighting on route 10 between Battambang and Pailin. These Vietnamese troops were dressed in RPKAF uniforms.

In the meantime, another multi-national elite "Independence Division" is being

trained by the Vietnamese in southeastern Mondulkiri province in an area held by the 5501st and 5503rd PAVN regiments. These troops are dressed in unique "para" uniforms and use a special Khmer flag. Soviet advisers are also reported to be active in this training area. Once combat ready, the "Independence Division" is expected to deploy to the Laos-Cambodia-Thailand border area.

The U.S.S.R. is deeply involved in these operations beyond simply providing advisers among the PAVN-dominated fighting units and the on-going massive resupply of weapons and ammunition. Most important has been the use of Soviet combat aircraft, mainly MiG-23s, for bombing in Laos, including the use of chemical weapons. While claiming to be withdrawing from their most visible bases such as Cam Ranh Bay, the Soviets continue to intensify their most visible bases such as Cam Ranh Bay, the Soviets continue to intensify their presence through back-door relations. Since late-1989, the U.S.S.R. has been consolidating a web of military ties that will hold all "local forces" together, as well as keep them dependent on each other and on the USSR, even after the Soviet's overt presence is somewhat reduced.

The reorganization of the PAVN-RPKAF forces in mobile and armored motor-mechanized units as well as the growing use of assault helicopters in Cambodia and Laos reflect the extent of the Soviet military involvement in local fighting. The PAVN-RPKAF motor-mechanized units are a direct evolution of Soviet-Cuban developments in counter-insurgency tactics proven throughout the Third World.

In 1975, the Soviet combined-arms forward detachment (OGPZ) was developed by the Cuban General Arnaldo Ochoa Sanchez into a highly mobile subunit optimized for operations in lesser developed countries. General Ochoa subsequently employed these units effectively in Angola. These basic Cuban-Angolan subunits, including the subsequent integration of helicopters, were further refined in the offensives against UNITA in Angola.

In the early 1980s, the Soviet-Cuban counterinsurgency subunits underwent additional tactical refinements on the basis of the Soviet experience in Afghanistan. Combat lessons were then integrated into the Cuban solution optimized for the Third World. In 1983, these refined units were used by Gen. Ochoa as a basis for Nicaragua's Special Counter-Insurgency Battalions (BLI), trained and equipped to fight the Contras.

The accumulating combat experience and expertise in counterinsurgency operations in tropical and jungle-mountainous theaters were generalized in 1985 by Gen. Krivda of the Soviet General Staff into the concept of "Cluster Forces", the key to Soviet intervention forces. The modernization and optimization of counterinsurgency forces for lesser developed countries has since been based on the "Cluster Force" principle. Such forces are currently used in Angola against Jonas Savimbi. The current PAVN-RPKAF tactics and the equipment recently delivered to both Laos and Cambodia fit closely with the requirements for such "Cluster Forces."

Thus, the dissemination of the USSR's latest tactical solutions for Counterinsurgency operations reflects Moscow's long-term commitment to the success of Hanoi's regional grand design.

(This paper may not necessarily reflect the views of all Members of the Republican Task Force on Terrorism and Unconventional Warfare. It is intended to provoke discussion and debate.)

The CHAIRMAN pro tempore (Mr. McDERMOTT). Are there further amendments to title X?

If not, the Clerk will designate title XI.

The text of title XI is as follows:

TITLE XI—OTHER PROVISIONS

SEC. 1101. EFFECTIVE DATE.

Amendments made by this Act to the Foreign Assistance Act of 1961, the Arms Export Control Act, or any other Act shall take effect on October 1, 1991, unless otherwise provided in this Act.

SEC. 1102. DEFINITION RELATING TO PRIOR YEAR MILITARY ASSISTANCE.

As used in titles VII through X of this Act, the term "foreign military financing assistance" includes, if appropriate in the context, assistance provided on any terms under section 23 of the Arms Export Control Act for fiscal years prior to fiscal year 1992.

SEC. 1103. THE PEACE CORPS.

(a) AUTHORIZATION OF APPROPRIATIONS.—Section 3(b) of the Peace Corps Act is amended to read as follows:

"(b) There are authorized to be appropriated to carry out the purposes of this Act $200,000,000 for the fiscal year 1992, which are authorized to remain available until September 30, 1993, and $200,000,000 for the fiscal year 1993, which are authorized to remain available until September 30, 1994.".

(b) INSPECTOR GENERAL.—Paragraph (6) of section 7(a) of the Peace Corps Act is amended by inserting after "the Director of the Peace Corps" the following: "(with respect to officers and employees of the Peace Corps other than officers and employees under the supervision of the Inspector General of the Peace Corps) and the Inspector General of the Peace Corps (with respect to officers and employees under the supervision of the Inspector General),".

SEC. 1104. ENVIRONMENTAL SECURITY AND FOREIGN POLICY.

(a) SHORT TITLE.—This section may be cited as the "United States Environmental Security and Foreign Policy Act of 1991".

(b) FINDINGS.—The Congress makes the following findings:

(1) Environmental protection must play a pivotal role in United States foreign policy, especially in light of rapidly increased understanding of the pervasive nature of global environmental problems.

(2) Transnational environmental threats to the economic and social well-being of individuals, nations, and the global community and the means to adequately address such problems are likely to pose an increasing challenge in the formulation of United States foreign policy, and international diplomacy on environmental issues must constitute a high priority in the conduct of United States foreign policy.

(3) If sustainable economic development is to be achieved, protection of the environment, especially through prevention of environmental degradation, must be a major goal of United States foreign policy.

(c) CONGRESSIONAL DECLARATION OF ENVIRONMENTAL SECURITY AND FOREIGN POLICY.—In order to encourage the establishment of global environmental security, the Congress declares the following to be the policy of the United States:

(1) Current and potential threats to the global environment shall be assessed, and appropriate measures shall be taken to obtain international cooperation on environmental protection.

(2) United States foreign policy to achieve global environmental security shall be based on the following fundamental principles:

(A) Protection of human life from the adverse effects of environmental degradation.

(B) Protection of the atmosphere from degradation or adverse changes arising from human activity.

(C) Protection of biological diversity.

(D) Protection of the world's forest cover.

(E) Protection of the oceans from human induced pollution and from misuse of living marine resources.

(F) Broad-based environmentally sustainable development as a basic objective of United States foreign assistance.

(G) Integration of economic and environmental decisionmaking processes.

(3) In recognition of the environmental factors that affect relations among countries, the President, in consultation with appropriate government agencies, shall—

(A) identify and evaluate elements of environmental programs of the United States Government with significant international implications or applications;

(B) identify and evaluate international environmental developments with significant implications for or applications in the United States; and

(C) initiate and participate in international environmental activities directed to the identification and resolution of international environmental problems and issues.

(4) In order to implement the policies set forth in this section, the Secretary of State shall have primary responsibility to coordinate and oversee all major environmental agreements and activities between the United States and foreign countries, international organizations, and commissions of which the United States and one or more foreign countries are members.

(d) REPORT TO CONGRESS.—On May 1, 1992, and biennally thereafter, the Secretary of State shall submit a report to the Congress containing information and recommendations with respect to the following:

(1) Major multilateral environmental initiatives and negotiations concluded or in process, including identification of key issues and United States positions.

(2) Bilateral agreements on the environment in effect, by issue.

(3) United States participation in and support of environment programs in international organizations and multilateral development banks, including policies on environment protection encouraged by the United States and actions taken with regard to the policies by such institutions.

(4) International cooperation activities with respect to research and monitoring of environmental and natural resource conditions, including identification of United States funding levels and in-kind participation.

(5) Environmental policies and activities of the United States in providing foreign assistance.

SEC. 1105. UNITED STATES SUPPORT FOR UNCED.

(a) FINDINGS.—The Congress finds that—

(1) the United Nations Conference on Environment and Development (hereinafter in this section referred to as "UNCED") is scheduled to meet in June 1992 in Rio de Janiero, Brazil; and

(2) UNCED affords a major opportunity to shape international environmental policy as an underpinning of sustainable development for well into the next century.

(b) SENSE OF CONGRESS.—It is the sense of the Congress that—

(1) The United States should genuinely seek to fully integrate environmental principles and considerations into all spheres of international economic activity;

(2) the President should fully commit to the UNCED process, and accord it high-level attention and priority within the executive branch;

(3) the United States should exercise a prominent leadership role in preparations for the June 1992 meeting of the UNCED;

(4) the United States should carefully consider what it hopes to achieve through the UNCED and how United States national security interests may best be advanced in deliberations in that conference;

(5) the United States should seek ways to forge a global partnership and international cooperation among developing and industrialized nations on behalf of environmentally sound economic development;

(6) the United States should actively pursue creative approaches to the spectrum of UNCED issues which the conference will address, and in particular seek innovative solutions to the key cross sectorial issues of technology transfer and financial resources;

(7) the United States should consider how best to strengthen international legal and institutional mechanisms to effectively address the range of UNCED issues beyond the 1992 Conference and into the next century;

(8) the United States should promote broad international participation in the UNCED process at all levels, from grass roots to national;

(9) the Agency for International Development should assume an appropriate role in the preparations for the June 1992 meeting of the UNCED, in view of the mandate and expertise of that agency regarding the twin conference themes of international environment and development; and

(10) the executive branch should consider funding for appropriate activities related to the UNCED in amounts which are commensurate with United States responsibilities in the world, as such funds can engender good will and further our national interests and objectives in the UNCED process.

SEC. 1106. UNITED NATIONS CONVENTION ON THE RIGHT TO FOOD.

It is the sense of the Congress that a major effort should be made to strengthen the right to food in international law to assure the access of all persons to adequate food supplies. Toward that end, the Secretary of State, through the United States Representative to the United Nations, should propose to the United Nations General Assembly that a Declaration and a Convention concerning the right to food be adopted and submitted to the countries of the world for ratification. In the drafting of such a convention, consideration should be given to the inclusion of the following elements:

(1) The responsibility of every government to maintain policies aimed at providing food for its people.

(2) The responsibility of the international community to provide both emergency and nonemergency food assistance when appropriate.

(3) The responsibility of individual governments, and of armed opposition groups, to assure access of all civilians to sufficient supplies of food during time of war, other international armed conflict, or armed conflict not of an international character, to which they are a party.

(4) Sanctions against any government or armed opposition group which takes steps to deny the right to food to the people of the country.

SEC. 1107. REFORMING THE UNITED NATIONS RESPONSE TO INTERNATIONAL DISASTERS.

It is the sense of the Congress that a major effort should be made to reform and restructure the United Nations mechanism for responding to international disasters and other humanitarian emergencies. Toward that end, the Secretary of State, through the United States Representative to the United Nations, shall evaluate the role of the United Nations Disaster Relief Organization (UNDRO) and shall develop a proposal for strengthening the United Nations response to such emergencies. In formulating such proposal, the Secretary of State and the United States Representative to the United Nations shall give strong consideration to proposals that have been made for strengthening the United Nations responsiveness to disasters, including the following:

(1) The appointment by the Secretary General of a senior representative to be responsible for humanitarian affairs (including disaster response), whose office would be vested with sufficient authority, support, and resources to develop new procedures and coordination mechanisms to become the United Nations lead agency in international disaster relief matters.

(2) Creation of a standing interagency group, consisting of all United Nations agencies involved in disaster assistance, with a secretariat based in the office referred to in paragraph (1).

SEC. 1108. AUTHORITY TO FORGIVE REPAYMENT OF AN ALLIANCE FOR PROGRESS LOAN.

(a) FORGIVENESS.—Subject to subsection (b), the Administrator of the Agency for International Development shall release the Institute Centroamericano de Administration de Empresas from its obligation to make further payments to the United States Government on account of the loan made to that organization pursuant to the Alliance for Progress Loan Agreement dated April 25, 1972 (current loan number: 524-L-035).

(b) FEDERAL CREDIT REFORM ACT REQUIREMENTS.—The authority of subsection (a) may be exercised only to the extent that the budget authority for the resulting additional cost (within the meaning of the Federal Credit Reform Act of 1990) has been provided in advance in appropriations Acts.

Mr. DYMALLY. Mr. Chairman, I rise today in support of H.R. 2508, the foreign aid authorization bill.

This legislation reflects a bipartisan consensus that resulted from tireless efforts on the part of the subcommittee on Africa and the full committee to fashion a foreign assistance package for Africa that addresses the severe economic crisis and long term development needs of the continent.

Central to this effort is the establishment of programs and projects which address what most African leaders agree is the root problem of underdevelopment in Africa—poverty. Accordingly, the bill provides assistance and policy direction in critical sectors such as: First, health, particularly child survival, population planning, and one of the deadliest threats to health, AIDS; second, education; and third, housing, as well as special attention to vulnerable groups such as women and children.

The bill continues United States support for regional development initiatives by providing funding for the Southern Africa Development Coordination Conference [SADCC]. It also gives greater attention to supporting privatization initiative in Africa, and recognition and support for countries that have initiated economic reform measures.

In the area of human rights and democratization, the bill withdraws U.S. military and eocnomic support to those countries which have shown a consistent disregard for human rights unless and until certain conditions are met.

The bill also acknowledges the commitment of several governments in sub-Saharan Africa to move toward democracy and multiparty systems and authorizes assistance which promotes democratization and the development of democratic institutions in Africa.

At a time when the world is witnessing and supporting the easing of the East-West conflict, it is essential to also promote indigenous solution to regional, national, and subnational conflicts in Africa. Indeed, the conflicts in Liberia, Angola, Ethiopia, Mozambique, and other countries bear witness to the need for viable approaches to conflict resolution on the continent. The bill addresses this need by authorizing the establishment of a center for conflict resolution in Africa.

Mr. Chairman, the United States has focused almost exclusively on human rights practices as the main criterion for providing or restricting foreign assistance. Clearly human rights and democracy should continue to be factors in determining foreign assistance. However, given the fall of autocracies and the increase in democracies in Africa, I would suggest that there is a need to establish a broader set of criteria for selecting recipients of U.S. foreign assistance.

In this regard, I would propose the creation of a quality of life index which conditions aid on both positive and negative factors.

Positive side: Freedom of press, free and fair elections, right of assembly, human rights protections, freedom to travel, sound fiscal management, adequate health care, and sound environmental policies.

Negative side: Forced labor, political prisoners, censorship, proliferation of nuclear weapons, occupation of foreign territories, support or promotion of terrorism, sale of weapons, and military rule.

It is my belief that, by employing this approach, those countries most in need and most deserving of aid will be the primary recipients of U.S. foreign assistance.

Sustained and sustainable development does not come cheap; nor does the cost of funding programs and projects accordingly, we propose an authorization of $1 billion for fiscal year 1992 and $1.3 billion for fiscal year 1993. While this amount is the same as was authorized during the last authorization, it represents a $200 million increase over the amount appropriated for fiscal year 1991.

I doubt that there will be total agreement for every provision relating to assistance to Africa. However, the committee strongly believes that the funding level, policy initiatives, and program and projects—taken as a whole—represent the most desirable, cost effective, and responsive U.S. assistance to Africa.

A great degree of cooperation will be required to implement the programs and projects authorized to assist Africa. However, I am confident that consultations between Congress and the administration can make a significant and important difference in Africa.

Finally, Mr. Chairman, I want to thank my distinguished chairman, Mr. FASCELL, chairman of the full committee; Mr. BROOMFIELD, minority leader of the committee; Mr. BURTON,

minority leader of the subcommittee; The majority and minority staffs of the full and subcommittee; and, of course, Mr. Chairman, my appreciation to the staff of the subcommittee on Africa for their contribution to the legislation.

Mr. DONNELLY. Mr. Chairman, I rise today in opposition to the House foreign aid authorization for fiscal years 1992 and 1993.

Mr. Chairman, I have supported similar authorizations in the past. However, I can no longer do so. Our continuing budget crisis, increasing trade deficit, spiraling national debt and stagnant economy demand that we in government make some hard choices about our future spending priorities.

Today, in this country, we still have people as poor and as sick and as hungry as those in many of the countries we help. These problems have confronted us for decades, and yet we have not done enough to help these people. We spend too little on health, education, and housing for the poor, and medical care for the elderly. These problems will not go away until we as a nation decide to focus on our own people.

I do not believe that we can ignore our longstanding global commitments, and I would support a more modest foreign aid package. But $12.3 billion is too much. We cannot afford to continue to borrow billions of dollars from foreign governments at exorbitant interest rates so that we can give billions to other countries.

We must cast aside our 1950's view of the world. We are no longer in the era of the Marshall plan; a time when our Nation was about to embark on its grand experiment. I am becoming increasingly concerned that President Bush's new world order will mean even more for foreign assistance, driving the U.S. deeper into debt.

Mr. Chairman, I did not reach this decision easily. Americans are by nature generous people, and the nations of the world look to us for guidance and assistance. However, as a representative of the American people, it is my duty to see that their needs are met. When I look around this country, I see that this is not the case.

If we must go further into debt, let us do so for the good of this country's poor, sick, and homeless. If I am forced to choose between helping the needy people of the world, and the needy people of this country, I must vote to care for our poor first.

The CHAIRMAN pro tempore. Are there any amendments to title XI? If not, under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore [Mr. McHUGH] having assumed the chair, Mr. McDERMOTT, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2508) to amend the Foreign Assistance Act of 1961 to rewrite the authorities of that Act in order to establish more effective assistance programs and eliminate obsolete and inconsistent provisions, to amend the Arms Export Control Act and to redesignate that Act as the Defense Trade and Export Control Act, to authorize appropriations for foreign assistance programs for fiscal years 1992 and 1993, and for other purposes, pursuant to House Resolution 170, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. BROOMFIELD

Mr. BROOMFIELD. Mr. Speaker, I offer a motion to recommit with instructions.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. BROOMFIELD. Mr. Speaker, yes, I am opposed to it in its present form.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. BROOMFIELD moves to recommit the bill, H.R. 2508, to the Committee on Foreign Affairs with instructions to re-report the bill in a form that is consistent with the recommendations of the task force on foreign assistance (Hamilton-Gilman task force) established by the Committee during the 101st Congress and the approach contained in the foreign and authorization bill transmitted by President Bush, which was submitted as H.R. 1792 during the current Congress.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Michigan [Mr. BROOMFIELD] for 5 minutes in support of his motion.

Mr. BROOMFIELD. Mr. Speaker, I would first like to compliment the fine work that our good Chairman DANTE FASCELL, has done on this bill. He and I have worked together for years, and he has been consistently fair-minded and willing to work in a bipartisan spirit.

This year has been no exception. We have tried to shape a bill that is acceptable to both houses of Congress and to the President—a bill that truly projects America's ideals and protects its interests.

It is no criticism of the chairman to say that the final product, the bill we are voting on today, is a failure.

It is a bill with multiple personalities. It tries to respond to every special interest, and ends up ignoring the national interest.

It did not need to end this way. We had a good chance to work with the administration on writing a bill that would reflect the concerns of the Hamilton-Gilman task force on reforming foreign aid, as well as the concerns of many others who have witnessed the deterioration of the foreign aid program.

Our efforts were done in by the usual suspects—billions worth of earmarks, unceasing demands for more administration reports, and continued micromanagement—or maybe meddling is a better term—in U.S. foreign policy.

Above all, this bill is veto bait. The President has specifically named several items that would cause him to reject it. Those items stayed in the bill, and it will most certainly be vetoed. All in all, what we will pass here will be nothing but a meaningless gesture.

That is a shame. I thought this committee might have been able to finally bring forth a bill that could receive approval of both Houses of Congress and the White House.

Frankly, we blew it. As much as I would like to see this committee get its most important piece of legislation through the House, I recommend that we vote against the bill.

If it does pass, I hope we can work out something acceptable in conference, so that we can finally put our farm club status behind us and get back in the major leagues of legislation.

Mr. BROOMFIELD. Mr. Speaker, first of all, I would like to pay tribute to the gentleman from Washington [Mr. McDERMOTT], who I think did a super job under very difficult conditions over the last few days.

Mr. Speaker, I yield to the gentleman from California [Mr. LAGOMARSINO].

Mr. LAGOMARSINO. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I want to join him in commending the gentleman from Washington [Mr. McDERMOTT] and, of course, our chairman, the gentleman from Florida [Mr. FASCELL], and the gentleman who yielded to me, the gentleman from Michigan [Mr. BROOMFIELD], for the way they have conducted this very difficult debate and vote.

I reluctantly oppose the bill as well, but I do want to say that, and I do not know how many people have noticed this, the most contentious title of this bill for many, many years, ever since I have been here, has been title VII. If we will note, there was not one amendment offered to title VII. I want to give credit for the fact of that happening, and for having a title VII that I can support, and if that were the whole bill, I would have no problem. I would vote for it and urge my colleagues to do the same. I want to give full credit to the chairman of the full committee and his staff, but particularly to the gentleman from New Jersey [Mr. TORRICELLI], who is the new chairman of the Western Hemisphere Subcommittee. He worked with the minority and, more important than that, I think he worked with the administra-

tion, particularly with Assistant Secretary Bernie Aronson, in fashioning a bill that I think, or a section or a title, that all of us can support.

I want to take this time to offer my congratulations and my thanks to him and his staff and to the full staff as well as the people on our side of the aisle.

Mr. BROOMFIELD. Mr. Speaker, I would like to finally say that I want to congratulate the staff on both sides. They have done a terrific job.

Mr. Speaker, I yield to my friend, the gentleman from New York [Mr. GILMAN].

Mr. GILMAN. Mr. Speaker, I rise to express my support for H.R. 2508, the International Cooperation Act of 1991, and I commend the distinguished chairman of the Foreign Affairs Committee, the gentleman from Florida [Mr. FASCELL], and our ranking minority member, the gentleman from Michigan [Mr. BROOMFIELD] for their work on resolving some of the more contentious issues in this legislation. I am aware of and respect Mr. BROOMFIELD's objections to this bill. I had hope we would be able to work out a bill acceptable to the vast majority of our colleagues, on some issues we were successful, on others, we were not.

Mr. Speaker, I support this measure because I believe that the U.S. foreign assistance program is a critically important U.S. foreign policy vehicle. Military assistance to our allies gives them the wherewithal to meet their defense needs, thereby increasing U.S. influence around the globe. It is important to note that a good portion of our foreign military assistance is spent right here in the United States.

U.S. economic aid programs are designed to help friendly nations gain political and economic stability, thereby decreasing the chances of conflicts between nations escalating to the point of violence.

Our aid programs are designed to help improve the quality of life of people throughout the world. That includes bringing food, shelter, and medication to some of the world's most indigent.

Two years ago, the distinguished gentleman from Indiana [Mr. HAMILTON] and I cochaired a task force on foreign assistance, which examined our foreign aid program. The Hamilton-Gilman task force produced a report which contained several important recommendations, suggesting, for example, that the number of program objectives be reduced and be more focused. In fact, we established four major objectives of our economic assistance program, including sustainable economic growth, sustainable resource management, poverty alleviation, and democracy. We also advocated that the protection of our environment should be given higher priority by our aid recipients.

Our military assistance programs promote regional stability by enhancing the indigenous military capabilities of our allies and friends around the world. Although our security assistance program can not, as we all know, in itself correct major regional disparities, it is clear that this program helps to enhance friendly nations' self-defense capabilities.

Another significant aspect of our security assistance program is its ability to help our Nation project its influence throughout the world. It is partially through our security assistance program that we are able to maintain access to so many basing facilities throughout the world.

As we consider final approval of this bill, let us bear in mind just a few of the major provisions in this bill:

It takes important steps to streamline the narcotics related provisions in our foreign aid bill.

This bill provides the authorization for programs in Eastern Europe which will aid the democratization process, and the movement toward market economies.

It maintains the 7:10 ratio in security assistance between Greece and Turkey to encourage the resolution of the Cyprus problem.

This bill provides $3 billion in security assistance to Israel for fiscal year 1992 and $3.2 billion for fiscal year 1993.

It also addresses myriad other significant foreign policy provisions.

Mr. Speaker, our security assistance program saw its genesis during the post World War II period. It was an important part of our attempt to contain the spread of communism. Now, with the era of glasnost and perestroika upon us, and with different international crises confronting us, we must reassess our priorities. In recent years, our Foreign Affairs Committee has sought to address the need for revised U.S. foreign assistance policies and programs to reflect changing international political and economic realities. Two years ago, our report noted that with the relaxation of tensions between the superpowers, "Economic issues increasingly dominate the international agenda." For this reason, greater attention must be given to matters such as trade, debt, investment, and economic adjustment. I believe those priorities are adequately addressed in this measure.

Mr. Speaker, this bill is our best chance to impact on foreign policy issues during the next 2 years. Let us not let that chance slip away. Accordingly, Mr. Speaker, I urge the passage of this important measure.

The SPEAKER pro tempore. Does any Member wish to be recognized in opposition to the motion to recommit?

Mr. FASCELL. Mr. Speaker, I rise in opposition to the motion to recommit.

The SPEAKER pro tempore. The gentleman from Florida [Mr. FASCELL] is recognized for 5 minutes.

Mr. FASCELL. Mr. Speaker, I want to express my appreciation, first, to our colleagues who have suffered through this long process in order to have the kind of debate that the American people deserve with regard to important foreign policy issues. Fortunately, or unfortunately depending on how you look at it, the foreign aid bill is the bill where you have most of the debate with regard to all the foreign policy issues that every Member of this House is interested in and can be heard and amendments can be offered.

It does take time in order to do that, and a lot of patience with our colleagues. So I join in a particular expression of appreciation to our Chair, the gentleman from Washington [Mr. MCDERMOTT], to my colleagues on both sides of the aisle on the committee who worked very diligently to bring this to the point where we can pass this bill now.

As far as the motion to recommit is concerned, Mr. Speaker, I know it is pro forma, because I know that my distinguished colleague, the gentleman from Michigan, would not want to eliminate the earmarks for Israel, or go back on the Jordan amendment, go back on the U.S.S.R. amendment, go back on the South Africa amendment, on the Horn of Africa amendment, on the Gilman amendment, and a whole host of others that have been incorporated in this bill.

All I can say is we will continue our efforts as we have up until now in a strong bipartisan fashion to do the best we can to formulate a bill that not only we can be proud of but perhaps the administration will ultimately, eventually, sometime, I hope, support.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The motion to recommit was rejected.

□ 1310

The SPEAKER pro tempore (Mr. MCHUGH). The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. DANNEMEYER. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device and there were—ayes 274, noes 138, not voting 20, as follows:

[Roll No. 185]

AYES—274

Abercrombie	Andrews (TX)	Ballenger
Ackerman	Annunzio	Beilenson
Allard	Atkins	Bennett
Anderson	AuCoin	Bentley
Andrews (ME)	Bacchus	Berman
Andrews (NJ)	Baker	Bevill

Bilbray
Bliley
Boehlert
Boehner
Bonior
Borski
Boxer
Brewster
Browder
Brown
Bruce
Burton
Bustamante
Byron
Callahan
Camp
Campbell (CA)
Campbell (CO)
Cardin
Carper
Chandler
Clay
Clement
Coble
Coleman (MO)
Coleman (TX)
Collins (IL)
Collins (MI)
Conyers
Cooper
Cox (CA)
Cox (IL)
Coyne
Cramer
Cunningham
Davis
de la Garza
DeLauro
Dellums
Dicks
Dingell
Dixon
Dooley
Doolittle
Dorgan (ND)
Downey
Durbin
Dwyer
Dymally
Eckart
Edwards (CA)
Edwards (TX)
Emerson
Engel
Erdreich
Espy
Evans
Fascell
Fazio
Feighan
Fish
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Franks (CT)
Frost
Gallo
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
Gonzalez
Gordon
Gradison
Green
Guarini
Hall (OH)
Hamilton
Harris
Hatcher
Hayes (IL)
Hertel
Hoagland
Hochbrueckner
Horn
Horton
Hoyer
Inhofe
Jefferson
Johnson (CT)
Johnson (SD)
Johnston
Jones (GA)
Jones (NC)
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kleczka
Klug
Kolbe
Kopetski
Kostmayer
Kyl
LaFalce
Lancaster
Lantos
LaRocco
Laughlin
Leach
Lehman (CA)
Lehman (FL)
Levin (MI)
Lewis (CA)
Lewis (GA)
Lightfoot
Lipinski
Lowery (CA)
Lowey (NY)
Luken
Machtley
Manton
Markey
Matsui
Mavroules
McCloskey
McCollum
McCrery
McCurdy
McDade
McDermott
McGrath
McHugh
McMillan (NC)
McMillen (MD)
McNulty
Meyers
Mfume
Miller (CA)
Miller (WA)
Mineta
Mink
Moakley
Molinari
Moody
Moran
Morella
Mrazek
Murphy
Murtha
Nagle
Natcher
Neal (MA)
Nichols
Nowak
Oakar
Obey
Olin
Olver
Owens (NY)
Owens (UT)
Pallone
Paxon
Payne (NJ)
Payne (VA)
Pelosi
Penny
Peterson (FL)
Peterson (MN)
Pickle
Porter
Price
Ramstad
Rangel
Ravenel
Reed
Richardson
Ridge
Riggs
Ritter
Roe
Rohrabacher
Ros-Lehtinen
Rose
Rostenkowski
Roukema
Rowland
Roybal
Sabo
Sanders
Santorum
Sawyer
Saxton
Schaefer
Scheuer
Schiff
Schroeder
Schumer
Sharp
Shaw
Shays
Sikorski
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter (NY)
Smith (FL)
Smith (IA)
Smith (TX)
Snowe
Solarz
Spratt
Stallings
Stenholm
Stokes
Studds
Sundquist
Swett
Swift
Synar
Tallon
Taylor (NC)
Thomas (GA)
Thomas (WY)
Thornton
Torres
Torricelli
Towns
Traxler
Unsoeld
Vento
Visclosky
Waters
Waxman
Weber
Weiss
Wheat
Wise
Wolpe
Wyden
Yates
Yatron
Young (AK)
Zeliff
Zimmer

NOES—138

Alexander
Anthony
Applegate
Archer
Armey
Barnard
Barrett
Barton
Bateman
Bereuter
Bilirakis
Boucher
Broomfield
Bryant
Bunning
Chapman
Clinger
Combest
Condit
Costello
Crane
Dannemeyer
Darden
DeFazio
Derrick
Dickinson
Donnelly
Dornan (CA)
Dreier
Duncan
Early
Edwards (OK)
English
Fields
Gallegly
Gaydos
Goodling
Goss
Grandy
Gunderson
Hall (TX)
Hancock
Hansen
Hastert
Hayes (LA)
Hefley
Hefner
Henry
Herger
Hobson
Holloway
Houghton
Hubbard
Hughes
Hunter
Hutto
Hyde
Ireland
Jacobs
James
Jenkins
Johnson (TX)
Jontz
Kanjorski
Kolter
Lagomarsino
Lent
Lewis (FL)
Livingston
Long
Marlenee
Mazzoli
McCandless
McEwen
Michel
Miller (OH)
Mollohan
Montgomery
Moorhead
Morrison
Myers
Neal (NC)
Nussle
Orton
Oxley
Packard
Panetta
Parker
Patterson
Pease
Perkins
Petri
Pickett
Poshard
Pursell
Quillen
Rahall
Ray
Regula
Rhodes
Rinaldo
Roberts
Roemer
Rogers
Roth
Russo
Sangmeister
Sarpalius
Savage
Schulze
Sensenbrenner
Shuster
Slaughter (VA)
Smith (NJ)
Smith (OR)
Solomon
Staggers
Stark
Stearns
Stump
Tanner
Tauzin
Taylor (MS)
Thomas (CA)
Traficant
Upton
Valentine
Vander Jagt
Volkmer
Vucanovich
Walker
Weldon
Whitten
Williams
Wilson
Wolf
Wylie
Young (FL)

NOT VOTING—20

Aspin
Brooks
Carr
Coughlin
DeLay
Fawell
Gray
Hammerschmidt
Hopkins
Huckaby
Levine (CA)
Lloyd
Martin
Martinez
Oberstar
Ortiz
Serrano
Spence
Walsh
Washington

□ 1341

The Clerk announced the following pairs:

On the vote:

Mr. Carr for, with Mr. DeLay against.

Mr. Serrano for, with Mr. Hammerschmidt against.

Mr. Oberstar for, with Mr. Spence against.

Mr. VOLKMER and Mr. DORNAN of California changed their vote from "aye" to "no."

Mrs. ROUKEMA and Messrs. BURTON of Indiana, YOUNG of Alaska, and THOMAS of Wyoming changed their vote from "no" to "aye."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. CHANDLER. Mr. Speaker, during consideration of the Foreign Assistance Act this past week, Mr. BERMAN offered an amendment to reinstate the bill's original language reversing the administration's so-called "Mexico City policy." On that amendment, I was recorded as having voted "no" when I meant to vote "yes." When this issue comes before the House in the future, I will vote in accordance with my consistent position and in opposition to the Mexico City policy.

PERSONAL EXPLANATION

Mr. ANDREWS of New Jersey. Mr. Speaker, on rollcall vote No. 182, I voted "aye." It was not until I had returned to a hearing of the Select Committee on Narcotics Abuse and Control that I learned of the technical error in the amendment language. I was not able to return in time to change my vote. Had the drafting error been known at that time, I would have voted "no."

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN THE ENGROSSMENT OF H.R. 2508, INTERNATIONAL COOPERATION ACT OF 1991

Mr. FASCELL. Mr. Speaker, I ask unanimous consent that, in the engrossment of the bill, H.R. 2508, the Clerk be authorized to correct section numbers, cross references, punctuation, and grammatical and spelling errors, to make appropriate revisions in the tables of contents contained in sections 2 and 3, and to make such other technical and conforming changes as may be necessary to reflect the actions of the House in amending the bill.

The SPEAKER pro tempore (Mr. MAZZOLI). Is there objection to the request of the gentleman from Florida?

There was no objection.

PERMISSION FOR COMMITTEE ON APPROPRIATIONS TO FILE A PRIVILEGED REPORT ON THE AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION AND RELATED AGENCIES APPROPRIATIONS BILL, 1992

Mr. WHITTEN. Mr. Speaker, I ask unanimous consent that the Committee on Appropriations may have until midnight tonight to file a privileged report on a bill making appropriations for Agriculture, Rural Development, Food and Drug Administration, and related agencies programs for the fiscal year ending September 30, 1992, and for other purposes.

Mr. McDADE reserved all points of order on the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

PERMISSION FOR COMMITTEE ON APPROPRIATIONS TO FILE A PRIVILEGED REPORT ON DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS BILL, 1992

Mr. WHITTEN. Mr. Speaker, I ask unanimous consent that the Committee on Appropriations may have until midnight tonight to file a privileged report on a bill making appropriations for the Departments of Labor, Health

and Human Services, and Education, and related agencies, for the fiscal year ending September 30, 1992, and for other purposes.

Mr. McDADE reserved all points of order on the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

PERMISSION FOR COMMITTEE ON APPROPRIATIONS TO FILE A PRIVILEGED REPORT ON THE DISTRICT OF COLUMBIA APPROPRIATIONS BILL, 1992

Mr. WHITTEN. Mr. Speaker, I ask unanimous consent that the Committee on Appropriations may have until midnight tonight to file a privileged report on a bill making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1992, and for other purposes.

Mr. McDADE reserved all points of order on the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

LEGISLATIVE PROGRAM

(Mr. MICHEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MICHEL. Mr. Speaker, before yielding to the distinguished minority leader, I guess we ought to also advise Members as to how we proceed for the balance of the day on the water bill.

Mr. GEPHARDT. Mr. Speaker, will the gentleman yield?

Mr. MICHEL. I yield to the distinguished majority leader, the gentleman from Missouri [Mr. GEPHARDT].

Mr. GEPHARDT. I thank the gentleman for yielding.

Mr. Speaker, in a moment we will be taking up the rule on the reclamation bill, and we will try to complete that bill. We do not know how long it will take at this point, but we hope to finish—we had hoped to finish around 3 o'clock. It may go longer than that. We will certainly not go beyond 5 o'clock. If at that point we are not getting done, we will rise and come back next week.

There will be no votes tomorrow.

On Monday, June 24, the House will meet at noon to take up six suspension bills on which the votes, if ordered, will be postponed until the end of the day.

The suspensions are as follows:

H.R. 470, conveying certain lands to the city of Gary, IN.

H.R. 2132, transfer of certain lands at Fort Smith Municipal Airport.

H. Con. Res. , Soap-Box Derby authorization.

H.R. 1006, Federal Maritime Commission authorization for fiscal year 1992.

H.R. 2194, Federal Facilities Compliance Act of 1991.

H.R. 1341, Federal Employees Reduction-in-Force Notification Act.

Then of course we will be taking up a House resolution at the end of the consideration of those suspensions on the Interior and related agencies appropriations, fiscal year 1992. We will hold the votes on the suspensions until after the Interior bill is finished.

Members may expect first votes on Interior, though, as early as 2 o'clock, maybe 3 o'clock, maybe 4 o'clock in the afternoon.

Mr. Speaker, on Tuesday the House will meet at noon to take up the District of Columbia appropriations, fiscal year 1992, subject to a rule; a suspension, H.R. 1775, Panama Canal Commission authorization, fiscal year 1992.

On Wednesday, June 26, the House will meet at 10 a.m. to take up the Labor, Health and Human Services, Education appropriations, fiscal year 1992.

On Thursday, possibly Friday, we will be meeting at 10 a.m. to take up the Agriculture, rural development, and related agencies appropriations, fiscal year 1992. It obviously is hoped if we can get the appropriation bills done by Thursday evening, that we would not have to be here for Friday for votes. Obviously——

Mr. MICHEL. And conference reports may be brought up at any time.

Mr. GEPHARDT. Conference reports may be brought up at any time, yes.

I am also advised that on Thursday we will be coming in at 11 a.m. because of other matters that have to be scheduled.

Mr. MICHEL. Then we will have our July 4th recess beginning whenever we can get through, either Thursday or Friday.

Mr. GEPHARDT. If we can get done on Thursday night, we will leave on Friday.

Mr. MICHEL. I thank the gentleman.

RECLAMATION PROJECTS AUTHORIZATION AND ADJUSTMENT ACT OF 1991

Mr. GORDON. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 178 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. Res. 178

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 429) to authorize additional appropriations for the construction of the Buffalo Bill Dam and Reservoir, Shoshone Project, Pick-Sloan Missouri Basin Program, Wyoming, and the first reading of the bill shall be dispensed with. All points of order against consideration of the bill for failure to comply with the provisions of clause 2(1)(6) of rule XI are hereby waived. After general debate, which shall be confined to the bill and the amendments made in order by this resolution and which shall not exceed sixty minutes, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Interior and Insular Affairs, the bill shall be considered for amendment under the five-minute rule. In lieu of the amendments now printed in the bill, it shall be in order to consider an amendment in the nature of a substitute consisting of the text of H.R. 2684 as an original bill for the purpose of amendment under the five-minute rule, said substitute shall be considered by title instead of by section and each title shall be considered as having been read, and all points of order against said substitute for failure to comply with the provisions of clause 7 of rule XVI are hereby waived. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the amendment in the nature of a substitute made in order as original text by this resolution. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

□ 1340

The SPEAKER pro tempore (Mr. MAZZOLI). The gentleman from Tennessee [Mr. GORDON] is recognized for 1 hour.

Mr. GORDON. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from California [Mr. DREIER], and pending that, I yield myself such time as I may consume.

Mr. Speaker, House Resolution 178 is an open rule which provides for the consideration of H.R. 429, the Reclamation Projects Authorization and Adjustment Act of 1991. This resolution calls for 1 hour of general debate to be equally divided between the chairman and ranking minority Member of the Interior and Insular Affairs Committee. After general debate has expired, the bill is subject to amendment under the 5-minute rule.

House Resolution 178 waives clause 2(1)(6) of rule 11, requiring a 3-day layover, and makes in order an amendment in the nature of a substitute consisting of the text of H.R. 2684 as original text for purposes of amendment. Clause 7, rule 16, prohibiting nongermane amendments, is also waived against the substitute amendment. Finally, the rule provides one motion to recommit with or without instructions.

Mr. Speaker, the substitute bill introduced by Chairman MILLER is a clean bill with several technical amendments which were worked out with the Budget Committee, Congressional Budget Office, the Agriculture Committee, and the Merchant Marine and Fisheries Committee.

H.R. 429 is an omnibus bill which incorporates 24 projects related to Bu-

reau of Reclamation water projects, including the central Utah project. The central Utah project is the largest of four main storage projects in the Upper Colorado River Basin which were authorized in 1956 as part of the Colorado River storage project. The bill also includes the Grand Canyon Protection Act, several provisions addressing water pollution control and salination reduction problems at Bureau of Reclamation projects, and includes several water resource management projects which will improve the efficiency of water use in the Western United States.

I urge the adoption of House Resolution 178.

Mr. DREIER of California. Mr. Speaker I yield myself such time as I may consume.

Mr. Speaker, I support House Resolution 178 because it is a relatively unrestrictive rule, and I want to congratulate the gentleman from California [Mr. MILLER] for requesting it. However, I would be remiss if I did not point out that it is again unfortunate that we must waive clause 2(l)(6) of House rule 11 which provides that a bill cannot be considered until the third calendar day on which the report on the bill has been available to House Members.

The Government Printing Office copy was not even available to us yesterday afternoon when we adopted this rule in committee at around 3 p.m. and of course even more troublesome is that the new bill being made in order by this rule as base text for amendment purposes was just introduced yesterday and was not available from the documents room when we checked around 1 o'clock today.

I regret that Members must have had to rely on the Xeroxed copies of this new substitute which is available at the committee tables in this Chamber to even draft their amendments in proper form.

At the same time, we can commend the chairman of the Interior Committee, my colleague from California, Mr. MILLER, for doing a masterful job of compromising the various concerns and interests and accommodating those in the new substitute bill (H.R. 2684). As a consequence, I doubt there will be many amendments.

Still, it would be nice if the majority leadership had a little more consideration for Members who are not a party to such compromises so that the rest of this House will have a better idea of exactly what it is Members are being asked to vote on.

Mr. Speaker, an article published by a University of Illinois scientist in the International Journal of Climatology suggests that volcanic eruptions, such as those that are occurring in Japan and the Philippines, will lead to increased rainstorms in the Western United States and an end to that region's most recent drought.

I can only hope, Mr. Speaker, that the massive reclamation bill that this rule will make in order will have the same effect of improving water resources in the Western States without the catastrophic human suffering that generally occurs as a result of volcanic eruptions.

Mr. Speaker, I want to commend my colleagues on the Interior Committee for their hard work in bringing about this compromise legislation. Reclamation reform is never without controversy because of the diverse, and increasingly conflicting demands for water resources. Today, farmers in the arid regions of the West must compete with growing urban populations and environmental considerations for water supplies that are clearly inadequate.

To make matters worse, many water reservoirs are at all-time lows as a result of a 5-year drought. In fact, California's reservoir system is now at its lowest level since the drought of 1977. H.R. 429 will help the Western States to meet their water needs by authorizing work on several water resource projects, improving water use efficiency, and reforming the Federal Water Subsidy Program.

Of course, the bill is far from perfect, and the administration has outlined a number of concerns with respect to Indian water rights settlements, the transfer of water resource project facilities, and the budgetary impact, just to name a few. I hope that these differences can be resolved as we move through the legislative process.

In addition, Mr. Speaker, we need to look at new options to improve the region's water supply situation, particularly in my State of California. That State's water supply has had no significant increase in three decades, despite a doubling of the population. A long-range perspective dictates finding ways to further improve water supplies through technology, conservation, and efficiency. I look forward to working with my colleagues on the Interior Committee to achieve these objectives in the coming years.

Again, Mr. Speaker, I urge adoption of the rule.

I submit for the RECORD the views of the administration, as follows:

STATEMENT OF ADMINISTRATION POLICY

H.R. 429—RECLAMATION PROJECTS AUTHORIZATION AND ADJUSTMENT ACT OF 1991

The Administration supports many of the projects and provisions in H.R. 429. These include the increased authorized appropriations ceiling and requirements for improved cost sharing, binding contracts, and environmental compliance activities for the Central Utah Project. The Administration also supports (consistent with our GATT proposal) the intent of title XVII, which would amend the Reclamation Reform Act, and title XXV, which would reduce subsidy levels for irrigation water used to grow surplus crops, but will work in the Senate to address problems in the language contained in these provisions.

Nevertheless, the Administration opposes H.R. 429 because it contains numerous objectionable provisions and does not include offsets to the bill's increases in direct spending and decreases in receipts, as required by the Omnibus Budget Reconciliation Act of 1990 (OBRA).

Specifically, the Administration opposes title V, which would authorize about $240 million for the Ute Indian (Utah) Water Rights Settlement. This amount far exceeds the Federal government's maximum potential legal liability for an alleged breach by the United States of a 1965 water deferral agreement. The Federal government did not participate in the development of this settlement, a requirement of the Federal government's procedures for Indian Water rights negotiations and settlements. The Administration would not support any settlement developed or negotiated outside these established procedures.

In addition, the Administration opposes:

Title XIX, the Mid-Dakota Rural Water Supply System (South Dakota), which would authorize in excess of $100 million for the construction of a water supply project and establishment of a wetlands trust. Administration policy requires 100 percent repayment of such project costs; title XIX, however, would require as little as 15 percent reimbursement for the construction of the project and no cost-sharing for the wetlands trust fund.

Title X, the Central Valley Project, which would authorize an extension of the Tehama-Colusa Canal (California). This extension may be inconsistent with final water allocations under the project's operating agreement. Section 1002 would authorize a long-term water contract prior to completion of the Environmental Impact Statement on water marketing for the Central Valley Project.

While supporting the transfer of certain project facilities, the Administration objects to the following transfers which do not conform with its policy that transfers be mutually beneficial to the contracting entity and the United States:

Title XXII, the Sunnyside Valley Irrigation District (Washington), because it would convey a parcel of Federal land to the District without compensation.

Title XXIV, the Sly Park Unit of the Central Valley Project (California), because it would prevent the Secretary from negotiating terms acceptable to the United States by placing a cap on the sales price and would not expressly relieve the Federal government of future liability.

Title XXVII, the Solano Project Transfer and Putah Creek Improvement Project (California), because the pricing formula is unacceptable to the Administration.

The Administration urges the House to amend:

Title IV, the Utah Reclamation Mitigation Account, to delete the provision that would use revenues from the sale of electric power from the Colorado River Storage Project to fund both new conservation measures and the repayment of project debt. This provision would increase expenditures for Federal programs without a corresponding increase in Federal revenues.

Title XI, the Salton Sea Research Project (California), to require 100 percent reimbursement of Federal funding of the project.

Title VIII, the Lake Meredith Salinity Control Project (New Mexico and Texas), to require that the cost for design and construction services provided by the Bureau of Reclamation be reimbursed, including interest at current Treasury rates, within 3 years.

Title XX, the Lake Andes-Wagner Drainage Demonstration Program (South Dakota), to provide for significant non-Federal cost sharing.

In addition, H.R. 429 would relinquish the Federal government's exclusive control over construction of certain Central Utah Project facilities. The Federal government, however, would remain liable for certain penalties of $2 million per year—up to a total of $10 million—until the Central Utah Project is completed. The Administration urges the House to repeal the penalty provisions of P.L. 99-591 that stipulate the Federal government's liability for facility completion.

Scoring for the Purpose of PAYGO and Discretionary Caps.

H.R. 429 would increase direct spending and decrease receipts; therefore, it is subject to the pay-as-you-go requirement of OBRA. No offsets to the direct spending increases are provided in the bill. A budget point of order applies in the House and Senate against any bill that is not fully offset under CBO scoring. If, contrary to the Administration's recommendation, the House waives any such point of order that applies against H.R. 429, the effects of enactment of this legislation would be included in the look back pay-as-you-go sequester report at the end of the Congressional session.

OMB's preliminary scoring estimates of this bill are presented in the table below. Final scoring of this legislation may deviate from these estimates. If H.R. 429 were enacted, final OMB scoring estimates would be published within 5 days of enactment, as required by OBRA. The cumulative effects of all enacted legislation on direct spending will be issued in monthly reports transmitted to Congress.

ESTIMATES FOR PAY AS YOU GO

[In millions of dollars]

	1991	1992	1993	1994	1995	1991–95
Outlays	0–3	2–32	8–29	2–8	2–8	14–80
Receipts	0	0	(1)	(1)	(1)	(−0.3)–3

[1] Range of −1 to 1.

Mr. GORDON. Mr. Speaker, I yield such time as he may consume to the gentleman from California [Mr. MILLER], the chairman of the Committee on Interior and Insular Affairs.

Mr. MILLER of California. Mr. Speaker, I simply rise in support of the rule and to thank the members of the Committee on Rules. This is the second year that they have struggled with this legislation, and I appreciate the work of the gentleman from Tennessee [Mr. GORDON] and the gentleman from California [Mr. DREIER], of the chairman, the gentleman from Massachusetts [Mr. MOAKLEY], and the consideration that our committee is given before the Committee on Rules.

Mr. Speaker, I urge an aye vote on the rule.

Mr. GORDON. Mr. Speaker, I yield 5 minutes to the gentleman from Pennsylvania [Mr. KOSTMAYER].

Mr. DREIER of California. Mr. Speaker, for purposes of debate only, I yield 2 minutes to the gentleman from Nebraska [Mr. BEREUTER], a former member of the Committee on Interior and Insular Affairs, and now a hard-working member of both the Committee on Foreign Affairs and the Committee on Banking, Finance and Urban Affairs.

□ 1350

Mr. BEREUTER. Mr. Speaker, I thank the gentleman for yielding this time to me.

Mr. Speaker, I rise in support of this rule and also this Member would take this opportunity to commend the distinguished gentleman from California [Mr. MILLER], the chairman of the Committee on Interior and Insular Affairs, as well as the distinguished gentleman from Alaska [Mr. YOUNG], the ranking member of the committee, for their assistance in including as section 2601 of H.R. 429 legislation that this Member introduced, H.R. 256, which amends the High Plains States Groundwater Demonstration Act in order to increase the funding authorization from the original $20 million to $34 million.

The original act, the High Plains Groundwater Demonstration Program Act of 1983 (98 Stat. 1675), also introduced by this Member, authorized and directed the Secretary of the Interior, acting through the Bureau of Reclamation, and in cooperation with the Geological Survey, the Environmental Protection Agency, and 17 Western States to investigate the potential for artificial recharge of aquifers and to establish ground water recharge demonstration projects. In 1987, the 21 authorized projects were estimated to cost $18,520,400 which was under the $20 million authorized.

The Bureau of Reclamation in its September 1990 interim report to Congress, estimated the costs to complete the 21 projects at $31 million using 1989 price levels. Cost increases from the original 1987 estimate are due primarily to: First, inflation; second, addition of environmental protection and monitoring features, and third, an increase of $2.8 million due to the substitution of three new projects for three originally approved projects that later were withdrawn from the program due to changes in local sponsor support.

Seventeen projects are now underway or completed, while 4 have been deferred due to lack of sufficient funding under the current ceiling. Of the 17 projects, 6 projects have been reduced in scope or are limited to paper feasibility studies because field demonstration activities have been deleted in order to stay within the $20 million ceiling. H.R. 429 would raise the ceiling to $34 million to allow for inflation that has occurred since the estimates were made in 1989 for completion of all demonstration projects directed by the original High Plains Groundwater Demonstration Program Act of 1983.

This $14 million increase in the authorization level would result in the completion of the following projects:

Rillito Creek, Tucson, AZ;
Arcade, Sacramento, CA;
Stockton East, Stockton, CA;
Equus Beds, Newton, KS;
Big Creek, Hays, KS;
Woodward, Woodward, OK;
Southwest Irrigation District, Idaho;
Wood River, Grand Island, NE;
Texas High Plains, Texas Panhandle.

The Members of this body are all too familiar with the serious shortages of water in the semiarid and arid areas of the High Plains and the West. The chronic water shortages which California and other Western States have suffered, and which have become even more serious in recent years, serve to further emphasize the need for new approaches to water management and development.

Ground water provides the majority of the water supply in most of these States—especially in the High Plains. Indeed, the economic base of much of rural America is dependent upon ground water sources. In many areas underground water supplies are not only being mined at an alarming rate, but the overall quality is being threatened by contamination from various pollution sources or intrusion of brackish waters.

The basic purpose of the High Plains Ground Water Demonstration Program is to evaluate different ways of putting water back into the ground—artificial recharge. The program is designed to move ground water recharge technology from the research mode to the pilot demonstration phase and then, to evaluate the potential for building or rehabilitating larger operational projects.

Again, this Member would like to thank the distinguished gentleman from California [Mr. MILLER] for his recognition of the importance of ground water demonstration projects. Learning how to recharge ground water resources is very important. By taking new initiatives to conserve our supplies and preserve the high quality of those ground water supplies, we will be successful.

This Member urges adoption of the rule and support for section 2601 of H.R. 429 which will be taken up upon the approval of the rule, House Resolution 178.

Mr. GORDON. Mr. Speaker, for the purpose of debate only, I yield 2 minutes to the gentleman from Texas [Mr. DE LA GARZA], chairman of the Committee on Agriculture.

Mr. DE LA GARZA. Mr. Speaker, I thank my distinguished colleague for yielding me this time.

First, Mr. Speaker, let me say that I am very happy to see that this is the first piece of legislation that our distinguished colleague, the gentleman from California [Mr. MILLER], the new chairman of the Committee on Interior and Insular Affairs, will handle. We wish him well.

When this legislation was before us last, Mr. Speaker, there was an amend-

ment by our colleague, the gentleman from Connecticut [Mr. GEJDENSON], and we offered a compromise amendment that was basically agreed to. We had hoped that that would be the case this time, and the Committee on Interior and Insular Affairs did so vote. The gentleman from Connecticut [Mr. GEJDENSON] feels now, though, that there may be need for a technical correction, and that possibly it may need further study. But at this time I would have no objection to working with the chairman of the committee and with the gentleman from Connecticut [Mr. GEJDENSON] to allow that technical correction. In the meantime, we will continue working to see if we can enact what I term as legislation, which is the art of the possible.

So within the art of the possible, I hope that we might work out something more permanent than merely a technical correction at this point. I am caught in a very difficult situation between extremes, and what I am trying to do within the art of the possible is to get us off center and get us something that is viable and workable and that satisfies the concerns of one side and the concerns of the other side.

Mr. Speaker, I hope that this comes to pass, and anticipating the fact that I am not going to be here because I have to leave to return to my district for a very important meeting tonight, I do hope that the chairman of the committee, the gentleman from California [Mr. MILLER], the Representatives of the Western States, and the Committee on Agriculture will handle that matter.

With that, Mr. Speaker, I ask my colleagues respectfully to support the rule on our behalf as far as our interests are concerned and insofar as I think these matters can be handled properly.

Mr. DREIER of California. Mr. Speaker, I yield back the balance of my time, and I urge support of this rule.

Mr. GORDON. Mr. Speaker, I have no further requests for time, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore (Mr. MAZZOLI). Pursuant to House Resolution 178 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 429.

The Chair designates the gentleman from Maryland [Mr. CARDIN] as Chairman of the Committee of the Whole and requests the gentleman from Tennessee [Mr. GORDON] to assume the chair temporarily.

□ 1355

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 429) to authorize additional appropriations for the construction of the Buffalo Bill Dam and Reservoir, Shoshone project, Pick-Sloan Missouri Basin Program, Wyoming, with Mr. GORDON (Chairman pro tempore) in the chair.

The Clerk read the title of the bill.

The CHAIRMAN pro tempore. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from California [Mr. MILLER] will be recognized for 30 minutes, and the gentleman from Utah [Mr. HANSEN] will be recognized for 30 minutes.

The Chair recognizes the gentleman from California [Mr. MILLER].

Mr. MILLER of California. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I am pleased to bring before the House the bill H.R. 429, the Reclamation Projects Authorization and Adjustment Act of 1991.

This bill, as reported, incorporates the text of several bills introduced and referred to the Committee on Interior and Insular Affairs. The principal purpose of H.R. 429 is to address a number of important water resource issues under the jurisdiction of our committee.

The bill increases cost ceilings to allow construction on certain important water resource development projects to be completed, including the central Utah project. In addition, the committee has included the Grand Canyon Protection Act; several provisions to control water pollution and reduce salinity problems at Bureau of Reclamation projects; and several important water resource management and demonstration projects which can improve the efficiency of water use in the West.

The bill also includes amendments to the Reclamation Reform Act of 1982. These amendments were recommended by the General Accounting Office in a 1989 report to the committee, and were passed by the House in essentially the same form nearly a year ago.

The committee has also included three provisions to allow local water districts to take control of Bureau projects. For two of these projects, the bill authorizes the Secretary of the Interior to transfer title to the local project beneficiaries, after receiving appropriate compensation.

Mr. Chairman, H.R. 429 also was referred to the Agriculture Committee and to the Merchant Marine and Fisheries Committee. As a result of discussions with those two committees, H.R. 429 incorporates amendments they have suggested, and both committees have completed their consideration of the bill. I sincerely appreciate the cooperation shown by Mr. DE LA GARZA and Mr. JONES in helping us bring H.R. 429 to the floor.

The cooperation of the Budget Committee and the Congressional Budget Office should also be noted. In particular, Terri Gullo of CBO deserves mention for the thorough financial analysis she has prepared on this complex bill.

H.R. 429, as amended, is in 29 titles. Specific provisions of the bill are as follows:

Title I of the bill increases the authorization ceiling for the Buffalo Bill Dam and Reservoir, Wyoming. These amendments will allow for completion of the project.

Titles II through VI of the bill authorize a comprehensive reformulation of the central Utah project. This language, which will be explained in detail by Mr. OWENS and Mr. HANSEN, completely reformulates this project. It will ensure that the project will be completed expeditiously, but with sensitivity to environmental concerns. In addition, these titles allow for a comprehensive settlement of water rights claims with the Ute Indian Tribe.

Title VII of the bill authorizes the Interior Secretary to design, construct, and maintain a water treatment plant to treat mine drainage water from the Leadville mine drainage tunnel, Colorado.

The bill would allow the Secretary to construct the Lake Meredith salinity control project, New Mexico and Texas.

Title IX of the bill authorizes the Secretary to reformulate the Cedar Bluff project, Kansas, and to enter into contracts with the State of Kansas to reformulate operation of the project.

With regard to the Central Valley project, California, the bill authorizes an extension of the Tehama-Colusa Canal service area, and authorizes the Secretary to enter into a long-term contract for water service from New Melones Reservoir with the Tuolumne Regional Water District.

The bill authorizes the Secretary to conduct a research project for the development of an enhanced evaporation system for saline water treatment in the vicinity of the Salton Sea, California.

The bill provides the consent of Congress to an amendment to the Sabine River Compact, Louisiana-Texas.

The bill designates the Salt-Gila Aqueduct of the central Arizona project as the Fannin-McFarland Aqueduct.

Title XIV of the bill allows municipalities to apply for contracts under the Warren Act so they can use excess storage and canal capacity in certain Bureau of Reclamation projects.

The bill amends the Reclamation Project Act of 1939 to allow the Secretary to amend contracts to increase repayment if justified based on new classifications of irrigable lands.

The bill authorizes the Bureau of Reclamation to participate with the city of San Diego, CA, in the conduct of the San Diego waste water reclamation study.

Title XVII of the bill incorporates a series of recommendations made in 1989 by the General Accounting Office to tighten enforcement of the acreage limitation provisions of the Reclamation Reform Act of 1982.

Title XVIII of the bill is the Grand Canyon Protection Act. This title directs the Secretary to implement new operating procedures for Glen Canyon Dam, and, if necessary, take other reasonable mitigation measures, to protect, mitigate adverse impacts to, and improve the condition of the resources of the Colorado River downstream from the dam.

The bill would authorize appropriations of $100 million for design and construction of a rural water system to provide good quality drinking water to more than 30,000 residents of central South Dakota.

The bill authorizes the Secretary to participate with other Federal agencies, the State of South Dakota, and others in a comprehensive study of selenium contamination associated with drainage water from irrigation projects. Construction of the Lake Andes-Wagner project would not be authorized by this title.

Title XXI of the bill authorizes a study of the water and power resource needs of the insular areas.

Title XVII of the bill authorizes the transfer of a small parcel of public land, with improvements, to the Sunnyside Valley Irrigation District, Washington.

The bill authorizes the Secretary to transfer operation, maintenance, and replacement responsibility for the Platoro Dam and Reservoir, Colorado, to the local water district.

The bill authorizes the transfer of the Sly Park unit of California's Central Valley project to the El Dorado Irrigation District. Under this title, the Secretary would be authorized to negotiate an appropriate sale price for the project.

The next title would limit the ability of individuals to receive both Federal Reclamation water benefits and agricultural price support program benefits if an acreage reduction program is in effect for a commodity under the Agricultural Act of 1949 and if the Secretary of Agriculture determines that Commodity Credit Corporation stocks exceed an amount necessary to provide for a reserve of such commodity.

Title XXVI of the bill authorizes a $14 million increase in the appropriation ceiling for the High Plains States Groundwater Demonstration Program.

The next title authorizes the Secretary to transfer title to the Solano project, California, to local water users, and includes certain protections for Putah Creek.

Title XXVIII of the bill authorizes the Secretary to provide technical assistance to States and local governments for studies of desalinization projects.

The final title of the bill authorizes the Secretary to credit for repayment the San Juan Suburban Water District in California for the purchase of two water pumps that were acquired by the district on behalf of the Bureau of Reclamation.

Mr. Chairman, the committee believes enactment of H.R. 429 will solve many critical resource problems under the jurisdiction of our committee. The bill also presents many opportunities for innovative projects to solve problems related to drought, needs of fish and wildlife resources, contamination resulting from irrigation, and other issues.

Before I conclude, Mr. Chairman, I would like to comment on the language in the bill dealing with amendments to the Reclamation Reform Act of 1982.

This language represents the culmination of a long, bipartisan effort to curb abuses of the Reclamation Program. The General Accounting Office, which spent 2 years studying enforcement of the 1982 law, concluded that our past efforts to plug loopholes had not been successful. They recommended that the loopholes be plugged through a series of important changes in the 1982 act. Title XVII makes these changes.

This section is very similar in intent to legislation passed by the House last year by a 3-to-1 margin. Its goals are the same as two earlier efforts to reform the Reclamation Program. That is, to limit subsidies to those who truly deserve them, and put an end to the evasion of law by wealthy irrigators who are farming taxpayers more than they are farming the land.

Every independent source that has looked at the Reclamation Program has concluded that the clear intent of the laws passed by the Congress are not being met and that the Interior Department is failing to do its job to limit subsidies to those who truly deserve it.

The General Accounting Office told Congress that while "the Reclamation Reform Act's legislative history shows that the Congress expected the Bureau [of Reclamation] to provide federally subsidized water to a maximum of 960 acres," its regulations—substantially weakened as a result of irrigators' pressure—"do not reflect congressional expectations in the act's legislative history."

The Interior Department didn't disagree. GAO reported that "Interior agreed that some farmers have reorganized their farms into smaller holdings to maintain large farming operations."

One 12,345-acre cotton farm—roughly 20 square miles—was reorganized into 15 separate landholdings through 18 partnerships, 24 corporations, and 11 trusts, and then operated as one large farm. All 15 landholdings were managed by the original partners, who also continued to serve as officers in the landholdings—all of which are operated by a single loan secured in common by their common crop and other farm assets.

And GAO's conclusions have been echoed by the Interior Department's inspector general, by the Wall Street Journal, by "60 Minutes," and even by Secretary Lujan himself who has advised, "The loopholes should be closed."

The Bureau blames Congress for failing to close the loopholes, although the intent of the 1982 and 1987 Reclamation Acts are clear.

That is why we must act today, without further delay, to slam shut the loopholes and insist that those who choose to receive taxpayer subsidies obey the letter, the spirit, and the intent of the reclamation law.

This legislation may appear more complex than last year's version, but only because we have made conscientious efforts to assure that we do not handicap the operations of legitimate small farms that are eligible for the water subsidy.

The history of the Reclamation Program is filled with clever irrigators, and their even more clever lawyers, who have found ways to string together parcels of land partnerships, trusts, and other landholdings that were only transparently "small" farms. In fact, they were controlled by single interests that wove complicated patterns of ownership, investment, and control in order to qualify for multimillion-dollar subsidies.

This has been described as "The Chinatown Syndrome" after the famous film about water manipulations. But I think the record of abuse in the Reclamation Program would make even Noah Cross blush.

Earlier this month, the Agriculture Stabilization and Conservation Service charged 173 partnerships, created on behalf of nine California growers, with being a "scheme or device" designed to illegally circumvent the cap on crop subsidy payments. Now, USDA wants back $3.7 million in unjustified subsidies for the 12,345-acre operation.

The same Panoche Farms used the exact same fraudulent scheme to receive nearly a million dollars in irrigation benefits between 1986 and 1989. But unlike the ASCS, the Bureau of Reclamation isn't asking for one dime back.

This language, worked out in cooperation with my colleague from California, Mr. LEHMAN, establishes a rebuttable presumption that multiple landholdings would be considered a single farm—or farm operation—if ownership, operation, management, financing or other factors, individually or together, indicate that farming or operating such landholdings is being done by the same individual, group, entity, trust, or other arrangement or combination.

Under a number of narrowly defined circumstances, certain arrangements and transactions cannot be considered for purposes of determining the existence of a farm or farm operation. However, these arrangements and transactions may be excluded from consideration only if the parties to the arrangements and transactions certify that, first, the parties are unrelated to each other and, second, the parties negotiate the arrangements and transactions at arm's length.

It is important to emphasize that the triggering of the presumption is a separate and distinct decision based upon all information the Secretary deems appropriate. We do not expect landholders to simply file a statement with the Secretary that the proposed arrangement is between unrelated parties and at arm's length. Rather, we fully expect that whatever documents the Secretary deems appropriate and necessary will be filed and carefully examined by the Secretary. Only after such thorough review can the Secretary make a determination that the so-called exclusions may be triggered. To do otherwise would make a mockery of our efforts to close the loopholes that have plagued this program.

The burden of proof properly rests with those who seek millions of dollars in public subsidies. Let us remember that a 960-acre farm in California, where over 95 percent of Reclamation abuses occur, receives over $300,000 a year in Reclamation water subsidies. We have a right, and an obligation, to assure that those who take the money qualify in every respect for the program. Subterfuge, with or without the complicity of the Bureau of Reclamation, can have no place in this program.

This law says as clearly as we know how: No combination of land or interests is permitted, not by contract, by ownership, by trust, by secret agreement or by any other device. Reclamation is not a game for lawyers and accountants. It is an expensive subsidy program that either should benefit the small farmer for whom it was intended, or should be abolished.

Mr. Chairman, this marks the third time the House of Representatives has voted to close loopholes in the Reclamation law within the last 4 years. I think I can safely say that the patience of every Member has reached the breaking point. If the Interior Department or the water users refuse to implement these reforms or develop elaborate schemes to avoid compliance with the law, there will be little or no justification for continuing the Reclamation program.

The subsidies provided by this program can only be described as lavish. On a typical 960-acre operation in California, the taxpayers are providing over $300,000 in subsidies per year. Subsidies of this magnitude are difficult to justify when those who benefit from the program refuse to comply with the law.

I urge my colleagues to support H.R. 429.

□ 1400

Mr. HANSEN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in support of H.R. 429, The Reclamation Projects Authorization and Adjustment Act. This is a major piece of legislation. There are 29 separate bills contained in this legislation. It is 191 pages long, directly affects 12 States, and indirectly affects the entire Western United States.

One of the major provisions of the legislation deals with an increase in the authorization levels for the Central Utah water project.

The Central Utah water project is the last, great water project in the West to go through Congress. This process started in the early 1950's with the passage of the Colorado River Storage Act and now, almost a half century later, we seek the final authorizations to finish this water project.

During the last 3 years, there has been an intense effort to craft Utah water legislation to meet the new challenges of reclamation development. We have learned that in order to build water projects, we need to be cost efficient and environmentally sound.

The Utah delegation has negotiated a very complex piece of legislation which has the support of various environmental, public power interests, native Americans, water districts, and local governments. The negotiations have not been easy; rather, they have been long and hard. This coalition has come together after a tremendous, bipartisan effort. I salute the many people who have brought us this far and express appreciation for their excellent work. Among others, I want to express my appreciation to Chairman MILLER for his leadership on this bill.

I would like to make four major points in my remarks today. First, the central Utah water project titles in this bill cut new ground in reclamation law. For the first time, the local water district, in this case the Central Utah Water Conservancy District, will construct the remaining water delivery features. As a result, the cost of the construction can be reduced significantly because private enterprize will engineer and construct the water systems rather than a more expensive Federal agency with its built-in overhead costs. We have determined this amounts to a 35-percent reduction in costs.

The second point concerns one of the most aggressive water conservancy plans in the Nation. Local water districts have agreed to plans to protect the scarce water supplies the CUP will provide.

The third point deals with local cost sharing and repayment obligations set forward in the legislation. This bill is not a gift to the State of Utah. There are local cost sharing obligations which require local parties to pay 35 percent of the cost of the systems in the bill. This is a substantial sum to the citizens in the State of Utah and was part of a long, drawn out compromise. We have determined while this might be a burden, it will be a sacrifice the people of Utah will have to make to assure themselves of a long-term water supply.

Regarding repayment obligations, the legal basis for the Bureau of Reclamation's repayment policy is based on a series of Federal laws dating back to the Reclamation Act of 1902. The Reclamation Project Act of 1939 provided for irrigation repayment to be based on the irrigator's ability to pay for water from the increased net income from irrigated farming. Contracts for the repayment of the irrigation construction obligation are based on payment capacity remaining after operation, maintenance, and repayment costs have been deducted. It is the Bureau of Reclamation's policy to collect 100 percent of remaining payment capacity after the OM&R costs have been deducted.

Under Reclamation Law, the costs allocated to irrigation are fully repaid without interest over a repayment period not to exceed 40 years. Assistance is also available from power revenues to repay the costs that are beyond the irrigators ability to pay. In essence, irrigators pay on construction costs up to their ability to pay and power repayment revenues provide the balance.

The need for municipal and industrial water in the West has been historically a growing concern. The basis for the repayment of M&I was established in the Reclamation Project Act of 1939 and the Water Supply Act of 1958. Interest is charged on M&I water development and allows a payback over a 50 year period.

Of course, these water facilities will have a long term operational life period and their value should exceed their repayment periods easily. They are assets of the Federal Government. The point here on repayment is that this legislation calls for increased authorizations to finish the central Utah water project. Utah is the second driest State in the Union. The Federal moneys will not be a gift, the moneys will be repaid in the future. The Federal Government will be making an investment in Utah's future, and as a result of securing these water supplies, the economy of Utah will be able to produce more goods and services adding to the overall prosperity of this great country.

My fourth and final point relates to the environment. The Utah titles in this legislation provide for the comple-

tion of the environmental mitigation features associated with the CUP. It creates a commission to oversee the various environmental initiatives and allows for significant funding to make sure actions are taken.

And finally, like other large and complex bills, there may be items within this legislation I personally disagree with. However, this is an omnibus bill. There are other important titles in this package. Water is critical to the development of the West. Much of this bill has already passed this body twice last year.

Mr. Chairman, I urge adoption of H.R. 429.

I reserve the balance of my time.

□ 1410

Mr. MILLER of California. Mr. Chairman, for purposes of debate only I yield 2 minutes and 30 seconds to the gentleman from Utah [Mr. ORTON].

Mr. ORTON. Mr. Chairman, it is with a great deal of pleasure that I rise in support of H.R. 429, the Reclamation Projects Authorization and Adjustment Act. Enactment of this legislation will finally fulfill a major portion of the promise made to the people of Utah when the Colorado basin compact was agreed to over 30 years ago. This bill will authorize the final links in a system of reservoirs and water conveyance structures which will bring water from the Colorado basin west to the Bonneville basin and south to the Sevier basin in central Utah.

We would not be considering this legislation today without the efforts of literally hundreds of people over several years. Chief among those who have made today possible is my friend and colleague, the gentleman from the Second District of Utah, WAYNE OWENS, a member of the Committee on Interior and Insular Affairs. My colleague from the First District, the distinguished ranking minority member of the subcommittee which initially dealt with this project, JIM HANSEN, has also made many valuable contributions to this effort. The benefits of the clip portion of this legislation accrue to all the citizens of the State of Utah and we have worked in concert to this end.

Chairman MILLER has been particularly helpful in assisting us in resolving many complex issues involved in the central Utah project. I want to express to the chairman my heartfelt appreciation for his understanding of the importance of this bill to the people of my district and the State and for expeditiously bringing this measure to the House for consideration. I am grateful for his distinguished leadership.

I also want to thank my colleague from Alaska, Mr. YOUNG, the ranking minority member of the full committee. I appreciate his cooperation and support and look forward to working with him in the future.

On behalf of the people of my district, I want to express my appreciation to all the other members of the Committee on Interior and Insular Affairs for supporting my efforts. I also want to thank the committee's capable and professional staff, individuals who worked so constructively with me. I am pleased and gratified by the cooperation and assistance I have received.

Finally, many environmental organizations which usually oppose water development projects have worked constructively with me on this legislation. Without compromise by all parties concerned, this bill—which is so vitally important to Utah—would not be before the House today.

Mr. Chairman, completion of the Bonneville unit of the central Utah project will allow us to utilize a major portion of Utah's share of the Colorado River. It will enable us to provide an adequate municipal and industrial water supply for the growing Wasatch Front and, equally important, it will provide us with much needed irrigation water for rural communities to the south.

The bill before us today differs from the legislation the House passed late last year. The changes are almost exclusively the result of the adoption of amendments I believe are essential to make this bill more responsive to the particular needs and concerns of the people of Utah's Third District which I represent. During the campaign last year, many voters, now my constituents, expressed concern over omissions or specific provisions in the version considered by the House in the 101st Congress.

For example, we have clarified a provision on crop assistance programs which could have had serious implications for many agricultural producers in Utah. We developed a new mechanism for water replacement in Wasatch County which allows restoration of historic river flows to enhance fish habitat while ensuring that agriculture in that county would not be deprived of water. We adopted provisions which will provide compensation for adjacent landowners who may be adversely affected by the wetlands preserve created in this bill. We have broadened the scope of a water management planning study and provided for the use of more efficient techniques, thereby making additional water available for rapidly-growing Utah County, a major metropolitan area in my district.

We have made the Mitigation Commission established by this bill more responsive to the plans and concerns of State and local government. I am disappointed, however, that we have been unable to clarify one point in this section. As originally drafted this bill created an environmental Mitigation Commission whose power is limited only by the appropriations process in Congress. This lack of accountability prompted numerous expressions of concern by Federal, State, and local officials whose activities would be affected by commission decisions.

In light of these concerns I proposed that we require the Commission to incorporate the recommendations of State and local agencies into the Commissions mitigation plans unless doing so would prevent the Commission from carrying out the responsibilities assigned to it in this bill. I also suggested that if the Commission did not adopt local recommendations that it issue a written finding explaining what prevented it from incorporating the plans of State or local governments.

To anyone as concerned as I am about making government responsive to the people, this is not an unreasonable requirement. After all, it incorporates a fundamental and essential tenet of democracy. Yet this suggestion encountered what I consider to be unreasoned and unreasonable opposition from environmental groups.

It was insisted that the following four words "in its sole judgment" be added to the language requiring the Commission to consider and incorporate local recommendations. I believe that this language adds nothing to the substance of the bill and may send the exact opposite message to the Commission than I want to send.

The issue I raised in conjunction with the Commission's activities is not an environmental one. It is a simple issue of good government. I am very concerned with the antidemocratic position the environmental community has taken on this issue. In opposing my efforts to make the Mitigation Commission more responsive they are saying that they do not want Federal agencies to be responsive to the goals and plans of State and local governments. That tact is dangerous to the country and particularly to the environmental movement. No pendulum continues its swing in one direction forever. If the environmental movement is beginning to take an antidemocratic stance in pursuit of its objectives I see critical problems ahead. Much of the good work the movement has accomplished will be seriously jeopardized.

Even though the language in the bill might lead the Commission to believe that it need not be responsive to State and local concerns, I sincerely hope that the Commission will in fact, be responsive to those concerns. It would, of course, be most unfortunate if the Commission or the Congress were to conclude that the Commission could ignore State and local concerns. I will personally and carefully monitor the activities of the Commission to ensure that they do not. I know that I will be joined in that effort by the other members of the Utah delegation and the majority of my colleagues in the House.

Mr. Chairman, this bill is overall a brilliantly crafted compromise which should be adopted enthusiastically by the House. It provides for vital water development in a fiscally and environmentally-responsible way. It is long overdue in fulfilling the promises made in the Colorado basin compact, and I urge its passage.

Mr. HANSEN. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Wyoming [Mr. THOMAS].

Mr. THOMAS of Wyoming. Mr. Chairman, I rise in support of H.R. 429, and wish to thank Mr. MILLER and Mr. HANSEN for all of their help in bringing this important legislation to the floor.

One of the major reclamation projects contained in this bill is the Buffalo Bill Dam project near Cody, WY. The Buffalo Bill Dam provides water to a large number of irrigators in northeast Wyoming and also generates hydroelectric power and provides recreational benefits for the Cody area.

In 1982, Congress authorized extensive modifications to the Buffalo Bill Dam. The plan was to raise the height of the dam by 25 feet. The act authorized appropriations of $115.7 million and the modifications are largely complete. However, subsequent to the 1982 authorization, the Bureau of Reclamation identified a number of design changes which needed to be addressed.

Last year I introduced legislation which would have authorized the completion of the Buffalo Bill Dam. Unfortunately, this bill was not approved due to a number of contentious issues which developed in the House and Senate.

The Buffalo Bill Dam modification project is unique because it includes a substantial cost-sharing arrangement with the State of Wyoming. This State-Federal cost-share plan is extremely important and is a good example of what can be accomplished when the Federal Government and the States work together. As we continue to tighten our belts to combat the Federal budget deficit, we should begin to look at agreements such as this in order to complete vitally needed programs.

Mr. Chairman, I am very pleased that the House is acting on this important legislation and would urge its quick adoption.

Mr. MILLER of California. Mr. Chairman, for purposes of debate only, I yield 5 minutes to the gentleman from Utah [Mr. OWENS].

Mr. OWENS of Utah. Mr. Chairman, the central Utah project, unlike most Western water reclamation projects, is totally fiscally responsible. It should be authorized for all the valid reasons. We placed a cap on bureaucratic overhead. We have killed hundreds of millions of dollars of unneeded water projects contained in the original legislation and currently on the books. And with the Utah cost share of 35 percent, the largest of any such water project, the American taxpayer has been responsibly protected. Most Utahns will benefit from the environmental care and growth opportunities developed in this bill. I am proud of these accomplishments, and I express my appreciation for the dedication and spirit of the many individuals who have worked on this bill. I think that is very significant, that the interested parties in Utah's congressional delegation have achieved total consensus on virtually every major aspect of this controversial project. That consensus has not been accidental and it has certainly not been easy.

The central Utah project is a result of a willingness by many people with divergent interests to find a compromise that is acceptable to all. It represents a huge expenditure of time and energy to rationally redesign and update the project for the people of Utah.

The Central Utah Project Completion Act of 1991 is virtually identical to the bill that actually passed the House and the Senate last year, but our bill died in the final moments of the 101st Congress, becoming embroiled in the major conflict over the Reclamation Reform Act to which it was tied, as it is today.

Our new Utah colleague, BILL ORTON, has offered new insight into several local issues, and we have adopted his amendment to add an additional $30 million to help Wasatch County build a water efficiency project which will ensure the return of streamflows to the Strawberry River and mitigate for lost waters.

I want to express very real thanks to Chairman MILLER for his assistance and for that of Dan Beard and Steve Lanich of his staff. We owe a great debt to our former chairman, Mo Udall, whose advice and help on these issues over the years has been critical.

We present, with all that assistance, legislation which creates a fiscally and environmentally sound water miracle which is in itself another miracle.

I thank my colleague, the gentleman from Utah, the senior Republican on our subcommittee, for his help and invaluable input and his staff man, Jim Barker, and our new colleague, Mr. ORTON, for his fresh perspective and important amendments, and our colleague in the other body, Senator HATCH, and the former water commissioner of Salt Lake City who is also the spiritual high priest and chief guru of the central Utah project, as well as our senior Senator, JAKE GARN, who has been working on this bill for 25 years.

I also wish to express appreciation to Don Christiansen, general manager of the Central Utah Water Conservancy District, counsel Marcus Faust, Ed Osann, and Dave Conrad of the National Wildlife Federation and Jeff Appel in Utah who have been representing the Utah environmental community. All have contributed enormously, as well as a succession of my own staff members over 4 years, Matt Durham, Kenley Brunsdale, Mike Weyland, and finally, Tom Melling.

I am very grateful to the gentleman from California, Chairman MILLER, for bringing the House to this position. I hope that our colleagues will give again their confidence as we repass again this recodification and restructuring of the central Utah project.

Mr. HANSEN. Mr. Chairman, I yield 2 minutes to the gentleman from Texas [Mr. COMBEST].

Mr. COMBEST. Mr. Chairman, I rise today in support of H.R. 429, and specifically, the Lake Meridith Salinity Control project which would dramatically improve the quality of drinking water for many people in my congressional district. I cosponsored this title of the bill with my colleague, Mr. SARPALIUS, as H.R. 1159 earlier this year.

This legislation stems from a 1985 Bureau of Reclamation study that not only confirmed the high concentration of salt in the drinking water, but identified the source of the salt pollution, and presented a solution to the problem. With this legislation which has been introduced since the 100th Congress, a half million people have been hopeful that clean drinking water is coming, and now it finally will.

Anyone who has been to west Texas knows that the scarce and valuable water supply is the basic lifeline for the area. However, the quality of the drinking water has been continually deteriorating to a point that it sometimes is below health and environmental standards. With this legislation, we can help people help themselves. Under the proposal, the Federal Government would pay no more than 30 percent of the cost of the project, with the remaining cost coming from the beneficiaries. This is a small Federal investment compared to the strong commitment coming from the area water authority.

I urge my colleagues to support H.R. 429 as passed by the Interior Committee. As a sponsor of the Lake Meridith salinity bill, I pass on the gratitude of the thousands of people who will have safe and clean drinking water because of this legislation. I also want to thank Mr. SARPALIUS who is also cosponsor of the Lake Meridith salinity bill.

□ 1420

Mr. MILLER of California. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would just, first, like to commend the Utah delegation. A delegation of less character and less tenacity probably would have given up on this issue a long time ago. It has been a struggle and a lot of hard work to bring the central Utah project where it is today, so we can consider it on the

floor, and they are to be commended, because they had to work and had to agree to satisfy many, many diverse interests within that State, interests that have changed, grown, and diminished over the life of the project. I think they are to be commended for all of their hard work.

Mr. Chairman, I yield 6 minutes to the gentleman from California [Mr. LEHMAN].

Mr. LEHMAN of California. Mr. Chairman, I find myself this year in a quite different situation than I did a year ago when this bill was on the floor.

I rise today to support the bill. I intend to vote for it and urge my colleagues to do the same.

Last year, we had a bill on the floor dealing with reclamation reform that had never been heard in the committee, that had not gone through any amendatory process, that had not been negotiated out with the parties involved. This is exactly the opposite case this year.

The chairman of our committee, the gentleman from California [Mr. MILLER], has used his time and his energies to sit down with this Member and with the gentleman from California [Mr. DOOLEY], the gentleman from California [Mr. CONDIT], and other affected Members to try to work a consensus bill together to meet the real needs that he see to reform reclamation law, but at the same time meet our concerns that it not be done in an arbitrary and capricious fashion that does unnecessary harm to innocent parties.

What we have on the floor today with respect to reclamation law is a compromise. Not everything in this is the way the gentleman from California [Mr. MILLER] would have liked it and, indeed, it is substantially different from the bill on the floor last year. Certainly not everything in it is what I would have liked had I been able to write it myself, but many of my concerns have been met, and I feel that we have been operating in good faith.

There are some differences that remain as this bill proceeds that I think have to be clarified and worked out, and only in a general sense now would I like to address a couple of them.

First is the situation with respect to the so-called Boswell trust that the gentleman from California [Mr. MILLER] talked about in his opening statement, and I am not going to refute the facts in that situation here. That has been discussed on this floor before and amply in the committee.

I do have a concern that the remedy that the chairman has in this bill and which I agreed to in committee as part of the compromise is not necessarily going to solve the problem that we are attempting to address. I fear that the result of withholding water from the Boswell trust, making them ineligible for Federal water at any price within 120 days, as the bill does, will only have the effect of allowing the insurance company that holds the mortgage to foreclose, take the place of the beneficiaries and, in fact, farm a 23,000-acre ranch with subsidized water by itself for 5 years at which point in time it can sell the property for a non-Bureau-approved price, or double the $10 million that it has into it, for about $20 million. That is my fear with the manner in which we are proceeding.

The beneficiaries will lose out. The Boswell Co. will probably be gone. But the main winner here, I think, is going to be the insurance company, not a bunch of small farmers who are going to come in and take over.

I have expressed this concern in committee. I know the chairman shares my concern here. I know that is not the result that he intends, and hopefully if this bill proceeds, we will be able to get more facts and make a more enlightened determination about how we ought to unravel this situation.

Also, I remain to have some differences over the way families and nonfamily members are treated in this bill. It has always been my contention that they ought to be treated the same, and that, in fact, you cannot separate families from farming. If you try to do that, you really do not know what you are doing.

Families and farming are integral parts of each other on the American landscape. This bill, for the first time, makes a differentiation and says that if you are a family farmer, relationships that you might have with other people in your family are, by definition, not arm's length, using the Internal Revenue Service Code as the determining factor and saying that you must meet a higher test. I am not happy with that. But I agreed to that.

I think the benefits of reclamation law are such that if that is what we have to do to reach a compromise, then we will walk that extra mile to prove that, as family members, we are operating at arm's length with each other. I am certain we can do that. I do not like the extra burden that is places, but, again, that is part of this compromise.

My overriding concern in this legislation is that, in trying to correct something that is wrong that does have problems, that we not go overboard and that we not sweep a lot of innocent people and a lot of innocent relationships down with the bad ones.

I continue to have concerns that some of the provisions in this bill, and one of the amendments that the gentleman from California [Mr. MILLER] will offer this afternoon could have that effect, that we may be not getting the 120 farmers out of thousands that the GAO said had problems in their operation and were circumventing the intent, the spirit, rather, of the intent of the law, but getting at normal, customary farming practices that those other thousands of people are engaged in. I know that that is not the intention of the chairman with this legislation, but I think we both agree on the same result. The only differences have been, and continue to be to a small degree, how to accomplish that. He has been open in discussing that with the gentleman from California [Mr. DOOLEY], the gentleman from California [Mr. CONDIT], and myself.

Again, I do not think we have a disagreement on the result, but we all want to be very careful as we split hairs, that we are splitting just as many of your hairs as you are of mine along the way, and both sides in this struggle have worst-case scenarios.

I think that in the spirit that we have worked together in the past, I do not see anything here that cannot be surmounted. Indeed, this bill, as a whole, with respect to the reclamation reform changes, is a thousand times better than the bill we had last year. It meets most of our concerns and represents a genuine compromise from which we can go forward.

The reclamation program has had a black eye in this Congress for some time. It has taken a lot of shots, not all of them justified, I believe. It has done a great deal of good for the West and California and for my district in particular.

In furtherance of the objectives of the law, my constituents are willing to take on a few more burdens, jump through a few more hoops, and I think that this legislation will protect our basic rights in that regard.

I thank the gentleman.

I also want to thank the members of the minority staff who worked with me so closely on this, the gentleman from Utah [Mr. HANSEN], and particularly the gentleman from Arizona [Mr. RHODES], who stood by me on the committee, and the members who felt as I do in fashioning this compromise.

I ask for an aye vote.

I thank the Members.

Mr. Chairman, as I am sure you agree, reclamation reform is one of the most controversial and complex matters that members of the Interior Committee face. Due to the difficulty of this issue, I want to thank you for your efforts to address my concerns and the concerns of my congressional district and farmers. As you know Mr. Chairman, during the 101st Congress, I raised a number of concerns and objections to legislation which amended the Reclamation Reform Act of 1982. Despite my objections and the objections of many of our colleagues, that legislation passed the House. I am pleased to report that I support H.R. 429, as passed by the committee. I remain hopeful that I will not be required to raise objections and that we can support the measure as adopted by the House committee without amendments. The committee measure was the result of many weeks of difficult, frustrating negotiations.

During the full committee's consideration of title XVII, I offered two amendments concern-

ing reclamation reform which were adopted by the committee without objection. These amendments substantially altered the Reclamation Reform Act provisions and were the foundation of the compromise reached by the chairman and myself. Again, Mr. Chairman, I want to thank you for your efforts to work with me and other members to address legitimate farm families' concerns and to insure that they can continue their traditional, customary farming practices without being unjustly penalized. However, I again emphasize that altering these provisions would substantially impact the delicate balance on which this compromise is built.

As you know Mr. Chairman, these provisions are essential to my district's farmers since they authorize and establish safe harbors specifically defined in section 1702, subsections 3(b) and 3(c). These "safe harbors" reflect legitimate, customary farming practices and activities and are intended to ensure that landholdings are not combined into a farm or farm operation solely due to the existence of these activities, arrangements and transactions which are common to agricultural production.

I want to make very clear for the RECORD the application and interpretation of these provisions by the Secretary of the Interior. I have several concerns with the committee report and have joined my colleagues in submitting clarifications concerning the application of this title.

Title XVII of the bill protects the integrity and the intent of the Federal reclamation law. This title incorporates a series of provisions to amend and tighten the acreage and pricing limitation provisions of the 1982 act. The amendment to the 1982 act are also designed to correct potential abuses and circumvention and improve compliance with the reclamation law.

When applying title XVII, the Secretary must recognize the intent and essence of the provisions of this title. As author of these provisions, I want to reemphasize that these provisions provide a foundation for insuring protection of legitimate farming operations, while simultaneously requiring the Secretary to prevent abuse and circumvention of reclamation law through the use of sham financial transactions and illegitimate farming operations.

Section 1702, subsections 3(b) and 3(c) provide "safe harbors" only for legitimate, customary farming practices and activities and are intended to ensure that landholdings are not combined into a "farm" or "farm operation" solely due to the existence of these activities, arrangements, and transactions which are common to agricultural production.

Title XVII establishes a rebuttable presumption that multiple landholdings would be considered a single "farm" or "farm operation" if ownership, operation, management, financing, or other factors, individually or together, indicate that farming or operating such landholding is being done by the same individual, group, entity, trust, or other arrangement or combination. Clear guidelines are established in subsections 3(b) and 3(c) concerning the types of arrangements, transactions, and activities that the Secretary would not consider when determining whether a "farm" or "farm operation" exists. These provisions would apply only to those "farms" or "farm operations" that exceed 960 acres and apply to the price at which Federal reclamation water will be made available to such lands.

The principal feature of title XVII is the clarification of the term "farm" or "farm operation" in section 1702 which amends section 202 of the 1982 act by defining the new terms "farm" and "farm operation."

Subsection (3)(a) defines a "farm" or "farm operation" to mean any landholdings that are directly or indirectly farmed or operated by an individual, group, entity, trust, or any other combination or arrangement. For example, landholdings owned by separate partnerships, corporations, or individuals, each of which is fewer than 960 acres, may be presumed to be a single "farm" or "farm operation" if there is common ownership interest among the various entities or individuals involved.

Subsection (3)(a) provides that the presence of certain factors, as specified in subsection (3)(a), trigger a rebuttable presumption that a "farm" or "farm operation" exists. A "farm" or "farm operation" is presumed to exist when ownership, operation, management, financing, or other factors, individually or together, indicate that one or more landholdings are directly or indirectly farmed or operated by the same individual, group, entity, trust, or other combination or arrangement.

Subsection (3)(b) specifically addresses arrangements and transactions between unrelated parties and defines a number of circumstances where certain arrangements and transactions cannot be considered by the Secretary for the purpose of determining the existence of a "farm" or "farm operation" as defined by subsection (3)(a). These arrangements and transactions shall not be factors for the purpose of determining the existence of a "farm" or "farm operation" as defined by subsection (3)(a), if the parties to the arrangements or transactions certify, in accordance with sections 202 and 203 of the 1982 act, as amended by this bill, that the following two conditions are satisfied: First, the parties are unrelated to each other, and second, the parties conduct the arrangements and transactions at arm's length.

If the arrangements and transactions, as defined by subsections (3)(b)(1–5), have not been negotiated at arm's length between unrelated parties, the Secretary shall consider such arrangements and transactions in determining whether a "farm" or "farm operation" exists. If the parties engaged in such arrangements and transactions are related, such parties shall be subject to the provisions of subsection (3)(c). Therefore, when such arrangements and transactions are not negotiated at arm's length between unrelated parties, the rebuttable presumption that a "farm" or "farm operation" exists as established by subsection (3)(a) could be triggered.

The definition of what constitutes activities between related parties is defined in section 267(b) of the Internal Revenue Code of 1986. Therefore, the parties to an arrangement or transaction will be considered to be unrelated if they are not among the relationships defined in section 267(b).

Section 1702 amends section 202 of the 1982 act by adding subsections (3)(b)(1–5) which define certain arrangements and transactions which shall not be considered by the Secretary when determining the existence of a "farm" or "farm operation" as defined by subsection (3)(a), if such arrangements and transactions are between unrelated parties and are negotiated at arm's length. These arrangements and transactions include:

Subsection (3)(b)(1)—Participation in a bona fide cooperative by an individual or legal entity.

Subsection (3)(b)(2)—Entering into an agreement in which each party bears the risk of loss individually for customary farming practices and activities such as agreements for the use of equipment or labor; processing, handling, brokering, or packing crops; ginning cotton; purchasing seed; purveying water; or other practices or activities.

Subsection (3)(b)(3)—If an individual or legal entity enters into a financial transaction involving a loan for land or crops. Such financial transactions include, but are not limited to those transactions which provide for the granting or receipt of a security interest, crop mortgage, assignment of crop or crop proceeds or other interest in the crop or land with the sole purpose of obtaining repayment of a loan.

Subsection (3)(b)(4)—If an individual or legal entity enters into or exercises a right under an agreement which assures or requires bona fide quality control measures and/or the right to take control of a farming operation to maintain quality control.

Subsection (3)(b)(5)—If an individual or legal entity enters into an agreement for custom farming or farm management services and if the custom farmer or farm manager does not bear a direct risk of loss in the crop. Custom farm or farm management services include arrangements and transactions where specific services or the management of these services are provided to landholders by a farm manager or custom farmer who does not bear a direct risk of loss in the crop—that is, the custom farmer or farm manager has an enforceable right to a fee for the services provided regardless of the profits or losses of the crop for which the services were provided. An agreement to pay a custom farmer or farm manager an amount in excess of the fee for extraordinary service that is tied to production of the crop shall not be considered a risk of loss burden upon the custom farmer or farm manager.

Subsection (3)(c) specifies that the Secretary shall certify that a "farm" or "farm operation," as defined by subsection (3)(a), does not exist if activities between related parties, as defined in section 267(b) of the Internal Revenue Code of 1986, are entered into and performed at arm's length.

In the event that the Secretary does certify that related parties have entered into and performed at arm's length such activities including those arrangements and transactions established in subsections (3)(b)(1–5), such activities shall not be considered factors for determining the existence of a "farm" or "farm operation" as established by subsection (3)(a). If, however, the Secretary is unable to certify that activities between related parties were not entered into and performed at arm's length, these activities between the related parties shall be considered factors for the purpose of determining the existence of a "farm" or "farm operation."

Mr. HANSEN. Mr. Chairman, I yield 3 minutes to the gentleman from California [Mr. LAGOMARSINO].

Mr. LAGOMARSINO. Mr. Chairman, although I share some of the concerns, expressed by my California colleague, Mr. LEHMAN, I am confident, as he is that those problems can be worked out. I rise in support of H.R. 429, a bill which authorizes a comprehensive package of water reclamation projects to serve Californians and residents throughout the West.

As has been widely reported, the State of California is now in the fifth straight year of an unprecedented drought. Perhaps no region of the State has been more severely impacted by this drought than Santa Barbara and Ventura Counties, which I represent. In those counties, many residents have been on strict water rationing for over a year and the current rationing is designed to achieve a 43-percent decrease below predrought usage levels for domestic consumption.

Like many regions around the country, especially in the West, south-central California does not get an adequate supply of annual rainfall to meet its needs. Rather, in order to meet all the needs of the region, water storage and transfer/distribution systems are critical elements of our water supply program. I am pleased that many features of this bill address these water supply issues for regions like south-central California.

I am also pleased to see that Chairman MILLER has agreed to include my amendment to the Warren Act in the bill before the House today. Under this authorization, the Federal Government could use its reclamation facilities to transport and store, non-Federal water used for other than irrigation. Use of Federal reclamation facilities for transport and storage of non-Federal irrigation water has been authorized for 60 years. Such use was authorized because it was recognized that Federal facilities often had excess capacity, and in order to avoid the costs and environmental impacts of constructing duplicative systems. This same logic applies to use of Federal facilities for nonirrigation water.

The city of Santa Barbara, for example, proposes to use Lake Cachuma and Lake Casitas Reservior, along with other Federal facilities, to store and transfer water.

One other section of this bill which is of special interest is the authorization of feasibility studies for desalination projects. In the area which I represent, such technological approaches to water supply issues are likely to become even more important in meeting future water demands. Therefore, I would like to thank my friend, Mr. PANETTA, for authoring this section of the bill.

Overall, H.R. 429 as it comes to the floor is a very good bill which deserves the support of my colleagues. I would like to thank the chairman, Mr. MILLER, for bringing this comprehensive package to the floor. I am hopeful that the President will sign a comprehensive water reclamation package in the near future.

□ 1430

Mr. MILLER of California. Mr. Chairman, I yield 2 minutes to the gentleman from the Virgin Islands [Mr. DE LUGO].

Mr. DE LUGO. Mr. Chairman, I rise in support of this bill, H.R. 429. I want to commend our chairman, the gentleman from California [Mr. MILLER] on his strong and very sensitive leadership in our committee that brought about this compromise that we see here before Members today.

Mr. Chairman, I am standing here in support of this bill, H.R. 429. Title XXI would require a study of the long-term water, sewer, and power needs of the insular areas. It would also authorize funding to enable them to reduce their costly, almost total dependence on imported fuel.

These provisions were contained in an omnibus insular areas bill that I sponsored that unanimously passed the House last year. It, unfortunately, did not become law because of late Senate action.

Hence, with the support of Chairman GEORGE MILLER and other members of the Interior and Insular Affairs Committee, the language has been included in this bill.

The insular areas have long endured horrendous problems stemming from inadequate water, sewer, and power. The health of their peoples has been imperiled and the economic growth of their communities has been stifled, but to date they have only been able to apply Band-Aid solutions to these problems.

This bill would require a comprehensive study to permanently address the inadequacies. Correcting the deficiencies would considerably improve the quality of life of the nearly 4 million people of the insular areas.

The authorization to encourage use of renewable local energy resources would expand an existing authorization for projects identified in a 1982 Energy Department report to cover any projects determined to be worthwhile by the Energy Secretary. Reducing insular areas' dependency on imported fuel is critical to their economic health and makes sense in light of their abundant energy sources created by the wind, the Sun, and the ocean.

In short, title XXI would provide a long overdue response to critical needs. I commend Chairman MILLER for supporting it, our colleague ENI FALEOMAVAEGA for helping to develop it, and I urge my colleagues to approve it.

Mr. HANSEN. Mr. Chairman, I yield 1½ minutes to the gentleman from New Mexico [Mr. SKEEN].

Mr. SKEEN. Mr. Chairman, today I am introducing an amendment with the support of Congressman RON COLEMAN that will result in cost savings and more efficient management of two irrigation districts in New Mexico and Texas. This will be accomplished by transferring certain rights-of-way from the Bureau of Reclamation to the Elephant Butte Irrigation District and El Paso County Water Improvement District No. 1.

My amendment provides the Secretary of the Interior with authority to transfer to the districts, without cost, title to easements, ditches, laterals, canals, drains, and other rights-of-way which the United States acquired on behalf of the two projects. The Secretary's authority extends to those rights-of-way used solely for the purposes of serving the two districts. Any transfer authorized under this legislation is subject to the condition that the districts assume full responsibility for operating and maintaining the portion of the project to be transferred.

This transfer is made possible by the fact that both districts have repaid in full to the Federal Government their portion of the project. This proposed transfer provides many advantages to both the Federal Government and the two districts. The United States reduces some of its administrative costs and potential management responsibilities as well as potential liabilities. The districts gain title and a fuller measure of control of lands in which they have the sole remaining interest.

Specifically, the districts will have greater ability to deal with encroachments that have been appearing on the rights-of-way and easements. Delays in processing and issuing permits for various utilities and water companies to cross these easements and rights-of-way should be eliminated.

Over the past 10 years, the costs to the districts for the operation and maintenance charges requested by the Bureau have increased 141 percent. This is during a time when the duties and responsibilities of the Bureau have decreased. Again, a consolidation of control and full responsibility of the easements and rights-of-way should lead to further savings.

This makes good sense and I hope my colleagues will offer their support in passing this amendment.

I include a copy of my proposed amendment, as follows:

In the appropriate place in the bill, insert: "The Secretary of the Interior is authorized to transfer to the Elephant Butte Irrigation District, New Mexico, and El Paso County Water Improvement District No. 1, Texas, without cost to the respective district, title to such easements, ditches, laterals, canals, drains, and other rights-of-way which the United States has acquired on behalf of the project, that are used solely for the purpose of serving the respective district's lands and which the Secretary determines are necessary to enable the respective district to

carry out operation and maintenance with respect to that portion of the Rio Grande project to be transferred. The transfer of the title to such easements, ditches, laterals, canals, drains, and other rights-of-way located in New Mexico and Texas, which the Secretary has, that are used for the purpose of jointly serving Elephant Butte Irrigation District and El Paso County Water Improvement District No. 1, may be transferred to Elephant Butte Irrigation District and El Paso County Water Improvement District No. 1, jointly, upon agreement by the Secretary and both districts. Any transfer under this section shall be subject to the condition that the respective district assumes the responsibility for operating and maintaining their portion of the project. Title to, and management and operation of, the reservoirs and the works necessary for their protection and operation shall remain in the United States until otherwise provided by an act of Congress."

Mr. MILLER of California. Mr. Chairman, I yield such time as he may consume to the gentleman from South Dakota [Mr. JOHNSON].

Mr. JOHNSON of South Dakota. Mr. Chairman, I rise in strong support of the reclamation project authorization.

Mr. MILLER of California. Mr. Chairman, I yield 3 minutes to the gentleman from California [Mr. CONDIT].

Mr. CONDIT. Mr. Chairman, I rise today in support of the agreement reached between Chairman MILLER and Representative LEHMAN on the reclamation reform sections of H.R. 429. This agreement was approved by the full House Interior Committee. While there are portions of the agreement with which I do not completely agree, I believe that this agreement represents an unprecedented step in the debate on reclamation reform. It is for this reason that I must oppose any amendments offered today to the provisions included in the agreement.

I am in agreement with the chairman that we must ensure that the Bureau of Reclamation enforces reclamation law so that those operations that clearly violate the intent of the law are charged the proper price for water. However, I believe that in an effort to get to this handful of abusers or reclamation law that many legitimate family farmers will be affected. The Bureau of Reclamation's recent audit report found only 120 farm operations in excess of 960 acres. This is clearly a small minority of farmers receiving reclamation water.

The centerpiece of the agreement is the establishment of the criteria by which the Secretary can and cannot make a presumption that a single farm or farm operation exists and thus, whether or not farmers must pay full cost for water. I must admit that the bill as reported by committee is quite complicated and will certainly create additional paperwork and uncertainty for farmers in my district. However, in an effort to draft a bill that provided clear exemptions for legitimate farming practices, it became clear that the approach taken was necessary.

One of the shortfalls of the committee language is the separate treatment of family and nonfamily farming arrangements. I believe that family farmers deserve at least equal treatment with nonfamily farmers. It is my hope that during the consideration of this bill in the Senate and in conference that some additional protections can be provided for family farms.

One of the provisions that I believe will provide an extra burden to legitimate family farm operations is the one eliminating trusts. The agreement that was approved by the Interior Committee makes it illegal for families to place their property in trust and still receive reclamation water. Many families use trusts as a management tool in order to more effectively operate their farms. While the bill provides for a phase in of this provision it will be a burden to many family farmers in my district.

Mr. Chairman, I think that it is important that we do not lose site of the tremendous benefits of the reclamation projects. The projects have been very successful in fulfilling their goals. Since 1982, there has been a Federal investment of over $12 billion in reclamation projects, only $5.4 of which has been for irrigation projects. Areas served by these projects generate almost $8 billion annually in increased economic activity, supporting tens of thousands of farmers, their employees, those who provide materials and services for agriculture, and the rural economies created by a healthy farm industry.

Even this unprecedented agreement we are considering today will have the impact of forcing many farmers to pay 4 to 5 times that which they are paying now for water, which is the highest cost farming expense for most. This will mean the difference between a profit and a loss and will probably put farmers out of business. This will have a profound impact upon not just farming economi es, but upon the rural economies of the 17 Western States as well.

As I support the agreement today, I firmly believe that much work remains to be done to ensure that legitimate farming practices are protected. I will continue to work with my colleagues toward this goal.

□ 1440

Mr. HANSEN. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. CUNNINGHAM].

Mr. CUNNINGHAM. Mr. Chairman, I thank the gentleman for yielding this time to me.

Mr. Chairman, I rise today in strong support of H.R. 429.

The people of San Diego are faced with the challenge of paying for waste treatment as well as meeting secondary treatment water quality standards today.

My friends from the other side of the aisle in northern California are helping to defray the water needs of San Diego. My constituents are in a 6-year drought condition which has left us in an emergency situation with water rationing. We have people in my district not being able to take a bath because we do not have water. It has gotten to a critical level.

A good friend of mine from New Orleans said they had 6 feet, not inches, but 6 feet of rain this year. We have not had that much rain in 100 years, and we would sure like to have it.

The importance of this project for San Diego is critical. I want to commend the leadership of the Interior Committee in their efforts to provide a portion of the funding for this important critical project. San Diego receives 90 percent—not 19, but 90 percent of its water from the northern part of California. We need this. We desperately need the program, and I want to thank the chairman.

Mr. HUNTER. Mr. Chairman, will the gentleman yield?

Mr. CUNNINGHAM. I yield to my friend, the gentleman from California.

Mr. HUNTER. Mr. Chairman, I thank my colleague for yielding to me.

I, too, want to thank the gentleman from California [Mr. MILLER] and the gentleman from Utah [Mr. HANSEN] for their cooperation in this provision.

It is true that we import all of our water. It is also true that we use, for example, about 90 million gallons of drinking water every day to water golf courses in San Diego County. We are a community which unfortunately is behind the curve in water reclamation. This money for this study is going to go a long way toward showing us in San Diego how we and the congressional delegation, my good friend, the gentleman from California [Mr. CUNNINGHAM] who has really done a lot of outstanding work in this area of reclamation, the gentleman from California [Mr. LOWERY], and the gentleman from California [Mr. PACKARD] and myself can work on this reclamation challenge and start reclaiming sewage effluent and using it to irrigate golf courses and freeway landscaping and other areas that do not need drinking water and pull the drinking water off those uses for people. So this is money that will be very well spent.

We thank the leadership and the membership of the committee and the subcommittee for making it possible.

Mr. MILLER of California. Mr. Chairman, I yield 3 minutes to the gentleman from California [Mr. DOOLEY].

Mr. DOOLEY. Mr. Chairman, I want to thank the gentleman from California [Mr. MILLER], and the gentleman from California [Mr. LEHMAN], and the gentleman from California [Mr. CONDIT] for their efforts to come together and try to find some way in which we can eliminate the abuses that have occurred with reclamation law.

You know, I must point out, that while we give a great deal of attention to some of the abuses that have occurred with reclamation law, we also must keep in mind that it is the vast majority of farmers throughout the West who are benefiting from the water provided, who are living quite well within the spirit of the law.

I represent an area in California which is served primarily by the Friant Kern Canal. The average farm size with this water project is almost averaging farms of about 100 acres. Truly these individuals are living within the spirit of the law. Truly they are the ones who are benefiting from what the primary purpose of reclamation law was designed for.

It is those small farmers when we engaged in our discussion that we were trying to protect. We were trying to ensure that families could farm together, that family farmers and all farmers could participate in co-ops and customary business operations in a manner that would not jeopardize their ability to secure nonfull cost water.

While I think this law goes a long way and this reform goes a long way toward ensuring that we will maintain those customary farming practices, there are a few provisions with which I have some concern. One of them is the Westhaven Trust and the beneficiaries that belong to it. There are 326 beneficiaries, ranging from the part-time cook to the farm manager, that is a part of this trust. While I do not agree with the policy which allowed this trust to be farmed, I have a great deal of concern with the unilateral abrogation of that contract.

I think we need to be considerate of how we can assure that the beneficiaries are not financially penalized by the action that might result from the implementation of this law.

I am hopeful that as this bill progresses through the Senate and it comes into conference committee that we will be able to address some of these concerns, that we can assure that it will result in the equitable allocation of reclamation law to all those who choose to farm within its merits.

Mr. Chairman, as I am sure you agree, the changes to reclamation law that the House is considering today, involve highly controversial and complex issues which will affect farm families in my congressional district and throughout the Western United States. I am aware that during the 101st Congress, a number of concerns and objections to legislation to amend the Reclamation Reform Act of 1982 were raised. I remain hopeful that the agreement developed between my colleagues from California which addressed these and other objections will be maintained.

The Reclamation Reform Act provisions adopted by the full committee are the foundation of the compromise reached on this issue. This compromise agreement is designed to address legitimate farm families' concerns and insures that they will be able to continue their traditional, customary farming practices without being unjustly penalized.

As you know Mr. Chairman, these provisions are essential to my district's farmers since they authorize and establish safe harbors specifically defined in section 1702, subsections 3(b) and 3(c). These safe harbors reflect legitimate, customary farming practices and activities and are intended to ensure that landholdings are not combined into a farm or farm operation solely due to the existence of these activities, arrangements and transactions which are common to agricultural production.

I want to make very clear for the record the application and interpretation of these provisions by the Secretary of the Interior. Title XVII of the bill protects the integrity and the intent of the Federal reclamation law. This title incorporates a series of provisions to amend and tighten the acreage and pricing limitation provisions of the 1982 act. The amendments to the 1982 act are also designed to correct potential abuses and circumvention and improve compliance with the reclamation law.

When applying title XVII, the Secretary must recognize the intent and essence of the provisions of this title and apply these provisions to those farms or farm operations that exceed 960 acres. I want to reemphasize that these provisions provide a foundation for insuring protection of legitimate farming operations, while simultaneously requiring the Secretary to prevent abuse and circumvention of reclamation law through the use of sham financial transactions and illegitimate farming operations.

Section 1702, subsections 3(b) and 3(c) provide safe harbors only for legitimate, customary farming practices and activities, and are intended to ensure that landholdings are not combined into a farm or farm operation solely due to the existence of these activities, arrangements and transactions which are common to agricultural production.

Title XVII establishes a rebuttable presumption that multiple landholdings would be considered a single farm or farm operation if ownership, operation, management, financing, or other factors, individually or together, indicate that farming or operating such landholdings is being done by the same individual, group, entity, trust, or other arrangement or combination. Clear guidelines are established in subsections 3(b) and 3(c) concerning the types of arrangements, transactions, and activities that the Secretary would not consider when determining whether a farm or farm operation exists. These provisions would apply only to those farms or farm operations that exceed 960 acres and apply to the price at which Federal reclamation water will be made available to such lands.

The principal feature of title XVII is the clarification of the term farm or farm operation in section 1702 which amends section 202 of the 1982 Act by defining the new terms "farm" and "farm operation."

Subsection (3)(a) defines a farm or farm operation to mean any landholdings that are directly or indirectly farmed or operated by an individual, group, entity, trust, or any other combination or arrangement. For example, landholdings owned by separate partnerships, corporations, or individuals, each of which is fewer than 960 acres, may be presumed to be a single farm or farm operation if there is common ownership interest among the various entities or individuals involved.

Subsection (3)(a) provides that the presence of certain factors, as specified in subsection (3)(a), trigger a rebuttable presumption that a farm or farm operation exists. A farm or farm operation is presumed to exist when ownership, operation, management, financing, or other factors, individually or together, indicate that one or more landholdings are directly or indirectly farmed or operated by the same individual, group, entity, trust, or other combination or arrangement.

Subsection (3)(b) specifically addresses arrangements and transactions between unrelated parties and defines a number of circumstances where certain arrangements and transactions cannot be considered by the Secretary for the purpose of determining the existence of a farm or farm operation as defined by subsection (3)(a). These arrangements and transactions shall not be factors for the purpose of determining the existence of a farm or farm operation as defined by subsection (3)(a), if the parties to the arrangements of transactions certify, in accordance with sections 202 and 203 of the 1982 act, as amended by this bill, that the following two conditions are satisfied: First, the parties are unrelated to each other, and second, the parties conduct the arrangements and transactions at arm's length.

If the arrangements and transactions, as defined by subsection (3)(b) (1–5), have not been negotiated at arm's length between unrelated parties, the Secretary shall consider such arrangements and transactions in determining whether a farm or farm operation exists. If the parties engaged in such arrangements and transactions are related, such parties shall be subject to the provisions of subsection (3)(c). Therefore, when such arrangements and transactions are not negotiated at arm's length between unrelated parties, the presumption that a farm or farm operation exists as established by subsection (3)(a) could be triggered.

The definition of what constitutes activities between related parties is defined in section 267(b) of the Internal Revenue Code of 1986. Therefore, the parties to an arrangement or transaction will be considered to be unrelated if they are not among the relationships defined in section 267(b).

Section 1702 amends section 202 of the 1982 act by adding subsection (3)(b) (1–5) which define certain arrangements and transactions which shall not be considered by the Secretary when determining the existence of a farm or farm operation as defined by subsection (3)(a), if such arrangements and transactions are between unrelated parties and are negotiated at arm's length. These arrangement and transactions include:

Subsection (3)(b)(1): Participation in a bona fide cooperative by an individual or legal entity.

Subsection (3)(b)(2): Entering into an agreement in which each party bears the risk of loss individually for customary farming practices and activities such as agreements for the use of equipment or labor; processing, handling, brokering, or packing crops; ginning cotton;

purchasing seed; purveying water; or other practices or activities.

Subsection (3)(b)(3): If an individual or legal entity enters into a financial transaction involving a loan for land or crops. Such financial transactions include, but are not limited to those transactions which provide for the granting or receipt of a security interest, crop mortgage, assignment of crop or crop proceeds or other interest in the crop or land with the sole purpose of obtaining repayment of a loan.

Subsection (3)(b)(4): If an individual or legal entity enters into or exercises a right under an agreement which assures or requires bona fide quality control measures and/or the right to take control of a farming operation to maintain quality control.

Subsection (3)(b)(5): If an individual or legal entity enters into an agreement for custom farming or farm management services and if the custom farmer or farm manager does not bear a direct risk of loss in the crop. Custom farm or farm management services include arrangements and transactions where specific services or the management of these services are provided to landholdings by a farm manager or customer farmer who does not bear a direct risk of loss in the crop, that is, the custom farmer or farm manager has an enforceable right to a fee for the services provided regardless of the profits or losses of the crop for which the services were provided. An agreement to pay a custom farmer or farm manager an amount in excess of the fee for extraordinary service that is tied to production of the crop shall not be considered a risk of loss burden upon the custom farmer or farm manager.

Subsection (3)(c) specifies that the Secretary shall certify that a farm or farm operation, as defined by subsection (3)(a), does not exist if activities between related parties, as defined in section 267(b) of the Internal Revenue Code of 1986, are entered into and performed at arm's length.

In the event that the Secretary does certify that related parties have entered into and performed at arm's length such activities including those arrangements and transactions established in subsections (3)(b)(1–5), such activities shall not be considered factors for determining the existence of a farm or farm operation as established by subsection (3)(a). If however, the Secretary is unable to certify that activities between related parties were not entered into and performed at arm's length, these activities between the related parties shall be considered factors for the purpose of determining the existence of a farm or farm operation.

Mr. HANSEN. Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. HERGER].

Mr. HERGER. Mr. Chairman, I rise in opposition to this legislation because of the provisions in title XXV.

I also have further comments with regard to other portions of the bill, which I will submit for the RECORD.

Mr. Chairman, H.R. 429 includes a title which would authorize the extension of the service area of the Tehama-Colusa Canal, in the Sacramento Valley, CA, into additional areas of Yolo County and into Solano County. The extension is necessary to allow planning by a group of water agencies and municipalities for possible construction of facilities for delivery of central valley project water for agricultural and municipal use to these areas, when a contract for a water supply can be negotiated with the United States. It is my understanding that this title of H.R. 429 does not authorize construction of any facilities nor the execution of a water contract. It merely expands the definition of the service area of the canal.

The Tehama-Colusa Canal was constructed from Red Bluff, in Tehama County, to Bird Creek, in northern Yolo County, in the 1970's, and it now serves thousands of acres of agricultural land and provides a means for delivery of water to national wildlife refuges in the area. Not all of the identified water needs of the lands and refuges in the present service area have yet been met, however, and it is likely that the amount of water conveyed through the canal to water users and refuges there will increase in the next few years. There is a concern that the additional area to the canal's service area may adversely affect the ability of the existing and potential users of canal water in the present service area to receive water at certain times, due to limitations on the size and capacity of the canal. It is also a concern that the canal was not originally intended to supply water for municipal purposes, and therefore, any treatment of the water to allow that use, which could be extremely expensive, should be the responsibility of the agency or city wanting water for that purpose. In this way, those municipal water agencies will be treated the same as present users of canal water, who receive that water without any assurances as to its quality.

It is my understanding that the agencies and municipalities seeking extension of canal service into the area referred to in H.R. 429 have stated unequivocally their intent not to impair the capacity of the canal and the ability of the existing and potential users to receive water through the canal. These concerns have been stated by the Tehama-Colusa Water Users Association, and it is my understanding that they and the agencies and municipalities seeking the service area extension have agreed in principle to enter into a written memorandum of understanding setting forth the intent of the parties regarding these matters.

Thus, I am supportive of this provision in the bill with the understanding that a priority for use of the capacity of the Tehama-Colusa Canal must be identified and set aside for the benefit of the districts, lands and other users within the present service area, for agricultural and environmental water use. This includes not only the current and future water needs of the agencies along the canal, but also the ultimate needs to be met of the wildlife refuges in the service area. In addition, agencies which may want to use the Tehama-Colusa Canal for municipal purposes must acknowledge and accept that the canal water will not meet drinking water standards without treatment of filtration by those agencies.

Because the present and potential users of water in the existing service area committed themselves to the United States to repay the cost of the canal, the Congress authorized its original construction. In order to recognize that commitment, and to treat all users of the Tehama-Colusa Canal fairly, there should be no contracting of central valley project water supplies for any of the agencies or municipalities which have sought the service area extension at any time prior to the contracting for new or additional supplies of CVP water for the water agencies in the present service area, and the terms of the contracts should not be substantially different for any of the users of Tehama-Colusa Canal water.

Mr. Chairman, provisions have been included in H.R. 429, reintroduced as H.R. 1362, which will protect Lake Berryessa recreational users and give Napa County, CA, greater influence over Department of the Interior decisions impacting Lake Berryessa in Napa County. The concerns of providers and users of Lake Berryessa recreational facilities are of utmost importance. As a result, the legislation includes specific language which ensures protection and continuation of ongoing recreation uses.

In addition, to provide for an equitable distribution of water resources and to establish mechanisms for the transfer of water between Napa and Solano water users, Napa and Solano Counties have agreed to amend a 1981 agreement entered into between Napa County and Solano County. The Napa County Board of Supervisors approved the amendments to the agreement and Solano is expected to consider the amended agreement in the near future.

This agreement is very important to Napa County and is the first step to ensuring a reliable source of water necessary for the reduction of current water deficits in Napa County. Mr. Speaker, I request that the agreement between Napa and Solano Counties be included in the record to document the terms and verify the importance of the amendments to this agreement.

AMENDED AGREEMENT

This Amended Agreement made this _____ day of _____, 1991, by and between the Solano County Water Agency (formerly the Solano County Flood Control and Water Conservation District) and the Solano Water Authority (hereinafter referred to collectively as "Solano"); the Napa County Flood Control and Water Conservation District and the County of Napa (collectively "Napa"); the Solano Irrigation District ("SID"); and the County of Solano ("Solano County") all together hereinafter referred to as the "Parties". On June 16, 1981, the Parties except the Solano Water Authority, entered into an Agreement, ("Original Agreement"). The Parties agree that the Solano Water Authority is hereby made a party to the Original Agreement and that the Original Agreement is amended in its entirety to read as follows:

1. Recitals:

1.A. The Solano Project was constructed by the United States at the request of, and to benefit, the member agencies of the Solano County Water Agency.

1.B. Under a contract between the United States and the Solano County Water Agency, water users within the Solano County Water Agency are obligated to repay the construction cost of the dam and distribution facilities as well as the annual costs of operation, maintenance and administration of the Project.

1.C. The predecessors of the State Water Resources ControL Board ("Board"), in Decision D-869, granted water right permits to the U.S. Bureau of Reclamation on behalf of

the water users in Solano County for beneficial use of the annual yield of the project, and the permits provide for final license of the project supply to the Solano Project water users.

1.D. Condition 14 of the water right permits for the Solano Project granted by D-869 established a 33,000 acre foot reservation of water ("reservation") to be put to use in the Upper Putah Creek Watershed above Monticello Dam.

1.E. Negotiations have taken place between NAPA and Solano representatives concerning their relative interests in the water remaining available under the reservation, which has been estimated to be 20,000 acre feet per year, although the actual amount of water remaining under the reservation cannot be known and determined until a study is completed and confirmed by the Board. After negotiations, it was proposed that a permanent allocation of the remaining available reservation be accomplished by requesting that the Board, in the course of licensing the Solano Project Permits, approve the permanent allocation of water remaining available under the reservation between Napa, Lake, and Solano Counties provided for in this Agreement. Lake County has previously agreed with Solano as to an equal division of any water remaining available under the reservation between Napa, Lake, and Solano Counties.

1.F. The purpose of this Amended Agreement is to retain in force all provisions of the Original Agreement which remain currently applicable and to memorialize and provide for the implementation, to the extent of the authority of the Parties of the following:

1.F.(1) As guaranteed in the Original Agreement, the permanent allocation of 1,500 acre feet of water per year for municipal and industrial use in the Upper Putah Creek Watershed within Napa County, whether or not that amount of water is being used for those purposes at the time of licensing of the Solano Project, and the equal division of the balance, if any, of remaining unused reservation between the areas of Lake and Napa Counties lying above Monticello Dam and Solano County. Napa's portion of the equal division of the remainder of the unused reservation will be referred to herein as "the Napa allocation."

1.F.(2) Both prior to licensing and after licensing Napa shall be entitled to exchange some of the Napa allocation with North Bay Aqueduct Water under specified circumstances.

1.F.(3) Under certain conditions specified herein, Napa will be provided with an additional 2,000 acre feet of water per year from Solano until Napa is receiving at least 2,000 acre feet of water per year from some other supplemental source at a cost comparable to the cost for additional supplemental water which Solano is willing to pay; and

1.F.(4) Solano will provide water from the Solano Project through the North Bay Interim Pumping Plant in the event of a nondrought emergency as hereinafter defined or in the event of scheduled maintenance of the North Bay Aqueduct or for periodic testing of the North Bay Interim Pumping Plant and Napa will compensate Solano for the water used in the manner hereinafter set forth.

1.G. The term "Solano County water users" or "Solano users" shall mean and be limited to the following: City of Benicia, City of Dixon, City of Fairfield, City of Rio Vista, City of Suisun City, City of Vacaville, City of Vallejo, Maine Prairie Water District, Reclamation District 2068, S.I.D., the University of California at Davis, and the California Medical Facility.

1.H. Solano is presently seeking transfer of the Solano Project from the United States to Solano by means of H.R. 429 and H.R. 2058 now pending in the United States Congress.

1.I. A number of provisions of the Original Agreement were to terminate finally when the North Bay Aqueduct was completed. The North Bay Aqueduct is complete and therefor those provisions are fully performed and no longer applicable.

2. Other documents. The Parties do, upon full execution of this Amended Agreement, agree to hereafter cause the preparation and execution of any required agreements, applications, dismissals and statements of position which shall be in conformance with the terms of this Amended Agreement and within the time limits set.

3. Prior filing with FERC. Pursuant to the Original Agreement, NAPA did file with the Federal Energy Regulatory Commission a Dismissal of all applications for permits, licenses, and all interventions, challenges or objections in regard to Solano Irrigation District/Monticello Power Plant. (FERC), Project No. 2780, including its Application for a License filed on behalf of Napa, or by Napa and a third party (the City of Santa Clara), and did obtain the signatures of such third party consenting to such withdrawal and dismissals or alternatively, give notice to Santa Clara of the termination of the Napa-Santa Clara Agreement. Each of the documents executed and filed by Napa specified that the dismissal and withdrawal were non-revocable and with prejudice, and bars the filing of any future Applications for Benefits, directly or indirectly, from the generation of hydroelectric energy by the Solano Irrigation District/Monticello Power Plant, (FERC) Project No. 2780 at Monticello Dam prior to January 1, 2031 (but Napa shall not be barred from opposing, intervening in, or in seeking any benefit from any hydroelectric project which involves the raising of the crest height of Monticello Dam which results in greater storage of water in Lake Berryessa).

4. Dismissals. Pursuant to Sections 4, 5, and 6 of the Original Agreement, the Parties did execute and file the various dismissals and other papers mentioned in those Sections.

5. Actions relative to power projects. Napa agrees that it will not directly or indirectly commence, participate in, finance or encourage the filing, or commencement of any legal action or administrative action in regard to any Federal, State or local agency, board, commission or other authority's actions concerning the Solano Irrigation District/Monticello Power Plant, (FERC) Project No. 2780, or any operations, functions or authority thereof. (This provision shall not apply to any negligent operation of the facilities which shall cause damage in Napa County.) Solano and SID likewise agree that they will not directly or indirectly commence, participate in, finance or encourage the filing or commencement of any legal or other action by third parties, including Napa County residents, taxpayers or landowners challenging or questioning Napa's activities heretofore in pursuing its proposed Putah Creek Power Project.

6. Provisions already terminated. The provisions of Sections 9, 10, 11, 12, 13, 14, and 15 of the Original Agreement are not included in this Amended Agreement. Since the North Bay Aqueduct has been completed and placed in operation, those Sections 9 through 15 are terminated by their own terms.

7. Payment to Napa. Conditional upon receipt by SID of those revenues, SID shall pay amounts, as specified hereafter, to Napa from power revenues received by SID under any power purchase agreement entered into between SID and a power purchaser. Such payments shall be made for each project year (as defined in the power purchase agreement as the year commencing at the end of the quarter in which the Full Operation Date of the Project occurs) commencing with the first full project year after the first date of delivery to Napa from the completed and operational North Bay Aqueduct and terminating on January 1, 2031. Such sum is to be calculated as follows:

7.A. The amount of 50,000,000 kilowatt hours of electricity shall be multiplied by;

7.B. 14 mils multiplied by the adjustment provisions applicable to that millage rate under the power purchase agreement of SID from the Full Operation Date; and

7.C. The total amount shall be multiplied by three and one-tenth percent (3.1 percent). That amount shall be paid to Napa at the end of each project year after the effective date of this provision from the revenues received by SID.

8. Prior approvals. The provisions of Paragraph 17 of the Original Agreement are deleted since the provisions have been fully performed.

9. Performance conditional. The Parties continue to recognize that the performance of this Amended Agreement in regard to water service to Napa or in regard to payment of monies under Section 7 to Napa is conditioned upon circumstances which the Parties may not control, the potential of legal challenges which may invalidate or make impossible or impractical, the performance of this Amended Agreement and other conditions or contingencies. Under the circumstances in which NAPA is unable to receive water pursuant to this Amended Agreement for any reason, or Napa is unable to receive the proceeds provided in Section 7 above, the provisions of this Amended Agreement shall remain in full force and effect, and Napa shall have no interest or claim whatsoever to any damages or equitable claim of payment or allocation of power or other benefits from the Monticello power plant, or the Solano Project water supply. Under such circumstance, Napa shall not be entitled to receive back any monies or value which it has paid to or which has been received by Solano or SID. Napa shall, under those described circumstances, not be entitled to rescind or cancel this Amended Agreement or any part thereof. (This shall not apply to any condemnation or take-over of the power project where SID receives compensation for loss of power production during the remaining term of the FERC License.)

10. Licensing of Solano project. Solano, together with the United States, is preparing for licensing of the water rights of the Solano Project. Each party agrees that until licensing occurs, there is a danger of unrealistic expectations of quantities of water available from the Putah Creek reservation and from the Solano Project because of the large total water use granted under permits by the Board and agreements issued by the United States regarding that water. As additional consideration for this Amended Agreement, at the time that licensing of the Solano Project water right is requested by Solano and/or the United States, Napa, and Solano each agree they will do the following:

10.A. Without the necessity of a request by the United States, upon request by Solano, at the time of the filing of a petition for li-

cense of the Solano Project water rights, Napa shall execute an amendment of the 1964 Agreement with the United States, or any other appropriate party, reducing the quantity of water provided to Napa under that agreement to 1,500 acre feet total; and

10.B. Napa agrees that it will not oppose licensing when requested by Solano and/or the United States. Napa further agrees that it will not seek a delay of that licensing process or determination. Napa agrees that the Napa County Flood Control and Water Conservation District and Napa County shall each adopt resolutions at the time that licensing is requested, stating this position and Napa will provide certified copies to the Board of those resolutions. The provisions of this Section 10 shall be the position and declaration of Napa throughout those licensing proceedings. The failure of any of the Parties to comply with the provisions of this Section 10 regarding licensing of the Solano Project constitutes a material breach of this Amended Agreement.

10.C. Prior to or in conjunction with the adoption of the Resolutions mentioned in Section 10.B, Solano will file documents with the Board requesting a permanent allocation of 1,500 acre feet plus the Napa allocation to that portion of Napa County upstream of Monticello Dam. The determination by the Board of the quantity of, if any, or the conditions imposed upon use of, the water remaining under the reservation shall be conclusive on the rights of the parties, and Napa shall have no claim against Solano arising from that determination. The Napa allocation may be used for any lawful purpose, subject to the terms of this Amended Agreement, and Solano will cooperate to have Napa's rights in this regard established.

10.D. Solano and Napa recognize that Napa possesses, under its 1964 Agreement with the United States, a theoretical right to utilize 7,500 acre feet of water, under United States' water right permit number 14186, for municipal and industrial purposes within the Putah Creek watershed. It is recognized and agreed by the Parties hereto that that right is limited by Napa's agreement, in the Original Agreement, to limit its use of water under the 1964 Agreement to 1,500 acre feet annually. The parties agree that Napa's use of water under the 1964 Agreement which was transported under the 1969 Agreement outside of the Putah Creek watershed was not a beneficial use under the reservation and not eligible for licensing because the use occurred outside of the place of use designated in the applicable permit. Solano agrees to take all reasonable steps at the time of licensing to provide to Napa, for permanent use of the Putah Creek watershed, 1,500 acre feet per annum of municipal and industrial water under the 1964 Agreement whether or not that amount exceeds actual use as of the date of licensing under the Solano Project. Napa and Solano agree that they jointly will use their best efforts to obtain partition, and assignment to Napa, of the United States' interests in its water right permit number 14186 to the extent of 1,500 acre feet per year. Any water remaining unused under the reservation, after satisfaction of the 1,500 acre feet municipal and industrial allocation, shall be subject to equal division between Lake (⅓), Napa (⅓), and Solano (⅓) Counties and the Parties shall so petition the Board. The unused portion of the 1,500 acre feet per year as of the date licensing shall not be used for Exchange under Section 11. If the sum of Solano's share and Napa's share of the reservation is less than the difference between 1,500 acre feet per year and Napa's actual annual use under water right permit number 14186, Solano shall have no obligation to provide more than its share of the reservation.

11. Exchange of reservation water. Any portion of the Napa allocation, to the extent it is not being put to beneficial use by the Napa County property owners located within Napa County and within the Putah Creek watershed, may at the option of Napa be exchanged by Napa for North Bay Aqueduct Water of Solano and transferred to Napa via the North Bay Aqueduct as provided in this section.

11.A. Concurrent as to time of delivery of North Bay Aqueduct water, Napa shall, as a condition of the exchange, provide for delivery of reservation water to Solano, including compliance with all legal and/or administrative requirements for the exchanges and satisfaction of any contractual requirements under its 1964 Agreement. The cost of such water payable by Napa shall be computed in accordance with Section 12 of this Amended Agreement.

11.B. Until the quantity of water remaining unused under the reservation has been determined by the Board, no more than 3,000 acre feet per year may be made available by Solano and Napa to each other for exchange. Once the quantity of water remaining unused under the reservation has been determined by the Board, Napa's right to exchange said 3,000 acre feet per year shall automatically terminate and be replaced by a right to exchange an amount not to exceed Napa's allocation which the Board confirms is available to the Solano Project.

11.C. In any year, the amount of water otherwise available to Napa under this Agreement shall be reduced in the same proportion as any reductions of Solano Project supply then being imposed by Solano on Solano users or, if applicable, being imposed by the U.S. Bureau of Reclamation on Solano.

11.D. Upon passage of Federal legislation authorizing transfer of title to the Solano Project to Solano, but for no more than two years from that date, Napa shall have the right to receive by exchange fifty percent (50%) of the Napa allocation made available under this section. Upon transfer of title to the Solano Project from the United States to Solano, and thereafter, Napa shall have the right to receive by exchange one hundred percent (100%) of the Napa allocation available under this section.

12. Charge for reservation exchange water. The cost per acre foot to be paid by Napa for the water to be provided to Napa pursuant to Section 11 of this Amended Agreement (through exchange) shall be the greater of the following:

12.A. The cost to Solano, at the time of delivery, of transporting the water to be exchanged from Barker Slough through Phase II of the North Bay Aqueduct to the Terminal Reservoir, but not including the capital cost component; or

12.B. The costs of water and the costs of transporting Solano Project water to the Cordelia Forebay, including without excluding other costs, all costs being charged or collected at the time of delivery and required in this aggregate to be paid by Solano users for the costs of the Solano Project allocated to Solano users annually. In addition to the amount set forth in Section 12.A. or 12.B., any costs payable to the United States for the Lake Berryessa water exchanged and delivered to Solano by Napa in exchange for the North Bay Aqueduct water shall be paid by Napa.

13. Emergency exchange water. Subject to the approval of the Board, if required, Solano will provide water to Napa from the Solano Project through the North Bay Interim Pumping Plant in the event of a non-drought emergency, scheduled maintenance of the North Bay Aqueduct, or periodic testing of the Interim Pumping Plant. For purposes of this Amended Agreement an emergency means an unanticipated interruption to flow caused by physical failures or Acts of God or similar catastrophes, including but not limited to the following: contamination of North Bay Aqueduct supply, power outage, physical damage to the transmission facilities, or mechanical failure of North Bay Aqueduct pumps, valves or the like. An emergency shall not include a reduction in water available to Napa due to drought, failure or interruption for any reason of uncontaminated sources of water available to Napa. This emergency exchange provision shall become effective upon transfer of title to the Solano Project to Solano.

13.A. Solano's obligation to provide water pursuant to this Section 13 shall be limited, in any month, to Napa's maximum monthly entitlement in Table A of its contract for water from the State Water Project, and shall last no longer than the emergency condition, maintenance outage or pump test, or the lapse of two (2) months, whichever period shall be shorter. The amount provided under this section shall be reduced, during times of drought, by the same percentage as the percentage of any reductions in the combined Solano Project and State Water Project supplies then being imposed upon Solano users.

13.B. The water delivered from the Solano Project under this Section 13 when storage in Lake Berryessa is greater than one million acre feet shall be repaid by Napa with exchange water provided pursuant to Section 11 above, or Section 14, within one year from the date of cessation of the emergency, testing, or maintenance. If water is not available in adequate quantities under Section 11 or Section 14 during that year, then the water delivered under this Section 13 shall be repaid within the year by exchange water from Napa's North Bay Aqueduct entitlement. When storage in Lake Berryessa is less than one million acre feet, but greater than 500,000 acre feet, Napa shall pay to Solano for water delivered to Napa under this section the full cost of replacement water including the cost of any necessary additional treatment. When storage in Lake Berryessa is 500,000 acre feet or less, Solano shall have no objection to provide Napa with water under this Section 13.

13.C. As used in this Amended Agreement, "Additional cost of treatment" means the additional cost of treating North Bay Aqueduct water above the cost of treating Solano Project water in the treatment plant of the city exchanging Solano Project water for North Bay Aqueduct water to make possible the exchange. The foregoing cost for the coming year shall be estimated and agreed upon by Solano and Napa, prior to the commencement of each year.

14. Additional water. Upon transfer of title to the Solano Project to Solano, Solano will additionally provide to Napa upon request, up to 2,000 acre feet of water per year, provided that, if Solano purchases supplemental water from a third party in that year, Napa shall purchase a like amount from that same source. If Solano forms a water bank pool, Solano shall have the option of requiring Napa to purchase from the water bank pool to meet the requirements of this section 14. The amount Napa is required to purchase shall not exceed the greatest amount purchased from the water pool bank by any sin-

gle Solano user at the same price as that charged to Napa. The amount so purchased by Napa shall be a credit to Solano against the amount requested by Napa under this section. During times of drought, the 2,000 acre feet shall be reduced by the same percentage as the total percentage of any reductions in the combined Solano Project and State Water Project supplies then being imposed upon Solano users. The percentage reduction shall be applied to the amount requested by Napa under this section. Napa, as a condition of receipt of this additional water, shall provide for compliance with all applicable legal and administrative and contractual requirements necessary to the delivery of this water to Napa.

14.B. The right to water under this Section 14 shall automatically terminate on January 1, 2006, or sooner if all of the following occur: (i) a new permanent or long-term water supply becomes available, provided said water supply will be utilized by Solano and Napa Counties; (ii) Napa County is entitled to receive not less than 2,000 acre-feet from said source; and (iii) the cost of the water from said water supply being assessed to Napa is comparable to the cost being assessed to Solano excluding costs which are incurred to transport or pump water to Napa or expand capacity of facilities to be utilized by Napa and similar costs which arise from conditions which are imposed due to Napa's location on the facilities necessary to deliver water to Napa.

14.C. The right to water under this Section is subject to the following additional conditions:

14.C.(1) Napa agrees to participate with Solano, and possibly other counties, in studies to identify sources and feasibility of potential permanent or long-term supplemental water supplies. Participation includes contributing financially on a proportional basis, at the same time as Solano, to any studies or investigations to acquire a new water source. Napa's contribution shall be in direct proportion to the amount of water it requests from new sources. Napa's request shall not be less than 2,000 acre-feet per year.

14.C.(2) Once permanent or long-term sources of water have been identified, Napa shall agree to pay its proportionate share for financing the implementation of the new source as long as the cost to be assessed to Napa is comparable to the cost willing to be paid by Solano.

14.C.(3) The failure to provide for compliance with conditions set forth in Sections 14.A. and/or 14.B. and/or this Section 4.C. shall terminate the right to request the additional water provided under this Section.

14.D. No additional water under this Section 14 shall be made available until water which may be available to Napa from the North Bay Aqueduct Table A Entitlement and under Section 11 is used first.

15. Charge for additional water. The cost to Napa per acre foot of water to be provided to Napa by Solano pursuant to Section 14 shall be Solano's then-current cost of providing an acre foot of groundwater extracted within Solano Irrigation District and used for exchange. That cost shall be determined periodically by a study conducted initially upon transfer of title to the Solano Project to Solano, and every fifth year thereafter. The study shall identify an appropriate cost index, and in any year in which Napa requests water under this Section, that index shall be applied to the last previous cost study to determine Solano's then-current cost of providing groundwater. The components of the Solano Irrigation District groundwater cost shall include but not be limited to:

15.A. Power.

15.B. Capital Cost.

15.C. The cost of the conversion of agricultural water supply to municipal and industrial supply under applicable Solano contracts.

15.D. Operation and Maintenance.

15.E. SID in lieu standby charges.

16. Method of exchange. Except as provided in Section 13, no Solano Project water shall be delivered directly to Napa except within the Putah Creek Watershed. In order to provide exchange water and a source of water to meet the requirements of Sections 11, 12, and 14, contemporaneously with the execution of this Amended Agreement Solano has executed agreements with public agencies within Solano County to provide for the necessary water supply and exchange capability. No water shall be delivered to Napa via the Cordelia Forebay or the North Bay Interim Pumping Plant directly from the Solano Project but only by exchange except in the case of water furnished pursuant to Section 13. All exchanges shall be delivered at the Cordelia Forebay. To make the exchanges and deliveries contemplated by Sections 11, 12, and 14, it may be necessary to obtain the approval of the California Department of Water Resources and if such approval should be necessary, Solano and Napa shall join in seeking approval, provided that, Napa shall pay all costs.

17. Requests for water. Requests for water pursuant to this Amended Agreement shall be made by the Engineer for the Napa County Flood Control and Water Conservation District. Such requests shall be consistent in format with and submitted concurrently with the annual schedules for NBA and Solano Project Water.

18. Legislation. Napa shall not oppose adoption or enactment of H.R. 429 or H.R. 2058 as introduced or similar successor legislation; provided that the language of Section 276(b) which is found in Title XXVII (Solano Project Transfer and Putah Creek Improvement) of H.R. 429 and the similar language of H.R. 2058 are not materially changed.

19. Arbitration of Disputes:

19.A. Any dispute or claim in law or equity arising out of this Amended Agreement or any resulting transaction shall be decided by neutral binding arbitration in accordance with the rules of the American Arbitration Association, and not by court action except as provided by California law for judicial review of arbitration proceedings. Judgment upon the award rendered by the arbitrator(s) may be entered in any court having jurisdiction thereof. The parties shall have the right to discovery in accordance with Code of Civil Procedure Section 1283.05. Any party may request arbitration of any dispute arising under this Agreement. A request shall be made by the party requesting arbitration to the other parties.

19.B. It is the intention of the parties that the powers of the arbitrator shall be as broad as required to define and implement the intention of the parties to this Amended Agreement. In that regard, the parties acknowledge that the arbitrators powers shall include, but not be limited to:

19.B.1. Interpretation of provisions of the Amended Agreement in accordance with the intention of the parties.

19.B.2. Imposition of further agreements of the parties to accomplish the ends addressed in this Amended Agreement.

19.C. Appointment of Arbitrator. Because of the broad implementing powers granted the arbitrator by this Section, the parties agree it is important that an experienced individual agreed to by the parties be appointed as arbitrator. The parties shall agree on an arbitrator. Should the parties be unable to agree within thirty (30) days of first attempting to do so, any of the parties may request that an arbitrator be appointed by the American Arbitration Association. Any arbitrator selected shall be a registered Civil Engineer or attorney with a minimum of fifteen years experience and shall have Statewide stature in the field of water resources. The cost for the arbitration, including reasonable professional and clerical fees shall be borne equally by Napa and Solano except as provided in Section 24.

19.D. By initialing this arbitration provision, you are agreeing to neutral binding arbitration of all disputes regarding this amended agreement. You are giving up your right to a jury or court trial concerning those disputes. Your judicial rights to discovery and appeal are also affected. Your agreement to this arbitration provision is voluntary.

Initials _____ Initials _____ Initials _____

Initials _____ Initials _____ Initials _____

20. Time. Time is of the essence in the performance of this Amended Agreement and of every term thereof.

21. Amended agreement complete. This Amended Agreement is full and entire and may not be altered except by a writing executed by the Parties hereto. The Parties agree that there are no warranties, either express or implied, no covenants or promises or expectations other than those contained within and set forth in writing in this Amended Agreement, and that this Amended Agreement is whole and entire.

22. Waiver. The waiver of failure to declare a breach as a result of the violation of any term or this Amended Agreement shall not constitute a waiver of that term or condition and shall not provide the basis for a claim of estoppel, forgiveness or waiver by any party to that term or condition.

23. Interest. If any amounts owed under the terms of this Amended Agreement shall not be paid within 30 days of the date due as provided herein, such amounts shall earn interest at the highest legally permissible interest rate for the party owing the funds for the periods that those amounts are owed and unpaid.

24. Attorney's fees. If it shall be necessary for any party hereto to commence legal action or arbitration to enforce the terms and provisions of this Amended Agreement, the prevailing party shall be entitled to reasonable attorneys fees, expenses, and cost incurred. The expenses and costs incurred shall include, without limitation to other reasonable types of outlay directly caused by or reasonably required by the litigation or dispute, the costs of any experts employed in either the preparation or presentation of any evidence in such proceedings incurred in preparing for or participating in such litigation.

25. Captions. The Section captions in this Amended Agreement are for convenience only and shall not be used in construing the Amended Agreement.

26. Execution by counterpart. The parties agree that this Amended Agreement may be executed in counterpart and that upon execution, each party shall deliver one original of its executed Amended Agreement to each of the other parties hereto.

In witness thereof, this Amended Agreement is executed hereof with full legal authority on this _____ day of _____, 1991.

Mr. HANSEN. Mr. Chairman, I yield such time as he may consume to the gentleman from Nebraska [Mr. BARRETT].

Mr. BARRETT. Mr. Chairman, I simply rise in support of the bill.

I congratulate the authors for moving the bill through the process so expeditiously.

Mr. JOHNSON of South Dakota. Mr. Chairman, the Reclamation Projects Authorization and Adjustment Act that we are considering today includes authorization for two projects that are extremely important to South Dakota:

The proposed Lake Andes-Wagner unit would serve 45,000 acres while the Marty II unit would irrigate 3,000 acres of Indian-owned land. This project represents a chance to stabilize our rural economy by ensuring stable crop production. South Dakota is in its fourth year of drought, and this lack of water threatens the livelihood of our family farmers. Irrigation would help to stabilize production and lead to new economic development.

Economic development would be particularly welcomed on the Marty II portion of this project. The Marty II unit would be operated by the Yankton Sioux Tribe, which has an unemployment rate of nearly 90 percent. While irrigation development would by no means fully address this problem, it would certainly be a positive step in the right direction.

This year's Lake Andes-Wagner/Marty II authorizing language includes a comprehensive selenium demonstration project with national application. The research into selenium would have benefits far beyond the borders of South Dakota by offering important information on the mitigation of selenium. Furthermore, construction of the full irrigation project will not go forward until the study is complete and it demonstrates that irrigation can take place without adverse environmental impacts.

The Lake Andes-Wagner/Marty II units would greatly benefit South Dakota's economy. The project sponsors have carefully listened to all the suggestions and criticisms regarding the project, and I commend their efforts to substantially address these issues. This is a good project, and I look forward to authorizing it.

Meanwhile, the mid-Dakota rural water supply project would deliver good quality drinking water to approximately 30,000 South Dakotans who currently subsist on water that exceeds safe drinking water standards in a long list of minerals, bacteria, and other elements. It makes no sense to me that we allow people in our Nation to drink water of such exceedingly poor quality that it poses a potential health risk to the general public. As a strong advocate of an expanded Federal role in rural drinking water delivery, I will continue to move forward with this type of development, and I am hopeful the administration will follow suit and begin to play a leading role on this issue. We need to invest in our Nation's basic infrastructure, and the needs don't get any more basic than that for a reliable supply of safe, clean drinking water.

In addition to the public health threat from water of such poor quality, this water has a direct impact on the local economy. A steady supply of clean water would be a welcome benefit to area livestock as well as to civic leaders trying to lure new businesses to their area.

In addition to the drinking water aspects of this proposal, the project sponsors have developed a unique wetland enhancement component, which has great potential to improve existing wetlands and create new wetlands. As you all know, the prairie pothole region of the Great Plains, including this portion of South Dakota, plays an integral role in the central flyway. These wetlands have provided vitally important habitat for numerous species of waterfowl, as well as other birds and animals, for centuries, and the wetlands trust component of this project would tremendously benefit wetlands and wildlife in the region.

Water is the lifeblood for development in the West, and both of these projects demonstrate the useful purposes of soundly developed water resources. These projects have strong local and State support as well as the united efforts of the congressional delegation. These projects are important to South Dakota, and I will continue to work to move them forward.

Mr. FAZIO. Mr. Chairman, I rise in strong support of the bill, H.R. 429, the Reclamation Projects Authorization and Adjustment Act of 1991.

I thank the chairman of the committee, the gentleman from California [Mr. MILLER] and his staff for their hard work to formulate a fair and balanced bill.

The provisions of the bill relating to the reform of reclamation law, in particular, represent significant progress when compared to the proposals considered by the House last year. The bill before the House today will put a stop to reclamation abuses while at the same time protecting legitimate, normal farm operations throughout the West.

I also thank the chairman of the committee for his assistance with two items of critical importance to my district: title XXVII of the bill, which provides for the transfer of the Solano project from Federal to local control and the enhancement of Putah Creek, and the provision of the bill authorizing the expansion of the Tehama Colusa Canal service area to include Yolo, Solano, and Napa Counties. Both of these measures will help provide a more secure water supply for Yolo and Solano Counties in the future.

Again, Mr. Chairman, I rise in strong support of the bill and urge its adoption.

Mr. McCANDLESS. Mr. Chairman, I rise in support of title XI of H.R. 429, a title which I authored along with my colleague, DUNCAN HUNTER. This section provides for a salinity reduction research project at the Salton Sea of California.

As drought conditions have intensified throughout California, a new emphasis upon water conservation has heightened the interest in purifying the Salton Sea. Earlier this year, local sponsors who make up a group known as the Salton Sea Task Force, examined several different desalination methods that might be of use at the Salton Sea. A few of these options include a possible outflow channel to the ocean, a system of levies and dykes or a solar pond evaporation technique.

Included in the bill as reported out of committee is a minor addition to the Salton Sea authorization which will allow for research on several different technologies. This new language will allow the Bureau of Reclamation added flexibility in testing other methods of desalination. I thank Chairman MILLER and ranking member JIM HANSEN for their support and help in securing this title.

Environmental groups such as the National Audubon Society have joined local sponsors in endorsing this research project. It is my understanding that the U.S. Bureau of Reclamation is also agreeable to investigating alternative methods of desalination at the Salton Sea.

Mr. Chairman, I view the Salton Sea portion of this bill as a sure win/win situation for everyone. The environmental health of the area will be improved, benefiting important animal and plant species which rely upon the wildlife refuge at the sea. The recreational activities at the Salton Sea will also be revived, resulting in economic gain to the surrounding community. Finally, the desalination technologies studied by the Bureau of Reclamation will provide important Federal benefits to other arid regions of the United States and other nations.

Mr. HANSEN. Mr. Chairman, I yield back the balance of my time.

Mr. MILLER of California. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the amendment in the nature of a substitute consisting of the text of H.R. 2684 shall be considered by titles as an original bill for the purpose of amendment, and each title is considered as read.

The Clerk will designate section 1.

Mr. MILLER of California. Mr. Chairman, I ask unanimous consent that the amendment in the nature of a substitute be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

The text of the amendment in the nature of a substitute is as follows:

H.R. 2684

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 "Reclamation Projects Authorization and Adjustment Act of 1991".

SEC. 2. DEFINITION OF SECRETARY.

For the purposes of this Act, the term "Secretary" means the Secretary of the Interior.

TITLE I—BUFFALO BILL DAM AND RESERVOIR, WYOMING

SEC. 101. ADDITIONAL AUTHORIZATION OF APPROPRIATIONS FOR BUFFALO BILL DAM AND RESERVOIR, SHOSHONE PROJECT, PICK-SLOAN MISSOURI BASIN PROGRAM.

Title I of Public Law 97-293 (96 Stat. 1261) is amended as follows:

(1) In the second sentence of section 101, by striking "replacing the existing Shoshone Powerplant," and inserting "constructing power generating facilities with a total installed capacity of 25.5 megawatts,".

(2) In section 102—

(A) by amending the heading to read as follows:

"RECREATIONAL FACILITIES, CONSERVATION, AND FISH AND WILDLIFE";

and

(B) by adding at the end the following: "The construction of recreational facilities in excess of the amount required to replace or relocate existing facilities is authorized, and the costs of such construction shall be borne equally by the United States and the State of Wyoming pursuant to the Federal Water Project Recreation Act.".

(3) In section 106(a)—

(A) by striking "for construction of the Buffalo Bill Dam and Reservoir modifications the sum of $106,700,000 (October 1982 price levels)" and inserting "for the Federal share of the construction of the Buffalo Bill Dam and Reservoir modifications and recreational facilities the sum of $80,000,000 (October 1988 price levels)"; and

(B) by striking "modifications" and all that follows and inserting "modifications.".

TITLE II—CENTRAL UTAH PROJECT CONSTRUCTION

SEC. 200. SHORT TITLE FOR TITLES II-VI; TABLE OF CONTENTS FOR TITLES II-VI; AND DEFINITIONS FOR TITLES II-VI.

(a) SHORT TITLE.—Titles II through VI of this Act may be cited as the "Central Utah Project Completion Act".

(b) TABLE OF CONTENTS.—The table of contents for titles II through V of this Act is as follows:

TITLE II—CENTRAL UTAH PROJECT CONSTRUCTION

Sec. 201. Authorization of additional amounts for the Colorado River Storage Project.
Sec. 202. Bonneville Unit water development.
Sec. 203. Uinta Basin replacement project.
Sec. 204. Non-Federal contribution.
Sec. 205. Definite Plan Report and environmental compliance.
Sec. 206. Local development in lieu of irrigation and drainage.
Sec. 207. Water management improvement.
Sec. 208. Limitation on hydropower operations.
Sec. 209. Operating agreements.
Sec. 210. Jordan Aqueduct prepayment.
Sec. 211. Audit of Central Utah Project cost allocations.
Sec. 212. Surplus crops.

TITLE III—FISH, WILDLIFE, AND RECREATION MITIGATION AND CONSERVATION

Sec. 301. Utah Reclamation Mitigation and Conservation Commission.
Sec. 302. Increased Central Utah Project water capability.
Sec. 303. Central Utah Project stream flows.
Sec. 304. Fish, wildlife, and recreation projects identified or proposed in the 1988 Definite Plan Report for the Central Utah Project.
Sec. 305. Wildlife lands and improvements.
Sec. 306. Wetlands acquisition, rehabilitation, and enhancement.
Sec. 307. Fisheries acquisition, rehabilitation, and enhancement.
Sec. 308. Stabilization of high mountain lakes in the Uinta mountains.
Sec. 309. Stream access and riparian habitat development.
Sec. 310. Section 8 expenses.
Sec. 311. Jordan and Provo River Parkways and natural areas.
Sec. 312. Recreation.
Sec. 313. Fish and wildlife features in the Colorado River Storage Project.
Sec. 314. Concurrent mitigation appropriations.
Sec. 315. Fish, wildlife, and recreation mitigation schedule.

TITLE IV—UTAH RECLAMATION MITIGATION AND CONSERVATION ACCOUNT

Sec. 401. Findings, purpose, operation and administration.
Sec. 402. Utah Reclamation Mitigation and Conservation Account.

TITLE V—UTE INDIAN RIGHTS SETTLEMENT

Sec. 501. Findings and purpose.
Sec. 502. Provision for payment to the Ute Indian Tribe.
Sec. 503. Tribal use of water.
Sec. 504. Tribal farming operations.
Sec. 505. Reservoir, stream, habitat, and road improvements with respect to the Ute Indian Reservation.
Sec. 506. Tribal development funds.
Sec. 507. Waiver of claims.

TITLE VI—ENDANGERED SPECIES ACT AND NATIONAL ENVIRONMENTAL POLICY ACT

(c) DEFINITIONS.—For the purposes of titles II-VI of this Act:

(1) The term "Bureau" means the Bureau of Reclamation of the Department of the Interior.

(2) The term "Commission" means the Utah Reclamation Mitigation and Conservation Commission established by section 301 of this Act.

(3) The term "conservation measure(s)" means actions taken to improve the efficiency of the storage, conveyance, distribution, or use of water, exclusive of dams, reservoirs, or wells.

(4) The term "1988 Definite Plan Report" means the May 1988 Draft Supplement to the Definite Plan Report for the Bonneville Unit of the Central Utah Project.

(5) The term "District" means the Central Utah Water Conservancy District.

(6) The term "fish and wildlife resources" means all birds, fishes, mammals, and all other classes of wild animals and all types of habitat upon which such fish and wildlife depend.

(7) The term "Interagency Biological Assessment Team" means the team comprised of representatives from the United States Fish and Wildlife Service, the United States Forest Service, the Bureau of Reclamation, the Utah Division of Wildlife Resources, and the District.

(8) The term "administrative expenses", as used in section 301(i) of this Act, means all expenses necessary for the Commission to administer its duties other than the cost of the contracts or other transactions provided for in section 301(f)(3) for the implementation by public natural resource management agencies of the mitigation and conservation projects and features authorized in this Act. Such administrative expenses include but are not limited to the costs associated with the Commission's planning, reporting, and public involvement activities, as well as the salaries, travel expenses, office equipment, and other such general administrative expenses authorized in this Act.

(9) The term "petitioner(s)" means any person or entity that petitions the District for an allotment of water pursuant to the Utah Water Conservancy Act, Utah Code Ann. Sec. 17A-2-1401 et seq.

(10) The term "project" means the Central Utah Project.

(11) The term "public involvement" means to request comments on the scope of and, subsequently, on drafts of proposed actions or plans, affirmatively soliciting comments, in writing or at public hearings, from those persons, agencies, or organizations who may be interested or affected.

(12) The term "Secretary" means the Secretary of the Interior.

(13) The term "section 8" means section 8 of the Act of April 11, 1956 (70 Stat. 110; 43 U.S.C. 620g).

(14) The term "State" means the State of Utah, its political subdivisions, or its designee.

(15) The term "Stream Flow Agreement" means the agreement entered into by the United States through the Secretary of the Interior, the State of Utah, and the Central Utah Water Conservancy District, dated February 27, 1980, as modified by the amendment to such agreement, dated September 13, 1990.

SEC. 201. AUTHORIZATION OF ADDITIONAL AMOUNTS FOR THE COLORADO RIVER STORAGE PROJECT.

(a)(1) INCREASE IN CRSP AUTHORIZATION.—In order to provide for the completion of the Central Utah Project and other features described in this Act, the amount which section 12 of the Act of April 11, 1956 (70 Stat. 110; 43 U.S.C. 620k), authorizes to be appropriated, which was increased by the Act of August 10, 1972 (86 Stat. 525; 43 U.S.C. 620k note), and the Act of October 31, 1988 (102 Stat. 2826), is hereby further increased by $922,456,000 plus or minus such amounts, if any, as may be required by reason of changes in construction costs as indicated by engineering cost indexes applicable to the type of construction involved: *Provided*, however, That of the amounts authorized to be appropriated by this section, the Secretary is not authorized to obligate or expend amounts in excess of $214,352,000 for the features identified in table 2 of the report accompanying the bill H.R. 429. This additional sum shall be available solely for design, engineering, and construction of the facilities identified in title II of this Act and for the planning and implementation of the fish and wildlife and recreation mitigation and conservation projects and studies authorized in titles III and IV of this Act, and for the Ute Indian Settlement authorized in title V of this Act.

(2) APPLICATION OF INSPECTOR GENERAL RECOMMENDATIONS.—Notwithstanding any other provision of law to the contrary, the Secretary shall implement all the recommendations contained in the report entitled "Review of the Financial Management of the Colorado River Storage Project, Bureau of Reclamation (Report No. 88-45, February, 1988)", prepared by the Inspector General of the Department of the Interior, with respect to the funds authorized to be appropriated in this section.

(b) UTAH RECLAMATION PROJECTS AND FEATURES NOT TO BE FUNDED.—Notwithstanding the Act of April 11, 1956 (70 Stat. 110; 43 U.S.C. 105), the Act of August 10, 1972 (86 Stat. 525; 43 U.S.C. 620k note), the Act of October 19, 1980 (94 Stat. 2239; 43 U.S.C. 620), and the Act of October 31, 1988 (102 Stat. 2826), funds may not be made available, obligated, or expended for the following Utah reclamation projects and features:

(1) Fish and wildlife features:

(A) The dam in Bjorkman Hollow;

(B) The Deep Creek pumping plant;

(C) The North Fork pumping plant;

(2) Water development projects and features:

(A) Mosida pumping plant, canals, and laterals;

(B) Draining of Benjamin Slough;

(C) Diking of Goshen or Provo Bays in Utah Lake;

(D) Ute Indian Unit;

(E) Leland Bench development; and

(F) All features of the Bonneville Unit, Central Utah Project not proposed and described in the 1988 Definite Plan Report.

Counties in which the projects and features described in this subsection were proposed to be located may participate in the local development projects provided for in section 206.

(c) TERMINATION OF AUTHORIZATION OF APPROPRIATIONS.—Notwithstanding any provision of the Act of April 11, 1956 (70 Stat. 110; 43 U.S.C. 620k), the Act of September 2, 1964 (78 Stat. 852), the Act of September 30, 1968 (82 Stat. 885), the Act of August 10, 1972 (86 Stat. 525; 43 U.S.C. 620k note), and the Act of October 31, 1988 (102 Stat. 2826) to the contrary, the authorization of appropriations for construction of any Colorado River Storage Project participating project located in the State of Utah shall terminate five years after the date of enactment of this Act unless: (1) the Secretary executes a cost-sharing agreement with non-Federal entities for construction of such project, and (2) the Secretary has requested construction funds for such project.

(d) USE OF APPROPRIATED FUNDS.—Funds authorized pursuant to this Act shall be appropriated to the Secretary and such appropriations shall be made available in their entirety to non-Federal interests as provided for pursuant to the provisions of this Act.

(e) STATUS OF PARTICIPATING PROJECTS.—The Secretary, in consultation with the Secretary of Energy and the Governors of the Upper Colorado River Basin States, is directed to report to Congress not later than April 15, 1992, on the status of Colorado River Storage Project participating projects for which construction has not begun as of October 15, 1990. The report of the Secretary shall include, but not be limited to, the following information:

(1) a description of each project, its legislative history, and history of environmental compliance;

(2) an analysis of the economic costs and benefits of each participating project;

(3) a recommendation as to whether the authorization of appropriations for that project be amended, be terminated, or should remain unchanged, along with the reasons supporting each recommendation.

SEC. 202. BONNEVILLE UNIT WATER DEVELOPMENT.

(a) Of the amounts authorized to be appropriated in section 201, the following amounts shall be available only for the following features of the Bonneville Unit of the Central Utah Project:

(1) IRRIGATION AND DRAINAGE SYSTEM.—(A) $150,000,000 for the construction of an enclosed pipeline primary water conveyance system from Spanish Fork Canyon to Sevier Bridge Reservoir for the purpose of supplying new and supplemental irrigation water supplies to Utah, Juab, Millard, Sanpete, Sevier, Garfield, and Piute Counties. Construction of the facilities specified in the previous sentence shall be undertaken by the District as specified in subparagraph (D) of this paragraph. No funds are authorized to be appropriated for construction of the facilities identified in this paragraph, except as provided for in subparagraph (D) of this paragraph.

(B) The authorization to construct the features provided for in subparagraph (A) shall expire if no funds to construct such features have been obligated or expended by the Secretary in accordance with this Act, unless the Secretary determines the District has complied with sections 202, 204, and 205, within five years from the date of its enactment, or such longer time as necessitated for—

(i) completion, after the exercise of due diligence, of compliance measures outlined in a biological opinion issued pursuant to the Endangered Species Act (16 U.S.C. 1533 et seq.) for any species that is or may be listed as threatened or endangered under such Act: *Provided, however,* That such extension of time for the expiration of authorization shall not exceed twelve months beyond the five-year period provided in subparagraph (B) of this paragraph;

(ii) judicial review of a completed final environmental impact statement for such features if such review is initiated by parties other than the District, the State, or petitioners of project water; or

(iii) a judicial challenge of the Secretary's failure to make a determination of compliance under this subparagraph: *Provided, however,* That in the event that construction is not initiated on the features provided for in subparagraph (A), $125,000,000 shall remain authorized pursuant to the provisions of this Act applicable to subparagraph (A) for the construction of alternate features to deliver irrigation water to lands in the Utah Lake drainage basin, exclusive of the features identified in section 201(b).

(C) REQUIREMENT FOR BINDING CONTRACTS.—Amounts authorized to carry out subparagraph (A) may not be obligated or expended, and may not be borrowed against, until binding contracts for the purchase for the purpose of agricultural irrigation of at least 90 percent of the irrigation water to be delivered from the features of the Central Utah Project described in subparagraph (A) have been executed.

(D) In lieu of construction by the Secretary, the Central Utah Project and features specified in section 202(a)(1) shall be constructed by the District under the program guidelines authorized by Drainage Facilities and Minor Construction Act (Act of June 13, 1956, 70 Stat. 274; 43 U.S.C. 505). Any such feature shall be operated, maintained, and repaired by the District in accordance with repayment contracts and operation and maintenance agreements entered into between the Secretary and the District. The United States shall not be liable for damages resulting from the design, construction, operation, maintenance, and replacement by the District of the features specified in section 202(a)(1).

(2) CONJUNCTIVE USE OF SURFACE AND GROUND WATER.—$10,000,000 for a feasibility study and development, with public involvement, by the Utah Division of Water Resources of systems to allow ground water recharge, management, and the conjunctive use of surface water resources with ground water resources in Salt Lake, Utah, Davis, Wasatch, and Weber Counties, Utah.

(3) WASATCH COUNTY WATER EFFICIENCY PROJECT.—(A) $500,000 for the District to conduct, within two years from the date of enactment of this Act, a feasibility study with public involvement, of efficiency improvements in the management, delivery and treatment of water in Wasatch County, without interference with downstream water rights. Such feasibility study shall be developed after consultation with Wasatch County and the Commission, or the Utah State Division of Wildlife Resources if the Commission has not been established, and shall identify the features of the Wasatch County Water Efficiency Project.

(B) $10,000,000 for construction of the Wasatch County Water Efficiency Project, in addition to funds authorized in section 107(e)(2) for related purposes.

(C) The feasibility study and the Project construction authorization shall be subject to the non-Federal contribution requirements of section 204.

(D) The project construction authorization provided in subparagraph (B) shall expire if no funds to construct such features have been obligated or expended by the Secretary in accordance with this Act within five years from the date of completion of feasibility studies, or such longer times as necessitated for—

(i) completion, after the exercise of due diligence, of compliance measures outlined in a biological opinion issued pursuant to the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) for any species that is or may be listed as threatened or endangered under such Act, except that such extension of time for the expiration of authorization shall not exceed twelve months beyond the five-year period provided in this subparagraph; or

(ii) judicial review of environmental studies prepared in compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) if such review was initiated by parties other than the District, the State, or petitioners of project water.

(E) Amounts authorized to carry out subparagraph (B) may not be obligated or expended, and may not be borrowed against, until binding contracts for the purchase of at least 90 percent of the supplemental irrigation project water to be delivered from the features constructed under subparagraph (B) have been executed.

(F) In lieu of construction by the Secretary, the Central Utah Project and features specified in section 102(a)(1) shall be constructed by the District under the program guidelines authorized by the Drainage Facilities and Minor Construction Act (Act of June 13, 1956, 70 Stat. 274; 43 U.S.C. 505). Any such feature may be operated, maintained, and repaired by the District in accordance with repayment contracts and operation and maintenance agreements entered into between the Secretary and the District. The United States shall not be liable for damages resulting from the design, construction, operation, maintenance, and replacement by the District of the features specified in section 102(a)(1).

(4) UTAH LAKE SALINITY CONTROL.—$1,000,000 for the District to conduct, with public involvement, a feasibility study to reduce the salinity of Utah Lake.

(5) STRAWBERRY-PROVO CONVEYANCE STUDY.—(A) $2,000,000 for the District to conduct a feasibility study, with public involvement, of direct delivery of Colorado River Basin water from the Strawberry Reservoir or elsewhere in the Strawberry Collection System to the Provo River Basin, including the Wallsburg Tunnel and other possible importation or exchange options. The study shall also evaluate the potential for changes in existing importation patterns and quantities of water from the Weber and Duchesne River Basins, and shall describe the economic and environmental consequences of each alternative identified.

(B) The cost of the study provided for in subparagraph (A) shall be treated as an expense under section 8: *Provided, however,* That the cost of such study shall be reallocated proportionate with project purposes in the event any conveyance alternative is subsequently authorized and constructed.

(6) COMPLETION OF DIAMOND FORK SYSTEM.—(A) Of the amounts authorized to be appropriated under section 201, $69,000,000 shall be

available to complete construction of the Diamond Fork System.

(B) In lieu of construction by the Secretary, the facilities specified in paragraph (A) shall be constructed by the District under the program guidelines authorized by the Drainage Facilities and Minor Construction Act (Act of June 13, 1956, 70 Stat. 274; 43 U.S.C. 505). Any such feature shall be operated, maintained, and repaired by the District in accordance with repayment contracts and operation and maintenance agreements entered into between the Secretary and the District. The United States shall not be liable for damages resulting from the design, construction, operation, maintenance, and replacement by the District of the features specified in subparagraph (A) of this paragraph.

(b) STRAWBERRY WATER USERS ASSOCIATION.—(1) In exchange for, and as a precondition to approval of the Strawberry Water Users Association's petition for Bonneville Unit water, the Secretary, after consultation with the Secretary of Agriculture, shall impose conditions on such approval so as to ensure that the Strawberry Water Users Association shall manage and develop the lands referred to in subparagraph 4(e)(1)(A) of the Act of October 31, 1988 (102 Stat. 2826, 2828) in a manner compatible with the management and improvement of adjacent Federal lands for wildlife purposes, natural values, and recreation.

(2) The Secretary of Agriculture and the Secretary shall not permit commercial or other development of Federal lands within sections 2 and 13, township 3 south, range 12 west, and sections 7 and 8, township 3 south, range 11 west, Uintah Special Meridian. Such Federal lands shall be rehabilitated pursuant to subsection 4(f) of the Act of October 31, 1988 (102 Stat. 2826, 2828) and hereafter managed and improved for wildlife purposes, natural values, and recreation consistent with the Uinta National Forest Land and Natural Resource Management Plan. This restriction shall not apply to the 95 acres referred to in the first sentence of subparagraph 4(e)(1)(A) of the Act of October 31, 1988 (102 Stat. 2826, 2828), valid existing rights, or to uses of such Federal lands by the Secretary of Agriculture or the Secretary for public purposes.

SEC. 203. UINTA BASIN REPLACEMENT PROJECT.

(a) IN GENERAL.—Of the amounts authorized to be appropriated by section 201, $30,538,000 shall be available only to increase efficiency, enhance beneficial uses, and achieve greater water construction within the Uinta Basin, as follows:

(1) $13,582,000 for the construction of the Pigeon Water Reservoir, together with an enclosed pipeline conveyance system to divert water from Lake Fork River to Pigeon Water Reservoir and Sandwash Reservoir.

(2) $2,987,000 for the construction of McGuire Draw Reservoir.

(3) $7,669,000 for the construction of Clay Basin Reservoir.

(4) $4,000,000 for the rehabilitation of Farnsworth Canal.

(5) $2,300,000 for the construction of permanent diversion facilities identified by the Commission on the Duchesne and Strawberry Rivers, the designs of which shall be approved by the Federal and State fish and wildlife agencies. The amount identified in paragraph (5) shall be treated as an expense under section 8.

(b) EXPIRATION OF AUTHORIZATION.—The authorization to construct any of the features provided for in paragraphs (1) through (5) of subsection (a)—

(1) shall expire if no funds for such features have been obligated or expended in accordance with this Act within five years from the date of completion of feasibility studies, or such longer time as necessitated for—

(A) completion, after the exercise of due diligence, of compliance measures outlined in a biological opinion issued pursuant to the Endangered Species Act (16 U.S.C. 1533 et seq.) for any species that is or may be listed as threatened or endangered under such Act: *Provided, however*, That such extension of time for the expiration of authorization shall not exceed twelve months beyond the five-year period provided in this paragraph; or

(B) judicial review of environmental studies prepared in compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) if such review was initiated by parties other than the District, the State, or petitioners of project water;

(2) shall expire if the Secretary determines that such feature is not feasible.

(c) REQUIREMENT FOR BINDING CONTRACTS.—Amounts authorized to carry out subsection (a), paragraphs (1) through (4) may not be obligated or expended, and may not be borrowed against, until binding contracts for the purchase of at least 90 percent of the supplemental irrigation water to be delivered from the features of the Central Utah Project described in subsection (a), paragraphs (1) through (4) have been executed.

(d) NON-FEDERAL OPTION.—In lieu of construction by the Secretary, the features described in subsection (a), paragraphs (1) through (5) shall be constructed by the District under the program guidelines authorized by the Drainage Facilities and Minor Construction Act (Act of June 13, 1956, 70 Stat. 274; 43 U.S.C. 505). Any such feature shall be operated, maintained, and repaired by the District in accordance with repayment contracts and operation and maintenance agreements entered into between the Secretary and the District. The United States shall not be liable for damages resulting from the design, construction, operation, maintenance, and replacement by the District of the features specified in subsection (a) of this section.

(e) WATER RIGHTS.—To make water rights available for any of the features constructed as authorized in this section, the Bureau shall convey to the District in accordance with State law the water rights evidenced by Water Right No. 43-3825 (Application No. A36642) and Water Right No. 43-3827 (Application No. A36644).

(f) UINTAH INDIAN IRRIGATION PROJECT.—(1) Notwithstanding any other provision of law, the Secretary is authorized and directed to enter into a contract or cooperative agreement with, or make a grant to the Uintah Indian Irrigation Project Operation and Maintenance Company, or any other organization representing the water users within the Uintah Indian Irrigation Project area, to enable such organization to—

(A) administer the Uintah Indian Irrigation Project, or part thereof, and

(B) operate, maintain, rehabilitate, and construct all or some of the irrigation project facilities using the same administrative authority and management procedures as used by water user organizations formed under State laws who administer, operate, and maintain irrigation projects.

(2) Title to Uintah Indian Irrigation Project rights-of-way and facilities shall remain in the United States. The Secretary shall retain any trust responsibilities to the Uintah Indian Irrigation Project.

(3) Notwithstanding any other provision of law, the Secretary shall use funds received from assessments, carriage agreements, leases, and all other additional sources related to the Uintah Indian Irrigation Project exclusively for Uintah Indian Irrigation Project administration, operation, maintenance, rehabilitation, and construction where appropriate. Upon receipt, the Secretary shall deposit such funds in an account in the Treasury of the United States. Amounts in the account not currently needed shall earn interest at the rate determined by the Secretary of the Treasury, taking into consideration current market yields on outstanding obligations of the United States with remaining periods to maturity comparable to the period for which such funds are not currently needed. Amounts in the account shall be available, upon appropriation by Congress.

(4) All noncontract costs, direct and indirect, required to administer the Uintah Indian Irrigation Project shall be nonreimbursable and paid for by the Secretary as part of his trust responsibilities, beginning on the date of enactment of this Act. Such costs shall include (but not be limited to) the noncontract cost positions of project manager or engineer and two support staff. Such costs shall be added to the funding of the Uintah and Ouray Agency of the Bureau of Indian Affairs as a line item.

(5) The Secretary is authorized to sell, lease, or otherwise make available the use of irrigation project equipment to a water user organization which is under obligation to the Secretary to administer, operate, and maintain the Uintah Indian Irrigation Project or part thereof.

(6) The Secretary is authorized to lease or otherwise make available the use of irrigation project facilities to a water user organization which is under obligation to the Secretary to administer, operate, and maintain the Uintah Indian Irrigation Project or part thereof.

(g) BRUSH CREEK AND JENSEN UNIT.—(1) The Secretary is authorized to enter into Amendatory Contract No. 6-05-01-00143, as last revised on September 18, 1988, between the United States and the Uintah Water Conservancy District, which provides, among other things, for part of the municipal and industrial water obligation now the responsibility of the Uintah Water Conservancy District to be retained by the United States with a corresponding part of the water supply to be controlled and marketed by the United States. Such water shall be marketed and used in conformance with State law.

(2) The Secretary, through the Bureau, shall—

(A) establish a conservation pool of 4,000 acre-feet in Red Fleet Reservoir for the purpose of enhancing associated fishery and recreational opportunities and for such other purposes as may be recommended by the Commission in consultation with the Utah Division of Wildlife Resources, United States Fish and Wildlife Service, and the Utah Division of Parks and Recreation; and

(B) enter into an agreement with the Utah Division of Parks and Recreation for the management and operation of Red Fleet recreational facilities.

SEC. 204. NON-FEDERAL CONTRIBUTION.

The non-Federal share of the cost for the design, engineering, and construction of the Central Utah Project features authorized by sections 202 and 203 shall be 35 percent of the total costs and shall be paid concurrently with the Federal share, except that for the facilities specified in section 202(a)(6), the cost-share shall be 35 percent of the costs allocated to irrigation beyond the ability of irrigators to repay. The non-Federal share of

the cost for studies required by sections 202 and 203, other than the study required by sections 202(a)(5), shall be 50 percent and shall be paid concurrently with the Federal share. Any feature or study to which this section applies shall not be cost shared until after the non-Federal interests enter into binding agreements with the appropriate Federal authority to provide the share required by this section. The District may commence such studies prior to entering into binding agreements and upon execution of binding agreements the Secretary shall reimburse the District an amount equal to the Federal share of the funds expended by the District.

SEC. 205. DEFINITE PLAN REPORT AND ENVIRONMENTAL COMPLIANCE.

(a) DEFINITE PLAN REPORT AND FEASIBILITY STUDIES.—Except for amounts required for compliance with applicable environmental laws and the purposes of this subsection, amounts may not be obligated or expended for the features authorized in section 202(a)(1) or 203 until—

(1) the Secretary or the District, at the option of the District, completes—

(A) a Definite Plan Report for the system authorized in section 202(a)(1), or

(B) an analysis to determine the feasibility of the separate features described in section 203(a), paragraphs (1) through (4), or subsection (f);

(2) the requirements of the National Environmental Policy Act of 1969 have been satisfied with respect to the particular system; and

(3) a plan has been developed with and approved by the United States Fish and Wildlife Service to prevent any harmful contamination of waters due to concentrations of selenium or other such toxicants, if the Service determines that development of the particular system may result in such contamination.

(b) COMPLIANCE WITH ENVIRONMENTAL LAWS AND THE TERMS OF THIS ACT.—Notwithstanding any other provision of this Act, Federal funds authorized under this title may not be provided to any non-Federal interests until any such interest enters into binding agreements with the appropriate Federal authority to be considered a "Federal Agency" for purposes of compliance with all Federal fish, wildlife, recreation, and environmental laws with respect to the use of such funds, and to comply with this Act.

(c) INITIATION OF REPAYMENT.—For purposes of repayment of costs obligated and expended prior to the date of enactment of this Act, the Definite Plan Report shall be considered as being filed and approved by the Secretary, and repayment of such costs shall be initiated by the Secretary of Energy at the earliest possible date. All the costs allocated to irrigation and associated with construction of the Strawberry Collection System, a component of the Bonneville Unit, obligated prior to the date of enactment of this Act shall be included by the Secretary of Energy in the costs specified in this subsection.

(d) Of the amounts authorized in section 201, the Secretary is directed to make such sums as are necessary available to the District for the completion of the plans, studies, and analyses required by this section pursuant to the cost sharing provisions of section 204.

(e) CONTENT AND APPROVAL OF THE DEFINITE PLAN REPORT.—The Definite Plan Report required under this section shall include economic analyses consistent with the Economic and Environmental Principles and Guidelines for Water and Related Land Resources Implementation Studies (March 10, 1983). The Secretary may withhold approval of the Definite Plan Report only on the basis of the inadequacy of the document, and specifically not on the basis of the findings of its economic analyses.

SEC. 206. LOCAL DEVELOPMENT IN LIEU OF IRRIGATION AND DRAINAGE.

(a) OPTIONAL REBATE TO COUNTIES.—(1) After two years from the date of enactment of this Act, the District shall, at the option of an eligible county as provided in paragraph (2), rebate to such county all of the ad valorem tax contributions paid by such county to the District, with interest but less the value of any benefits received by such county and less the administrative expenses incurred by the District to that date.

(2) Counties eligible to receive the rebate provided for in paragraph (1) include any county within the District, except for Salt Lake County and Utah County, in which the construction of Central Utah Project water storage or delivery features authorized in this Act has not commenced and—

(A) in which there are no binding contracts as required under section 202(1)(C); or

(B) in which the authorization for the project or feature was repealed pursuant to section 201(b) or expired pursuant to section 202(a)(1)(B) of this Act.

(b) LOCAL DEVELOPMENT OPTION.—(1) Upon the request of any eligible county that elects not to participate in the project as provided in subsection (a), the Secretary shall provide as a grant to such county an amount that, when matched with the rebate received by such county, shall constitute 65 percent of the cost of implementation of measures identified in paragraph (2).

(2)(A) The grant provided for in this subsection shall be available for the following purposes:

(i) Potable water distribution and treatment.

(ii) Wastewater collection and treatment.

(iii) Agricultural water management.

(iv) Other public infrastructure improvements as may be approved by the Secretary.

(B) Funds made available under this subsection may not be used for—

(i) draining of wetlands;

(ii) dredging of natural water courses;

(iii) planning or constructing water impoundments of greater than 5,000 acre-feet, except for the proposed Hatch Town Dam on the Sevier River in southern Garfield County, Utah.

(C) All Federal environmental laws shall be applicable to any projects or features developed pursuant to this section.

(3) Of the amounts authorized to be appropriated by section 201, not more than $40,000,000 may be available for the purposes of this subsection.

SEC. 207. WATER MANAGEMENT IMPROVEMENT.

(a) PURPOSES.—The purposes of this section are, through such means as are cost-effective and environmentally sound, to—

(1) encourage the conservation and wise use of water;

(2) reduce the probability and duration of periods necessitating extraordinary curtailment of water use;

(3) achieve beneficial reductions in water use and system costs;

(4) prevent or eliminate unnecessary depletion of waters in order to assist in the improvement and maintenance of water quantity, quality, and streamflow conditions necessary to augment water supplies and support fish, wildlife, recreation, and other public benefits;

(5) make prudent and efficient use of currently available water prior to any importation of Bear River water into Salt Lake County, Utah; and

(6) provide a systematic approach to the accomplishment of these purposes and an objective basis for measuring their achievement.

(b) WATER MANAGEMENT IMPROVEMENT PLAN.—The District, after consultation with the State and with each petitioner of project water, shall prepare and maintain a water management improvement plan. The first plan shall be submitted to the Secretary by January 1, 1995. Every three years thereafter the District shall prepare and submit a supplement to this plan. The Secretary shall either approve or disapprove such plan or supplement thereto within six months of its submission.

(1) ELEMENTS.—The plan shall include the following elements:

(A) A water conservation goal, consisting of the greater of the following two amounts for each petitioner of project water:

(i) 25 percent of each petitioner's projected increase in annual water deliveries between the years 1990 and 2000, or such later ten year period as the District may find useful for planning purposes; or

(ii) the amount by which unaccounted for water or, in the case of irrigation entities, transport losses, exceeds 10 percent of recorded annual water deliveries.

The minimum goal for the District shall be 30,000 acre-feet per year. In the event that the pipeline conveyance system described in section 202(a)(1)(A) is not constructed due to expiration of the authorization pursuant to section 202(a)(1)(B), the minimum goal for the District shall be reduced by 5,000 acre-feet per year. In the event that the Wasatch County Water Efficiency Project authorized in section 202(a)(3)(B) is not constructed due to expiration of the authorization pursuant to section 202(a)(3)(D), the minimum goal for the District shall be reduced by 5,000 acre-feet per year. In the event the water supply which would have been supplied by the pipeline conveyance system described in section 202(a)(1)(A) is made available and delivered to municipal and industrial or agricultural petitioners in Salt Lake, Utah or Juab Counties subsequent to the expiration of the authorization pursuant to section 202(a)(1)(B), the minimum goal for the District shall increase 5,000 acre-feet per year. In no event shall the minimum goal for the District be less than 20,000 acre-feet per year.

(B) A water management improvement inventory, containing—

(i) conservation measures to improve the efficiency of the storage, conveyance, distribution, and use of water in a manner that contributes to the accomplishment of the purposes of this section, exclusive of any measures promulgated pursuant to subsection (f)(2) (A) through (D);

(ii) the estimated economic and financial costs of each such measure;

(iii) the estimated water yield of each such measure; and,

(iv) the socioeconomic and environmental effects of each such measure.

(C) A comparative analysis of each cost-effective and environmentally sound measure.

(D) A schedule of implementation for the following five years.

(E) An assessment of the performance of previously implemented conservation measures, if any. Not less than ninety days prior to its transmittal to the Secretary, the plan, or plan supplement, together with all supporting documentation demonstrating compliance with this section, shall be made available by the District for public review,

hearing, and comment. All significant comments, and the District's response thereto, shall accompany the plan transmitted to the Secretary.

(2) EVALUATION OF CONSERVATION MEASURES.—

(A) Any conservation measure proposed to the District by the Executive Director of the Utah Department of Natural Resources shall be added to the water management improvement inventory and evaluated by the District. Any conservation measure, up to a cumulative five in number within any three-year period, submitted by nonprofit sportsmen or environmental organizations shall be added to the water management improvement inventory and evaluated by the District.

(B) Each conservation measure that is found to be cost-effective, without significant adverse impact to the financial integrity of the District or a petitioner of project water or without significant adverse environmental impact, and in the public interest shall be deemed to constitute the "active inventory." For purposes of this section, the determination of benefits shall take into account:

(i) the value of saved water, to be determined, in the case of municipal water, on the basis of the project municipal and industrial repayment obligation of the District, but in no case less than $200 per acre-foot, and, in the case of irrigation water, on the basis of operation, maintenance, and replacement costs plus the "full cost" rate for irrigation computed in accordance with section 202(3) of the Reclamation Reform Act of 1982 (96 Stat. 1263; 43 U.S.C. 390bb), but in no case less than $50 per acre-foot;

(ii) the reduced cost of wastewater treatment, if any;

(iii) net additional hydroelectric power generation, if any, valued at avoided cost;

(iv) net savings in operation, maintenance, and replacement costs; and

(v) net savings in on-farm costs.

(3) IMPLEMENTATION.—The District, and each petitioner of project water, as appropriate, shall implement and maintain, consistent with State law, conservation measures placed in the active inventory to the maximum practical extent necessary to achieve 50 percent of the water conservation goal within seven years after submission of the initial plan and 100 percent of the water conservation goal within fifteen years after submission of the initial plan. Priority shall be given to implementation of the most cost-effective measures that are—

(A) found to reduce consumptive use of water without significant adverse impact to the financial integrity of the District or the petitioner of project water;

(B) without significant adverse environmental impact; and

(C) found to be in the public interest.

(4) USE OF SAVED WATER.—All water saved by any conservation measure implemented by the District or a petitioner of project water under subsection (b)(3) may be retained by the District or the petitioner of project water which saved such water for its own use or disposition. The specific amounts of water saved by any conservation measure implemented under subsection (b)(3) shall be based upon the determination of yield under paragraph (b)(1)(B)(iii), and as may be confirmed or modified by assessment pursuant to paragraph (b)(1)(E). Each petitioner of project water may make available to the District water in an amount equivalent to the water saved, which the District may make available to the Secretary for instream flows in addition to the stream flow requirements established by section 303. Such instream flows shall be released from project facilities, subject to space available in project conveyance systems, to at least one watercourse in the Bonneville and Uinta River Basins, respectively, to be designated by the United States Fish and Wildlife Service as recommended by the Interagency Biological Assessment Team. Such flows shall be protected against appropriation in the same manner as the minimum streamflow requirements established by section 303. The Secretary shall reduce the annual contractual repayment obligation of the District equal to the project rate for delivered water, including operation and maintenance expenses, for water saved and accepted by the Secretary for instream flows pursuant to this subsection. The District shall credit or rebate to each petitioner of project water its proportionate share of the District's repayment savings for reductions in deliveries of project water as a result of this subsection.

(5) STATUS REPORT ON THE PLANNING PROCESS.—Prior to January 1, 1993, the District shall establish a continuous process for the identification, evaluation, and implementation of water conservation measures to achieve the purposes of this section, and submit a report thereon to the Secretary. The report shall include a description of this process, including its financial resources, technical support, public involvement, and identification of staff responsible for its development and implementation.

(c) WATER CONSERVATION PRICING STUDY.—

(1) Within three years from the date of enactment of this Act, the District, after consultation with the State and each petitioner of project water, shall prepare and transmit to the Secretary a study of wholesale and retail pricing to encourage water conservation as described in this subsection, together with its conclusions and recommendations.

(2) The purposes of this study are—

(A) to design and evaluate potential rate designs and pricing policies for water supply and wastewater treatment within the District boundary;

(B) to estimate demand elasticity for each of the principal categories of end use of water within the District boundary;

(C) to quantify monthly water savings estimated to result from the various designs and policies to be evaluated; and

(D) to identify a water pricing system that reflects the incremental scarcity value of water and rewards effective water conservation programs.

(3) Pricing policies to be evaluated in the study shall include but not be limited to the following, alone and in combination:

(A) recovery of all costs, including a reasonable return on investment, through water and wastewater service charges;

(B) seasonal rate differentials;

(C) drought year surcharges;

(D) increasing block rate schedules;

(E) marginal cost pricing;

(F) rates accounting for differences in costs based upon point of delivery; and

(G) rates based on the effect of phasing out the collection of ad valorem property taxes by the District and the petitioners of project water over a five-year and ten-year period.

The District may incorporate policies developed by the study in the Water Management Improvement Plan prepared under subsection (b).

(4) Not less than ninety days prior to its transmittal to the Secretary, the study, together with the District's preliminary conclusions and recommendations and all supporting documentation, shall be available for public review and comment, including public hearings. All significant comments, and the District's response thereto, shall accompany the study transmitted to the Secretary.

(5) Nothing in this subsection shall be deemed to authorize the Secretary, or grant new authority to the District or petitioners of project water, to require the implementation of any policies or recommendations contained in the study.

(d) STUDY OF COORDINATED OPERATIONS.—

(1) Within three years from the date of enactment of this Act, the District, after consultation with the State and each petitioner of project water, shall prepare and transmit to the Secretary a study of the coordinated operation of independent municipal and industrial and irrigation water systems, together with its conclusions and recommendations. The District shall evaluate cost-effective flexible operating procedures that will—

(A) improve the availability and reliability of water supply;

(B) coordinate the timing of reservoir releases under existing water rights to improve instream flows for fisheries, wildlife, recreation, and other environmental values, if possible;

(C) assist in managing drought emergencies by making more efficient use of facilities;

(D) encourage the maintenance of existing wells and other facilities which may be placed on stand-by status when water deliveries from the project become available;

(E) allow for the development, protection, and sustainable use of groundwater resources in the District boundary;

(F) not reduce the benefits that would be generated in the absence of the joint operating procedures; and

(G) integrate management of surface and groundwater supplies and storage capability.

The District may incorporate measures developed by the study in the Water Management Improvement Plan prepared under subsection (b).

(2) Not less than ninety days prior to its transmittal to the Secretary, the study, together with the District's preliminary conclusions and recommendations and all supporting documentation, shall be available for public review and comment, including public hearings. All significant comments, and the District's response thereto, shall accompany the study transmitted to the Secretary.

(3) Nothing in this subsection shall be deemed to authorize the Secretary, or grant new authority to the District or petitioners of project water, to require the implementation of any operating procedures, conclusions, or recommendations contained in the study.

(e) AUTHORIZATION OF APPROPRIATIONS.—(1) For an amount not to exceed 50 percent of the cost of conducting the studies identified in subsections (c) and (d) and developing the plan identified in subsection (b), $3,000,000 shall be available from the amount authorized to be appropriated by section 201, and shall remain available until expended. Such Federal share shall be allocated among project purposes in the same proportions as the joint costs of the Strawberry Collection System, and shall be repaid in the manner of repayment for each such purpose.

(2) For an amount not to exceed 65 percent of the cost of implementation of the conservation measures in accordance with subsection (b), $50,000,000 shall be available from the amount authorized to be appropriated in section 201, and shall remain available until expended. $10,000,000 authorized by this para-

graph shall be made first available for conservation measures in Wasatch County identified in the study pursuant to section 202(a)(3)(A) which measures satisfy the requirements of subsection (B)(2)(b).

(f) UTAH WATER CONSERVATION ADVISORY BOARD.—(1) Prior to March 31, 1992, the Governor of the State may establish a board consisting of nine members to be known as the Utah Water Conservation Advisory Board, with the duties described in this subsection. In the event that the Governor does not establish said board by such date, the Secretary shall establish a Utah Water Conservation Advisory Board consisting of nine members appointed by the Secretary from a list of names supplied by the Governor.

(2) The Board shall recommend water conservation standards and regulations for promulgation by State or local authorities in the service area of each petitioner of project water, including but not limited to the following:

(A) metering or measuring of water to all customers, to be accomplished within five years; (For purposes of this paragraph, residential buildings of more than four units may be considered as single customers.)

(B) elimination of declining block rate schedules from any system of water or wastewater treatment charges;

(C) a program of leak detection and repair that provides for the inspection of all conveyance and distribution mains, and the performance of repairs, at intervals of three years or less;

(D) low consumption performance standards applicable to the sale and installation of plumbing fixtures and fittings in new construction;

(E) requirements for the recycling and reuse of water by all newly constructed commercial laundries and vehicle wash facilities;

(F) requirements for soil preparation prior to the installation or seeding of turf grass in new residential and commercial construction;

(G) requirements for the insulation of hot water pipes in all new construction; and

(H) requirements for the installation of water recycling or reuse systems on any newly installed commercial and industrial water-operative air-conditioning and refrigeration systems.

(I) standards governing the sale, installation, and removal of self-regenerating water softeners, including the identification of public water supply system service areas where such devices are prohibited, and the establishment of standards for the control of regeneration in all newly installed devices; and

(J) elimination of evaporation as a principal method of wastewater treatment.

(3) Any water conserved by implementation of subparagraphs (A), (B), (C), (D), or (F) of paragraph (2) shall not be credited to the conservation goal specified under subparagraph (b)(1)(A). All other water conserved shall be credited to the conservation goal specified under subparagraph (b)(1)(A).

(4) The Governor may waive the applicability of paragraphs (2)(D) through (2)(H) above to any petitioner of project water that provides water entirely for irrigation use.

(5) Prior to January 1, 1993, the board shall transmit to the Governor and the Secretary the recommended standards and regulations referred to in subparagraph (f)(2) in such form as, in the judgment of the Board, will be most likely to be promulgated by January 1, 1994, and the failure of the board to do so shall be deemed substantial noncompliance.

(6) Nothing in this subsection shall be deemed to authorize the Secretary, or grant new authority to the District or petitioners of project water, to require the implementation of any standards or regulations recommended by the Utah Water Conservation Advisory Board.

(g) COMPLIANCE.—(1) Notwithstanding subsections (c)(5), (d)(3) or (f)(6), if the Secretary after ninety days written notice to the District, determines that the plan referred to in subsection (b) has not been developed and implemented or the studies referred to in subsections (c) and (d) have not been completed or transmitted as provided for in this section, the District shall pay a surcharge for each year of substantial noncompliance as determined by the Secretary. The amount of the surcharge shall be:

(A) for the first year of substantial noncompliance, 5 percent of the District's annual Bonneville Unit repayment obligation to the Secretary.

(B) for the second year of substantial noncompliance, 10 percent of the District's annual Bonneville Unit repayment obligation to the Secretary; and

(C) for the third year of substantial noncompliance and any succeeding year of substantial noncompliance, 15 percent of the District's annual Bonneville Unit repayment obligation to the Secretary.

(2) If the Secretary determines that compliance has been accomplished within twelve months after a determination of substantial noncompliance, the Secretary shall refund 100 percent of the surcharge levied.

(h) RECLAMATION REFORM ACT OF 1982.—Compliance with this section shall be deemed as compliance with section 210 of the Reclamation Reform Act of 1982 (96 Stat. 1268; 43 U.S.C. 390jj) by the District and each petitioner of project water.

(i) JUDICIAL REVIEW.—(1) For the purposes of sections 701 through 706 of title 5 (U.S.C.), the determinations made by the Secretary under subsections (b), (f)(1) or (g) shall be final actions subject to judicial review.

(2) The record upon review of such final actions shall be limited to the administrative record compiled in accordance with sections 701 through 706 of title 5 (U.S.C.). Nothing in this subsection shall be construed to require a hearing pursuant to sections 554, 556, or 557 of title 5 (U.S.C.).

(3) Nothing in this subsection shall be construed to preclude judicial review of other final actions and decisions by the Secretary.

(j) CITIZEN SUITS.—(1) IN GENERAL.—Any person may commence a civil suit on their own behalf against only the Secretary for any determination made by the Secretary under this section which is alleged to have violated, is violating, or is about to violate any provision of this section or determination made under this section.

(2) JURISDICTION AND VENUE.—The district courts shall have jurisdiction to prohibit any violation by the Secretary of this section, to compel any action required by this section, and to issue any other order to further the purposes of this section. An action under this subsection may be brought in the judicial district where the alleged violation occurred or is about to occur, where fish, wildlife, or recreation resources are located, or in the District of Columbia.

(3) LIMITATIONS.—(A) No action may be commenced under paragraph (1) before sixty days after written notice of the violation has been given to the Secretary.

(B) Notwithstanding subparagraph (A), an action may be brought immediately after such notification in the case of an action under this section respecting an emergency posing a significant risk to the well-being of any species of fish or wildlife.

(C) Subparagraph (A) is intended to provide reasonable notice where possible and not to affect the jurisdiction of the courts.

(4) COSTS AWARDED BY THE COURT.—The court may award costs of litigation (including reasonable attorney and expert witness fees and expenses) to any party, other than the United States, whenever the court determines such award is appropriate.

(5) DISCLAIMER.—The relief provided by this subsection shall not restrict any right which any person (or class of persons) may have under any statute or common law to seek enforcement of any standard or limitation or to seek any other relief.

(k) PRESERVATION OF STATE LAW.—Nothing in this section shall be deemed to preempt or supersede State law.

SEC. 208. LIMITATION ON HYDROPOWER OPERATIONS.

(a) LIMITATION.—Power generation facilities associated with the Central Utah Project and other features specified in titles II through V of this Act shall be operated and developed in accordance with the Act of April 11, 1956 (70 Stat. 109; 43 U.S.C. 620f).

(b) COLORADO RIVER BASIN WATERS.—Use of Central Utah Project water diverted out of the Colorado River Basin for power purposes shall only be incidental to the delivery of water for other authorized project purposes. Diversion of such waters out of the Colorado River Basin exclusively for power purposes is prohibited.

SEC. 209. OPERATING AGREEMENTS.

The District, in consultation with the Commission, the Utah Division of Water Rights and the Bureau, shall apply its best efforts to achieve operating agreements for the Jordanelle Reservoir, Deer Creek Reservoir, Utah Lake and Strawberry Reservoir by January 1, 1993.

SEC. 210. JORDAN AQUEDUCT PREPAYMENT.

Under such terms as the Secretary shall prescribe, and prior to October 1, 1992, the Secretary shall allow for the prepayment, or shall otherwise dispose of, repayment contracts entered into among the United States, the District, the Metropolitan Water District of Salt Lake City, and the Salt Lake County Water Conservancy District, dated May 16, 1986, providing for repayment of the Jordan Aqueduct System. In carrying out this section, the Secretary shall take such actions as he deems appropriate to accommodate, effectuate, and otherwise protect the rights and obligations of the United States and the obligors under the contracts executed to provide for payment of such repayment contracts.

SEC. 211. AUDIT OF CENTRAL UTAH PROJECT COST ALLOCATIONS.

Not later than one year after the date on which the Secretary declares the Central Utah Project to be substantially complete, the Comptroller General of the United States shall conduct an audit of the allocation of costs of the Central Utah Project to irrigation, municipal and industrial, and other project purposes and submit a report of such audit to the Secretary and to the Congress. The audit shall be conducted in accordance with regulations which the Comptroller General shall prescribe not later than one year after the date of enactment of this Act. Upon a review of such report, the Secretary shall reallocate such costs as may be necessary. Any amount allocated to municipal and industrial water in excess of the total maximum repayment obligation contained in repayment contracts dated December 28, 1965, and November 26, 1985, shall be deferred for as long as the District is not found to be in substantial noncompliance with the water

management improvement program provided in section 207 and the stream flows provided in title III are maintained. If at any time the Secretary finds that such program is in substantial noncompliance or that such stream flows are not being maintained, the Secretary shall, within six months of such finding and after public notice, take action to initiate repayment of all such reimbursable costs.

SEC. 212. CROPS FOR WHICH AN ACREAGE REDUCTION PROGRAM IS IN EFFECT.

Notwithstanding any other provision of law relating to a charge for irrigation water supplied to crops for which an acreage reduction program is in effect until the construction costs of the facilities authorized by this title are repaid, the Secretary is directed to charge an acreage reduction program production charge equal to 10 percent of full cost, as defined in section 202 of the Reclamation Reform Act of 1982 (43 U.S.C. 390bb), for the delivery of project water used in the production of any crop of an agricultural commodity for which an acreage reduction program is in effect under the provisions of the Agricultural Act of 1949 if the stocks of such commodity held in storage by the Commodity Credit Corporation exceed an amount that the Secretary of Agriculture determines is necessary to provide for a reserve of such commodity that can reasonably be expected to meet a shortage of such commodity caused by drought, natural disaster, or other disruption in the supply of such commodity, as determined by the Secretary of Agriculture. The Secretary of the Interior shall announce the amount of the acreage reduction program crop production charge for the succeeding year on or before July 1 of each year.

TITLE III—FISH, WILDLIFE, AND RECREATION MITIGATION AND CONSERVATION

SEC. 301. UTAH RECLAMATION MITIGATION AND CONSERVATION COMMISSION.

(a) PURPOSE.—(1) The purpose of this section is to provide for the prompt establishment of the Utah Reclamation Mitigation and Conservation Commission in order to coordinate the implementation of the mitigation and conservation provisions of this Act among the Federal and State fish, wildlife, and recreation agencies.

(2) This section, together with applicable environmental laws and the provisions of other laws applicable to mitigation, conservation and enhancement of fish, wildlife, and recreation resources within the State, are all intended to be construed in a consistent manner. Nothing herein is intended to limit or restrict the authorities or opportunities of Federal, State, or local governments, or political subdivisions thereof, to plan, develop, or implement mitigation, conservation, or enhancement of fish, wildlife, and recreation resources in the State in accordance with other applicable provisions of Federal or State law.

(b) ESTABLISHMENT.—(1) There is established a commission to be known as the Utah Reclamation, Mitigation and Conservation Commission.

(2) The Commission shall expire twenty years from the end of the fiscal year during which the Secretary declares the Central Utah Project to be substantially complete. The Secretary shall not declare the project to be substantially complete at least until such time as the mitigation and conservation projects and features provided for in section 315 have been completed in accordance with the fish, wildlife, and recreation mitigation and conservation schedule specified therein.

(c) DUTIES.—The Commission shall—

(1) formulate the policies and objectives for the implementation of the fish, wildlife, and recreation mitigation and conservation projects and features authorized in this Act;

(2) administer in accordance with subsection (f) the expenditure of funds for the implementation of the fish, wildlife, and recreation mitigation and conservation projects and features authorized in this Act;

(3) be considered a Federal agency for purposes of compliance with the requirements of all Federal fish, wildlife, recreation, and environmental laws, including (but not limited to) the Fish and Wildlife Coordination Act, the National Environmental Policy Act of 1969, and the Endangered Species Act of 1973; and

(4) develop, adopt, and submit plans and reports of its activities in accordance with subsection (g).

(d) MEMBERSHIP.—(1) The Commission shall be composed of five members appointed by the President within six months of the date of enactment of this Act, as follows:

(A) One from a list of residents of the State, who are qualified to serve on the Commission by virtue of their training or experience in fish or wildlife matters or environmental conservation matters, submitted by the Speaker of the House of Representatives upon the recommendation of the Members of the House of Representatives representing the State.

(B) One from a list of residents of the State, who are qualified to serve on the Commission by virtue of their training or experience in fish or wildlife matters or environmental conservation matters, submitted by the majority leader of the Senate upon the recommendation of the Members of the Senate representing the State.

(C) one from a list of residents of the State submitted by the Governor of the State composed of State wildlife resource agency personnel.

(D) one from a list of residents of the State submitted by the District.

(E) one from a list of residents of the State, who are qualified to serve on the Commission by virtue of their training or experience in fish and wildlife matters or environmental conservation matters and have been recommended by Utah nonprofit sportsmen's or environmental organizations, submitted by the Governor of the State.

(2)(A) Except as provided in subparagraph (B), members shall be appointed for terms of four years.

(B) Of the members first appointed—

(i) the member appointed under paragraph (1)(C) shall be appointed for a term of three years; and

(ii) the member appointed under paragraph (1)(D) shall be appointed for a term of two years.

(3) A vacancy in the Commission shall be filled within ninety days and in the manner in which the original appointment was made. Any member appointed to fill a vacancy occurring before the expiration of the term for which his predecessor was appointed shall be appointed only for the remainder of such term. A member may serve after the expiration of his term until his successor has taken office.

(4)(A) Except as provided in subparagraph (B), members of the Commission shall each be paid at a rate equal to the daily equivalent of the maximum of the annual rate of basic pay in effect for grade GS–15 of the General Schedule for each day (including travel time) during which they are engaged in the actual performance of duties vested in the Commission.

(B) Members of the Commission who are full-time officers or employees of the United States or the State of Utah shall receive no additional pay by reason of their service on the Commission.

(5) Three members of the Commission shall constitute a quorum but a lesser number may hold public meetings authorized by the Commission.

(6) The Chairman of the Commission shall be elected by the members of the Commission. The term of office of the Chairman shall be one year.

(7) The Commission shall meet at least quarterly and may meet at the call of the Chairman or a majority of its members.

(e) DIRECTOR AND STAFF OF COMMISSION; USE OF CONSULTANTS.—(1) The Commission shall have a Director who shall be appointed by the Commission and who shall be paid at a rate not to exceed the maximum rate of basic pay payable for GS–15 of the General Schedule.

(2) With the approval of the Commission, the Director may appoint and fix the pay of such personnel as the Director considers appropriate. Such personnel may be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and may be paid 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.

(3) With the approval of the Commission, the Director may procure temporary and intermittent services under section 3109(b) of title 5 of the United States Code, but at rates for individuals not to exceed the daily equivalent of the maximum annual rate of basic pay payable for GS–15 of the General Schedule.

(4) Upon request of the Commission, the head of any Federal agency is authorized to detail, on a reimbursable basis, any of the personnel of such agency to the Commission to assist the Commission in carrying out it duties under this Act.

(5) Any member or agent of the Commission may, if so authorized by the Commission, take any action which the Commission is authorized to take by this section.

(6) In times of emergency, as defined by rule by the Commission, the Director may exercise the full powers of the Commission until such times as the emergency ends or the Commission meets in formal session.

(f) IMPLEMENTATION OF MITIGATION AND CONSERVATION MEASURES.—(1) The Commission shall administer the mitigation and conservation funds available under this Act to conserve, mitigate, and enhance fish, wildlife, and recreation resources affected by the development and operation of Federal reclamation projects in the State of Utah. Such funds shall be administered in accordance with this section, the mitigation and conservation schedule in section 315 of this Act, and, if in existence, the applicable five-year plan adopted pursuant to subsection (g). Expenditures of the Commission pursuant to this section shall be in addition to, not in lieu of, other expenditures authorized or required from other entities under other agreements or provisions of law.

(2) REALLOCATION OF SECTION 8 FUNDS.—Notwithstanding any provision of this Act which provides that a specified amount of section 8 funds available under this Act shall be available only for a certain purpose, if the Commission determines, after public involvement and agency consultation as provided in subsection (g)(3), that the benefits to fish, wildlife, or recreation will be better

served by allocating such funds in a different manner, then the Commission may reallocate any amount so specified to achieve such benefits: *Provided*, however, that the Commission shall obtain the prior approval of the United States Fish and Wildlife Service for any reallocation from fish or wildlife purposes to recreation purposes of any of the funds authorized in the schedule in section 315.

(3) CONTRACTING AUTHORITY.—The Commission shall, for the purpose of carrying out this Act, enter into and perform such contracts, leases, grants, cooperative agreements, or other similar transactions, including the amendment, modification, or cancellation thereof and make the compromise of final settlement of any claim arising thereunder, with universities, nonprofit organizations, and the appropriate public natural resource management agency or agencies, upon such terms and conditions and in such manner as the Commission may deem to be necessary or appropriate, for the implementation of the mitigation and conservation projects and features authorized in this Act, including actions necessary for compliance with the National Environmental Policy Act of 1969.

(g) PLANNING AND REPORTING.—(1) Beginning with the first fiscal year after all members of the Commission are appointed initially, and every five years thereafter, the Commission shall develop and adopt by March 31 a plan for carrying out its duties during each succeeding five-year period. Each such plan shall consist of the specific objectives and measures the Commission intends to administer under subsection (f) during the plan period to implement the mitigation and conservation projects and features authorized in this Act.

(2) FINAL PLAN.—Within six months prior to the expiration of the Commission pursuant to this Act, the Commission shall develop and adopt a plan which shall—

(A) establish goals and measurable objectives for the mitigation and conservation of fish, wildlife, and recreation resources during the five-year period following such expiration; and

(B) recommend specific measures for the expenditure of funds from the Account established under section 402 of this Act.

(3) PUBLIC INVOLVEMENT AND AGENCY CONSULTATION.—(A) Promptly after the Commission is established under this section, and in each succeeding fiscal year, the Commission shall request from the Federal and State fish, wildlife, recreation, and water management agencies, the appropriate Indian tribes, and county and municipal entities, and the public, recommendations for objectives and measures to implement the mitigation and conservation projects and features authorized in this Act or amendments thereto. The Commission shall establish by rule a period of time not less than ninety days in length within which to receive such recommendations, as well as the format for and the information and supporting data that is to accompany such recommendations.

(B) The Commission shall give notice of all recommendations and shall make the recommendations and supporting documents available to the Federal and State fish, wildlife, recreation, and water management agencies, the appropriate Indian tribes, and the public. Copies of such recommendations and supporting documents shall be made available for review at the offices of the Commission and shall be available for reproduction at reasonable cost.

(C) The Commission shall provide for public involvement regarding the recommendations and supporting documents within such reasonable time as the Commission by rule deems appropriate.

(4) The Commission shall develop and amend the plans on the basis of such recommendations, supporting documents, and views and information obtained through public involvement and agency consultation. The Commission shall give due consideration to all substantive recommendations and measures received pursuant to section 301(g)(3)(A), and shall incorporate recommendations received from Federal and State resource agencies, county and municipal entities, and the appropriate Indian tribes, unless the Commission, in its sole judgment, determines that doing so would be inconsistent with the purposes of this Act or would interfere with or prevent the Commission from fulfilling the duties and responsibilities assigned to it in this Act, or result in inefficient or impractical resource management practices. The Commission shall include in its plan a written description of the recommendations received and adopted. In addition, the Commission shall include in its detailed report to Congress required under paragraph (g)(5) a summary of the recommendations received with a written finding explaining why such recommendations were adopted or rejected. The Commission shall include in the plans measures which it determines, on the basis set forth in paragraph (f)(1), will—

(A) restore, maintain, or enhance the biological productivity and diversity of natural ecosystems within the State and have substantial potential for providing fish, wildlife, and recreation mitigation and conservation opportunities;

(B) be based on, and supported by, the best available scientific knowledge;

(C) utilize, where equally effective alternative means of achieving the same sound biological or recreational objectives exist, the alternative that will also provide public benefits through multiple resource uses;

(D) complement the existing and future activities of the Federal and State fish, wildlife, and recreation agencies and appropriate Indian tribes;

(E) utilize, when available, cooperative agreements and partnerships with private landowners and nonprofit conservation organizations; and

(F) be consistent with the legal rights of appropriate Indian tribes.

Enhancement measures may be included in the plans to the extent such measures are designed to achieve improved conservation or mitigation of resources.

(5) AGENCY CONCURRENCE.—Commission plans developed in accordance with this subsection, or implemented under subsection (f), that affect National Forest System lands shall be subject to review and concurrence by the Secretary of Agriculture.

(6) REPORTING.—(A) Beginning on December 1 of the first fiscal year in which all members of the Commission are appointed initially, the Commission shall submit annually a detailed report to the Committee on Energy and Natural Resources of the Senate, to the Committees on Interior and Insular Affairs and on Merchant Marine and Fisheries of the House of Representatives, to the Secretary, and to the Governor of the State. The report shall describe the actions taken and to be taken by the Commission under this section, the effectiveness of the mitigation and conservation measures implemented to date, and potential revisions or modifications to the applicable mitigation and conservation plan.

(B) At least sixty days prior to its submission of such report, the Commission shall make a draft of such report available to the Federal and State fish, wildlife, recreation, and water management agencies, the appropriate Indian tribes, and the public, and establish procedures for timely comments thereon. The Commission shall include a summary of such comments as an appendix to such report.

(h) DISCRETIONARY DUTIES AND POWERS.—In addition to any other duties and powers provided by law:

(1) The Commission may depart from the fish, wildlife, and recreation mitigation and conservation schedule specified in section 315 whenever the Commission determines, after public involvement and agency consultation as provided for in this Act, that such departure would be of greater benefit to fish, wildlife, or recreation; *Provided, however*, That the Commission shall obtain the prior approval of the United States Fish and Wildlife Service for any reallocation from fish or wildlife purposes to recreation purposes of any of the funds authorized in the schedule in section 315.

(2) The Commission may, for the purpose of carrying out this Act, (A) hold such public meetings, sit and act at such times and places, take such testimony, and receive such evidence, as a majority of the Commission considers appropriate; and, (B) meet jointly with other Federal or State authorities to consider matters of mutual interest.

(3) The Commission may secure directly from any department or agency of the United States information necessary to enable it to carry out this Act. Upon request of the Director of the Commission, the head of such department or agency shall furnish such information to the Commission. At the discretion of the department or agency, such information may be provided on a reimbursable basis.

(4) The Commission may accept, use, and dispose of appropriations, gifts or grants of money or other property, or donations of services, from whatever source, only to carry out the purposes of this Act.

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

(6) The Administrator of General Services shall provide to the Commission on a reimbursable basis such administrative support services as the Commission may request.

(7) The Commission may acquire and dispose of personal and real property and water rights, and interests therein, through donation, purchase on a willing seller basis, sale, or lease, but not through direct exercise of the power of eminent domain, in order to carry out the purposes of this Act. This provision shall not affect any existing authorities of other agencies to carry out the purposes of this Act.

(8) The Commission may make such expenditures for offices, vehicles, furnishings, equipment, supplies, and books; for travel, training, and attendance at meetings; and for such other facilities and services as may be necessary for the administration of this Act.

(9) The Commission shall not participate in litigation, except litigation pursuant to subsection (1) or condemnation proceedings initiated by other agencies.

(i) FUNDING.—(1) Amounts appropriated to the Secretary for the Commission shall be paid to the Commission immediately upon receipt of such funds by the Secretary. The Commission shall expend such funds in accordance with this Act.

(2) For each fiscal year, the Commission is authorized to use for administrative expenses an amount equal to 10 percent of the amounts available to the Commission pursuant to this Act during such fiscal year, but not to exceed $1,000,000. Such amount shall be increased by the same proportion as the contributions to the account under section 402(b)(3)(C).

(j) AVAILABILITY OF UNEXPENDED AMOUNTS UPON COMPLETION OF CONSTRUCTION PROJECTS.—Notwithstanding any other provision of law, upon the completion of any project authorized under this title, Federal funds appropriated for that project but not obligated or expended shall be deposited in the account pursuant to section 402(b)(4)(D) and shall be available to the Commission in accordance with section 402(c)(2).

(k) TRANSFER OF PROPERTY AND AUTHORITY HELD BY THE COMMISSION.—Except as provided in section 402(b)(4)(A), upon the termination of the Commission in accordance with subsection (b)—

(1) the duties of the Commission shall be performed by the Utah Division of Wildlife Resources, which shall exercise such authority in consultation with the United States Fish and Wildlife Service, the District, the Bureau, and the Forest Service; and

(2) title to any real and personal properties then held by the Commission shall be transferred to the appropriate division within the Utah Department of Natural Resources or, for such parcels of real property as may be within the boundaries of Federal land ownerships, to the appropriate Federal agency.

(l) REPRESENTATION BY ATTORNEY GENERAL.—The Attorney General of the United States shall represent the Commission in any litigation to which the Commission is a party.

(m) CONGRESSIONAL OVERSIGHT.—The activities of the Commission shall be subject to oversight by the Congress.

(n) TERMINATION OF BUREAU ACTIVITIES.—Upon appointment of the Commission as provided in subsection (b), the responsibility for implementing section 8 funds for mitigation and conservation projects and features authorized in this Act shall be transferred from the Bureau to the Commission.

SEC. 302. INCREASED PROJECT WATER CAPABILITY.

(a) ACQUISITION.—The District shall acquire, on an expedited basis with funds to be provided by the Commission in accordance with the schedule specified in section 315, by purchase from willing sellers or exchange, 25,000 acre-feet of water rights in the Utah Lake drainage basin to achieve the purposes of this section. Water purchases which would have the effect of compromising groundwater resources or dewatering agricultural lands in the Upper Provo River areas should be avoided. Of the amounts authorized to be appropriated by section 201, $15,000,000 shall be available only for the purposes of this subsection.

(b) NONCONSUMPTIVE RIGHTS.—A nonconsumptive right in perpetuity to any water acquired under this section shall be tendered in accordance with the laws of the State of Utah within thirty days of its acquisition by the District to the Utah Division of Wildlife Resources for the purposes of maintaining instream flows provided for in section 303(c)(3) and 303(c)(4) for fish, wildlife, and recreation in the Provo River.

(c) AUTHORIZATION OF APPROPRIATIONS.—Of the amounts authorized to be appropriated by section 201, $4,000,000 shall be available only to modify existing or construct new diversion structures on the Provo River below the Murdock diversion to facilitate the purposes of this section.

SEC. 303. STREAM FLOWS.

(a) STREAM FLOW AGREEMENT.—The District shall annually provide, from project water if necessary, amounts of water sufficient to sustain the minimum stream flows established pursuant to the Stream Flow Agreement.

(b) INCREASED FLOWS IN THE UPPER STRAWBERRY RIVER TRIBUTARIES.—(1) The District shall acquire, on an expedited basis with funds to be provided by the Commission, or by the Secretary in the event the Commission has not been established, in accordance with State law, the provisions of this section, and the schedule specified in section 315, all of the Strawberry basin water rights being diverted to the Heber Valley through the Daniels Creek drainage and shall apply such rights to increase minimum stream flows—

(A) in the upper Strawberry River and other tributaries to the Strawberry Reservoir;

(B) in the lower Strawberry River from the base of Soldier Creek Dam to Starvation Reservoir; and

(C) in other streams within the Uinta basin affected by the Strawberry Collection System in such a manner as deemed by the Commission in consultation with the United States Fish and Wildlife Service and the Utah State Division of Wildlife Resources to be in the best interest of fish and wildlife.

The Commission's decision under subparagraph (C) shall not establish a statutory or otherwise mandatory minimum stream flow.

(2) The District may acquire the water rights identified in paragraph (1) prior to completion of the facilities identified in paragraph (3) only by lease and for a period not to exceed two years from willing sellers or by replacement or exchange of water in kind. Such leases may be extended for one additional year with the consent of Wasatch and Utah Counties. The District shall proceed to fulfill the purposes of this subsection on an expedited basis but may not lease water from the Daniels Creek Irrigation Company before the beginning of fiscal year 1993.

(3)(A) The District shall construct with funds provided for in paragraph (4) a Daniels Creek replacement pipeline from the Jordanelle Reservoir to the existing Daniels Creek Irrigation Company water storage facility for the purpose of providing a permanent replacement of water in an amount equal to the Strawberry basin water being supplied by the District for stream flows provided in paragraph (1) which would otherwise have been diverted to the Daniels Creek drainage.

(B) Such Daniels Creek replacement water may be exchanged by the District in accordance with State law with the Strawberry basin water identified above to provide a permanent supply of water for minimum flows provided in paragraph (1). Any such permanent replacement water so exchanged into the Strawberry basin by the District shall be tendered in accordance with State law within thirty days of its exchange by the District to the Utah Division of Wildlife Resources for the purposes of providing stream flows under paragraph (1).

(C) The Daniels Creek replacement water to be supplied by the District shall be at least equal in quality and reliability to the Daniels Creek water being replaced and shall be provided by the District at a cost to the Daniels Creek Irrigation Company which does not exceed the cost of supplying existing water deliveries (including operation and maintenance) through the Daniels Creek diversion.

(4) Of the amounts authorized to be appropriated by section 201, $10,500,000 shall be available to fulfill the purposes of this section as follows:

(A) $500,000 for leasing of water pursuant to paragraph (2).

(B) $10,000,000 for construction of the Daniels Creek replacement pipeline.

(C) Funds provided by this paragraph shall not be subject to the requirements of section 204 and shall be included in the final cost allocation provided for in section 211; except that not less than $3,500,000 shall be treated as an expense under section 8, and $7,000,000 shall be treated as an expense under section 5 of the Act of April 11, 1956 (70 Stat. 110; 43 U.S.C. 105).

(D) Funds provided for the Daniels Creek replacement pipeline may be expended so as to integrate such pipeline with the Wasatch County conservation measures provided for in section 207(e)(2) and the Wasatch County Water Efficiency Project authorized in section 202(a)(3).

(c) STREAM FLOWS IN THE BONNEVILLE UNIT.—The yield and operating plans for the Bonneville Unit of the Central Utah Project shall be established or adjusted to provide for the following minimum stream flows, which flows shall be provided continuously and in perpetuity from the date first feasible, as determined by the Commission in consultation with the United States Fish and Wildlife Service and the Utah State Division of Wildlife Resources:

(1) In the Diamond Fork River drainage subsequent to completion of the Monks Hollow Dam or other structure that rediverts water from the Diamond Fork River Drainage into the Diamond Fork component of the Bonneville Unit of the Central Utah Project—

(A) in Sixth Water Creek, from the exit of Strawberry Valley tunnel to the Last Chance Powerplant and Switchyard, not less than 32 cubic feet per second during the months of May through October and not less than 25 cubic feet per second during the months of November through April, and

(B) in the Diamond Fork River, from the bottom of the Monks Hollow Dam to the Spanish Fork River, not less than 80 cubic feet per second during the months of May through September and not less than 60 cubic feet per second during the months of October through April, which flows shall be provided by the Bonneville Unit of the Central Utah Project.

(2) In the Provo River from the base of Jordanelle Dam to Deer Creek Reservoir a minimum of 125 cubic feet per second.

(3) In the Provo River from the confluence of Deer Creek and the Provo River to the Olmsted Diversion a minimum of 100 cubic feet per second.

(4) Upon the acquisition of the water rights in the Provo Drainage identified in section 302, in the Provo River from the Olmsted Diversion to Utah Lake, a minimum of 75 cubic feet per second.

(5) In the Strawberry River, from the base of Starvation Dam to the confluence with the Duchesne River, a minimum of 15 cubic feet per second.

(d) MITIGATION OF EXCESSIVE FLOWS IN THE PROVO RIVER.—The District shall, with public involvement, prepare and conduct a study and develop a plan to mitigate the effects of peak season flows in the Provo River. Such study and plan shall be developed in consultation with the Fish and Wildlife Service,

the Utah Division of Water Rights, the Utah Division of Wildlife Resources, affected water right holders and users, the Commission, and the Bureau. The study and plan shall discuss and be based upon, at a minimum, all mitigation and conservation opportunities identified through—

(1) a fishery and recreational use study that addresses anticipated peak flows;

(2) study of the mitigation and conservation opportunities possible through habitat or streambed modification;

(3) study of the mitigation and conservation opportunities associated with the operating agreements referred to in section 209;

(4) study of the mitigation and conservation opportunities associated with the water acquisitions contemplated by section 302;

(5) study of the mitigation and conservation opportunities associated with section 202(2);

(6) study of the mitigation and conservation opportunities available in connection with water right exchanges; and

(7) study of the mitigation and conservation opportunities that could be achieved by construction of a bypass flowline from the base of Deer Creek Reservoir to the Olmsted Diversion.

(e) EARMARK.—Of the amounts authorized to be appropriated by section 201, $500,000 shall be available only for the implementation of subsection (d).

(f) STRAWBERRY VALLEY TUNNEL.—(1) Upon completion of the Diamond Fork System, the Strawberry Tunnel shall not be used except for deliveries of water for the instream purposes specified in subsection (c). All other waters for the Bonneville Unit and Strawberry Valley Reclamation Project purposes shall be delivered through the Diamond Fork System.

(2) Paragraph (1) shall not apply during any time in which the District, in consultation with the Commission, has determined that the Syar Tunnel or the Sixth Water Aqueduct is rendered unusable or emergency circumstances require the use of the Strawberry Tunnel for the delivery of contracted Central Utah Project water and Strawberry Valley Reclamation Project water.

SEC. 304. FISH, WILDLIFE, AND RECREATION PROJECTS IDENTIFIED OR PROPOSED IN THE 1988 DEFINITE PLAN REPORT FOR THE CENTRAL UTAH PROJECT.

The fish, wildlife, and recreation projects identified or proposed in the 1988 Definite Plan Report which have not been completed as of the date of enactment of this Act shall be completed in accordance with the 1988 Definite Plan Report and the schedule specified in section 315, unless otherwise provided in this Act.

SEC. 305. WILDLIFE LANDS AND IMPROVEMENTS.

(a) ACQUISITION OF RANGELANDS.—In addition to lands acquired on or before the date of enactment of this Act and in addition to the acreage to be acquired in accordance with the 1988 Definite Plan Report, the Commission shall acquire on an expedited basis from willing sellers, in accordance with the schedule specified in section 315 and a plan to be developed by the Commission, big game winter range lands to compensate for the impacts of Federal reclamation projects in Utah. Such lands shall be transferred to the Utah Division of Wildlife Resources or, for such parcels as may be within the boundaries of Federal land ownerships, to the appropriate federal agency, for management as a big game winter range. In the case of such transfers, lands acquired within the boundaries of a national forest shall be administered by the Secretary of Agriculture as a part of the National Forest System.

(b) BIG GAME CROSSINGS AND WILDLIFE ESCAPE RAMPS.—In addition to the measures to be taken in accordance with the 1988 Definite Plan Report, the Commission shall construct big game crossings and wildlife escape ramps for the protection of big game animals along the Provo Reservoir Canal, Highline Canal, Strawberry Power Canal, and others. Of the amounts authorized to be appropriated by section 201, $750,000 shall be available only for the purposes of this subsection.

SEC. 306. WETLANDS ACQUISITION, REHABILITATION, AND ENHANCEMENT.

(a) WETLANDS AROUND THE GREAT SALT LAKE.—Of the amounts authorized to be appropriated by section 201, $14,000,000 shall be available only for the planning and implementation of projects to preserve, rehabilitate, and enhance wetland areas around the Great Salt Lake in accordance with a plan to be developed by the Commission.

(b) INVENTORY OF SENSITIVE SPECIES AND ECOSYSTEMS.—(1) The Commission shall, in cooperation with the Utah Division of Wildlife Resources and other appropriate State and Federal agencies, inventory, prioritize, and map the occurrences in Utah of sensitive nongame wildlife species and their habitats.

(2) Of the amounts authorized to be appropriated by section 201, $750,000 shall be available only to carry out paragraph (1) of this section.

(3) The Commission shall, in cooperation with the Utah Department of Natural Resources and other appropriate State and Federal agencies, inventory, prioritize, and map the occurrences in Utah of sensitive plant species and ecosystems.

(4) Of the amounts authorized to be appropriated by section 201, $750,000 shall be available for the Utah Natural Heritage Program only to carry out paragraph (3) of this section.

(c) UTAH LAKE WETLANDS PRESERVE.—(1) The Commission, in consultation with the Utah Division of Wildlife Resources and the United States Fish and Wildlife Service, shall, in accordance with paragraph (9), acquire private land, water rights, conservation easements, or other interests therein, necessary for the establishment of a wetlands preserve adjacent to or near the Goshen Bay and Benjamin Slough areas of Utah Lake as depicted on a map entitled "Utah Lake Wetland Preserve" and dated September, 1990. Such a map shall be on file and available for inspection in the office of the Secretary of the Interior, Washington, District of Columbia.

(2) The Secretary shall enter into an agreement under which the Wetlands Preserve acquired under subparagraph (1) shall be managed by the Utah Division of Wildlife Resources pursuant to a plan developed in consultation with the Secretary and in accordance with this Act and the substantive requirements of the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd et seq.).

(3) The Wetlands Preserve shall be managed for the protection of migratory birds, wildlife habitat, and wetland values in a manner compatible with the surrounding farmlands, orchards, and agricultural production area. Grazing will be allowed for wildlife habitat management purposes in accordance with the Act referenced in paragraph (2) and as determined by the Division to be compatible with the purposes stated herein.

(4) Nothing in this subsection shall restrict traditional agricultural practices (including the use of pesticides) on adjacent properties not included in the preserve by acquisition or easement.

(5) Nothing in this subsection shall affect existing water rights under Utah State law.

(6) Nothing in this subsection shall grant authority to the Secretary to introduce a federally protected species into the wetlands preserve.

(7) The creation of this preserve shall not in any way interfere with the operation of the irrigation and drainage system authorized by section 202(a)(1).

(8) All water rights not appurtenant to the lands purchased for the Wetlands Preserve acquired under paragraph (1) shall be purchased from the District at an amount not to exceed the cost of the District in acquiring such rights.

(9) Of the amounts authorized to be appropriated by section 201, $16,690,000 shall be available for acquisition of the lands, water rights, and other interests therein described in paragraph (1) of this subsection for the establishment of the Utah Lake Wetland Preserve.

(10) Lands, easements, or water rights may not be acquired pursuant to this subsection without the consent of the owner of such lands or water rights.

(11) Base property of a lessee or permittee (and the heirs of such lessee or permittee) under a Federal grazing permit or lease held on the date of enactment of this Act shall include any land of such lessee or permittee acquired by the Commission under this subsection.

(12) The Commission is authorized to compensate out of funds available in section 201 landowners adjacent to the Utah Lake Wetlands Preserve who experience provable economic losses attributable to the establishment of the Preserve or provable economic losses directly resulting from Preserve management practices contrary to the provisions of this subsection or from the manipulation of water levels within the Preserve. Total compensation for claims pursuant to this subsection shall not exceed $2,000,000: *Provided*, That the amount of funds available from the Commission for such compensation shall be adjusted according to the mechanism provided in section 201. The filing of a claim for compensation pursuant to this subsection shall not preclude an affected adjacent landowner from seeking other remedies or damages otherwise available under State or Federal law.

(13) Valuation of interests acquired under this subsection shall be independently determined as though the Preserve had not been established.

(14) Any property acquired under this section shall be tendered in accordance with the laws of the State of Utah within thirty days of its acquisition by the Commission to the Utah Division of Wildlife Resources.

(d) PROVO BAY.—In order to protect wetland habitat, the United States shall not issue any Federal permit which allows commercial, industrial, or residential development on the southern portion of Provo Bay in Utah Lake, as described herein and depicted on a map dated October 11, 1990, except that recreational development consistent with wildlife habitat values shall be permitted. The southern portion of Provo Bay referred to in this subsection shall be that area extending 2,000 feet out into the bay from the ordinary high water line on the south shore of Provo Bay, beginning at a point at the mouth of the Spanish Fork River and extending generally eastward along the ordinary high water line to the

intersection of such line with the Provo City limit, as it existed as of October 10, 1990, on the east shore of the bay. Such a map shall be on file and available for inspection in the office of the Secretary of the Interior, Washington, District of Columbia. Nothing in this Act shall restrict present or future development of the Provo City Airport or airport access roads along the north side of Provo Bay.

SEC. 307. FISHERIES ACQUISITION, REHABILITATION, AND ENHANCEMENT.

Of the amounts authorized to be appropriated by section 201, the following amounts shall be in addition to amounts available under the 1988 Definite Plan Report and shall be available only for fisheries acquisition, rehabilitation, and improvement within the State:

(1) $750,000 for fish habitat restoration on the Provo River between the Jordanelle and Deer Creek Reservoirs.

(2) $4,000,000 for fish habitat restoration in streams impacted by Federal reclamation projects in Utah.

(3) $1,000,000 for the restoration of tributaries of the Strawberry Reservoir to assure trout spawning recruitment.

(4) $1,500,000 for post-treatment management and fishery development costs at the Strawberry Reservoir.

(5) $1,000,000 for (A) a study to be conducted as directed by the Commission to determine the appropriate means for improving Utah Lake as a warm water fishery and other related issues; and (B) development of facilities and programs to implement management objectives.

(6) $1,000,000 for fish habitat restoration and improvements in the Diamond River and Sixth Water Creek drainages.

(7) $475,000 for fish habitat restoration of native cutthroat trout populations in streams and lakes in the Bonneville Unit project area.

(8) $2,500,000 for watershed restoration and improvements, erosion control, and wildlife habitat restoration and improvements in the Avintaquin, Red, and Currant Creek drainages and other Strawberry River drainages affected by the development of Federal reclamation projects in Utah.

SEC. 308. STABILIZATION OF HIGH MOUNTAIN LAKES IN THE UINTA MOUNTAINS.

(a) REVISION OF PLAN.—The project plan for the stabilization of high mountain lakes in the Upper Provo River drainage shall be revised to require that the following lakes will be stabilized at levels beneficial for fish habitat and recreation: Big Elk, Crystal, Duck, Fire, Island, Long, Wall, Marjorie, Pot, Star, Teapot, and Weir. Overland access by vehicles or equipment for stabilization and irrigation purposes under this subsection shall be minimized within the Lakes Management Area boundary of the Wasatch-Cache National Forest to a level of practical necessity. For purposes of this subsection, the Lakes Management Area shall be defined as depicted on the map in the Wasatch-Cache National Forest Plan.

(b) COSTS OF REHABILITATION.—(1) The costs of rehabilitating water storage features at Trial, Washington, and Lost Lakes, which are to be used for project purposes, shall be borne by the project from amounts made available pursuant to section 201. Existing roads may be used for overland access to carry out such rehabilitation.

(2) The costs of stabilizing each of the lakes referred to in subsection (a) which is to be used for a purpose other than irrigation shall be treated as an expense under section 8.

(c) FISH AND WILDLIFE HABITAT.—Of the amounts authorized to be appropriated by section 201, $5,000,000 shall be available only for stabilization and fish and wildlife habitat restoration in the lakes referred to in subsection (a). This amount shall be in addition to the $7,538,000 previously authorized for appropriation under section 5 of the Act of April 11, 1956 (43 U.S.C. 620g) for the stabilization and rehabilitation of the lakes described in this section.

SEC. 309. STREAM ACCESS AND RIPARIAN HABITAT DEVELOPMENT.

(c) IN GENERAL.—Of the amounts authorized to be appropriated by section 201, the following amounts shall be in addition to amounts available under the 1988 Definite Plan Report and shall be available only for stream, access, and riparian habitat development in the State:

(1) $750,000 for rehabilitation of the Provo River riparian habitat development between Jordanelle Reservoir and Utah Lake.

(2) $250,000 for rehabilitation and development of watersheds and riparian habitats along Diamond Fork and Sixth Water Creek.

(3) $350,000 for additional watershed rehabilitation, terrestrial wildlife and riparian habitat improvements, and road closures within the Central Utah Project area.

(4) $8,500,000 for the acquisition of additional recreation and angler accesses and riparian habitats, which accesses and habitats shall be acquired in accordance with the recommendation of the Commission.

(b) STUDY OF IMPACT TO WILDLIFE AND RIPARIAN HABITATS WHICH EXPERIENCE REDUCED WATER FLOWS AS A RESULT OF THE STRAWBERRY COLLECTION SYSTEM.—Of the amounts authorized to be appropriated by section 201, $400,000 shall be available only for the Commission to conduct a study of the impacts to soils and riparian fish and wildlife habitat in drainages that will experience substantially reduced water flows resulting from the operation of the Strawberry Collection System. The study shall identify mitigation opportunities that represent alternatives to increasing stream flows and make recommendations to the Commission.

SEC. 310. SECTION 8. EXPENSES.

Unless otherwise expressly provided, all of the amounts authorized to be appropriated by this Act and listed in the following sections shall be treated as expenses under section 8: all sections of title III, and section 402(b)(2).

SEC. 311. JORDAN AND PROVO RIVER PARKWAYS AND NATURAL AREAS.

(a) FISHERIES.—Of the amounts authorized to be appropriated by section 201, $1,150,000 shall be available only for fish habitat improvements to the Jordan River.

(b) RIPARIAN HABITAT REHABILITATION.—Of the amounts authorized to be appropriated by section 201, $750,000 shall be available only for Jordan River riparian habitat rehabilitation, which amount shall be in addition to amounts available under the 1988 Definite Plan Report.

(c) WETLANDS.—Of the amounts authorized to be appropriated by section 201, $7,000,000 shall be available only for the acquisition of wetland acreages, including those along the Jordan River identified by the multiagency technical committee for the Jordan River Wetlands Advance Identification Study.

(d) RECREATIONAL FACILITIES.—Of the amounts authorized to be appropriated by section 201, $500,000 shall be available only to construct recreational facilities within Salt Lake County proposed by the State of Utah for the "Provo/Jordan River Parkway", a description of which is set forth in the report accompanying the bill H.R. 429.

(2) Of the amounts authorized to be appropriated by section 201, $500,000 shall be available only to construct recreational facilities within Utah and Wasatch Counties proposed by the State of Utah for the "Provo/Jordan River Parkway", a description of which is set forth in the report accompanying the bill H.R. 429.

(e) PROVO RIVER CORRIDOR.—Of the amounts authorized to be appropriated by section 201, $1,000,000 shall be available only for riparian habitat acquisition and preservation, stream habitat improvements, and recreation and angler access provided on a willing seller basis along the Provo River from the Murdock diversion to Utah Lake, as determined by the Commission after consultation with local officials.

SEC. 312. RECREATION.

Of the amounts authorized to be appropriated by section 201, the following amounts shall be available to the Commission only for Central Utah Project recreation features:

(a) $2,000,000 for Utah Lake recreational improvements as proposed by the State and local governments.

(b) $750,000 for additional recreation improvements, which shall be made in accordance with recommendations made by the Commission, associated with Central Utah Project features and affected areas, including camping facilities, hiking trails, and signing.

SEC. 313. FISH AND WILDLIFE FEATURES IN THE COLORADO RIVER STORAGE PROJECT.

Of the amounts authorized to be appropriated by section 201, the following amounts shall be available only to provide mitigation and restoration of watersheds and fish and wildlife resources in Utah impacted by the Colorado River Storage Project:

(a) HABITAT IMPROVEMENTS IN CERTAIN DRAINAGES.—$1,125,000 shall be available only for watershed and fish and wildlife improvements in the Fremont River drainage, which shall be expended in accordance with a plan developed by the Commission in consultation with the Wayne County Water Conservancy District.

(b) SMALL DAMS AND WATERSHED IMPROVEMENTS.—$4,000,000 shall be available only for land acquisition for the purposes of watershed restoration and protection in the Albion Basin in the Wasatch Mountains and for restoration and conservation related improvements to small dams and watersheds on State of Utah lands and National Forest System lands within the Central Utah Project and the Colorado River Storage Project area in Utah, which amounts shall be expended in accordance with a plan developed by the Commission.

(c) FISH HATCHERY PRODUCTION.—$22,800,000 shall be available only for the planning and implementation of improvements to existing hatchery facilities or the construction and development of new fish hatcheries to increase production of warmwater and coldwater fishes for the areas affected by the Colorado River Storage Project in Utah. Such improvements and construction shall be implemented in accordance with a plan identifying the long-term needs and management objectives for hatchery production prepared by the United States Fish and Wildlife Service, in consultation with the Utah Division of Wildlife Resources, and adopted by the Commission. The cost of operating and maintaining such new or improved facilities shall be borne by the Secretary.

SEC. 314. CONCURRENT MITIGATION APPROPRIATIONS.

Notwithstanding any other provision of this Act, the Secretary is directed to allocate funds appropriated for each fiscal year

pursuant to titles II through IV of this Act as follows:

(a) Deposit the Federal contribution to the Account authorized in section 402(b)(2); then,

(b) Of any remaining funds, allocate the amounts available for implementation of the mitigation and conservation projects and features specified in the schedule in section 315 concurrently with amounts available for implementation of title II of this Act.

(c) Of the amounts allocated for implementation of the mitigation and conservation projects and features specified in the schedule in section 315, 3 percent of the total shall be used by the Secretary to fulfill subsections (d) and (e) of this section.

(d) The Secretary shall use the sums identified in subsection (c) outside the State of Utah to—

(1) restore damaged natural ecosystems on public lands and waterways affected by the Federal Reclamation program;

(2) acquire, from willing sellers only, other lands and properties, including water rights, or appropriate interests therein, with restorable damaged natural ecosystems, and restore such ecosystems;

(3) provide jobs and sustainable economic development in a manner that carries out the other purposes of this subsection;

(4) provide expanded recreational opportunities; and

(5) support and encourage research, training, and education in methods and technologies of ecosystem restoration.

(e) In implementing subsection (d), the Secretary shall give priority to restoration and acquisition of lands and properties or appropriate interests therein where repair of compositional, structural, and functional values will—

(1) reconstitute natural biological diversity that has been diminished;

(2) assist the recovery of species populations, communities, and ecosystems that are unable to survive on-site without intervention;

(3) allow reintroduction and reoccupation by native flora and fauna;

(4) control or eliminate exotic flora and fauna that are damaging natural ecosystems;

(5) restore natural habitat for the recruitment and survival of fish, waterfowl, and other wildlife;

(6) provide additional conservation values to State and local government lands;

(7) add to structural and compositional values of existing ecological preserves or enhance the viability, defensibility, and manageability of ecological preserves; and

(8) restore natural hydrological effects including sediment and erosion control, drainage, percolation, and other water quality improvement capacity.

SEC. 315. FISH, WILDLIFE, AND RECREATION SCHEDULE.

The mitigation and conservation projects and features shall be implemented in accordance with the following schedule:

FISH, WILDLIFE, AND RECREATION MITIGATION AND CONSERVATION SCHEDULE

I. BUDGET TO IMPLEMENT ADDITIONAL RECLAMATION MITIGATION

Projects and Features	Appropriations (Thousands of 1990 Dollars)			
	TOTAL	FY93	FY94	FY95
Instream flows				
1.a Lease of Daniels Creek water rights	$500	$500	$0	$0
b. Acquisition of Daniels Creek water rights to restore Upper Strawberry River flows and the Daniels Creek replacement pipeline ($3,500,000 shall be treated as section 8) [Sec. 303(b)]	$10,0000	$10,000	$0	$0
2.a. Acquisition of 25,000 AF on Provo River for streamflows from Murdock Diversion to Utah Lake [Sec. 302]	$15,000	$5,000	$5,000	$5,000
b. Modify or replace diversion structures on Provo River from Murdock Diversion to Utah Lake [Sec. 302]	$4,000	$500	$1,500	$1,500
3. Study and mitigation plan for excessive flows in the Provo River [Sec. 303(d)]	$500	$100	$100	$100
Subtotal	$30,000	$16,100	$6,600	$6,600
	FY96	FY97	FY98	
Instream flows				
1.a. Lease of Daniels Creek water rights	$0	$0	$0	
b. Acquisition of Daniels Creek water rights to restore Upper Strawberry River flows and the Daniels Creek replacement pipeline ($3,500,000 shall be treated as section 8) [Sec. 303(b)]	$0	$0	$0	
2.a. Acquisition of 25,000 AF on Provo River for streamflows from Murdock Diversion to Utah Lake [Sec. 302]	$0	$0	$0	
b. Modify or replace diversion structures on Provo River from Murdock Diversion to Utah Lake [Sec. 302]	$500	$0	$0	
3. Study and mitigation plan for excessive flows in the Provo River [Sec. 303(d)]	$100	$100	$0	
Subtotal	$600	$100	$0	
	TOTAL	FY93	FY94	FY95
Wildlife lands and improvement				
1. Acquisition of big game winter range [Sec. 305(a)]	$1,300	$0	$100	$200
2. Construction of big game crossings and escape ramps—Provo Res. Canal, Highline Canal, Strawberry Power Canal or others [Sec. 305(b)]	$750	$0	$0	$250
Subtotal	$2,050	$0	$100	$450
	FY96	FY97	FY98	
Wildlife lands and improvement				
1. Acquisition of big game winter range [Sec. 305(a)]	$500	$500	$0	
2. Construction of big game crossings and escape ramps—Provo Res. Canal, Highline Canal, Strawberry Power Canal or others [Sec. 305(b)]	$250	$250	$0	
Subtotal	$750	$750	$0	
	TOTAL	FY93	FY94	FY95
Wetland acquisition, rehabilitation, and development				
1. Rehabilitation & enhancement of wetlands around Great Salt Lake [Sec. 306(a)]	$14,000	$1,000	$2,600	$2,600
2. Wetland acquisition along the Jordan River [Sec. 311(c)]	$7,000	$300	$1,200	$1,500
3. Inventory of sensitive species and ecosystems [Sec. 306(b)]	$1,500	$250	$250	$250
4. Acquisition of lands, waters, and interests for Utah Lake Wetland Preserve [Sec. 306(c)(9)]	$16,690	$1,690	$3,000	$3,000
Subtotal	$39,190	$3,240	$7,050	$7,350
	FY96	FY97	FY98	
Wetland acquisition, rehabilitation, and development				
1. Rehabilitation & enhancement of wetlands around Great Salt Lake [Sec. 306(a)]	$2,600	$2,600	$2,600	
2. Wetland acquisition along the Jordan River [Sec. 311(c)]	$2,000	$2,600	$0	
3. Inventory of sensitive species and ecosystems [Sec. 306(b)]	$250	$250	$250	
4. Acquisition of lands, waters, and interests for Utah Lake Wetland Preserve [Sec. 303(c)(9)]	$3,000	$3,000	$3,000	
Subtotal	$7,850	$7,850	$5,850	

FISH, WILDLIFE, AND RECREATION MITIGATION AND CONSERVATION SCHEDULE—Continued

I. BUDGET TO IMPLEMENT ADDITIONAL RECLAMATION MITIGATION

Projects and Features	Appropriations (Thousands of 1990 Dollars)			
	TOTAL	FY93	FY94	FY95
Fisheries acquisition and restoration				
1. Fish habitat restoration on Provo River between Jordanelle Dam and Deer Creek Reservoir [Sec. 307(1)]	$750	$50	$0	$100
2. Fish habitat improvements to streams impacted by Federal reclamation projects in Utah [Sec. 307(2)]	$4,000	$0	$400	$600
3. Rehabilitation of tributaries to Strawberry Reservoir for trout reproduction [Sec. 307(3)]	$1,000	$200	$200	$200
4. Strawberry Reservoir post-treatment management and development [Sec. 307(4)]	$1,500	$300	$300	$300
5. Study and facilitate development to improve Utah Lake warm-water fishery [Sec. 307(5)]	$1,000	$150	$150	$200
6. Fish habitat improvements to Diamond Fork and Sixth Water Creek drainages [Sec. 307(6)]	$1,000	$0	$0	$0
7. Restoration of native cutthroat trout populations [Sec. 307(7)]	$475	$50	$50	$75
8. Fish habitat improvements to the Jordan River [Sec. 311(a)]	$1,150	$0	$0	$100
9. Stabilization of Upper Provo River reservoirs for fishery improvement [Sec. 308]	$5,000	$0	$0	$0
10. Development of additional fish hatchery production for CRSP waters in Utah [Sec. 313]	$22,800	$100	$3,500	$4,200
Subtotal	$38,675	$850	$4,600	$5,775
	FY96	FY97	FY98	
Fisheries acquisition and restoration				
1. Fish habitat restoration on Provo River between Jordanelle Dam and Deer Creek Reservoir [Sec. 307(1)]	$200	$200	$200	
2. Fish habitat improvements to streams impacted by Federal reclamation projects in Utah [Sec. 307(2)]	$1,000	$1,000	$1,000	
3. Rehabilitation of tributaries to Strawberry Reservoir for trout reproduction [Sec. 307(3)]	$200	$200	$0	
4. Strawberry Reservoir post-treatment management and development [Sec. 307(4)]	$300	$300	$0	
5. Study and facilitate development to improve Utah Lake warm-water fishery [Sec. 307(5)]	$150	$150	$200	
6. Fish habitat improvements to Diamond Fork and Sixth Water Creek drainages [Sec. 307(6)]	$100	$500	$400	
7. Restoration of native cutthroat trout populations [Sec. 307(7)]	$100	$100	$100	
8. Fish habitat improvements to the Jordan River [Sec. 311(a)]	$300	$400	$350	
9. Stabilization of Upper Provo River reservoirs for fishery improvement [Sec. 308]	$500	$2,000	$2,500	
10. Development of additional fish hatchery production for CRSP waters in Utah [Sec. 313]	$5,000	$5,000	$5,000	
Subtotal	$7,850	$9,850	$9,750	
	TOTAL	FY93	FY94	FY95
Watershed Improvements				
1. Projects for watershed improvement, erosion control, wildlife range improvements in Avintaquin Cr, Red Cr, Currant Cr and other drainages [Sec. 307(8)]	$2,500	$0	$500	$500
2. Watershed, stream and riparian improvements in Fremont River drainage [Sec. 313(a)]	$1,125	$125	$200	$200
3. Small dam and watershed improvements in the CRSP area in Utah [Sec. 313(b)]	$4,000	$500	$700	$700
Subtotal	$7,625	$625	$1,400	$1,400
	FY96	FY97	FY98	
Watershed Improvements				
1. Projects for watershed improvement, erosion control, wildlife range improvements in Avintaquin Cr, Red Cr, Currant Cr and other drainages [Sec. 307(8)]	$500	$500	$500	
2. Watershed, stream and riparian improvements in Fremont River drainage [Sec. 313(a)]	$200	$200	$200	
3. Small dam and watershed improvements in the CRSP area in Utah [Sec. 313(b)]	$700	$700	$700	
Subtotal	$1,400	$1,400	$1,400	
	TOTAL	FY93	FY94	FY95
Stream Access and Riparian Habitat Development				
1. Rehabilitation of riparian habitat along Provo River from Jordanelle Dam to Utah Lake [Sec. 309(a)(1)]	$750	$0	$250	$250
2. Restoration of watersheds and riparian habitats in the Diamond Fork and Sixth Water Creek drainages [Sec. 309(a)(2)]	$250	$0	$0	$50
3. Watershed stabilization, terrestrial wildlife habitat improvements and road closures [Sec. 309(a)(3)]	$350	$0	$0	$50
4. Acquisition of angler and other recreational access, in addition to the 1988 DPR [Sec. 309(a)(4)]	$8,500	$500	$1,000	$1,500
5. Study of riparian impacts caused by CUP from reduced streamflows, and identify mitigation opportunities [Sec. 309(b)]	$400	$50	$75	$75
6. Riparian rehabilitation and development along Jordan River [Sec. 311(b)]	$750	$75	$75	$150
Subtotal	$11,000	$625	$1,400	$2,075
	FY96	FY97	FY98	
Stream Access and Riparian Habitat Development				
1. Rehabilitation of riparian habitat along Provo River from Jordanelle Dam to Utah Lake [Sec. 309(a)(1)]	$250	$0	$0	
2. Restoration of watersheds and riparian habitats in the Diamond Fork and Sixth Water Creek drainages [Sec. 309(a)(2)]	$100	$100	$0	
3. Watershed stabilization, terrestrial wildlife habitat improvements and road closures [Sec. 309(a)(3)]	$100	$100	$100	
4. Acquisition of angler and other recreational access, in addition to the 1988 DPR [Sec. 309(a)(4)]	$1,500	$2,000	$2,000	
5. Study of riparian impacts caused by CUP from reduced streamflows, and identify mitigation opportunities [Sec. 309(b)]	$75	$75	$50	
6. Riparian rehabilitation and development along Jordan River [Sec. 311(b)]	$150	$150	$150	
Subtotal	$2,175	$2,425	$2,300	
	TOTAL	FY93	FY94	FY95
Recreation funds				
1. Recreational improvements at Utah Lake [Sec. 312(a)]	$2,000	$125	$275	$400
2. Recreation facilities at other CUP features, as recommended [Sec. 312(b)]	$750	$50	$100	$150
3. Provo/Jordan River Parkway Development [Sec. 311(d)]	$1,000	$0	$75	$75
4. Provo River corridor development [Sec. 311(e)]	$1,000	$0	$75	$75
Subtotal	$4,750	$175	$525	$700

FISH, WILDLIFE, AND RECREATION MITIGATION AND CONSERVATION SCHEDULE—Continued

I. BUDGET TO IMPLEMENT ADDITIONAL RECLAMATION MITIGATION

Projects and Features	Appropriations (Thousands of 1990 Dollars)			
	TOTAL	FY93	FY94	FY95
Total Additional	$133,290	$21,615	$21,675	$24,350
	FY96	FY97	FY98	
Recreation funds				
1. Recreational improvements at Utah Lake [Sec. 312(a)]	$400	$400	$400	
2. Recreation facilities at other CUP features, as recommended [Sec. 312(b)]	$150	$150	$150	
3. Provo/Jordan River Parkway Development [Sec. 311(d)]	$200	$300	$350	
4. Provo River corridor development [Sec. 311(e)]	$200	$300	$350	
Subtotal	$950	$1,150	$1,250	
Total Additional	$21,575	$23,525	$20,550	
	TOTAL	FY93	FY94	FY95
Strawberry collection system				
1. Acquire angler access on about 35 miles of streams identified in the Aquatic Mitigation Plan	$2,700	$900	$900	$900
2. Construct fish habitat improvements on about 70 miles of streams as identified in the Aquatic Mitigation Plan	$3,990	$666	$803	$790
3. Rehabilitation of Strawberry Project wildlife and riparian habitats	$3,000	$600	$600	$600
Subtotal	$9,690	$3,966	$1,403	$1,390
	FY96	FY97	FY98	
Strawberry collection system				
1. Acquire angler access on about 35 miles of streams identified in the Aquatic Mitigation Plan	$0	$0	$0	
2. Construct fish habitat improvements on about 70 miles of streams as identified in the Aquatic Mitigation Plan	$453	$604	$674	
3. Rehabilitation of Strawberry Project wildlife and riparian habitats	$600	$600	$0	
Subtotal	$1,053	$1,204	$674	
	TOTAL	FY93	FY94	FY95
Duchesne canal rehabilitation				
1. Acquire and develop 782 acres along Duchesne River	$160	$160	$0	$0
Subtotal	$160	$160	$0	$0
	FY96	FY97	FY98	
Duchesne canal rehabilitation				
1. Acquire and develop 782 acres along Duchesne River	$0	$0	$0	
Subtotal	$0	$0	$0	
	TOTAL	FY93	FY94	FY95
Municipal and industry system				
1. Fence and develop big game on north shoreline of Jordanelle Reservoir	$226	$100	$126	$0
2. Acquire angler access to entire reach of Provo River from Jordanelle Dam to Deer Creek Reservoir	$1,050	$525	$525	$0
3. Aquire and develop 100 acres of wetland at base of Jordanelle Dam	$900	$900	$0	$0
Subtotal	$2,176	$1,525	$651	$0
Total DPR	$12,026	$5,651	$2,054	$1,390
Grand Total	$145,316	$27,266	$23,729	$25,740
	FY96	FY97	FY98	
Municipal and industry system				
1. Fence and develop big game on north shoreline of Jordanelle Reservoir	$0	$0	$0	
2. Acquire angler access to entire reach of Provo River from Jordanelle Dam to Deer Creek Reservoir	$0	$0	$0	
3. Aquire and develop 100 acres of wetland at base of Jordanelle Dam	$0	$0	$0	
Subtotal	$0	$0	$0	
Total DPR	$1,053	$1,204	$674	
Grand Total	$22,628	$24,729	$21,224	

TITLE IV—UTAH RECLAMATION MITIGATION AND CONSERVATION ACCOUNT

SEC. 401. FINDINGS AND PURPOSE.

(a) FINDINGS.—The Congress finds that—

(1) the State of Utah is a State in which one of the largest trans-basin water diversions occurs, dewatering important natural areas as a result of the Colorado River Storage Project;

(2) the State of Utah is one of the most ecologically significant States in the Nation, and it is therefore important to protect, mitigate, and enhance sensitive species and ecosystems through effective long term mitigation;

(3) the challenge of mitigating the environmental consequences associated with trans-basin water diversions are complex and involve many projects and measures (some of which are presently unidentifiable) and the costs for which will continue after projects of the Colorado River Storage Project in Utah are completed; and

(4) environmental mitigation associated with the development of the projects of the Colorado River Storage Project in the State of Utah are seriously in arrears.

(b) PURPOSES.—The purpose of this title is to establish an ongoing account to ensure that—

(1) the level of environmental protection, mitigation, and enhancement achieved in connection with projects identified in this Act and elsewhere in the Colorado River Storage Project in the State of Utah is preserved and maintained;

(2) resources are available to manage and maintain investments in fish and wildlife

and recreation features of the projects identified in this Act and elsewhere in the Colorado River Storage Project in the State of Utah;

(3) resources are available to address known environmental impacts of the projects identified in this Act and elsewhere in the Colorado River Storage Project in the State of Utah for which no funds are being specifically authorized for appropriation and earmarked under this Act; and

(4) resources are available to address presently unknown environmental needs and opportunities for enhancement within the areas of the State of Utah affected by the projects identified in this Act and elsewhere in the Colorado River Storage Project.

SEC. 402. UTAH RECLAMATION MITIGATION AND CONSERVATION ACCOUNT.

(a) ESTABLISHMENT.—There is hereby established in the Treasury of the United States a Utah Reclamation Mitigation and Conservation Account (hereafter in this title referred to as the "Account"). Amounts in the Account shall be available for the purposes set forth in section 401(b).

(b) DEPOSITS INTO THE ACCOUNT.—Amounts shall be deposited into the Account as follows:

(1) STATE CONTRIBUTIONS.—In each of fiscal years 1993 through 2000, or until the fiscal year in which the project is declared substantially complete, whichever occurs first, a voluntary contribution of $3,000,000 from the State of Utah.

(2) FEDERAL CONTRIBUTIONS.—In each of fiscal years 1993 through 2000, or until the fiscal year in which the project is declared substantially complete, whichever occurs first, $5,000,000 from amounts authorized to be appropriated by section 201, which shall be treated as an expense under section 8.

(3) CONTRIBUTIONS FROM PROJECT BENEFICIARIES.—(A) In each of fiscal years 1993 through 2000, or until the fiscal year in which the project is declared substantially complete in accordance with this Act, whichever occurs first, $750,000 in non-Federal funds from the District.

(B) $5,000,000 annually out of the revenues paid each year to the general fund of the Treasury from receipts from power contractors within the State of Utah for the sale of electric power and energy from the Colorado River Storage Project which amount shall be made available without further appropriation for expenditure from the Account: *Provided*, That such amount, to the extent deposited in the Account, shall be treated as having repaid and returned to the general fund of the Treasury costs assigned to power for repayment under section 5 of the Act of April 11, 1956 (70 Stat. 107; 43 U.S.C. 620d): *Provided further*, That in the event power revenues deposited in the Basin Fund are insufficient after first meeting annual operating needs to make the payment provided for under this subsection, payment to the Account shall be deferred until sufficient funds are available to pay the deferred amount, plus interest that would have accrued on such payment as principal in the Account.

(C) The annual contributions described in subparagraphs (A) and (B) shall be increased proportionally on March 1 of each year by the same percentage increase during the previous calendar year in the Consumer Price Index for urban consumers, published by the Department of Labor.

(4) INTEREST AND UNEXPENDED FUNDS.—(A) Any amount authorized and earmarked for fish, wildlife, or recreation expenditures which is appropriated but not obligated or expended by the Commission upon its termination under section 301.

(B) All funds annually appropriated to the Secretary for the Commission.

(C) All interest earned on amounts in the Account.

(D) Amounts not obligated or expended after the completion of a construction project and available pursuant to section 301(j).

(c) OPERATION OF THE ACCOUNT.—(1) All funds deposited as principal in the Account shall earn interest in the amount determined by the Secretary of the Treasury on the basis of the current average market yield on outstanding marketable obligations of the United States of comparable maturities. Such interest shall be added to the principal of the Account until completion of the projects and features specified in the schedule in section 315. After completion of such projects and features, all interest earned on amounts remaining in or deposited to the principal of the Account shall be available to the Commission pursuant to subsection (c)(2) of this section.

(2) The Commission is authorized to administer and expend, subject to appropriation by Congress made in advance of such expenditure, all sums deposited into the Account pursuant to subsections (b)(4)(D), (b)(3)(A), and (b)(3)(B), as well as interest not deposited to the principal of the Account pursuant to paragraph (1) of this subsection. The Commission may elect to deposit funds not expended under subsections (b)(4)(D), (b)(3)(A), and (b)(3)(B) into the Account as principal.

(3) All amounts deposited in the Account pursuant to subsections (b) (1) and (2), and any amount deposited as principal under paragraphs (c)(1) and (c)(2), shall constitute the principal of the Account. No part of the principal amount may be expended for any purpose.

(d) ADMINISTRATION BY THE UTAH DIVISION OF WILDLIFE RESOURCES.—(1) After the date on which the Commission terminates under section 301, the Utah Division of Wildlife Resources or its successor shall receive:

(A) All amounts contributed annually to the Account pursuant to section 402(b)(3)(B); and

(B) All interest on the principal of the Account, at the beginning of each year. The portion of the interest earned on the principal of the account that exceeds the amount required to increase the principal of the account proportionally on March 1 of each year by the percentage increase during the previous calendar year in the Consumer Price Index for urban consumers published by the Department of Labor, shall be available for expenditure by the Division in accordance with this section.

(2) The funds received by the Utah Division of Wildlife Resources under paragraph (1) shall be expended in a manner that fulfills the purposes of the Account established under this Act, in consultation with and pursuant to, a conservation plan and amendments thereto to be developed by the Utah Division of Wildlife Resources, in cooperation with the United States Forest Service, the Bureau of Land Management of the Department of the Interior, and the United States Fish and Wildlife Service.

(3) The funds to be distributed from the Account shall not be applied as a substitute for funding which would otherwise be provided or available to the Utah Division of Wildlife Resources.

(e) AUDIT BY INSPECTOR GENERAL.—The financial management of the Account shall be subject to audit by the Inspector General of the Department of the Interior.

TITLE V—UTE INDIAN RIGHTS SETTLEMENT

SEC. 501. FINDINGS.

(a) FINDINGS.—The Congress finds the following—

(1) the unquantified Federal reserved water rights of the Ute Indian Tribe are the subject of existing claims and prospective lawsuits involving the United States, the State, and the District and numerous other water users in the Uinta Basin. The State and the Tribe negotiated, but did not implement, a compact to quantify the Tribe's reserved water rights.

(2) There are other unresolved Tribal claims arising out of an agreement dated September 20, 1965, where the Tribe deferred development of a portion of its reserved water rights for 15,242 acres of the Tribe's Group 5 Lands in order to facilitate the construction of the Bonneville Unit of the Central Utah Project. In exchange the United States undertook to develop substitute water for the benefit of the Tribe.

(3) It was intended that the Central Utah Project, through construction of the Upalco and Uintah Units (Initial Phase) and the Ute Indian Unit (Ultimate Phase) would provide water for growth in the Uinta Basin and for late season irrigation for both the Indians and non-Indian water users. However, construction of the Upalco and Uintah Units has not been undertaken, in part because the Bureau was unable to find adequate and economically feasible reservoir sites. The Ute Indian unit has not been authorized by Congress, and there is no present intent to proceed with Ultimate Phase Construction.

(4) Without the implementation of the plans to construct additional storage in the Uinta Basin, the water users (both Indian and non-Indian) continue to suffer water shortages and resulting economic decline.

(b) PURPOSE.—This Act and the proposed Revised Ute Indian Compact of 1990 are intended to—

(1) quantify the Tribe's reserved water rights;

(2) allow increased beneficial use of such water; and

(3) put the Tribe in the same economic position it would have enjoyed had the features contemplated by the September 20, 1965 Agreement been constructed.

SEC. 502. PROVISIONS FOR PAYMENT TO THE UTE INDIAN TRIBE.

(a) BONNEVILLE UNIT TRIBAL CREDITS.—(1) Commencing on July 1, 1992 and continuing for fifty years, the Tribe shall receive from the United States 26 percent of the annual Bonneville Unit municipal and industrial capital repayment obligation attributable to 35,500 acre-feet of water, which represents a portion of the Tribe's water rights that were to be supplied by storage from the Central Utah Project, but will not be supplied because the Upalco and Uintah Units are not to be constructed.

(2)(A) Commencing in the year 2042, the Tribe shall collect from the District, 7 percent of the then fair market value of 35,500 acre-feet of Bonneville Unit agricultural water which has been converted to municipal and industrial water. The fair market value of such water shall be recalculated every five years.

(B) In the event 35,500 acre-feet of Bonneville Unit converted agricultural water to municipal and industrial have not yet been marketed as of the year 2042, the Tribe shall receive 7 percent of the fair market value of the first 35,500 acre-feet of such water converted to municipal and industrial water. The monies received by the Tribe under this

title shall be utilized by the Tribe for governmental purposes, shall not be distributed per capita, and shall be used to enhance the educational, social, and economic opportunities for the Tribe.

(b) BONNEVILLE UNIT TRIBAL WATERS.—The Secretary is authorized to make any unused capacity in the Bonneville Unit Strawberry Aqueduct and Collection System diversion facilities available for use by the Tribe. Unused capacity shall constitute capacity, only as available, in excess of the needs of the District for delivery of Bonneville Unit water and for satisfaction of minimum streamflow obligations established by this Act. In the event that the Tribe elects to place water in these components of the Bonneville Unit system, the Secretary and District shall only impose an operation and maintenance charge. Such charge shall commence at the time of the Tribe's use of such facilities. The operation and maintenance charge shall be prorated on a per acre-foot basis, but shall only include the operation and maintenance costs of facilities used by the Tribe and shall only apply when the Tribe elects to use the facilities. As provided in the Ute Indian Compact, transfers of certain Indian reserved rights water to different lands or different uses will be made in accordance with the laws of the State of Utah governing change or exchange applications.

(c) ELECTION TO RETURN TRIBAL WATERS.—Notwithstanding the authorization provided for in subparagraph (b), the Tribe may at any time elect to return all or a portion of the water which it delivered under subparagraph (b) for use in the Uinta Basin. Any such Uinta Basin use shall protect the rights of non-Indian water users existing at the time of the election. Upon such election, the Tribe will relinquish any and all rights which it may have acquired to transport such water through the Bonneville Unit facilities.

SEC. 503. TRIBAL USE OF WATER.

(a) RATIFICATION OF REVISED UTE INDIAN COMPACT.—The Revised Ute Indian Compact of 1990, dated October 1, 1990, reserving waters to the Ute Indian Tribe and establishing the uses and management of such Tribal waters, is hereby ratified and approved, subject to reratification by the State and the Tribe. The Secretary is authorized to take all actions necessary to implement the Compact.

(b) THE INDIAN INTERCOURSE ACT.—The provisions of section 2116 of the Revised Statutes (25 U.S.C. 177) shall not apply to any water rights confirmed in the Compact. Nothing in this subsection shall be considered to amend, construe, supersede or preempt any State law, Federal law, interstate compact or international treaty that pertains to the Colorado River or its tributaries, including the appropriation, use, development and storage, regulation, allocation, conservation, exportation or quality of those waters.

(c) RESTRICTION ON DISPOSAL OF WATERS INTO THE LOWER COLORADO RIVER BASIN.—None of the waters secured to the Tribe in the Revised Ute Indian Compact of 1990 may be sold, exchanged, leased, used, or otherwise disposed of into or in the Lower Colorado River Basin, below Lees Ferry, unless water rights within the Upper Colorado River Basin in the State of Utah held by non-Federal, non-Indian users could be so sold, exchanged, leased, used, or otherwise disposed of under Utah State law, Federal law, interstate compacts, or international treaty pursuant to a final, nonappealable order of a Federal court or pursuant to an agreement of the seven States signatory to the Colorado River Compact: *Provided, however*, That in no event shall such transfer of Indian water rights take place without the filing and approval of the appropriate applications with the Utah State Engineer pursuant to Utah State law.

(d) USE OF WATER RIGHTS.—The use of the rights referred to in subsection (a) within the State of Utah shall be governed solely as provided in this section and the Revised Compact referred to in section 503(a). The Tribe may voluntarily elect to sell, exchange, lease, use, or otherwise dispose of any portion of a water right confirmed in the Revised Compact off the Uintah and Ouray Indian Reservation. If the Tribe so elects, and as a condition precedent to such sale, exchange, lease, use, or other disposition, that portion of the Tribe's water right shall be changed to a State water right, but shall be such a State water right only during the use of that right off the reservation, and shall be fully subject to State laws, Federal laws, interstate compacts, and international treaties applicable to the Colorado River and its tributaries, including the appropriation, use, development, storage, regulation, allocation, conservation, exportation, or quality of those waters.

(e) RULES OF CONSTRUCTION.—Nothing in titles II through VI of this Act or in the Revised Ute Indian Compact of 1990 shall—

(1) constitute authority for the sale, exchange, lease, use, or other disposal of any Federal reserved water right off the reservation;

(2) constitute authority for the sale, exchange, lease, use, or other disposal of any Tribal water right outside the State of Utah; or

(3) be deemed a Congressional determination that any holders of water rights do or do not have authority under existing law to sell, exchange, lease, use, or otherwise dispose of such water or water rights outside the State of Utah.

SEC. 504. TRIBAL FARMING OPERATIONS.

Of the amounts authorized to be appropriated by section 201, $45,000,000 is authorized for the Secretary to permit the Tribe to develop over a three-year period—

(1) a 7,500 acre farming/feed lot operation equipped with satisfactory off-farm and on-farm water facilities out of tribally-owned lands and adjoining non-Indian lands now served by the Uintah Indian Irrigation Project;

(2) a plan to reduce the Tribe's expense on the remaining sixteen thousand acres of tribal land now served by the Uintah Indian Irrigation Project; and

(3) a fund to permit tribal members to upgrade their individual farming operations.

Any non-Indian lands acquired under this section shall be acquired from willing sellers and shall not be added to the reservation of the Tribe.

SEC. 505. RESERVOIR, STREAM, HABITAT AND ROAD IMPROVEMENTS WITH RESPECT TO THE UTE INDIAN RESERVATION.

(a) REPAIR OF CEDARVIEW RESERVOIR.—Of the amount authorized to be appropriated by section 201, $5,000,000 shall be available to the Secretary, in cooperation with the Tribe, to repair the leak in Cedarview Reservoir in Dark Canyon, Duchesne County, Utah, so that the resultant surface area of the reservoir is two hundred and ten acres.

(b) RESERVATION STREAM IMPROVEMENTS.—Of the amount authorized to be appropriated by section 201, $10,000,000 shall be available for the Secretary, in cooperation with the Tribe and in consultation with the Commission, to undertake stream improvements to not less than 53 linear miles (not counting meanders) for the Pole Creek, Rock Creek, Yellowstone River, Lake Fork River, Uinta River, and Whiterocks River, in the State of Utah. Nothing in this authorization shall increase the obligation of the District to deliver more than 44,400 acre-feet of Central Utah Project water as its contribution to the preservation of minimum stream flows in the Uinta Basin.

(c) BOTTLE HOLLOW RESERVOIR.—Of the amount authorized to be appropriated by section 201, $500,000 in an initial appropriation shall be available to permit the Secretary to clean the Bottle Hollow Reservoir on the Ute Indian Reservation of debris and trash resulting from a submerged sanitary landfill, to remove all nongame fish, and to secure minimum flow of water to the reservoir to make it a suitable habitat for a cold water fishery. The United States, and not the Tribe, shall be responsible for cleanup and all other responsibilities relating to the presently contaminated Bottle Hollow waters.

(d) MINIMUM STREAM FLOWS.—As a minimum, the Secretary shall endeavor to maintain continuous releases from the outlet works of the Upper Stillwater Dam into Rock Creek of 29 cubic feet per second during May through October and continuous releases into Rock Creek of 23 cubic feet per second during November through April. Nothing in this authorization shall increase the obligation of the District to deliver more that 44,000 acre-feet of Central Utah Project water as its contribution to the preservation of minimum stream flow in the Uinta Basin.

(e) LAND TRANSFER.—The Bureau shall transfer 315 acres of land to the Forest Service, located at the proposed site of the Lower Stillwater Reservoir as a wildlife mitigation measure.

(f) RECREATION ENHANCEMENT.—Of the amount authorized to be appropriated by section 201, $10,000,000 shall be available for the Secretary, in cooperation with the Tribe, to permit the Tribe to develop, after consultation with the appropriate fish, wildlife, and recreation agencies, big game hunting, fisheries, campgrounds and fish and wildlife management facilities, including administration buildings and grounds on the Uintah and Ouray Reservation, in lieu of the construction of the Lower Stillwater Dam and related facilities.

(g) MUNICIPAL WATER CONVEYANCE SYSTEM.—Of the amounts authorized to be appropriated in section 201, $1,250,000 shall be available to the Secretary for participation by the Tribe in the construction of pipelines associated with the Duchesne County Municipal Water Conveyance System.

SEC. 506. TRIBAL DEVELOPMENT FUNDS.

(a) ESTABLISHMENT.—Of the amount authorized to be appropriated by section 201, there is hereby established to be appropriated a total amount of $125,000,000 to be paid in three annual and equal installments to the Tribal Development Fund which the Secretary is authorized and directed to establish for the Tribe.

(b) ADJUSTMENT.—To the extent that any portion of such amount is contributed after the period described above or in amounts less than described above, the Tribe shall, subject to appropriation Acts, receive, in addition to the full contribution to the Tribal Development Fund, an adjustment representing the interest income as determined by the Secretary, in his sole discretion, that would have been earned on any unpaid amount.

(c) TRIBAL DEVELOPMENT.—The Tribe shall prepare a Tribal Development Plan for all or

a part of this Tribal Development Fund. Such Tribal Development Plan shall set forth from time to time economic projects proposed by the Tribe which in the opinion of two independent financial consultants are deemed to be reasonable, prudent and likely to return a reasonable investment to the Tribe. The financial consultants shall be selected by the Tribe with the advice and consent of the Secretary. Principal from the Tribal Development Fund shall be permitted to be expended only in those cases where the Tribal Development Plan can demonstrate with specificity a compelling need to utilize principal in addition to income for the Tribal Development Plan.

(d) No funds from the Tribal Development Fund shall be obligated or expended by the Secretary for any economic project to be developed or constructed pursuant to subsection (c) of this section, unless the Secretary has complied fully with the requirements of applicable fish, wildlife, recreation, and environmental laws, including the National Environmental Policy Act of 1969 (43 U.S.C. 4321 et seq.).

SEC. 507. WAIVER OF CLAIMS.

(a) GENERAL AUTHORITY.—The Tribe is authorized to waive and release claims concerning or related to water rights as described below.

(b) DESCRIPTION OF CLAIMS.—The Tribe shall waive, upon receipt of the sections 504, 505, and 506 monies, any and all claims relating to its water rights covered under the agreement of September 20, 1965, including claims by the Tribe that it retains the right to develop lands as set forth in the Ute Indian Compact and deferred in such agreement. Nothing in this waiver of claims shall prevent the Tribe from enforcing rights granted to it under this Act or under the Compact. To the extent necessary to affect a complete release of the claims, the United States concurs in such release.

(c) RESURRECTION OF CLAIMS.—In the event the Tribe does not receive on a timely basis the moneys described in section 502, the Tribe is authorized to bring an action for an accounting against the United States, if applicable, in the United States Claims Court for moneys owed plus interest at 10 percent, and against the District, if applicable, in the United States District Court for the District of Utah for moneys owed plus interest at 10 percent. The United States and the District waive any defense based upon sovereign immunity in such proceedings.

TITLE VI—ENDANGERED SPECIES ACT AND NATIONAL ENVIRONMENTAL POLICY ACT

Notwithstanding any provision of titles II through V of this Act, nothing in such titles shall be interpreted as modifying or amending the provisions of the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) or the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

TITLE VII—TREATMENT OF DRAINAGE FROM THE LEADVILLE MINE DRAINAGE TUNNEL, COLORADO

SECTION 701. TREATMENT PLANT AND RELATED WORK.

(a) AUTHORIZATION.—The Secretary is authorized to construct, operate, and maintain a water treatment plant, including the disposal of sludge produced by the treatment plant as appropriate, and to install concrete lining on the rehabilitated portion of the Leadville Mine Drainage Tunnel, Colorado, in order that water flowing from the Leadville Tunnel shall meet water quality standards.

(b) COSTS NONREIMBURSABLE.—Construction, operation, and maintenance costs of the works authorized by this section shall be nonreimbursable.

(c) OPERATION AND MAINTENANCE.—The Secretary shall be responsible for operation, maintenance, and replacement of the water treatment plant, including sludge disposal authorized by this Act. The Secretary may contract for services to carry out this subsection.

SEC. 702. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated beginning October 1, 1989, to carry out this title $20,000,000 (based on January 1989 prices), $2,000,000 of which shall be for the fish and wildlife restoration program authorized in section 704 of this title. There are also authorized to be appropriated such additional sums as may be required for operation and maintenance of the works authorized by this Act.

SEC. 703. LIMITATION.

The treatment plant authorized by this title shall be designed and constructed to treat the quantity and quality of effluent historically discharged from the Leadville Mine Drainage Tunnel, Colorado.

SEC. 704. RESTORATION OF FISH AND WILDLIFE RESOURCES.

(a) AUTHORIZATION.—The Secretary, acting through the Director of the United States Fish and Wildlife Service, is authorized, in consultation with other Federal entities and the State of Colorado, to formulate and implement, subject to the provisions of subsection (b) of this section, a program for the restoration of fish and wildlife resources on those portions of the Arkansas River Basin impacted by the effluent discharge from the Leadville Mine Drainage Tunnel, Colorado. The formulation of the program under this section shall be undertaken with appropriate public consultation.

(b) NOTIFICATION TO CONGRESS.—At least sixty days prior to implementing a program under subsection (a), the Secretary shall submit a report outlining a proposed program for carrying out subsection (a), including estimated costs, to the Speaker of the House of Representatives and the President pro tempore of the Senate.

SEC. 705. UPPER ARKANSAS RIVER BASIN WATER QUALITY RESTORATION INITIATIVE.

(a) AUTHORIZATION.—

(1) IN GENERAL.—Subject to the provisions of subsection (e) of this section, the Secretary is authorized, in consultation with the State of Colorado, the Environmental Protection Agency, and other Federal, local, and private entities, to conduct investigations of water pollution sources and impacts attributed to mining and other development in the Upper Arkansas River Basin, to develop corrective action plans for such basin, and to implement corrective action demonstration projects for such basin. The Upper Arkansas River Basin is defined as the hydrologic basin of the Arkansas River in Colorado extending from Pueblo Dam upstream to the headwaters of the Arkansas River.

(2) LIMITATION.—The Secretary shall have no authority to implement corrective action demonstration projects under this section at facilities which have been listed or proposed for listing on the national priorities list or are subject to or covered by the Solid Waste Disposal Act.

(b) LIABILITY.—Neither the Secretary nor any person participating in a corrective action demonstration project shall be liable under section 107 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 for costs or damages as a result of actions taken or omitted in the course of implementing an action developed under this section. This subsection shall not preclude liability for costs or damages as the result of negligence on the part of such persons.

(c) FUNDING.—In carrying out this section, the Secretary shall arrange for cost sharing with the State of Colorado and for the utilization of non-Federal funds and in-kind services where possible. The Secretary is authorized to fund all State costs required to conduct investigations and develop corrective action plans required in subsection (a). The Federal share of costs for the implementation of corrective action plans as authorized in subsection (a) shall not exceed 50 percent.

(d) PUBLIC INVOLVEMENT.—The development of all corrective action plans and subsequent corrective action demonstration projects under this section shall be undertaken with appropriate public involvement pursuant to a public participation plan, consistent with regulations issued under the Federal Water Pollution Control Act, developed by the Secretary in consultation with the State of Colorado and the Environmental Protection Agency.

(e) SUBMISSIONS OF PLANS TO CONGRESS.—At least sixty days prior to implementing any corrective action demonstration project under this section, the Secretary shall submit a copy of the proposed project plans, including estimated costs, to the Speaker of the House of Representatives and President pro tempore of the Senate.

(f) EFFECT ON CERCLA.—Nothing in this title affects or modifies, in any way, the obligations or liabilities of any person under other Federal or State law, including common law, with respect to the discharge or release of hazardous substances, pollutants, or contaminants, as defined under section 101 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601). The development of corrective action plans and implementation of corrective action demonstration projects shall be exclusive of all enforcement actions under such Act. It is not the intent of this title to relieve non-Federal potentially responsible parties of their liability under such Act.

SEC. 706. DEFINITION.

As used in this Act, the term "Secretary" means the Secretary of the Interior.

TITLE VIII—LAKE MEREDITH PROJECT

SEC. 801. AUTHORIZATION TO CONSTRUCT AND TEST.

The Secretary is authorized to construct and test the Lake Meredith Salinity Control Project, New Mexico and Texas, in accordance with the Federal Reclamation laws (Act of June 17, 1902, 32 Stat. 788, and Acts amendatory thereof or supplementary thereto) and the provisions of this title and the plan set out in the June 1985 Technical Report of the Bureau of Reclamation on this project with such modification of, omissions from, or additions to the works, as the Secretary may find proper and necessary for the purpose of improving the quality of water delivered to the Canadian River downstream of Ute Reservoir, New Mexico, and entering Lake Meredith, Texas. The principal features of the project shall consist of production wells, observation wells, pipelines, pumping plants, brine disposal facilities, and other appurtenant facilities.

SEC. 802. CONSTRUCTION CONTRACT WITH THE CANADIAN RIVER MUNICIPAL WATER AUTHORITY.

(a) AUTHORITY TO CONTRACT.—The Secretary is authorized to enter into a contract with the Canadian River Municipal Water

Authority of Texas (hereafter in this title the "Authority") for the design and construction management of project facilities by the Bureau of Reclamation and for the payment of construction costs by the Authority. Operation and maintenance of project facilities upon completion of construction and testing shall be the responsibility of the Authority.

(b) CONSTRUCTION CONTINGENT ON CONTRACT.—Construction of the project shall not be commenced until a contract has been executed by the Secretary with the Authority, and the State of New Mexico has granted the necessary permits for the project facilities.

SEC. 803. PROJECT COSTS.

(a) CANADIAN RIVER MUNICIPAL WATER AUTHORITY SHARE.—All costs of construction of project facilities shall be advanced by the Authority as the non-Federal contribution toward implementation of this title. Pursuant to the terms of the contract authorized by section 802 of this title, these funds shall be advanced on a schedule mutually acceptable to the Authority and the Secretary, as necessary to meet the expense of carrying out construction and land acquisition activities.

(b) FEDERAL SHARE.—All project costs for design preparation, and construction management shall be nonreimbursable as the Federal contribution for environmental enhancement by water quality improvement, except that the Federal contribution shall not exceed 33 per centum of the total project costs.

SEC. 804. CONSTRUCTION AND CONTROL.

(a) PRECONSTRUCTION.—The Secretary shall, upon entering into the contract specified in section 802 with the Authority, proceed with preconstruction planning, preparation of designs and specifications, acquiring permits, acquisition of land and rights, and award of construction contracts pending availability of appropriated funds.

(b) TERMINATION OF CONSTRUCTION.—At any time following the first advance of funds, the Authority may request that the Secretary terminate activities then in progress, and such request shall be binding upon the Secretary, except that, upon termination of construction pursuant to his section, the Authority shall reimburse to the Secretary a sum equal to 67 per centum of all costs incurred by the Secretary in project verification, design and construction management, reduced by any sums previously paid by the Authority to the Secretary for such purposes. Upon such termination, the United States is under no obligation to complete the project as a nonreimbursable development.

(c) TRANSFER OF CONTROL.—Upon completion of construction and testing of the project, or upon termination of activities at the request of the Authority, the Secretary shall transfer the care, operation, and maintenance of the project works to the Authority or to a bona fide entity mutually agreeable to the States of New Mexico and Texas. As part of such transfer, the Secretary shall return unexpended balances of the funds advanced, assign to the Authority or the bona fide entity the rights to any contract in force, convey to the Authority or the bona fide entity any real estate, easements or personal property acquired by the advanced funds, and provide any data, drawings, or other items of value procured with advanced funds.

SEC. 805. TRANSFER OF TITLE.

Title to any facilities constructed under the authority of this title shall remain with the United States.

SEC. 806. AUTHORIZATION.

There are hereby authorized to be appropriated such sums as are necessary to carry out the provisions of this title, except that the total Federal contribution to the cost of the activities undertaken under the authority of this title shall not exceed 33 per centum.

TITLE IX—CEDAR BLUFF UNIT, KANSAS

SEC. 901. AUTHORIZATION OF REFORMULATION.

The Secretary, consistent with the provisions of the Memorandum of Understanding between the Bureau of Reclamation and the Fish and Wildlife Service of the Department of the Interior, the State of Kansas, and the Cedar Bluff Irrigation District No. 6, dated December 17, 1987, is authorized to reformulate the Cedar Bluff Unit of the Pick-Sloan Missouri Basin Program, Kansas, including reallocation of the conservation capacity of the Cedar Bluff Reservoir, to create—

(1) a designated operating pool, as defined in such Memorandum of Understanding, for fish, wildlife, and recreation purposes, for ground water recharge for environmental, domestic, municipal and industrial uses, and for other purposes; and

(2) a joint-use pool, as defined in such Memorandum of Understanding, for flood control, for water sales, for fish, wildlife, and recreation purposes, and for other purposes.

SEC. 902. CONTRACT WITH THE STATE OF KANSAS FOR OPERATING POOL.

The Secretary may enter into a contract with the State of Kansas for the sale, use and control of the designated operating pool, with the exception of water reserved for the city of Russell, Kansas, and to allow the State of Kansas to acquire use and control of water in the joint-use pool, except that, the State of Kansas shall not permit utilization of water from Cedar Bluff Reservoir to irrigate lands in the Smoky Hill River Basin from Cedar Bluff Reservoir to its confluence with Big Creek.

SEC. 903. CONTRACT WITH THE STATE OF KANSAS FOR CEDAR BLUFF DAM AND RESERVOIR.

(a) AUTHORIZATION.—The Secretary may enter into a contract with the State of Kansas, accepting a payment of $350,000, and the State's commitment to pay a proportionate share of the annual operation, maintenance, and replacement charges for the Cedar Bluff Dam and Reservoir. After the reformulation of the Cedar Bluff Unit authorized by this title, all net revenues received by the United States from the sale of water of the Cedar Bluff Unit shall be credited to the Reclamation Fund.

(b) CONTRACT TERMINATION.—Upon receipt of the payment specified in subsection (a), the Cedar Bluff Irrigation District's obligations under contract number 0-07-70-W0064 shall be terminated.

(c) TRANSFER OF FISH HATCHERY.—The Secretary may transfer ownership of the buildings, fixtures, and equipment of the United States Fish and Wildlife Service fish hatchery facility at Cedar Bluff Dam, and the related water rights, to the State of Kansas for its use and operation for fish, wildlife, and related purposes. If any of the property transferred by this subsection to the State of Kansas is subsequently transferred from State ownership or used for any purpose other than those provided for in this subsection, title to such property shall revert to the United States.

SEC. 904. TRANSFER OF DISTRICT HEADQUARTERS.

The Secretary may transfer title to all interests in real property, buildings, fixtures, equipment, and tools associated with the Cedar Bluff Irrigation District headquarters located near Hays, Kansas, contingent upon the District's agreement to close down the irrigation system to the satisfaction of the Secretary at no additional cost to the United States, after which all easement rights shall revert to the owners of the lands to which the easements are attached. The transferee of any interests conveyed pursuant to this section shall assume all liability with respect to such interests and shall indemnify the United States against all such liability.

SEC. 905. ADDITIONAL ACTIONS.

The Secretary may take all other actions consistent with the provisions of the Memorandum of Understanding referred to in section 901 that the Secretary deems necessary to accomplish the reformulation of the Cedar Bluff Unit.

TITLE X—MISCELLANEOUS PROVISIONS, CENTRAL VALLEY PROJECT

SEC. 1001. EXTENSION OF THE TEHAMA-COLUSA CANAL SERVICE AREA.

The first paragraph of section 2 of the Act of September 26, 1950 (64 Stat. 1036), as amended by the Act of August 19, 1967 (81 Stat. 167), and the Act of December 22, 1980 (94 Stat. 3339, authorizing the Sacramento Valley Irrigation Canals, Central Valley Project, California, is further amended by striking "Tehama, Glenn, and Colusa Counties, and those portions of Yolo County within the boundaries of the Colusa County, Dunnigan, and Yolo-Zamora water districts or" and inserting "Tehama, Glenn, Colusa, Solano, and Napa Counties, those portions of Yolo County within the boundaries of Colusa County Water District, Dunnigan Water District, Yolo-Zamora Water District, and Yolo County Flood Control and Water Conservation District, or".

SEC. 1002. AUTHORIZATION FOR LONG-TERM CONTRACT FOR WATER DELIVERY.

(a) GENERAL AUTHORITY.—Notwithstanding the Energy and Water Development Appropriations Act, 1990, the Secretary of the Interior is authorized, pursuant to section 203 of the Flood Control Act of 1962 (76 Stat. 1191), to enter into a long-term contract in accordance with Federal Reclamation laws with the Tuolumne Regional Water District, California, for the delivery of water from the New Melones project to the county's water distribution system.

(b) RECLAMATION LAWS.—For purposes of subsection (a), the term "Federal Reclamation Laws" means the Act of June 17, 1902 (32 Stat. 388), and Acts supplementary thereto and amendatory thereof.

TITLE XI—SALTON SEA RESEARCH PROJECT

SEC. 1101. RESEARCH PROJECT TO CONTROL SALINITY.

(a) RESEARCH PROJECT.—The Secretary of the Interior, acting through the Bureau of Reclamation, shall conduct a research project for the development of a method or combination of methods to reduce and control salinity in inland water bodies. Such research shall include testing an enhanced evaporation system for treatment of saline waters, and studies regarding in-water segregation of saline waters and of dilution from other sources. The project shall be located in the area of the Salton Sea of Southern California.

(b) COST SHARE.—The non-Federal share of the cost of the project referred to in subsection (a) shall be 25 percent of the cost of the project.

(c) REPORT.—Not later than September 30, 1996, the Secretary shall submit a report to the Committee on Interior and Insular Af-

fairs and the Committee on Merchant Marine and Fisheries of the House of Representatives and the Committee on Energy and Natural Resources of the Senate regarding the results of the project referred to in subsection (a).

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $10,000,000 to carry out the purposes of this title.

TITLE XII—AMENDMENT TO SABINE RIVER COMPACT

SEC. 1201. CONSENT TO AMENDMENT TO SABINE RIVER COMPACT.

The consent of Congress is given to the amendment, described in section 1203, to the interstate compact, described in section 1202, relating to the waters of the Sabine River and its tributaries.

SEC. 1202. COMPACT DESCRIBED.

The compact referred to in the previous section is the compact between the States of Texas and Louisiana, and consented to by Congress in the Act of August 10, 1954 (chapter 668; 68 Stat. 690; Public Law 85-78).

SEC. 1203. AMENDMENT.

The amendment referred to in section 1201 strikes "One of the Louisiana members shall be ex officio the Director of the Louisiana Department of Public Works; the other Louisiana member shall be a resident of the Sabine Watershed and shall be appointed by the Governor of Louisiana for a term of four years: *Provided*, That the first member so appointed shall serve until June 30, 1958." in article VII(c) and inserts "The Louisiana members shall be residents of the Sabine Watershed and shall be appointed by the Governor for a term of four years, which shall run concurrent with the term of the Governor.".

TITLE XIII—NAME CHANGE

SEC. 1301. DESIGNATION.

The Salt-Gila Aqueduct of the Central Arizona project, constructed, operated, and maintained under section 301(a)(7) of the Colorado River Basin Project Act (43 U.S.C. 1521(a)(7)), hereafter shall be known and designated as the "Fannin-McFarland Aqueduct".

SEC. 1302. REFERENCES.

Any reference in any law, regulation, document, record, map, or other paper of the United States to the aqueduct referred to in subsection (a) hereby is deemed to be a reference to the "Fannin-McFarland Aqueduct".

TITLE XIV—EXCESS STORAGE AND CARRYING CAPACITY

SEC. 1401. EXCESS STORAGE AND CARRYING CAPACITY.

The Secretary is authorized to enter into contracts with municipalities, public water districts and agencies, other Federal agencies, State agencies, and private entities, pursuant to the Act of February 21, 1911 (43 U.S.C. 523), for the impounding, storage, and carriage of water for domestic, municipal, fish and wildlife, industrial, and other beneficial purposes from any facilities associated with the Central Valley Project, Cachuma Project, and the Ventura River Project, California.

TITLE XV—AMENDMENT TO THE RECLAMATION PROJECT ACT OF 1939

SEC. 1501. CONTRACT AMENDMENTS.

Subsection (h) of section 8 of the Reclamation Project Act of 1939 (43 U.S.C. 485g(h)) is amended to read as follows:

"(h) If any classification or reclassification of irrigable lands undertaken pursuant to this section results in an increase in the outstanding construction charges or rate of repayment on any project, as established by an existing contract with an organization, the Secretary shall amend the contract to increase the construction obligation or the rate of repayment. No other modification in outstanding construction charges or repayment rates may be made by reason of a classification or reclassification undertaken pursuant to this section without the approval of Congress.".

TITLE XVI—WATER RECLAMATION AND REUSE

SEC. 1601. PARTICIPATION IN STUDY.

The Secretary is authorized to participate with the city of San Diego, California, in the conduct of a study of conceptual plans for water reclamation and reuse. The Federal share of the cost of the study referred to in this section shall not exceed 50 percent of the total cost of the study.

SEC. 1602. AUTHORIZATION OF APPROPRIATIONS.

There is hereby authorized to be appropriated the sum of $250,000 to carry out the Federal share of the study specified in section 1601 of this title.

TITLE XVII—RECLAMATION REFORM ACT OF 1982

SEC. 1701. SHORT TITLE AND DEFINITION.

(a) SHORT TITLE.—This title may be cited as the "Reclamation Reform Act Amendments of 1991".

(b) DEFINITION.—As used in this title, the term "the Act" means the Reclamation Reform Act of 1982 (Public Law 97-293, 96 Stat. 1263, 43 U.S.C. 390aa, et seq.).

SEC. 1702. NEW DEFINITION.

Section 202 of the Act is amended by adding the following new definition after paragraph 2, and redesignating the subsequent paragraphs accordingly:

"(3)(A) The term 'farm' or 'farm operation' means any landholding or group of landholdings, including partial landholdings, directly or indirectly farmed or operated by an individual, group, entity, trust, or any other combination or arrangement. The existence of a farm or farm operation will be presumed when ownership, operation, management, financing, or other factors, individually or together, indicate that one or more landholdings, including partial landholdings, are directly or indirectly farmed or operated by the same individual, group, entity, trust, or other combination or arrangement thereof.

"(B) The following arrangements and transactions, if negotiated at arms length between unrelated parties, shall not be factors for the purpose of determining the existence of a farm or farm operation:

"(i) Participation in a bona fide cooperative;

"(ii) Entering into an agreement in which each party bears the risk of loss individually for: (I) the use of equipment or labor; (II) processing, handling, brokering, or packing crops; (III) ginning cotton; (IV) purchasing seed; (V) purveying water; or (VI) other similar agreements;

"(iii) Entering into financial transactions involving land or crop loans, including, but not limited to, the granting or receipt of a security interest, crop mortgage, assignment of crop or crop proceeds or other interests in a crop or land solely for the purposes of obtaining repayment of a loan;

"(iv) Entering into (or exercising rights under) an agreement to assure or require bona fide quality control measures and/or the right to take control of farming operations in order to ensure quality control; or

"(v) Entering into an agreement for custom farming or farm management services if the custom farmer or farm manager does not bear a direct risk of loss in the crop.

"(C) With respect to activities between 'related parties', as defined in section 267(b) of the Internal Revenue Code of 1986, the Secretary shall certify that a farm or farm operation does not exist based on information supplied by such parties if such information indicates that all such activities were entered into and performed at arms length."

SEC. 1703. ADDITION OF FARM OR FARM OPERATION TO THE ACT.

(a) The second sentence of section 203(b) of the Act is amended by inserting after "landholding" wherever it appears, the following: ", farm, or farm operation", and inserting after "leased" wherever it appears, the following: ", farmed or operated".

(b) Section 205 of the Act is amended by inserting after "landholding" wherever it appears, the following: ", farm, or farm operation", and by inserting after "landholdings" the following: ", farms or farm operations".

SEC. 1704. TRUSTS.

Section 214 of the Act is amended by adding the following new subsections.

"(c) The ownership and pricing limitations of this Act and the ownership limitations of any other provision of Federal reclamation law shall apply to a beneficiary of a trust in the same manner as any other individual.

"(d) The ownership and pricing limitations of this Act and the ownership limitations in any other provisions of Federal reclamation law shall apply to lands which are held by an individual or corporate trustee in a fiduciary capacity for a beneficiary or beneficiaries whose interests in the land served do not exceed the ownership and pricing limitations imposed by Federal reclamation law, including this title, as follows—

"(1) For trusts established on or before June 14, 1990 and benefitting 25 individuals or less, the ownership limitations shall go into effect nine years after enactment of these amendments, and the pricing limitations shall go into effect pursuant to sections 203 and 205, as applicable;

"(2) For trusts established on or before June 14, 1990 and benefitting more than 25 individuals, one hundred and eighty days after enactment of these amendments; and

"(3) For trusts established subsequent to June 14, 1990 upon the enactment of these amendments."

Section 205 is amended by adding a new subsection (d) as follows:

"(d) Any trust benefitting 25 individuals or less shall not, under any circumstances, be eligible to receive water at less than full-cost on more than 960 acres of Class I land or the equivalent thereof. Full-cost pricing resulting from the application of this subsection shall be phased in over three years, that being 33⅓ percent, 66⅔ percent, and 100 percent of the difference between the applicable nonfull cost rate and the then existing full-cost rate for the first, second, and third calendar years, respectively, following the effective date of these amendments."

SEC. 1705. INTENT AND PURPOSES.

Section 224(c) of the Act is amended to read as follows:

"(c) The Secretary is directed to prescribe regulations and shall collect all data necessary to carry out the intent, purposes, and provisions of this title and of other provisions of Federal reclamation law. Notwithstanding any other provision of law, the Secretary shall establish appropriate and effective penalties for failure to comply with any provision of this Act or any regulation established pursuant to this Act.".

SEC. 1706. REPORTING REQUIREMENTS.

(a) Section 228 of the Act is amended by inserting after "contracting entity" wherever it appears, the following: ", farm, or farm operation".

(b) Section 206 of the Act is amended by inserting after the final sentence the following: "This section shall also apply to all landholdings, farms, or farm operations, to all lands operated under any kind of operating agreement, and to all operators thereof. The Secretary, may also require the submission of any agreement or other document relating to the certification.".

SEC. 1707. RELIGIOUS OR CHARITABLE ORGANIZATIONS.

Section 219 of the Act is amended by—

(1) inserting "(a)" after "SEC. 219"; and

(2) inserting at the end the following new subsections:

"(b) The terms 'farm' or 'farm operation' shall not apply to any landholding of a religious or charitable entity or organization which qualifies as an individual under this section. If an individual religious or charitable entity or organization holds land as a lessor within a district, it shall qualify as an individual with respect to such lands: *Provided*, That the entity or organization directly uses the proceeds of the lease only for charitable purposes: *Provided further*, That the lessee is eligible to receive reclamation water upon the leased lands.

"(c) If an individual religious or charitable organization holds lands within a district, but fails to qualify as an individual under this section, its lands within a district with regard to which it does not qualify as an individual shall be lands held in excess of the ownership limitations of section 209 of this Act, and shall receive reclamation water only as excess lands in compliance with the provisions of section 209 of this Act. The failure of an individual religious or charitable entity or organization to qualify as an individual under this section shall not affect the qualification as an individual under this section of another individual religious or charitable entity or organization which is affiliated with the same central organization or is subject to a hierarchical authority of the same faith.".

SEC. 1708. RESTRICTION OF BENEFITS TO CITIZENS AND RESIDENT ALIENS.

(a) Section 202(8) of the Act, as redesignated by section 1702 of this Act, is amended by striking the period and inserting in lieu thereof the following: ": *Provided*, That all such persons are citizens of the United States or resident aliens thereof.".

(b) Section 202(10) of the Act, as redesignated by section 1702 of this Act, is amended by striking the period and inserting in lieu thereof the following: ": *Provided*, That all such persons are citizens of the United States or resident aliens thereof.".

SEC. 1709. ASSESSMENT REVIEW.

The Secretary shall review on a case-by-case basis the full cost charges applied to prior law recipients who filed irrevocable elections pursuant to section 203(b) of the 1982 Act between May 13, 1987 and January 1, 1988. Upon completion of such review, the Secretary shall determine, taking into account all relevant information, whether or not the full cost charges assessed of said prior law recipients are appropriate. Based upon such determination, the Secretary may reduce or rescind said charges accordingly: *Provided*, That the Secretary shall inform by letter report to the Committee on Interior and Insular Affairs of the House of Representatives and the Committee on Energy and Natural Resources of the Senate of any intent to reduce or rescind such charges and that such reduction or rescission shall not take place until after the passage of ninety calendar days after the receipt by the respective Committees of the letter report. The Secretary shall consult with the Office of the Inspector General of the Department of the Interior in the preparation of such report.

SEC. 1710. APPLICATION TO INDIAN LANDS.

The Act (43 U.S.C. 390aa et seq.) is amended by adding at the end the following new section:

"SEC. 231. APPLICATION TO INDIAN LANDS.

Nothing in this title shall apply to trust or restricted Indian lands."

TITLE XVIII—GRAND CANYON PROTECTION

SEC. 1801. SHORT TITLE.

This title may be cited as the "Grand Canyon Protection Act".

SEC. 1802. FINDINGS.

The Congress finds the following:

(1) Current operating procedures at Glen Canyon Dam, including fluctuating water releases made for the production of peaking hydroelectric power, have substantial adverse effects on downstream environmental and recreational resources, including resources located within Grand Canyon National Park. Flood releases from Glen Canyon Dam have damaged beaches and terrestrial resources. Damage from flood releases can be reduced if the frequency of flood releases is reduced, as has been the practice in recent years.

(2) The Secretary announced on July 27, 1989, the preparation of an environmental impact statement to evaluate the impacts of Glen Canyon Dam operations on downstream environmental and recreational resources. Based in part on information developed during the environmental impact statement process, the Secretary will be in a position to make informed decisions regarding possible changes to current operating procedures for Glen Canyon Dam.

(3) The adverse effects of current operations of Glen Canyon Dam are significant and can be at least partially mitigated by the development and implementation of interim operating procedures pending the completion of an environmental impact statement, the Glen Canyon Environmental Studies, and the adoption of new long-term operating procedures for Glen Canyon Dam.

SEC. 1803. DEFINITIONS.

As used in this title—

(1) the term "Colorado River Compact" means the compact consented to by the Act of August 19, 1921 (chapter 72; 42 Stat. 171) and approved by section 13(a) of the Act of December 21, 1928 (45 Stat. 1064);

(2) the term "Upper Colorado River Basin Compact" means the compact consented to by the Act of April 6, 1949 (63 Stat. 31); and

(3) the term "Secretary" means the Secretary of the Interior.

SEC. 1804. PROTECTION OF GRAND CANYON NATIONAL PARK.

(a) IN GENERAL.—The Secretary shall operate Glen Canyon Dam and, if necessary, take other reasonable mitigation measures in such a manner as to protect, mitigate adverse impacts to, and improve the condition of, the environmental, cultural, and recreational resources of Grand Canyon National Park and Glen Canyon National Recreation Area downstream of Glen Canyon Dam, under operating procedures that are subject to and consistent with the water storage and delivery functions of Glen Canyon Dam pursuant to the Colorado River Compact, the Upper Colorado River Basin Compact, and other laws relating to the allocation of the Colorado River.

(b) AMENDMENT OF CRSP.—The Act of April 11, 1956 (70 Stat. 105, chapter 203; 43 U.S.C. 620 et seq.; commonly referred to as the "Colorado River Storage Project Act"), is amended as follows:

(1) In section 3, by adding at the end the following: "It is the further intention of Congress that the Secretary shall operate Glen Canyon Dam and, if necessary, take other reasonable mitigation measures, so as to protect, mitigate damages to, and improve the condition of the environmental, cultural, and recreational resources of Grand Canyon National Park and Glen Canyon National Recreation Area downstream of Glen Canyon Dam, subject to and consistent with the water storage and delivery functions of Glen Canyon Dam pursuant to the Colorado River Compact, the Upper Colorado River Basin Compact, consented to by the Act of April 6, 1949 (63 Stat. 31, chapter 48), and other laws relating to allocation of the Colorado River.".

(2) In the first sentence of section 7, by striking "Acts." and inserting "Acts, nor shall the Secretary operate the hydroelectric powerplant at Glen Canyon Dam in a manner which causes significant and avoidable adverse effects on the environmental, cultural, or recreational resources of Glen Canyon National Park or Glen Canyon National Recreation Area downstream of Glen Canyon Dam.".

(c) PROMULGATION OF OPERATING PROCEDURES.—The Secretary shall promulgate interim and long-term operating procedures for Glen Canyon Dam as set forth in sections 1805 and 1806, which procedures shall be consistent with the requirements of this section, and, if necessary, shall take other reasonable mitigation measures.

(d) DISCLAIMER.—Nothing in this title alters or may be construed to alter the purposes for which the Grand Canyon National Park or the Glen Canyon National Recreation Area were established or to affect in any manner the authority and responsibility of the Secretary with respect to the management and administration of such areas, including natural and cultural resources, and visitor use, as provided by laws applicable to such areas, including (but not limited to) the Act of August 25, 1916 (39 Stat. 535), as amended and supplemented.

SEC. 1805. INTERIM OPERATING PROCEDURES FOR GLEN CANYON DAM.

(a) IN GENERAL.—Notwithstanding any other provision of law, and pending compliance by the Secretary with the requirements of section 1806, the Secretary shall, not later than October 1, 1991, or upon cessation of research flows used for preparing the environmental impact statement ordered by the Secretary on July 27, 1989, whichever is earlier, develop and implement interim operating procedures for Glen Canyon Dam. Such procedures shall—

(1) not interfere with the primary water storage and delivery functions of Glen Canyon Dam pursuant to the Colorado River Compact, the Upper Colorado River Basin Compact, and other laws relating to allocation of the Colorado River;

(2) minimize, to the extent reasonably possible, the adverse environmental impacts of Glen Canyon Dam operations on Grand Canyon National Park and Glen Canyon National Recreation Area downstream of Glen Canyon Dam;

(3) adjust fluctuating water releases caused by the production of peaking hydroelectric power and adjust rates of flow changes for

fluctuating flows that will minimize, to the extent reasonably possible, adverse downstream impacts;

(4) minimize flood releases, consistent with the requirements of section 1804 of this title;

(5) maintain sufficient minimum flow releases at all times from Glen Canyon Dam to minimize, to the extent reasonably possible, the adverse environmental impacts of Glen Canyon Dam operations on Grand Canyon National Park and to protect fishery resources; and

(6) limit maximum flows released during normal operations to minimize, to the extent reasonably possible, the adverse environmental impacts of Glen Canyon Dam operations on Grand Canyon National Park and Glen Canyon National Recreation Area downstream of Glen Canyon Dam and to protect fishery resources.

(b) CONSULTATION.—The Secretary shall develop and implement the interim operating procedures described in subsection (a) in consultation with—

(1) appropriate agencies of the Department of the Interior, including the Bureau of Reclamation, United States Fish and Wildlife Service, and the National Park Service;

(2) the Secretary of Energy;

(3) the Governors of the States of Arizona, California, Colorado, Nevada, New Mexico, Utah, and Wyoming;

(4) affected Indian tribes; and

(5) the general public, including representatives of the academic and scientific communities, environmental organizations, the recreation industry, and contractors for the purchase of Federal power produced at Glen Canyon Dam.

(c) SCIENTIFIC DATA.—The Secretary shall develop and implement the interim operating procedures referred to in this section using the best and most recent scientific data available, including the scientific information collected and analyzed as part of the Glen Canyon Environmental Studies.

(d) TERMINATION.—The interim operating procedures described in this section shall terminate upon compliance by the Secretary with the requirements of section 1806 of this title.

(e) DEVIATION FROM PROCEDURES.—The Secretary may deviate from the interim operating procedures described in this section upon a finding that such deviation is necessary and in the public interest in order to—

(1) comply with the requirements of section 1806(a) of this title;

(2) respond to hydrologic extremes or power system operating emergencies; or

(3) further reduce adverse impacts on environmental, cultural, or recreational resources downstream from Glen Canyon Dam.

SEC. 1806. GLEN CANYON ENVIRONMENTAL STUDIES; GLEN CANYON DAM ENVIRONMENTAL IMPACT STATEMENT; AND LONG-TERM OPERATING PROCEDURES FOR GLEN CANYON DAM.

(a) EIS.—The Secretary shall, not later than December 31, 1993, complete the final Glen Canyon Dam Environmental Impact Statement in accordance with the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), and in addition shall complete the Glen Canyon Environmental Studies. In preparing the environmental impact statement, the Secretary shall consider the views and conclusions of all cooperating government agencies, affected Indian tribes, and the general public. The Secretary shall make use of the best and most recent scientific data and studies in preparing the environmental impact statement, including the scientific information collected and analyzed as part of the Glen Canyon Environment Studies.

(b) REVIEW.—The Comptroller General of the United States shall review, in accordance with the standards set forth in the United States Water Resource Council's March 10, 1983, Economic and Environmental Principles and Guidelines for Water and Related Land Resources Implementation Studies, the costs and benefits to water and power users and to natural, recreational, and cultural resources resulting from management policies and dam operations identified pursuant to the draft of the environmental impact statement referred to in subsection (a). The Comptroller General shall report the results of the review to the Secretary and the Congress within one year after publication of the draft environmental impact statement.

(c) IMPLEMENTATION.—(1) Based on the findings, conclusions, and recommendations made in the studies, the statement prepared pursuant to subsection (a), and the review performed pursuant to subsection (b), the Secretary shall, within ninety days following completion of the final environmental impact statement or completion of the Comptroller General's review, whichever is later, implement long-term operating procedures for Glen Canyon Dam that will, alone or in combination with other reasonable mitigation measures, ensure that Glen Canyon Dam is operated in a manner consistent with this Act. Such procedures shall not interfere with the primary water storage and delivery functions of Glen Canyon Dam, pursuant to the Colorado River Compact, the Upper Colorado River Basin Compact, and other laws relating to allocation of the Colorado River.

(2) Upon completion of the requirements of paragraph (1), the Secretary shall submit to the Congress—

(A) the studies and the statement completed pursuant to subsection (a); and

(B) a report describing the long-term operating procedures for Glen Canyon Dam and other measures taken to protect, mitigate adverse impacts to, and improve the condition of the environmental, cultural, and recreational resources of the Colorado River downstream of Glen Canyon Dam.

(d) ANNUAL REPORT.—Annually after the date of the implementation of the procedures under subsection (c)(1), the Secretary shall transmit to the Congress and to the Governors of the Colorado River Basin States a report, separate from and in addition to the report specified in section 602(b) of the Colorado River Basin Project Act (43 U.S.C. 1552(b)), on the operation of the Glen Canyon Dam during the preceding year and the projected year operations undertaken pursuant to this title. In the process of preparing the long-term operating procedures, the annual plans of operation described in this section, and the annual report specified in section 602(b) of the Colorado River Basin Project Act, the Secretary shall consult with the Governors of the Colorado River Basin States and with the general public, including representatives of the academic and scientific communities, environmental organizations, the recreation industry, and contractors for the purchase of Federal power produced at Glen Canyon Dam.

SEC. 1807. LONG-TERM MONITORING.

The Secretary shall establish and implement long-term monitoring programs and activities that will ensure that Glen Canyon Dam is operated in a manner consistent with the requirements of section 1804 of this title. Such long-term monitoring shall include any necessary research and studies to determine the effect of the Secretary's actions under section 1806(c)(1) of this title upon the natural, recreational, and cultural resources of Grand Canyon National Park and Glen Canyon National Recreation Area. These monitoring programs and activities shall be established and implemented in consultation with the Secretary of Energy; the Governors of the States of Arizona, California, Colorado, Nevada, New Mexico, Utah, and Wyoming; affected Indian tribes, and the general public, including representatives of the academic and scientific communities, environmental organizations, the recreation industry and the contractors for the purchase of Federal power produced at Glen Canyon Dam.

SEC. 1808. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to carry out the purposes of this title.

SEC. 1809. SAVINGS.

Nothing in this title shall be interpreted as modifying or amending the provisions of the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.), or, except as provided in section 1805, of this title, the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), or other existing laws relating to environmental or natural resources protection, with regard to the operation of Glen Canyon Dam.

TITLE XIX—MID-DAKOTA RURAL WATER SYSTEM

SEC. 1901. SHORT TITLE.

This title may be cited as the "Mid-Dakota Rural Water System Act of 1991".

SEC. 1902. DEFINITIONS.

For purposes of this title—

(1) The term "feasibility study" means the study entitled "Mid-Dakota Rural Water System Feasibility Study and Report" dated November 1988 and revised January 1989 and March 1989, as supplemented by the "Supplemental Report for Mid-Dakota Rural Water System" dated March 1990 (which supplemental report shall control in the case of any inconsistency between it and the study and report), as modified to reflect consideration of the benefits of the water conservation programs developed and implemented under section 1905 of this title;

(2) the term "Foundation" means the South Dakota Game, Fish and Parks Foundation, a nonprofit corporation under the laws of the State of South Dakota with its principal office in South Dakota;

(3) the term "pumping and incidental operational requirements" means all power requirements incident to the operation of intake facilities, pumping stations, water treatment facilities, reservoirs, and pipelines up to the point of delivery of water by the Mid-Dakota Rural Water System to—

(A) each entity that distributes water at retail to individual users; or

(B) each rural use location;

(4) the term "rural use location" includes a water use location—

(A) that is located in or in the vicinity of a municipality identified in appendix A of the feasibility report, for which municipality and vicinity there was on December 31, 1988, no entity engaged in the business of distributing water at retail to users in that municipality or vicinity; and

(B) that is one of no more than 40 water use locations in that municipality and vicinity;

(5) the term "Secretary" means the Secretary of the Interior;

(6) the term "summer electrical season" means May through October of each year;

(7) the term "water system" means the Mid-Dakota Rural Water System, substan-

tially in accordance with the feasibility study;

(8) the term "Western" means the Western Area Power Administration;

(9) the term "wetland component" means the wetland development and enhancement component of the water system, substantially in accordance with the wetland component report;

(10) the term "wetland component report" means the report entitled "Wetlands Development and Enhancement Component of the Mid-Dakota Rural Water System" dated April 1990; and

(11) the term "wetland trust" means a trust established in accordance with section 11(b) and operated in accordance with section 11(c).

SEC. 1903. FEDERAL ASSISTANCE FOR RURAL WATER SYSTEM.

(a) IN GENERAL.—The Secretary is authorized to make grants and loans to Mid-Dakota Rural Water System, Inc., a nonprofit corporation, for the planning and construction of the water system.

(b) SERVICE AREA.—The water system shall provide for safe and adequate municipal, rural, and industrial water supplies, mitigation of wetland areas, and water conservation in Beadle County (including the city of Huron), Buffalo, Hand, Hughes, Hyde, Jerauld, Potter, Sanborn, Spink, and Sully Counties, and elsewhere in South Dakota.

(c) TERMS AND CONDITIONS.—The Secretary shall make the grants and loans authorized by subsection (a) on terms and conditions equivalent to those applied by the Secretary of Agriculture in providing assistance to projects for the conservation, development, use, and control of water under section 306(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1926(a)), except to the extent that those terms and conditions are inconsistent with this title.

(d) AMOUNT OF GRANTS.—Grants made available under subsection (a) to Mid-Dakota Rural Water System, Inc. and water conservation measures consistent with section 1905 of this title shall not exceed 85 percent of the amount authorized to be appropriated by section 1912 of this title.

(e) LOAN TERMS.—

(1) a loan or loans made to Mid-Dakota Rural Water System, Inc. under the provisions of this title shall be repaid, with interest, within thirty years from the date of each loan or loans and no penalty for prepayment; and

(2) interest on a loan or loans made under subsection (a) to Mid-Dakota Rural Water System, Inc.—

(A) shall be determined by the Secretary of the Treasury on the basis of the weighted average yield of all interest bearing, marketable issues sold by the Treasury during the fiscal year in which the expenditures by the United States were made; and

(B) shall not accrue during planning and construction of the water system, and the first payment on such a loan shall not be due until after completion of construction of the water system.

(f) LIMITATION ON AVAILABILITY OF CONSTRUCTION FUNDS.—The Secretary shall not obligate funds for the construction of the Mid-Dakota Water Supply System until—

(1) the requirements of the National Environmental Policy Act of 1969 have been met; and,

(2) a final engineering report has been prepared and submitted to the Congress for a period of not less than ninety days.

(g) COORDINATION WITH THE DEPARTMENT OF AGRICULTURE.—

(1) The Secretary shall coordinate with the Secretary of Agriculture, to the maximum extent practicable, grant and loan assistance made under this section with similar assistance available under the Consolidated Farm and Rural Development Act (7 U.S.C. 1921 et seq.).

(2) The Secretary of Agriculture shall take into consideration grant and loan assistance available under this section when considering whether to provide similar assistance available under the Consolidated Farm and Rural Development Act (7 U.S.C. 1921 et seq.) to an applicant in the service area defined in subsection (b).

SEC. 1904. FEDERAL ASSISTANCE FOR WETLAND DEVELOPMENT AND ENHANCEMENT.

(a) INITIAL DEVELOPMENT.—The Secretary shall make grants and otherwise make funds available to Mid-Dakota Rural Water System, Inc. and other private, State, and Federal entities for the initial development of the wetland component.

(b) OPERATION AND MAINTENANCE.—The Secretary shall make a grant, providing not to exceed $100,000 annually, to the Mid-Dakota Rural Water System, Inc., for the operation and maintenance of the wetland component.

(c) NONREIMBURSEMENT.—Funds provided under this section shall be nonreimbursable and nonreturnable.

SEC. 1905. WATER CONSERVATION.

(a) WITHHOLDING OF FUNDS.—The Secretary shall not obligate Federal funds for construction of the water system until the Secretary finds that non-Federal entities have developed and implemented water conservation programs throughout the service area of the water system.

(b) PURPOSE OF PROGRAMS.—The water conservation programs required by subsection (a) shall be designed to ensure that users of water from the water system will use the best practicable technology and management techniques to reduce water use and water system costs.

(c) DESCRIPTION OF PROGRAMS.—Such water conservation programs shall include (but are not limited to) adoption and enforcement of the following—

(1) low consumption performance standards for all newly installed plumbing fixtures;

(2) leak detection and repair programs;

(3) metering for all elements and individual connections of the rural water supply systems to be accomplished within five years. (For purposes of this paragraph, residential buildings of more than four units may be considered as individual customers);

(4) declining block rate schedules shall not be used for municipal households and special water users (as defined in the feasibility study);

(5) public education programs; and

(6) coordinated operation among each rural water system and the preexisting water supply facilities in its service area.

Such programs shall contain provisions for periodic review and revision, in cooperation with the Secretary.

SEC. 1906. MITIGATION OF FISH AND WILDLIFE LOSSES.

Mitigation for fish and wildlife losses incurred as a result of the construction and operation of the water system shall be on an acre for acre basis, based on ecological equivalency, concurrent with project construction.

SEC. 1907. USE OF PICK-SLOAN POWER.

(a) IN GENERAL.—From power designated for future irrigation and drainage pumping for the Pick-Sloan Missouri River Basin Program, Western shall make available the capacity and energy required to meet the pumping and incidental operational requirements of the water system during the summer electrical season.

(b) CONDITIONS.—The capacity and energy described in subsection (a) shall be made available on the following conditions:

(1) The water system shall be operated on a not-for-profit basis.

(2) The water system shall contract to purchase its entire electric service requirements, including the capacity and energy made available under subsection (a), from a cooperative power supplier which purchases power from a cooperative power supplier which itself purchases power from Western.

(3) The rate schedule applicable to the capacity and energy made available under subsection (a) shall be Western's Pick-Sloan Eastern Division Firm Power Rate Schedule in effect when the power is delivered by Western.

(4) It shall be agreed by contract among—

(A) Western;

(B) the power supplier with which the water system contracts under paragraph (2);

(C) that entity's power supplier; and

(D) Mid-Dakota Rural Water System, Inc.,

that for the capacity and energy made available under subsection (a), the benefit of the rate schedule described in paragraph (3) shall be passed through to the water system, but the water system's power supplier shall not be precluded from including in its charges to the water system for such electric service its other usual and customary charges.

(5) Mid-Dakota Rural Water System, Inc., shall pay its power supplier for electric service, other than for capacity and energy supplied pursuant to subsection (a), in accordance with the power supplier's applicable rate schedule.

SEC. 1908. RULE OF CONSTRUCTION.

This title shall not be construed to limit authorization for water projects in the State of South Dakota under existing law or future enactments.

SEC. 1909. WATER RIGHTS.

Nothing in this title shall be construed to—

(1) invalidate or preempt State water law or an interstate compact governing water;

(2) alter the rights of any State to any appropriated share of the waters of any body of surface or ground water, whether determined by past or future interstate compacts or by past or future legislative or final judicial allocations;

(3) preempt or modify any State or Federal law or interstate compact dealing with water quality or disposal; or

(4) confer upon any non-Federal entity the ability to exercise any Federal right to the waters of any stream or to any ground water resources.

SEC. 1910. USE OF GOVERNMENT FACILITIES.

The use of and connection of water system facilities to Government facilities at the Oahe powerhouse and pumping plant and their use for the purpose of supplying water to the water system may be permitted to the extent that such use does not detrimentally affect the use of those Government facilities for the other purposes for which they are authorized.

SEC. 1911. WETLAND TRUST.

(a) FEDERAL CONTRIBUTIONS.—The Secretary shall make a Federal contribution to a wetland trust that is—

(1) established in accordance with subsection (b); and

(2) operated in accordance with subsection (c), in the amount of $3,000,000 in the first

year in which a contribution is made and $1,000,000 in each of the following four years.

(b) ESTABLISHMENT OF WETLAND TRUST.—A wetland trust is established in accordance with this subsection if—

(1) the wetland trust is administered by the Foundation;

(2) the Foundation is under the direction of a Board of Directors that has power to manage all affairs of the Foundation, including administration, data collection, and implementation of the purposes of the wetland trust;

(3) members of the Board of Directors of the Foundation serve without compensation;

(4) the corporate purposes of the Foundation in administering the wetland trust are to preserve, enhance, restore, and manage wetland and associated wildlife habitat in the State of South Dakota;

(5) an advisory committee is created to provide the Board of Directors of the Foundation with necessary technical expertise and the benefit of a multiagency perspective;

(6) the advisory committee described in paragraph (5) is composed of—

(A) 1 member of the staff of the Wildlife Division of the South Dakota Department of Game, Fish and Parks, appointed by the Secretary of that department;

(B) 1 member of the United States Fish and Wildlife Service, appointed by the Director of Region 6 of the United States Fish and Wildlife Service; and

(C) 1 representative from the Department of Agriculture, as determined by the Secretary of Agriculture; and

(D) 3 residents of the State of South Dakota who are members of wildlife or environmental organizations, appointed by the Governor of the State of South Dakota; and

(7) the wetland trust is empowered to accept non-Federal donations, gifts, and grants.

(c) OPERATION OF WETLAND TRUST.—The wetland trust shall be considered to be operated in accordance with this subsection if—

(1) the wetland trust is operated to preserve, enhance, restore, and manage wetlands and associated wildlife habitat in the State of South Dakota;

(2) under the corporate charter of the Foundation, the Board of Directors, acting on behalf of the Foundation, is empowered to—

(A) acquire lands and interests in land and power to acquire water rights (but only with the consent of the owner);

(B) acquire water rights; and

(C) finance wetland preservation, enhancement, and restoration programs;

(3)(A) all funds provided to the wetland trust under subsection (a) are to be invested in accordance with subsection (d);

(B) no part of the principal amount (including capital gains thereon) of such funds are to be expended for any purpose; and

(C) the income received from the investment of such funds is to be used only for purposes and operations in accordance with this subsection or, to the extent not required for current operations, reinvested in accordance with subsection (d);

(D) income earned by the wetland trust (including income from investments made with funds other than those provided to the wetland trust under subsection (a)) is used to—

(i) enter into joint ventures, through the Division of Wildlife of the South Dakota Department of Game, Fish and Parks, with public and private entities or with private landowners to acquire easements or leases or to purchase wetland and adjoining upland; or

(ii) pay for operation and maintenance of the wetland component;

(E) when it is necessary to acquire land other than wetland and adjoining upland in connection with an acquisition of wetland and adjoining upland, wetland trust funds (including funds other than those provided to the wetland trust under subsection (a) and income from investments made with such funds) are to be used only for acquisition of the portions of land that contain wetland and adjoining upland that is beneficial to the wetland;

(F) all land purchased in fee simple with wetland trust funds shall be dedicated to wetland preservation and use; and

(G)(i) proceeds of the sale of land or any part thereof that was purchased with wetland trust funds are to be remitted to the wetland trust;

(ii) management, operation, development, and maintenance of lands on which leases or easements are acquired;

(iii) payment of annual lease fees, one-time easement costs, and taxes on land areas containing wetlands purchased in fee simple;

(iv) payment of personnel directly related to the operation of the wetland trust, including administration; and

(v) contractual and service costs related to the management of wetland trust funds, including audits.

(4) the Board of Directors of the Foundation agrees to provide such reports as may be required by the Secretary and makes its records available for audit by Federal agencies; and

(5) the advisory committee created under subsection (b)—

(A) recommends criteria for wetland evaluation and selection: *Provided*, That income earned from the Trust shall not be used to mitigate or compensate for wetland damage caused by Federal water projects;

(B) recommends wetland parcels for lease, easement, or purchase and states reasons for its recommendations; and

(C) recommends management and development plans for parcels of land that are purchased.

(d) INVESTMENT OF WETLAND TRUST FUNDS.—(1) The Secretary, in consultation with the Secretary of the Treasury, shall establish requirements for the investment of all funds received by the wetland trust under subsection (a) or reinvested under subsection (c)(3).

(2) The requirements established under paragraph (1) shall ensure that—

(A) funds are invested in accordance with sound investment principles; and

(B) the Board of Directors of the Foundation manages such investments and exercises its fiduciary responsibilities in an appropriate manner.

SEC. 1912. AUTHORIZATION OF APPROPRIATIONS.

(a) WATER SYSTEM.—There are authorized to be appropriated to the Secretary $100,000,000 for the planning and construction of the water system under section 1903, plus such sums as are necessary to defray increases in development costs reflected in appropriate engineering cost indices after October 1, 1989, such sums to remain available under expended.

(b) WETLAND COMPONENT.—There are authorized to be appropriated to the Secretary—

(1) $2,756,000 for the initial development of the wetland component under section 1904;

(2) such sums as are necessary for the operation and maintenance of the wetland component, not exceeding $100,000 annually, under section 1904; and

(3) $7,000,000 for the Federal contribution to the wetland trust under section 1911.

TITLE XX—LAKE ANDES-WAGNER, SOUTH DAKOTA

SEC. 2001. DRAINAGE DEMONSTRATION PROGRAMS.

(a) The Secretary, acting pursuant to existing authority under the Federal reclamation laws, shall, through the Bureau of Reclamation, and with the assistance and cooperation of an oversight committee (hereafter "Oversight Committee") consisting of representatives of the Bureau of Indian Affairs, Environmental Protection Agency, United States Fish and Wildlife Service, United States Geological Survey, South Dakota Department of Game, Fish and Parks, South Dakota Department of Water and Natural Resources, Yankton-Sioux Tribe, and the Lake Andes-Wagner Water System, Inc. carry out a demonstration program (hereafter in this title the "Demonstration Program") in substantial accordance with the "Lake Andes-Wagner-Marty II Demonstration Program Plan of Study," dated May 1990, a copy of which is on file with the Committee on Interior and Insular Affairs of the House of Representatives and the Committee on Energy and Natural Resources of the Senate. Such Demonstration Program shall be conducted in accordance with the environmental analysis and documentation requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(b) The objectives of the Demonstration Program shall include:

(1) development of accurate and definitive means of quantifying projected irrigation and drainage requirements, and providing reliable estimates of drainage return flow quality and quantity, with respect to glacial till and other soils found in the specific areas to be served with irrigation water by the planned Lake Andes-Wagner Unit and Marty II Unit and which may also have application to the irrigation and drainage of similar soils found in other areas of the United States;

(2) development of best management practices for the purpose of improving the efficiency of irrigation water use and developing and demonstrating management techniques and technologies for glacial till soils which will prevent or otherwise ameliorate the degradation of water quality by irrigation practices;

(3) investigation and demonstration of the potential for development and enhancement of wetlands and fish and wildlife within and adjacent to the service areas of the planned Lake Andes-Wagner Unit and the Marty II Unit through the application of water, and other management practices;

(4) investigation and demonstration of the suitability of glacial till soils for crop production under irrigation, giving special emphasis to crops of Agricultural Commodities for which an acreage reduction program is in effect under the provisions of the Agriculture Act of 1949 (7 U.S.C. 1462 et seq.) or by any successor programs established for crop years subsequent to 1990.

(c) Study sites shall be obtained through leases from landowners who voluntarily agree to participate in the Demonstration Program under the following conditions—

(1) rentals paid under a lease shall be based on the fair rental market value prevailing for dry land farming of lands of similar quantity and quality plus a payment representing reasonable compensation for inconveniences to be encountered by the lessor;

(2) the Demonstration Program shall provide for the—

(A) supply all water, delivery system, pivot systems and drains;

(B) operation and maintenance of the irrigation system;

(C) Secretary of Agriculture to supply all seed, fertilizers and pesticides and make standardized equipment;

(D) Secretary of Agriculture to determine crop rotations and cultural practices; and

(E) Secretary and Secretary of Agriculture to have unrestricted access to leased lands;

(3) the Secretary and the Secretary of Agriculture may, in accordance with the Demonstration Program contract with the lessor and/or custom operators to accomplish agricultural work, which work shall be performed in accordance with the Demonstration Program;

(4) no grazing may be performed on a study site;

(5) crops grown shall be the property of the United States; and

(6) at the conclusion of the lease, the lands involved will, to the extent practicable, be restored by the Secretary to their preleased condition at no expense to the lessor.

(d) The Secretary of Agriculture shall offer crops grown under the Demonstration Program for sale to the highest bidder under terms and conditions to be prescribed by the Secretary of Agriculture. Any crops not sold shall be disposed of as the Secretary of Agriculture determines to be appropriate, except that no crop may be given away to any for-profit entity or farm operator. All receipts from crop sales shall be covered into the Treasury to the credit of the fund from which appropriations for the conduct of the Demonstration Program are derived.

(e) The land from each ownership in a study site shall be established by the Secretary as a separate farm. The Secretary of Agriculture shall provide for lessors to preserve the cropland base and history on lands leased to the Demonstration Project under the same terms and conditions provided for under section 1236(b) of the Food Security Act of 1985 (7 U.S.C. 3836(b)). Establishment of such study site farms shall not entitle the Secretary to participate in farm programs or to build program base.

(f) The Secretary shall periodically, but not less often than once a year, report to the Committee on Interior and Insular Affairs, the Committee on Agriculture, and the Committee on Merchant Marine and Fisheries of the House of Representatives, to the Committee on Energy and Natural Resources and the Committee on Agriculture, Nutrition, and Forestry of the Senate, and to the Governor of South Dakota concerning the activities undertaken pursuant to this section. The Secretary's reports and other information and data developed pursuant to this section shall be available to the public without charge. Each Demonstration Program report, including the report referred to in paragraph (3) of this subsection, shall evaluate data covering the results of the Demonstration Program as carried out in the six study sites during the period covered by the report together with data developed under the wetlands enhancement aspect during that period. The demonstration phase of the Demonstration Program shall terminate at the conclusion of the fifth full irrigation season. Promptly thereafter, the Secretary shall—

(1) remove temporary facilities and equipment and restore the study sites as nearly as practicable to their prelease condition. The Secretary may transfer the pumping plant and/or distribution lines to public agencies for uses other than commercial irrigation if so doing would be less costly than removing such equipment;

(2) otherwise wind up the Demonstration Program; and

(3) prepare in coordination with the Secretary of Agriculture a concluding report and recommendations covering the entire demonstration phase, which report shall be transmitted by the Secretary to the Congress and to the Governor of South Dakota not later than April 1 of the calendar year following the calendar year in which the demonstration phase of the Demonstration Program terminates. The Secretary's concluding report, together with other information and data developed in the course of the Demonstration Program, shall be available to the public without charge.

(g) Costs of the Demonstration Program funded by Congressional appropriations shall be accounted for pursuant to the Act of October 29, 1971 (85 Stat. 416). Costs incurred by the State of South Dakota and any agencies thereof arising out of consultation and participation in the Demonstration Program shall not be reimbursed by the United States.

(h) Funding to cover expenses of the Federal agencies participating in the Demonstration Program shall be included in the budget submittals for the Bureau of Reclamation. The Secretary, using only funds appropriated for the Demonstration Program, shall transfer to the other Federal agencies funds in amounts sufficient to offset expenses incurred under this title.

SEC. 2002. PLANNING REPORTS—ENVIRONMENTAL IMPACT STATEMENTS.

(a) On the basis of the concluding report and recommendations of the Demonstration Program provided for in section 2001, the Secretary shall comply with the study and reporting requirements of the National Environmental Policy Act and regulations issued to implement the provisions thereof with respect to the Lake Andes-Wagner Unit and Marty II Unit. The final reports prepared under this subsection shall be transmitted to the Congress simultaneously with their filing with the Environmental Protection Agency.

(b) Each report prepared under subsection (a) shall include a detailed plan providing for the prevention or avoidance of adverse water quality conditions attributable to agricultural drainage water originating from lands to be irrigated by the Unit to which the report pertains. The Department shall not recommend that any such Unit be constructed unless the respective report prepared pursuant to subsection (a) is accompanied by findings by the Secretary of Agriculture, the Director of the United States Fish and Wildlife Service, and the Administrator of the Environmental Protection Agency that the Unit to which the report pertains can be constructed, operated and maintained so as to comply with all applicable water quality standards and avoid all adverse effects to fish and wildlife resulting from the bioaccumulation of selenium.

SEC. 2003. INDIAN EMPLOYMENT.

In carrying out this title, preference shall be given to the employment of members of the Yankton-Sioux Tribe who can perform the work required regardless of age (subject to existing laws and regulations), sex, or religion, and to the extent feasible in connection with the efficient performance of such functions training and employment opportunities shall be provided members of the Yankton-Sioux Tribe regardless of age (subject to existing laws and regulations), sex, or religion who are not fully qualified to perform such functions.

SEC. 2004. FEDERAL RECLAMATION LAWS.

This title is a supplement to the Federal reclamation laws (Act of June 17, 1902, 32 Stat. 388, and Acts supplemental thereto and amendatory thereof).

SEC. 2005. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such amounts as may be necessary to carry out the Demonstration Program authorized by this title.

Of the amounts appropriated pursuant to this section, 5 percent of the total shall be utilized by the Director of the United States Fish and Wildlife Service to fund projects on Western National Wildlife Refuges designed to mitigage the adverse effects of selenium on populations of fish and wildlife within such refuges.

TITLE XXI—INSULAR AREAS STUDY

SEC. 2101. FINDINGS.

The Congress hereby finds and declares that assuring adequate supplies of water, sewerage, and power for the residents of American Samoa, Guam, the Northern Mariana Islands, Puerto Rico, the Trust Territory of the Pacific Islands, and the Virgin Islands has become a problem of such magnitude that the welfare and prosperity of these insular areas require the Federal Government to assist in finding permanent, long-term solutions to their water, sewerage, and power problems.

SEC. 2102. AUTHORIZATION OF STUDY.

The Secretary of the Interior is authorized and directed to undertake a comprehensive study of how the long-term water, sewerage, and power needs of American Samoa, Guam, the Northern Mariana Islands, Puerto Rico, the Trust Territory of the Pacific Islands, and the Virgin Islands can be resolved. Such study shall be conducted in consultation with the governments of these insular areas.

SEC. 2103. REQUIREMENTS OF STUDY.

Such study shall include for each jurisdiction, but not be limited to—

(1) an assessment of the magnitude and extent of current and expected needs;

(2) an assessment of how the needs can be resolved;

(3) the costs and benefits of alternative solutions;

(4) the need for additional legal authority for the President to take actions to meet the needs; and,

(5) specific recommendations for the role of the Federal Government and each insular government in solving the needs.

SEC. 2104. THE INSULAR AREAS ENERGY ASSISTANCE AMENDMENT OF 1991.

Section 604 of the Act entitled "An Act to authorize appropriations for certain insular areas of the United States, and for other purposes", Public Law 96-597, as amended by Public Law 98-213 (48 U.S.C. 1492), is amended by adding the following subsection:

"(g)(1) There are hereby authorized to be appropriated $500,000 to the Secretary of Energy for each fiscal year for grants to insular area governments to carry out projects to evaluate the feasibility of, develop options for, and encourage the adoption of energy efficiency and renewable energy measures which reduce the dependence of the insular area on imported fuels and improve the quality of life in the insular area.

"(2) Factors which shall be considered in determining the amount of financial assistance to be provided for a proposed energy-efficiency or renewable energy grant under this subsection shall include, but not be limited to, the following—

"(A) whether the measure will reduce the relative dependence of the insular area on imported fuels;

"(B) the ease and costs of operation and maintenance of any facility contemplated as part of the project;

"(C) whether the project will rely on the use of conservation measures or indigenous, renewable energy resources that were identified in the report by the Secretary of Energy pursuant to this section or identified by the Secretary as consistent with the purposes of this section; and

"(D) whether the measure will contribute significantly to the quality of the environment in the insular area.".

TITLE XXII—SUNNYSIDE VALLEY IRRIGATION DISTRICT, WASHINGTON

SEC. 2201. CONVEYANCE TO SUNNYSIDE VALLEY IRRIGATION DISTRICT.

The Secretary of the Interior shall convey to Sunnyside Valley Irrigation District of Sunnyside, Washington, by quitclaim deed or other appropriate instrument and without consideration, all right, title, and interest of the United States, excluding oil, gas, and other mineral deposits, in and to a parcel of public land described at lots 1 and 2 of block 34 of the town of Sunnyside in section 25, township 10 north, range 22 east, Willamette Meridian, Washington.

TITLE XXIII—PLATORO DAM AND RESERVOIR, COLORADO

SEC. 2301. FINDINGS AND DECLARATIONS.

The Congress finds and declares the following:

(1) Platoro Dam and Reservoir of the Platoro Unit of the Conejos Division of the San Luis Valley Project was built in 1951 and for all practical purposes has not been usable because of the constraints imposed by the Rio Grande Compact of 1939 on the use of the Rio Grande River among the States of Colorado, New Mexico, and Texas.

(2) The usefulness of Platoro Reservoir under future compact compliance depends upon the careful conservation and wise management of water and requires the operation of the reservoir project in conjunction with privately owned water rights of the local water users.

(3) It is in the best interest of the people of the United States to—

(A) transfer operation, maintenance, and replacement responsibility for the Platoro Dam and Reservoir to the Conejos Water Conservancy District of the State of Colorado, which is the local water user district with repayment responsibility to the United States, and the local representative of the water users with privately owned water rights;

(B) relieve the people of the United States from further financial risk or obligation in connection with the collection of construction charge repayments and annual operation and maintenance payments for the Platoro Dam and Reservoir by providing for payment of a one-time fee to the United States in lieu of the scheduled annual payments and termination of any further repayment obligation to the United States pursuant to the existing repayment contract between the United States and the District (Contract No. Ilr-1529, as amended); and

(C) determine such one time fee, taking into account the assumption by the District of all of the operations and maintenance costs associated with the reservoir, including the existing Federal obligation for the operation and maintenance of the reservoir for flood control purposes, and taking into account 50 percent sharing of the cost of maintaining a minimum stream flow as provided in section 2(d) of this title.

SEC. 2302. TRANSFER OF OPERATION AND MAINTENANCE RESPONSIBILITY OF PLATORO RESERVOIR.

(a) IN GENERAL.—The Secretary is authorized and directed to undertake the following:

(1) Accept a one-time payment of $450,000 from the District in lieu of the repayment obligation of paragraphs 8(d) and 11 of the Repayment Contract between the United States and the District (No. Ilr-1529) as amended.

(2) Enter into an agreement for the transfer of all of the operation and maintenance functions of the Platoro Dam and Reservoir, including the operation and maintenance of the reservoir for flood control purposes, to the District. The agreement shall provide—

(A) that the District will have the exclusive responsibility for operations and the sole obligation for all of the maintenance of the reservoir in a satisfactory condition for the life of the reservoir subject to review of such maintenance by the Secretary to ensure compliance with reasonable operation, maintenance and dam safety requirements as they apply to Platoro Dam and Reservoir under Federal and State law; and

(B) that the District shall have the exclusive use and sole responsibility for maintenance of all associated facilities, including outlet works, remote control equipment, spillway, and land and buildings in the Platoro townsite. The District shall have sole responsibility for maintaining the land and buildings in a condition satisfactory to the United States Forest Service.

(b) TITLE.—Title to the Platoro Dam and Reservoir and all associated facilities shall remain with the United States, and authority to make recreational use of Platoro Dam and Reservoir shall be under the control and supervision of the United States Forest Service, Department of Agriculture.

(c) AMENDMENTS TO CONTRACT.—The Secretary is authorized to enter into such other amendments to such Contract Numbered Ilr-1529, as amended, necessary to facilitate the intended operations of the project by the District. All applicable provisions of the Federal reclamation laws shall remain in effect with respect to such contract.

(d) CONDITIONS IMPOSED UPON THE DISTRICT.—The transfer of operation and maintenance responsibility under subsection (a) shall be subject to the following conditions:

(1)(A) The District will, after consultation with the United States Forest Service, Department of Agriculture, operate the Platoro Dam and Reservoir in such a way as to provide—

(i) that releases or bypasses from the reservoir flush out the channel of the Conejos River periodically in the spring or early summer to maintain the hydrologic regime of the river; and

(ii) that any releases from the reservoir contribute to even flows in the river as far as possible from October 1 to December 1 so as to be sensitive to the brown trout spawn.

(B) Operation of the Platoro Dam and Reservoir by the District for water supply uses (including storage and exchange of water rights owned by the District or its constituents), interstate compact and flood control purposes shall be senior and paramount to the channel flushing and fishery objectives referred to in subparagraph (A).

(2) The District will provide and maintain a permanent pool in the Platoro Reservoir for fish, wildlife, and recreation purposes, in the amount of 3,000 acre-feet, including the initial filling of the pool and periodic replenishment of seepage and evaporation loss: *Provided, however*, That if necessary to maintain the winter instream flow provided in subparagraph (3), the permanent pool may be allowed to be reduced to 2,400 acre-feet.

(3) In order to preserve fish and wildlife habitat below Platoro Reservoir, the District shall maintain releases of water from Platoro Reservoir of at least 7 cubic feet per second during the months of October through April and shall bypass 40 cubic feet per second or natural inflow, whichever is less, during the months of May through September.

(4) The United States Forest Service, Department of Agriculture, is directed to monitor operation of Platoro Reservoir regularly including releases from it for instream flow purposes and to enforce the provisions of this subsection under the laws, regulations, and rules applicable to the National Forest System.

(e) FLOOD CONTROL MANAGEMENT.—The Secretary of the Army, acting through the Chief of Engineers, shall retain exclusive authority over Platoro Dam and Reservoir for flood control purposes and shall direct the District in the operation of the dam for such purposes. To the extent possible, management by the Secretary of the Army under this shall be consistent with the water supply use of the reservoir, with the administration of the Rio Grande Compact of 1939 by the Colorado State Engineer and with the provisions of subsection (d) hereof. The Secretary of the Army shall enter into a Letter of Understanding with the District and the United States Bureau of Reclamation prior to transfer of operations which details the responsibility of each party and specifies the flood control criteria for the reservoir.

(f) COMPLIANCE WITH COMPACT AND OTHER LAWS.—The transfer under section 2 shall be subject to the District's compliance with the Rio Grande Compact of 1939 and all other applicable laws and regulations, whether of the State of Colorado or of the United States.

SEC. 2303. DEFINITIONS.

As used in this title—

(1) the term "District" means the Conejos Water Conservancy District of the State of Colorado;

(2) the term "Federal reclamation laws" means the Act of June 17, 1902 (32 Stat. 388), and Acts supplementary thereto and amendatory thereof;

(3) the term "Platoro Reservoir" means the Platoro Dam and Reservoir of the Platoro Unit of the Conejos Division of the San Luis Valley Project; and

(4) the term "Secretary" means the Secretary of the Interior.

TITLE XXIV—SLY PARK UNIT, CENTRAL VALLEY PROJECT

SEC. 2401. SHORT TITLE.

This title may be cited as the "Sly Park Unit Sale Act".

SEC. 2402. SALE OF THE SLY PARK UNIT.

(a) IN GENERAL.—The Secretary shall, as soon as practicable after the date of enactment of this title, sell the Sly Park Unit to the El Dorado Irrigation District.

(b) SALE PRICE.—The sale price shall not exceed—

(1) the construction costs as included in the accounts of the Secretary, plus

(2) interest on the construction costs allocated to domestic use at the authorized rate included in enactment of the Act of October 14, 1949 (63 Stat. 852) up to an agreed upon date, plus

(3) the presently assigned Federal operation and maintenance costs, less

(4) all revenues to date as collected under the terms of the contract (14-06-200-949) between the United States and the El Dorado Irrigation District.

(c) TERMS OF PAYMENT.—The Secretary may negotiate for a payment of the purchase price on a lump-sum basis or on a semi-

annual basis for a term of not to exceed twenty years. If payment is not to be lump-sum, then the interest rate to be paid by the District shall be the rate referred to in subsection (b)(2).

(d) CONVEYANCE.—Upon completion of payment by the District, the Secretary shall convey to the El Dorado Irrigation District all right, title, and interest of the United States in and to the Sly Park Unit. All costs associated with the transfer shall be borne by the District.

SEC. 2403. DEFINITIONS.

For purposes of this title, the term—

(1) "El Dorado Irrigation District" or "District" means a political subdivision of the State of California duly organized, existing, and acting pursuant to the laws thereof with its principal place of business in the city of Placerville, El Dorado County, California.

(2) "Secretary" means the Secretary of the Interior.

(3) "Sly Park Unit" means the Sly Park Dam and Reservoir, Camp Creek Diversification Dam and Tunnel and conduits and canals as authorized under the American River Act of October 14, 1949 (63 Stat. 852).

TITLE XXV—COST FOR DELIVERY OF WATER USED TO PRODUCE THE CROPS OF CERTAIN AGRICULTURAL COMMODITIES

SEC. 2501. COST FOR DELIVERY OF WATER USED TO PRODUCE THE CROPS OF CERTAIN AGRICULTURAL COMMODITIES.

Section 9 of the Reclamation Projects Act of 1939 (43 U.S.C. 485h) is amended by inserting at the end thereof the following new subsection:

"(g)(1) All contracts entered into, renewed, or amended under authority of this section or any other provision of Federal reclamation law after—

"(A) two years after the date of the enactment of this subsection shall require that the organization agree by contract with the Secretary to pay at least 50 percent of full cost for the delivery of water used in the production of any crop of an agricultural commodity for which an acreage reduction program is in effect under the provisions of the Agricultural Act of 1949, if the stocks of such commodity in Commodity Credit Corporation storage exceed an amount that the Secretary of Agriculture determines is necessary to provide for a reserve of such commodity that can reasonably be expected to meet a shortage of such commodity caused by drought, natural disaster, or other disruption in the supply of such commodity, as determined by the Secretary of Agriculture; and

"(B) four years after the date of the enactment of this subsection shall require that the organization agree by contract with the Secretary to pay at least full cost for the delivery of water used in the production of any crop of an agricultural commodity for which an acreage reduction program is in effect under the provisions of the Agricultural Act of 1949, if the stocks of such commodity in Commodity Credit Corporation storage exceed an amount that the Secretary of Agriculture determines is necessary to provide for a reserve of such commodity that can reasonably be expected to meet a shortage of such commodity caused by drought, natural disaster, or other disruption in the supply of such commodity, as determined by the Secretary of Agriculture.

"(2) The Secretary shall announce the amount of the full cost payment for the succeeding year on or before July 1 of each year.

"(3) As used in this subsection, the term 'full cost' shall have the meaning given such term in paragraph (3) of section 202 of the Reclamation Reform Act of 1982.

"(4) This subsection shall not apply to—

"(A) any contract which provides for irrigation on individual Indian or tribal lands on which repayment is deferred pursuant to the Act of July 1, 1932 (chap. 369; 47 Stat. 564; 25 U.S.C. 386(a); commonly referred to as the 'Levitt Act');

"(B) an amendment of any contract with any organization which, on the date of enactment of this subsection, is required pursuant to a contract with the Secretary as a condition precedent to the delivery of water to make cash contributions of at least 20 percent of the cost of construction of irrigation facilities by the Secretary;

"(C) any contract which carries out the provisions of the Garrison Diversion Unit Reformulation Act of 1986 (Public Law 99-294), 100 Stat. 418; and

"(D) water delivered to any agricultural producer who is not a participant in any acreage reduction program in effect under the Agricultural Act of 1949.".

TITLE XXVI—HIGH PLAINS GROUNDWATER PROGRAM

SEC. 2601. HIGH PLAINS STATES GROUNDWATER DEMONSTRATION PROGRAM ACT.

The High Plains States Groundwater Demonstration Program Act of 1983 (43 U.S.C. 390g-1 et seq.) is amended as follows:

(1) Section 4(c)(2) and section 5 are each amended by striking "final report" each place it appears and inserting "summary report".

(2) Section 4(c) is amended by adding at the end the following:

"(3) In addition to recommendations made under section 3, the Secretary shall make additional recommendations for design, construction, and operation of demonstration projects. Such projects are authorized to be designed, constructed, and operated in accordance with subsection (a).

"(4) Each project under this section shall terminate 5 years after the date on which construction on the project is completed.

"(5) At the conclusion of phase II the Secretary shall submit a final report to the Congress which shall include, but not be limited to, a detailed evaluation of the projects under this section.".

(3) Section 7 is amended by striking "$20,000,000 (October 1983 price levels)" and inserting in lieu thereof "$34,000,000 (October 1990 price levels) plus or minus such amounts, if any, as may be required by reason of ordinary fluctuations in construction costs as indicated by engineering cost indexes applicable to the type of construction involved herein".

TITLE XXVII—SOLANO PROJECT TRANSFER AND PUTAH CREEK IMPROVEMENT

SEC. 2701. SHORT TITLE.

This title may be cited as the "Solano Project Transfer and Putah Creek Improvement Act".

SEC. 2702. FINDINGS AND PURPOSE.

(a) FINDINGS.—The Congress finds that—

(1) the Solano Project is a Federal reclamation project located in Solano, Yolo, and Napa Counties, California. The project was constructed by the United States between 1953 and 1958 for the purposes of providing water supply and incidental flood control benefits;

(2) the Solano Project supplies approximately 65 per centum of Solano County's public water supply;

(3) the California State Water Resources Control Board has granted, pursuant to California law, water rights permits to the Bureau of Reclamation for the Solano Project which establish that Solano County is the place of use for Solano Project water, with the exception of four thousand acre-feet used annually by the University of California-Davis in Yolo County pursuant to contract, and with a provisional reservation of up to thirty-three thousands acre-feet for the Putah Creek watershed above Monticello Dam;

(4) repayment of the Solano Project's reimbursable capital costs is the exclusive obligation of the Solano County Water Agencies, and said agencies have repaid more than half of these costs;

(5) the Solano County Water Agencies perform all operation and maintenance for the Solano Project under contract with the United States, and they have paid all operation and maintenance costs of the project;

(6) the Solano Project has no financial or physical interconnection with any other local, State, or Federal water project;

(7) the Solano Project impounds and diverts the waters of Putah Creek, which support riparian habitat, including a riparian reserve operated by the University of California, and both a cold water fishery and a warm water fishery;

(8) the United States Fish and Wildlife Service currently is preparing a Putah Creek Resource Management Plan; and,

(9) interested local public agencies and private organizations in Solano and Yolo Counties have formed an advisory group to provide advice regarding Putah Creek enhancement activities.

(b) PURPOSES.—The purposes of this title are—

(1) to convey to the Water Users fee title to the water supply facilities of the Solano Project upon payment to the United States by the Water Users of the sum calculated in accordance with section 2704 of this title;

(2) to provide for continuation of all public benefit purposes of the Solano Project;

(3) to protect Putah Creek fisheries, wildlife and riparian habitat, ground water recharge and diversion rights downstream of the Putah Diversion Dam in conformance with all applicable decisions and orders of the California State Water Resources Control Board and courts of competent jurisdiction, and all applicable State laws;

(4) to provide for enhancement of Putah Creek fisheries, wildlife and riparian habitat;

(5) to provide the Water Users with local ownership over their principal public water supply facilities;

(6) to eliminate significant Federal liabilities; and,

(7) to benefit the Federal Treasury from such payment and title transfer.

SEC. 2703. DEFINITIONS.

For the purposes of this title, the term:

(a) "Book value" of the water supply facilities means an amount which equals the product of the depreciable facilities costs and the applicable depreciation factor.

(b) "Capital/O&M adjustment" means the amount in arrears, if any, of capital repayments or operation and maintenance expenses due pursuant to the water service contract, plus accrued interest.

(c) "Construction defect and dam safety adjustment" means $7,270,000 for purposes of this Act.

(d) "Depreciable facilities costs" means the reimbursable capital costs of the water supply facilities of the Project which are to be transferred.

(e) "Depreciation factor" means a percentage derived by calculating the number and fraction of years between the date of pur-

chase and the year 2033 and then dividing by 75.

(f) "Interim water releases" means: (1) releases into Lower Putah Creek of water owned by the Water Users, or any constituent entity thereof, in an amount not to exceed 2,700 acre-feet in 1991 and 3,000 acre-feet in 1992; and (2) releases into lower Putah Creek of water owned by the Yolo County Entities, or any member thereof, in an amount not to exceed 3,000 acre-feet in either 1991 or 1992.

(g) "Lower Putah Creek Coordinating Committee" means an advisory committee established to assist the Secretary in coordinating Federal, State and local efforts to protect and enhance the habitat of Putah Creek. This Committee is to consist of a maximum of fourteen members, up to seven of which are to be appointed by the Water Users and up to seven of which are to be appointed by the Yolo County Entities. The Committee is not an agency or establishment of the United States.

(h) "Lower Putah Creek" means that portion of Putah Creek extending from the Putah Diversion Dam to the Yolo Bypass in Yolo County, California.

(i) "Reimbursable capital costs" means the original reimbursable costs of the Solano Project, as set forth in the Bureau of Reclamation document entitled "Solano Project Statement of Project Construction Cost and Repayment," dated September 30, 1989 ("Solano Project Statement") attached as Appendix "A" in the report accompanying H.R. 429.

(j) "Remaining indebtedness" means the remaining balance of the reimbursable capital costs of the Solano Project, as set forth in the Solano Project Statement, and as adjusted thereafter to reflect any payments made prior to the date of transfer.

(k) "Secretary" means the Secretary of the Interior.

(l) "Solano County Water Agencies" means one or more public agencies in Solano County which have used water from the Solano Project and who are member agencies of the Water Users.

(m) "Solano Project" means the reclamation project described in House Document Numbered 65, Eighty-first Congress, first session (1949).

(n) "Water service contract" means the contract between the United States and the Solano County Flood Control and Water Conservation District for water service and for operation and maintenance of certain works of the Solano Project, dated March 7, 1955 (Contract No. 14-06-200-4090).

(o) "Water supplies facilities" means—

(1) the Monticello Dam and spillway;

(2) Lake Solano, its lands and facilities, and the Putah Diversion Dam;

(3) the Putah South Canal;

(4) all appurtenant facilities, lands, easements and rights-of-way.

This term does not include Lake Berryessa, its shoreline or any recreational features of the Solano Project, excepting recreational facilities leased and operated by Solano County on lands surrounding Lake Solano.

(p) "Water Users" means a public agency formed under the laws of the State of California duly organized and existing—

(1) including all member public agencies of the Solano Water Authority and the Solano County Water Agency, public agencies formed under the laws of the State of California;

(2) having a governing board in which a majority of the members are representatives of those local entities holding contracts for water from the Solano Project on the date of enactment of this title; and

(3) approved by both the Solano Water Authority and the Solano County Water Agency.

(q) "Yolo County Entities" means a group consisting of authorized representatives of the county of Yolo, the Yolo County Flood Control and Water Conservation District, the city of Davis, the city of Winters, the University of California at Davis, and the Putah Creek Council.

(r) "Uncontrolled Releases" means water bypassed or released at the Putah Diversion Dam which is not required to be released pursuant to section 2706(c) of this title, or to meet contract or state-law requirements.

SEC. 2704. TRANSFER OF THE SOLANO PROJECT WATER SUPPLY FACILITIES, OPERATIONS AGREEMENT AND PAYMENT.

(a) AGREEMENT.—The Secretary shall, as soon as practicable after the date of enactment of this title, enter into an agreement with the Water Users for the implementation of section 2705(b) of this title.

(b) The Secretary shall, upon execution of the agreement described in section 2704(a) of this title and payment of the sum calculated in accordance with section 2704(c) of this title, and subject to the provisions of sections 2706(a) and 2707(a) of this title, transfer to the Water Users all right, title and interest in and to the water supply facilities of the Solano Project described in section 2703(o).

(c) PRICE.—The price paid by the Water Users for the water supply facilities of the Solano Project shall be the amount which is the total of—

(1) the remaining indebtedness;

(2) the book value of the water supply facilities;

(3) any capital/O&M adjustment amount; and,

(4) all administrative costs incurred by the United States in effectuating the agreement and the transfer, less

(5) the dam safety and construction defect adjustment: *Provided, however*, That in no event shall the sum determined in subparagraphs (1)-(5) of this subsection above be less than 66 per centum of the original reimbursable capital costs of the water supply facilities of the Solano Project which are to be transferred.

SEC. 2705. RESPONSIBILITIES OF THE WATER USERS.

(a) Upon transfer of the water supply facilities, the Water Users shall, except as provided in this title: (1) assume all liability for administration, operation, and maintenance of said facilities and continue to provide for the operation thereof for the authorized Solano Project purposes including (but not limited to) all water supply contracts heretofore entered into by the Secretary; (2) protect Putah Creek fisheries, wildlife, riparian habitat, ground water recharge, and downstream diversion rights, including adhering to minimum water release schedules for Putah Creek downstream of Monticello Dam and Putah Diversion Dam in conformance with all applicable decision and orders of the State of California Water Resources Control Board and courts of competent jurisdiction and all applicable State laws; and (3) continue to provide the incidental flood control benefits currently enjoyed by downstream property owners on Putah Creek.

(b) The Water Users shall cooperate with the United States and the Lower Putah Creek Coordinating Committee to implement the supplemental releases for Putah Creek enhancement purposes mandated by section 2704. Such cooperation may include releasing Solano Project water from Monticello Dam and past the Putah Diversion Dam into Lower Putah Creek in exchange for water provided by the Secretary from other sources: *Provided*, That the Secretary shall pay the Water Users any actual costs that they may incur as a result of such exchange, less any savings that result from such exchange.

SEC. 2706. RESPONSIBILITIES OF THE UNITED STATES

(a) PRETRANSFER CONFIRMATION.—The Secretary may not transfer title to the water supply facilities of the Solano Project unless the Secretary confirms that all of the Solano Project member units have executed an agreement addressing their respective contractual entitlements. These member units are the city of Fairfield, Maine Prairie Water District, Solano Irrigation District, city of Suisun City, city of Vacaville, city of Vallejo, California Medical Facility, and University of California, Davis.

(b) RECREATION.—(1) The Secretary shall be responsible for, and retain full title to and jurisdiction and control over the surface of Lake Berryessa and Federal lands underlying and surrounding the Lake, and shall retain full title to all Lake Berryessa recreational facilities, exclusive of those properly constructed by concessionaires under applicable contracts; concessionaire contracts, interests in real property associated therewith; and similar associated rights and obligations. The Secretary shall consult with the State of California and local governments in Napa County, California, prior to implementing any change in operating procedures for such lands. The Secretary is authorized to enter into contracts or other agreements with Napa County, California, regarding land use controls, law enforcement, water supply, wastewater treatment, and other matters of concern within the boundaries of lands surrounding Lake Berryessa that were originally included in the lands acquired from the Solano Project.

(2) The Secretary, acting through the Bureau of Reclamation, is authorized to obtain water from Lake Berryessa consistent with its existing State water rights permit for recreational or other resource management purposes at Lake Berryessa, including that required for concession operation, in the manner, amounts, and at times as may be determined by the Bureau of Reclamation.

(3) The Secretary, acting through the Bureau of Reclamation, is authorized to make available, subject to appropriation, funds collected from recreation entrance and user fees, to local and/or State law enforcement agencies to enforce rules and regulations as are necessary for regulating the use of all project lands and waters associated with Lake Berryessa, and to protect the health, safety, and enjoyment of the public, and ensure the protection of project facilities and natural resources.

(4) The Secretary is hereby authorized to enter into joint future projects with Lake Berryessa concessionaires to develop, operate, and maintain such short-term recreational facilities as he deems necessary for the safety, health, protection, and outdoor recreational use by the visiting public, and, to amend existing concession agreements, including extending terms as necessary for amortization of concessionaire investments, to accommodate such joint future projects.

(5) The Secretary is authorized to assist, or enter into agreements with the State of California, or political subdivision thereof, or a non-Federal agency or agencies or organizations as appropriate, for the planning, development and construction of water and

wastewater treatment systems, which would result in the protection and improvement of the waters of Lake Berryessa.

(6) Funds collected from recreation entrance and user fees may be made available, subject to appropriation, for the operation, management and development of recreational and resource needs at Lake Berryessa.

(7) No activities upon the recreational interests hereby reserved to the United States shall, as determined by the Secretary after consultation with the Water Users, burden the Water Users' use of the water supply facilities of the Solano Project, reduce storage capacity or yield of Lake Berryessa, or degrade the Solano Project's water quality, except that, as described in subsection (b)(2) of this section, water will be made available for recreational and resource management purposes: *And provided further*, That this subsection will not apply to the particular Lake Berryessa recreational uses and operating procedures in existence on the date of the enactment of this legislation.

(8) Notwithstanding any provision in subsection (b) of this section, before the Secretary takes any action authorized by this subsection, including but not limited to the selection and/or approval of the Reservoir Area Management Plan (RAMP) for Lake Berryessa and surrounding lands, the Secretary shall consult with the County of Napa and determine that the proposed action is consistent with the Napa County General Plan, as amended.

(c) PUTAH CREEK ENHANCEMENT.—(1) The Secretary is authorized and directed to participate in a program to enhance the instream, riparian and environmental values of Putah Creek. Such program shall be at full Federal cost, shall cause no reduction in Solano Project supplies, and shall include but need not be limited to the following—

(A) the Secretary shall consult with the Lower Putah Creek Coordinating Committee and the Water Users and take appropriate actions to implement the recommendations contained in the United States Fish and Wildlife Service's Putah Creek Resource Management Plan;

(B) in order to enhance flows in Putah Creek which are prescribed by the California State Water Resources Control Board or courts of competent jurisdiction, arrangements as are necessary shall be made to provide at no net cost to any other party 3,000 acre-feet of supplemental water supply for releases into Putah Creek during "normal years," and 6,000 acre-feet of supplemental water supply for releases into Putah Creek during "dry years." "Normal years" are water years in which the total inflow into Lake Berryessa is greater than or equal to 150,000 acre-feet. "Dry years" are water years in which the total inflow into Lake Berryessa is less than 150,000 acre-feet. For the purposes of this paragraph, "water year" means each twelve month period beginning on October 1 and ending on the next September 30. These amounts to be released shall be in addition to any uncontrolled releases. The schedule for said supplemental releases shall be developed by the Secretary after consultation with the Lower Putah Creek Coordinating Committee. The Secretary is hereby authorized to enter into such agreements as may be necessary to effectuate this subsection;

(C) for purposes of more efficiently conveying and distributing the Lower Putah Creek such supplemental supplies and any additional amounts that the California State Water Resources Control Board or courts of competent jurisdiction may deem appropriate, the Secretary is authorized to construct water conveyance and distribution facilities at a cost of approximately $3,000,000; and

(D) to compensate for the cost associated with the 1991–1992 interim water releases, as defined in subsection 3(f), the Secretary is authorized and directed to supply to the Water Users and/or Yolo County Entities, or any member entities thereof providing the interim water releases, water in an amount equal to those interim water releases actually made or, in the alternative, to reimburse the parties making such releases for all costs associated with such releases.

(2) There are hereby authorized to be appropriated such sums as may be necessary to implement subsections (B), (C), and (D) of this section.

SEC. 2707. PAYMENT.

(a) PAYMENT.—The Secretary shall transfer all right, title, and interest in and to the water supply facilities of the Solano Project to the Water Users after the Secretary has received notification that the Water Users have made the payment specified in section 2704(b).

(b) DISPOSITION OF PAYMENT.—(1) All proceeds from the transfer of the Solano Project will be dedicated to environmental purposes. Eighty percent of the price paid for the water supply facilities of the Solano Project as specified in section 4(c) shall be deposited in a separate account by the Secretary. Interest from such account shall be utilized by the Secretary for matching grants with nonprofit organizations and institutions in California for fish and wildlife conservation. The remaining 20 percent paid for the water supply facilities shall be expended by the Secretary for the purpose of protecting and enhancing Lower Putah Creek, and may include expenditures for the purposes of acquiring property, including water rights, making improvements to property, and conducting studies and wildlife management activities. The portion of sale proceeds designated for Lower Putah Creek protection and enhancement shall thereafter be maintained by the Secretary in a separate account. Monies and interest from such account may be expended by the Secretary for the sole purpose of funding projects designed for Lower Putah Creek protection and enhancement purposes, including the payment of direct costs associated with meeting with Secretary's responsibilities under section 2706(c)(1)(B) of this title, in accordance with criteria developed by the Secretary in consultation with the Lower Putah Creek coordinating committee.

(2) All funds under this section shall be available only to the extent provided in an annual appropriation for such purposes.

SEC. 2708. VESTED RIGHTS AND STATE LAWS UNAFFECTED.

Nothing in this title shall—

(a) be construed as affecting or intending to affect or to interfere in any way with the State laws relating to the control, appropriation, use, or distribution of water used for the Solano Project, or any vested right acquired thereunder; and

(b) in any way affect or interfere with State laws relating to the protection of fish and wildlife or instream flow requirements, or any right of the State of California or any landowner, appropriator, or user of surface water or ground water in, to, from or connected with Putah Creek or its tributaries.

TITLE XXVIII—DESALINATION

SEC. 2801. TECHNICAL ASSISTANCE.

The Secretary is authorized to provide technical assistance to States and local government entities to assist in the development, construction, and operation of water desalination projects, including technical assistance for purposes of assessing the technical and economic feasibility of such projects.

TITLE XXIX—SAN JUAN SUBURBAN WATER DISTRICT

SEC. 2901. REPAYMENT OF WATER PUMPS, SAN JUAN SUBURBAN WATER DISTRICT, CENTRAL VALLEY PROJECT, CALIFORNIA.

(a) WATER PUMP REPAYMENT.—The Secretary shall credit to the unpaid capital obligation of the San Juan Suburban Water District (District), as calculated in accordance with the Central Valley Project ratesetting policy, an amount equal to the documented price paid by the District for pumps provided by the District to the Bureau of Reclamation, in 1991, for installation at Folsom Dam, Central Valley Project, California.

(b) CONDITIONS.—(1) The amount credited shall not include any indirect or overhead costs associated with the acquisition of the pumps, such as those associated with the negotiation of a sales price or procurement contract, inspection, and delivery of the pumps from the seller to the Bureau of Reclamation.

(2) The credit is effective on the date the pumps were delivered to the Bureau of Reclamation for installation at Folsom Dam.

AMENDMENTS OFFERED BY MR. GEJDENSON

Mr. GEJDENSON. Mr. Chairman, I offer amendments, and I ask unanimous consent that they be considered en bloc.

The CHAIRMAN. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

The CHAIRMAN. The Clerk will report the amendments.

The Clerk read as follows:

Amendments offered by Mr. GEJDENSON: In subparagraphs (A) and (B) of subsection (g)(1) of the amendment made by section 2501 of the bill—

(1) strike out "Commodity Credit Corporation storage" each place it appears and insert in lieu thereof "domestic storage"; and

(2) strike out "drought, natural disaster, or other disruption" each place it appears and insert in lieu thereof "foreseeable disruptions".

In the amendment made by section 2501, redesignate paragraphs (3) and (4) as paragraphs (4) and (5), respectively, and insert after paragraph (2) the following new paragraph (3):

"(3)(A) The Secretary shall credit against any additional payment obligation established by this subsection 70 percent of the costs incurred by individuals or districts subject to the provisions of this subsection during the period beginning on the date of enactment of this subsection and ending on December 31, 1996, up to a maximum cost of $100 per irrigated acre, for the installation of water conservation measures approved by the Secretary. The Secretary shall grant such credit only upon finding that installation of such credit only upon finding that installation of such measures, and any mitigation pursuant to subparagraph (B), have been completed. Credit that exceeds such repayment obligation in any 1 year shall be ap-

plied in each succeeding year until fully utilized. Within 1 year from the date of enactment of this subsection, the Secretary shall promulgate rules to carry out the provisions of this paragraph.

"(B) Mitigation for fish and wildlife habitat losses, if any, incurred as a result of the installation and operation of such water conservation measures shall be on an acre-for-acre basis, based on ecological equivalency, concurrent with installation of such conservation measures, and shall be the responsibility of the individual or district served by such measures.

Mr. GEJDENSON (during the reading). Mr. Chairman, I ask unanimous consent that the amendments be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

Mr. GEJDENSON. Mr. Chairman, I would just simply say that these amendments, one is a technical amendment to make sure the language accomplishes what we have all worked out, and I give great credit to the gentleman from California [Mr. MILLER] for his leadership on this issue, which is something that deals with not just economics, but national environmental policy, and for all the participants for making a good-faith effort to bring this to resolution.

Additionally, we provide some incentives in the second amendment for farmers to institute conservation measures.

Mr. Chairman, I believe there is support on both sides of the aisle for both these amendments.

Mr. MILLER of California. Mr. Chairman, will the gentleman yield?

Mr. GEJDENSON. I yield to the gentleman from California.

Mr. MILLER of California. Mr. Chairman, I just want to commend the gentleman for his effort on this legislation. He has obviously discovered a problem that exists within the reclamation program where in fact we have this situation, where not only in some instances are we providing subsidized water to farmers, but in some cases we are providing subsidized waters to grow crops that are in surplus and then incurring other costs in other parts of the agriculture program.

This is an effort that was started by the gentleman from Connecticut [Mr. GEJDENSON] to rectify this problem. He worked very hard on it in last year's bill, and I believe these technical amendments are quite correct and make the legislation even better.

Mr. HANSEN. Mr. Chairman, will the gentleman yield?

Mr. GEJDENSON. I yield to the gentleman from Utah.

Mr. HANSEN. Mr. Chairman, I appreciate the gentleman yielding to me.

Mr. Chairman, we have had an oppportunity to look at the amendments. I feel we can accept them on this side of the aisle.

The CHAIRMAN. The question is on the amendments offerd by the gentleman from Connecticut [Mr. GEJDENSON].

The amendments were agreed to.

AMENDMENT OFFERED BY MR. RIGGS

Mr. RIGGS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. RIGGS: At the end of the bill (page , after line), add the following new title:

TITLE XXX—TRINITY RIVER DIVISION, CENTRAL VALLEY PROJECT

SEC. 3001. INSTREAM RELEASES FROM THE TRINITY RIVER DIVISION, CENTRAL VALLEY PROJECT, FOR FISHERY RESTORATION AND FULFILLMENT OF FEDERAL TRUST RESPONSIBILITIES.

(a) INSTREAM RELEASES.—In order to meet Federal trust responsibilities to protect the fishery resources of the Hoopa Valley Tribe, and to achieve the fishery restoration goals of the Act of October 24, 1984 (98 Stat. 2721, Public Law 98-541), for water years 1992 through 1996, the Secretary of the Interior, through the Trinity River Division of the Central Valley Project, shall provide an instream release of water to the Trinity River for the purposes of fishery restoration, propagation, and maintenance of not less than 340,000 acre feet per year. For any water year during this period for which the forecasted inflow to the Central Valley Project's Shasta Reservoir equals or exceeds 3,200,000 acre feet, based on hydrologic conditions as of June 1 and an exceedance factor of 50 percent, the Secretary shall provide an additional instream fishery release to the Trinity River of not less than 10 percent of the amount by which forecasted Shasta Reservoir inflow for that year exceeds 3,200,000 acre feet.

(b) COMPLETION OF STUDY.—By September 30, 1996, the Secretary, with the full participation of the Hoopa Valley Tribe, shall complete the Trinity River Flow Evaluation Study currently being conducted by the United States Fish and Wildlife Service under the mandate of the Secretarial Decision of January 14, 1981, in a manner which insures the development of recommendations, based on the best available scientific data, regarding permanent instream fishery flow requirements and Trinity River Division operating criteria and procedures for the restoration and maintenance of the Trinity River fishery.

(c) STUDY RECOMMENDATIONS.—Not later than December 31, 1996, the Secretary shall forward the recommendations of the Trinity River Flow Evaluation Study, referred to in subsection (b) of this section, to the Committee on Interior and Insular Affairs of the House of Representatives and to the Committee on Energy and Natural Resources and the Select Committee on Indian Affairs of the Senate. If the Secretary and the Hoopa Valley Tribe concur in these recommendations, any increase to the minimum Trinity River instream fishery releases established in subsection (a) and the operating criteria and procedures referred to in subsection (b) shall be implemented accordingly. If the Hoopa Valley Tribe and the Secretary do not concur, the minimum Trinity River instream fishery releases established in subsection (a) shall remain in effect unless increased by an Act of Congress, appropriate judicial decree, or agreement between the Secretary and the Hoopa Valley Tribe.

Mr. RIGGS (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

□ 1450

Mr. RIGGS. Mr. Chairman, today I rise to offer an amendment to H.R. 2684 that would restore desperately needed water flows to the Trinity River. This amendment will confirm the Secretary of Interiors commitment to the fisheries of northern California.

The maintenance and preservation of the Trinity River fishery is critical to the economy and environment of California's north coast communities. In recent months, I have worked with Secretary Lujan and the Interior Department to protect tribal fishing rights and the commercial and recreational fishing industry in northern California from the severe losses that have resulted from development and diversion of water from the Trinity River.

The Act of August 12, 1955, authorized construction of works to divert the Trinity River on the condition that fish and wildlife resources in the Trinity basin be fully protected. On May 8, 1991, Secretary Lujan agreed that the department's obligations under that act and his trust responsibility to the Hoopa Valley Indian Tribe required the Department to make a substantial increase in the water supply for the Trinity River fishery. The Secretary's decision reflects an extraordinary consensus among reclamation, fish and wildlife, and Indian affairs officials in the Department of the Interior.

Now that the Secretary has done his part to try to stop the decline of the Trinity River fishery, it is time for Congress to step forward and confirm his decision. If Congress does not act, then the Trinity River basin fish and wildlife task force and the Klamath River basin fisheries task force could very well fail in their congressional mandate to restore and preserve the Klamath-Trinity fishery.

H.R. 2269 is the authority needed to ensure that the Federal trust responsibility will be met and that the communities that rely on the fisheries have a reasonable expectation that the fishery is on course for restoration. The bill requires provision of a minimum of 340,000 acre-feet of water annually to the Trinity River fishery through 1996 when the task force studies on the need of the fishery will be complete. Thereafter, adjustment of the flows will be based on the study results.

Finally, one reason why H.R. 2269 is especially deserving of your support is that it is a constructive initiative for the environment and the regional economy that will not require any expenditure of appropriated funds to imple-

ment. Thank you for your anticipated support on this issue.

In summary, Mr. Chairman, my amendment is obsolutely compatible with:

First, the consensus recommendations of the congressionally created Trinity River basin and Klamath River basin task forces:

Second, Interior Committee's report language related to the Emergency Drought Relief Act (H.R. 355) adopted earlier this year in this House; and

Third, Secretary Lujan's administrative directive of May 8, 1991.

Finally, Mr. Chairman, this amendment will ensure completion of the congressionally mandated 12-year study of the Trinity River salmon fishery, which is presently in its 6th year or if you'll pardon the pun at midstream. It will maintain the schedule and pace of the congressionally mandated Trinity River restoration program, and most seriously and fittingly, fulfill the Federal Government's trust responsibility to the Hoopa Valley Indian Tribe of northwest California.

Mr. Chairman, over the past 10 years Congress has authorized $57 million to restore the Trinity River fishery. That money will be wasted without water. We can continue to build dams and fisheries for another decade, but you cannot have fish if you do not have water.

I thank the Chairman, and again I thank the distinguished chairman and ranking member of the Committee on Interior and Insular Affairs for their exhaustive effort on this legislation and urge favorable consideration of my amendment.

Mr. HERGER. Mr. Chairman, I move to strike the last word, and I rise in opposition to the amendment.

Mr. Chairman, I rise in strong opposition to this amendment offered by my good friend and colleague, the gentleman from California [Mr. RIGGS].

Mr. Chairman, this amendment is far more complicated than it appears.

Mr. Chairman, unfortunately, having only been informed of the potential for this amendment yesterday, I regret that it has been impossible to obtain a full review of the potential effects of this amendment on the Sacramento River basin. However, in conversations with a number of my constituents, I must note that the potential harm to the Sacramento fishery, to agriculture, and to municipal water users posed by this amendment has not been sufficiently explored for the House to adopt this amendment at this time.

I only regret that we did not have more of an opportunity to work together to determine if a more amicable solution to this problem could have been arrived at before we reached this point in the process.

This is more than a battle between saving fish and protecting agriculture. Indeed, it is a battle between two threatened fish populations, and a battle over whether flexibility in allocating scarce water resources should be jettisoned in favor of concrete allocations that will not reflect changing conditions.

Mr. Chairman, I am well aware of the serious problems of the Trinity River, and the need to restore the Trinity River fishery, of which I am supportive. At the same time, however, the Sacramento River fishery is itself threatened, and this proposal would further undermine fish populations dependent on the Sacramento River for their survival.

The winter run of Chinook salmon in the Sacramento River has been declared threatened by the U.S. Fish and Wildlife Service, and endangered by the California Department of Fish and Game. This population has declined in fish counts made at Red Bluff Diversion Dam, from 118,000 fish in 1969 to 441 fish last year.

As a result of this serious problem, the Central Valley project has earmarked providing water to protect the fishery as its first priority for water delivery this year, despite the continued severe drought, which threatens California agricultural and municipal water users with cutoffs of up to 75 percent of their expected water deliveries.

The Sacramento River basin is the largest fishery habitat in the State of California, and is responsible for at least 70 percent of all salmon caught off the California coast. Salmon populations have declined up to 90 percent over the last 40 years.

The amendment before us today would write in stone a water allocation decision of the Secretary of the Interior, removing the ability to respond to changing conditions between the two fisheries. I trust the Secretary to take into consideration the various needs of the Sacramento and Trinity Rivers and to respond accordingly. I urge support for greater flexibility and the defeat of the Riggs amendment.

Mr. PANETTA. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of H.R. 429, the Reclamation Projects Authorization and Adjustment Act of 1991. This measure authorizes the Bureau of Reclamation to study, design, construct, sell, or modify a variety of water and power projects and to modify certain water repayment agreements.

I want to especially thank Chairman MILLER and his staff for their cooperation in resolving some pay-as-you-go issues contained in an earlier version of the bill. The Interior and Budget Committee staffs worked together at some length to address a variety of budget process concerns. As a result of their efforts and the Interior Committee's cooperation I am pleased to report that the CBO cost estimate of the bill shows no deficit impact in fiscal year 1991 and deficit reduction in fiscal years 1992–95. Specifically, the bill reduces Federal spending in fiscal year 1992 by $7 million, by $9 million in fiscal year 1993, by $8 million in fiscal year 1994, and by $8 million in fiscal year 1995.

As members know, it is critical that we keep track of legislation raising pay-as-you-go issues to avoid end-of-the-year sequestration in programs like Medicare, student loans, and foster care, to name a few.

I again thank the gentleman from California and I urge members to support this legislation.

Mr. MILLER of California. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the Riggs amendment to deal with the flows on the Trinity River.

Mr. Chairman, I think this is a very important amendment. It fulfills a long-time obligation that the Congress has to restore those flows. It is very important that these flows be maintained so that not only can we restore the fisheries but also the river, recognizing that this fulfills the trust obligation we have to the Indian tribe in that area and also, I believe, we have to the commercial fisheries offshore from the Trinity River.

□ 1500

Mr. Chairman, even with this amendment it is going to take many years to restore the damage that has been brought upon the Trinity River, and I would hope that the House would accept the amendment of the gentleman from California [Mr. RIGGS].

Mr. RIGGS. Mr. Chairman, will the gentleman yield?

Mr. MILLER of California. I yield to the gentleman from California.

Mr. RIGGS. Mr. Chairman, I thank the distinguished chairman, the gentleman from California [Mr. MILLER], for his support of this legislation and the sensitivity and appreciation he has demonstrated throughout his legislative career for the sort of environmental resource issues we are discussing here within the context of my amendment.

I would also like to mention to my good friend and colleague, the gentleman from California [Mr. HERGER], that I am very much in favor of a comprehensive approach or a comprehensive look and comprehensive approach with respect to attempting to restore all of the fisheries out in northern California, but I will hasten to point out that I truly feel this particular amendment is compatible with and not conflicting or competing with his stated goal of wanting to increase flows and help with the restoration of the Sacramento fishery.

Mr. Chairman, I thank the gentleman from California [Mr. MILLER].

Mr. LEHMAN of California. Mr. Chairman, I move to strike the last word.

Very, very briefly, Mr. Chairman, based upon the presentation by the gentleman from California [Mr. HERGER] I am going to vote against this. It is correct that this is putting into law, statute law, what a judge has already ruled, but it would take away all flexibility.

Mr. Chairman, there are an awful lot of situations in California like this. Indeed the gentleman from California [Mr. MILLER] has a bill coming down the pike, and Mr. BRADLEY has one in the Senate, that take comprehensive looks at the entire water system of the State and attempt to reorder some of the priorities. I just think it is a mistake at this time to take one particular circumstance and say we are going to contain it right now out of the context of everything else that is going on. This problem should be addressed, but I do not think it is appropriate to take it off the table at this time.

Mr. Chairman, I urge a "no" vote.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California [Mr. RIGGS].

The question was taken; and the Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. HERGER. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 300, noes 95, not voting 37, as follows:

[Roll No. 186]

AYES—300

Abercrombie
Ackerman
Alexander
Anderson
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Annunzio
Anthony
Applegate
Armey
Aspin
Atkins
AuCoin
Barnard
Bennett
Bentley
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Boehlert
Boehner
Bonior
Borski
Boucher
Boxer
Broomfield
Browder
Brown
Bruce
Bryant
Bustamante
Byron
Campbell (CA)
Campbell (CO)
Cardin
Carper
Chapman
Clement
Coleman (TX)
Collins (IL)
Collins (MI)
Conyers
Cooper
Costello
Cox (IL)
Coyne
Cunningham
Darden
Davis
DeFazio
DeLauro
Dellums
Dicks
Dingell
Donnelly
Dorgan (ND)
Downey
Duncan
Durbin
Dwyer
Dymally
Early
Eckart
Edwards (CA)
Edwards (OK)
Edwards (TX)
Engel
English
Erdreich
Evans
Fascell
Feighan
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Franks (CT)
Frost
Gallegly
Gallo
Gejdenson
Gephardt
Gibbons
Gilchrest
Gilman
Glickman
Gonzalez
Goodling
Gordon
Goss
Gradison
Green
Guarini
Gunderson
Hamilton
Harris
Hayes (IL)
Hayes (LA)
Hefner
Henry
Hertel
Hoagland
Hobson
Hochbrueckner
Horn
Horton
Houghton
Hoyer
Hubbard
Hughes
Hutto
Ireland
Jacobs
James
Jenkins
Johnson (CT)
Johnson (SD)
Johnson (TX)
Johnston
Jones (GA)
Jones (NC)
Jontz
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kleczka
Klug
Kopetski
Kostmayer
LaFalce
Lagomarsino
Lancaster
Lantos
Laughlin
Leach
Lent
Levin (MI)
Lewis (CA)
Lewis (FL)
Lewis (GA)
Lipinski
Long
Lowery (CA)
Lowey (NY)
Machtley
Manton
Markey
Mazzoli
McCloskey
McCollum
McCurdy
McDade
McDermott
McGrath
McHugh
McMillan (NC)
McMillen (MD)
McNulty
Meyers
Mfume
Miller (CA)
Miller (WA)
Mineta
Mink
Moakley
Molinari
Mollohan
Montgomery
Moody
Moorhead
Moran
Morella
Mrazek
Murphy
Murtha
Nagle
Natcher
Neal (MA)
Neal (NC)
Nowak
Oakar
Obey
Olin
Olver
Orton
Owens (NY)
Pallone
Panetta
Parker
Patterson
Paxon
Payne (NJ)
Payne (VA)
Pease
Pelosi
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pickle
Porter
Poshard
Price
Rahall
Ramstad
Rangel
Ravenel
Ray
Reed
Regula
Richardson
Ridge
Riggs
Rinaldo
Ritter
Roe
Roemer
Ros-Lehtinen
Rose
Rostenkowski
Roukema
Rowland
Roybal
Russo
Sabo
Sanders
Sangmeister
Santorum
Sarpalius
Savage
Sawyer
Saxton
Scheuer
Schiff
Schroeder
Schumer
Sensenbrenner
Sharp
Shays
Sikorski
Sisisky
Skaggs
Skelton
Slattery
Slaughter (NY)
Slaughter (VA)
Smith (FL)
Smith (IA)
Smith (NJ)
Snowe
Solarz
Spratt
Staggers
Stark
Stearns
Stokes
Studds
Swift
Synar
Tallon
Tauzin
Taylor (MS)
Thomas (GA)
Thornton
Torres
Torricelli
Towns
Traficant
Traxler
Unsoeld
Upton
Valentine
Vander Jagt
Vento
Visclosky
Volkmer
Waters
Waxman
Weber
Weiss
Weldon
Wheat
Whitten
Williams
Wise
Wolf
Wolpe
Wyden
Wylie
Yates
Yatron
Young (FL)
Zeliff
Zimmer

NOES—95

Allard
Archer
Bacchus
Baker
Ballenger
Barrett
Bateman
Bliley
Brewster
Bunning
Burton
Callahan
Camp
Chandler
Clinger
Coble
Combest
Condit
Coughlin
Cox (CA)
Cramer
Crane
Dannemeyer
Dickinson
Dixon
Dooley
Doolittle
Dornan (CA)
Dreier
Emerson
Espy
Fazio
Fields
Gekas
Geren
Gillmor
Gingrich
Grandy
Hall (TX)
Hancock
Hansen
Hastert
Hefley
Herger
Holloway
Hunter
Hyde
Inhofe
Kasich
Kolbe
Kolter
Kyl
LaRocco
Lehman (CA)
Lightfoot
Livingston
Luken
Marlenee
Matsui
McCandless
McCrery
McEwen
Michel
Miller (OH)
Morrison
Myers
Nichols
Nussle
Oxley
Packard
Penny
Perkins
Rhodes
Roberts
Rogers
Rohrabacher
Roth
Schaefer
Shaw
Shuster
Skeen
Smith (OR)
Solomon
Stallings
Stenholm
Stump
Sundquist
Swett
Tanner
Taylor (NC)
Thomas (CA)
Thomas (WY)
Vucanovich
Walker
Young (AK)

NOT VOTING—37

Barton
Beilenson
Brooks
Carr
Clay
Coleman (MO)
de la Garza
DeLay
Derrick
Fawell
Fish
Gaydos
Gray
Hall (OH)
Hammerschmidt
Hatcher
Hopkins
Huckaby
Jefferson
Lehman (FL)
Levine (CA)
Lloyd
Martin
Martinez
Mavroules
Oberstar
Ortiz
Owens (UT)
Pursell
Quillen
Schulze
Serrano
Smith (TX)
Spence
Walsh
Washington
Wilson

□ 1532

The Clerk announced the following pairs:

On this vote:

Mr. Ortiz for, with Mr. DeLay against.

Mr. Serrano for, with Mr. Quillen against.

Mrs. VUCANOVICH, Mr. INHOFE, and Mr. COX of California changed their vote from "aye" to "no."

Messrs. McDADE, JOHNSON of Texas, LEACH, and RAMSTAD changed their vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Mr. MILLER of California. Mr. Chairman, I move to strike the last word.

Mr. Chairman, if I might just explain to Members, it is our intention at this time to take an amendment from the gentleman from Ohio [Mr. TRAFICANT] that will be dealt with very quickly, and then an amendment by the gentleman from Pennsylvania [Mr. WALKER] which will require a vote, but which also will be dealt with very quickly. So if Members will just stay on the floor a moment longer, there will be a vote. Then I expect it might be 30 minutes until the next vote, which I hope will be final passage.

AMENDMENT OFFERED BY MR. TRAFICANT

Mr. TRAFICANT. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. TRAFICANT: at the end of the bill, insert the following new section:

SEC. . BUY AMERICAN PROVISIONS.

(A) The Secretary shall insure that the requirements of the Buy American Act of 1933 as amended apply to all procurements made under this Act.

(B) DETERMINATION BY THE SECRETARY.—(1) If the Secretary, after consultation with the United States Trade Representative, determines that a foreign country which is party to an agreement described in paragraph (2) has violated the terms of the agreement by discriminating against certain types of products produced in the United States that are covered by the agreement, the Secretary shall rescind the waiver of the Buy American Act with respect to such types of products produced in that foreign country.

(2) An agreement referred to in paragraph (1) is any agreement, between the United States and a foreign country pursuant to which the head of an agency of the United States Government has waived the requirements of the Buy American Act with respect to certain products produced in the foreign country.

(3) REPORT TO CONGRESS.—The Secretary shall submit to Congress a report on the amount of purchases from foreign entities under this Act from foreign entities in fiscal years 1992 and 1993. Such report shall sepa-

rately indicate the dollar value of items for which the Buy American Act was waived pursuant to any agreement described in subsection (a)(2), the Trade Agreement Act of 1979 (19 U.S.C. 2501 et seq.), or any international agreement to which the United States is a party.

(4) BUY AMERICAN ACT DEFINED.—For purposes of this section, the term "Buy American Act" means the title III of the Act entitled "An Act making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1934, and for other purposes", approved March 3, 1933 (41 U.S.C. 10a et seq).

(C) RESTRICTIONS ON CONTRACT AWARDS.—No contract or subcontract made with funds authorized under this title may be awarded for the procurement of an article, material, or supply produced or manufactured in a foreign country whose government unfairly maintains in government procurement a significant and persistent pattern or practice of discrimination against United States products or services which results in identifiable harm to United States businesses, as identified by the President pursuant to (g)(1)(A) of section 305 of the Trade Agreements Act of 1979 (19 U.S.C. 2515(g)(1)(a)). Any such determination shall be made in accordance with section 305.

(D) PROHIBITION AGAINST FRAUDULENT USE OF "MADE IN AMERICA" LABELS.—If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a "Made in America" inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, that person shall be ineligible to receive any contract or subcontract made with funds authorized under this title pursuant to the debarment, suspension, and ineligibility procedures in subpart 9.4 of chapter 1 of title 48, Code of Federal Regulations.

Mr. TRAFICANT (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. TRAFICANT. Mr. Chairman, the amendment states the Secretary shall ensure that the requirements of the Buy American Act of 1933, as amended, apply to all procurements made under this act.

Mr. Chairman, I appreciate the gentleman from California [Mr. MILLER] accepting this amendment. I want to commend the gentleman for the bill and for providing water to an area of our country that needs it the most.

Mr. MILLER of California. Mr. Chairman, will the gentleman yield?

Mr. TRAFICANT. I yield to the gentleman from California.

Mr. MILLER of California. Mr. Chairman, we have had a chance to look at this amendment, and accept this amendment. The gentleman from Ohio [Mr. TRAFICANT] offered this amendment when the bill was under consideration last year before the Congress, and we have no opposition.

Mr. HANSEN. Mr. Chairman, will the gentleman yield?

Mr. TRAFICANT. I yield to the gentleman from Utah [Mr. HANSEN], the ranking vice chairman.

Mr. HANSEN. Mr. Chairman, the minority has had an opportunity to review the amendment, and accepts the amendment also.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio [Mr. TRAFICANT].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. WALKER

Mr. WALKER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. WALKER: At the end of the bill, add the following new title:

TITLE XXX—LIMITATION ON AUTHORIZATIONS OF APPROPRIATIONS

SEC. 3001. LIMITATION.

Notwithstanding any other provision of law, amounts expended, or otherwise made available, pursuant to this Act when aggregated with all other amounts expended, or otherwise made available, for projects of the Bureau of Reclamation for fiscal year 1992 may not exceed 102.4 percent of the total amounts expended, or otherwise made available, for projects of the Bureau of Reclamation in fiscal year 1992.

Mr. WALKER (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. WALKER. Mr. Chairman, this particular amendment is a balanced budget amendment. It goes to what we have discussed a number of times on the floor before, in trying to hold the spending in any given fiscal year to a 2.4-percent increase. It does it in this amendment by suggesting that none of the spending of the Bureau of Reclamation can exceed 102.4 percent of the total amount expended this year, and, if there would be figures that go above that, it would have to come out of the projects within this bill.

Mr. Chairman, this is an attempt to make certain none of the projects in this bill take us over the level required for a balanced budget. I would hope that Members would vote for it. I understand many Members have priorities that may not include the balanced budget. That is up to them. But the effort here is to make certain that all the bills that are coming through the House in fact comply with this.

Mr. Chairman, I offer the amendment in that regard.

Mr. MILLER of California. Mr. Chairman, we have no objection to the amendment, and we accept the amendment.

Mr. HANSEN. Mr. Chairman, we accept the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania [Mr. WALKER].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. MILLER OF CALIFORNIA

Mr. MILLER of California. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. MILLER of California: In section 1702 (page , line), amend clause (iii) of paragraph (3)(B) to read as follows:

"(iii) Entering into financial transactions involving land or crop loans, in which the lender has no interest in providing farm services of any kind (except in a fiduciary capacity as trustee), including, but not limited to, the granting or receipt of a security interest, crop mortgage, assignment of crop or crop proceeds or other interests in a crop or land solely for the purposes of obtaining repayment of a loan;

Mr. MILLER of California (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. MILLER of California. Mr. Chairman, let me state that I was assuming we would have a vote on the Walker amendment. We obviously did not vote on the Walker amendment. I am waiting to hear from the gentleman from Pennsylvania [Mr. KOSTMAYER], but I would assume the next vote may be about 30 minutes from now, which, as I say, will hopefully be final passage.

Mr. Chairman, at this time I offer an amendment to clause (iii) of paragraph (3)(B) of section 1702 of H.R. 429. The bill currently provides that loans made to farmers receiving subsidized reclamation water that are secured by a crop or land solely for the purpose of obtaining repayment of a loan shall not be considered by the Secretary of the Interior in determining whether a farm operation exists if the lender and borrower are unrelated parties and negotiate the terms of the loan at arm's length, or are related parties that the Secretary has certified negotiated at arm's length.

My amendment would provide that the Secretary is not excluded from considering any such loans that are made by a lender who also is in the business of providing farm services. This amendment does not mean, for example, that loans from a lender who also provides farm services to a farmer automatically turn their landholdings into a single farm operation. Rather, my amendment means that the Secretary has the opportunity to consider such loans for the purpose of determining whether the loan, in combination with the lender having an interest in providing farm services, creates a farm operation between the lender and the borrower. The purpose of the amendment, Mr. Chairman, is to make certain that the Secretary has all the facts necessary for determining if the lender is utilizing his financial position to con-

trol the operations of the farmers to whom the loans are made.

The amendment affects only those lenders who provide farming services in addition to loans. Thus, a bank, insurance company, or other commercial lender that is not in the business of providing farm services is not affected. A friend or even a relative who does not come within the definition of a related person (such as a first cousin, uncle, or niece) also is not affected by this amendment if they do not provide farming services.

□ 1530

AMENDMENT OFFERED BY MR. LEHMAN OF CALIFORNIA TO THE AMENDMENT OFFERED BY MR. MILLER OF CALIFORNIA

Mr. LEHMAN of California. Mr. Chairman, I offer an amendment to the amendment.

The Clerk read as follows:

Amendment offered by Mr. LEHMAN of California to the amendment offered by Mr. MILLER of California: On line 4, insert within the parentheses after "as trustee" the following: "or where the Secretary has determined that providing such farm service is a customary farm practice and not an attempt to evade reclamation law)."

Mr. LEHMAN of California. Mr. Chairman, I offer this amendment for the purpose of getting it into the RECORD and for the purpose of attempting to clarify a rather narrow point here where there is a difference between the parties, not a difference in intent. The intent of the gentlemen from California [Mr. MILLER], as expressed to me, is a good intent, one with which I can agree. He does not want to open up a loophole whereby farm lenders can in fact become farmers by making demands upon those to whom they loan money that will in fact put them in charge of the farm. I agree with that.

The gentleman from California [Mr. MILLER], believes that the language he has accomplishes that. My concern has been that it may go a little too far and harm ordinary customary farming practices such as potentially a ginning house operation or a packing shed operation.

The gentleman from California assures me that that is not his intent, but his intent is to get those who might in the future try to use this avenue to circumvent the law.

This may need additional clarification as we go forward, but once again I think that the gentlemen from California, Mr. MILLER and Mr. DOOLEY, and I are clear on this. The attorneys on each end of this argument come to slightly different conclusions about what the language accomplishes, and it is my intent here to help to clarify that for all of us.

Mr. DOOLEY. Mr. Chairman, will the gentleman yield?

Mr. LEHMAN of California. I yield to the gentleman from California, for purposes of a colloquy with the chairman of the committee to attempt to do that.

Mr. DOOLEY. Because this issue is of grave importance to the family farmers in my district, I would like to engage the chairman in a colloquy regarding the parameters of his amendment.

Mr. MILLER of California. Mr. Chairman, will the gentleman yield?

Mr. LEHMAN of California. I yield to the gentleman from California.

Mr. MILLER of California. I would be pleased to engage in a colloquy with my friend from California who has been an active participant in drafting the reclamation reform language contained in title VII of this bill.

Mr. DOOLEY. Mr. Chairman, would you describe the factual situation in which you believe the Secretary would have a strong basis for determining that a single farm operation between a lender and a borrower exists, and contrast that to a situation in which you believe the Secretary would determine that a single farm operation between a lender and a borrower does not exist.

Mr. MILLER of California. The strongest case for determining that a single farm operation between a lender and a borrower exists is:

Where the lender withholds credit unless and until the borrowing farmer agrees to perform farming activities or refrain from performing farming activities at the direction of the lender, or

Where the lender provides a wide array of farming services to the farmer in addition to the loan.

In addition, the potential for a farm operation to exist with respect to each of these types of situations increases dramatically if the lender is the sole source of farm credit in the area.

By contrast, a situation in which the Secretary should determine that a single farm operation does not exist between a borrower and a lender is:

Where the loan is provided by a lender who also provides farm services and is merely a credit agreement to buy goods or services upon normal revolving credit terms like 30 or 60 days payment,

Where the lender who also provides farm services make no demands and imposes no requirements upon the farmer with respect to farm operations,

Where the terms and conditions of the loan made by a lender who also provides farm services are in the normal course of business for an organization in the same business as the lender, or

Where a history of loans between a lender who also provides farm services and borrower exists in which the lender has never tried to use the economic leverage of the loan to control the operations of the farm.

Mr. LEHMAN of California. I thank the chairman for that clarification. Having dealt with this issue for 10 years, he knows full well the imperative to be precise and to try to be very clear on what we mean. I am satisfied that our intent is the same in this regard. I am satisfied with the colloquy that we have had. If additional clarification is needed, the chairman has agreed to work to try to see that that is accomplished.

Mr. MILLER of California. I thank the gentleman for his cooperation.

Mr. LEHMAN of California. Mr. Chairman, I ask unanimous consent to withdraw my amendment to the amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. HANSEN. Mr. Chairman, we accept the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California [Mr. MILLER].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. SKEEN

Mr. SKEEN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SKEEN: In the appropriate place in the bill, insert:

"The Secretary of the Interior is authorized to transfer to the Elephant Butte Irrigation District, New Mexico, and El Paso Country Water Improvement District No. 1, Texas, without cost to the respective district, title to such easements, ditches, laterals, canals, drains, and other rights-of-way, which the United States has acquired on behalf of the project, that are used solely for the purpose of serving the respective district's lands and which the Secretary determines are necessary to enable the respective district to carry out operation and maintenance with respect to that portion of the Rio Grande project to be transferred. The transfer of the title to such easements, ditches, laterals, canals, drains, and other rights-of-way located in New Mexico, which the Secretary has, that are used for the purpose of jointly serving Elephant Butte Irrigation District and El Paso County Water Improvement District No. 1, may be transferred to Elephant Butte Irrigation District and El Paso County Water Improvement District No. 1, jointly, upon agreement by the Secretary and both districts. Any transfer under this section shall be subject to the condition that the respective district assumes the responsbility for operating and maintaining their portion of the project. Title to, and management and operation of, the reservoirs and the works necessary for their protection and operation shall remain in the United States until otherwise provided by an act of Congress."

Mr. SKEEN (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from New Mexico?

There was no objection.

Mr. SKEEN. Mr. Chairman, what this amendment does is authorize the Secretary of Interior to transfer title of easements, ditches, laterals, canals, drains, and other rights-of-way from

the U.S. Bureau of Reclamation to the Elephant Butte Irrigation District and the El Paso County Water Improvement District No. 1 in Texas. That is what it does.

Mr. COLEMAN of Texas. Mr. Chairman, will the gentleman yield?

Mr. SKEEN. I yield to the gentleman from Texas.

Mr. COLEMAN of Texas. Mr. Chairman, I rise today in strong support of the amendment offered by Mr. SKEEN. The amendment would transfer certain rights-of-way to both the Elephant Butte Irrigation District and the El Paso County Water Improvement District No. 1. The legislation authorizes the Secretary of the Interior to transfer title to properties used solely by the water districts—easements ditches, laterals, canals, drains, and other rights-of-way—which are technically owned by the U.S. Government, to the water districts at no cost. Both districts have paid their share of the Rio Grande Project and are entitled to the title transfer.

The amendment enjoys the strong support of both the El Paso County Water Improvement District No. 1 and the Bureau of Reclamation. I am in favor of this amendment because the Government will reduce its administrative costs and liabilities while the water districts will gain title and control of the land.

I urge my colleagues to support this amendment.

Mr. MILLER of California. Mr. Chairman, will the gentleman yield?

Mr. SKEEN. I yield to the gentleman from California.

Mr. MILLER of California. Mr. Chairman, we have no problem with this amendment. This project is fully operational and they have met their financial obligations to the Federal Government. We would accept the amendment.

Mr. HANSEN. Mr. Chairman, will the gentleman yield?

Mr. SKEEN. I yield to the gentleman from Utah.

Mr. HANSEN. Mr. Chairman, the minority has also reviewed the amendment and we have no objection to it.

Mr. SKEEN. I thank the gentleman.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New Mexico [Mr. SKEEN].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. OWENS OF UTAH

Mr. OWENS of Utah. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. OWENS of Utah: In section 402(b)(3), amend subparagraph (B) to read as follows:

(B) $5,000,000 annually out of funds appropriated to the Western Area Power Administration, such expenditures to be considered non-reimbursable and non-returnable.

In section 402(c), amend paragraph (2) to read as follows:

(2) The Commission is authorized to administer and expend all sums deposited into the Account pursuant to subsections (b)(4)(D), (b)(3)(A), and (b)(3)(B), as well as interest not deposited to the principal of the Account pursuant to paragraph (1) of this subsection. The Commission may elect to deposit funds not expended under subsections (b)(4)(D), (b)(3)(A), and (b)(3)(B) into the Account as principal.

Mr. OWENS of Utah (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Utah?

There was no objection.

Mr. OWENS of Utah. Mr. Chairman, I offer this amendment on behalf of my colleague from Utah [Mr. HANSEN] and myself. It would correct a decision that we had to make just yesterday to change the provision for a $5 million contribution into the Wildlife and Conservation Mitigation Commission contained in the Central Utah project of this bill. We agreed earlier on in the writing of this bill that everyone would pay into the account, the Federal Government, the State of Utah, the water district and public power. This makes a technical correction which is really a substantive correction, I suppose, in the manner in which the Federal Government makes its contribution.

It has been worked out with the chairman and, as I said, with the ranking minority member, who is a cosponsor, and with the other groups who are involved in this legislation.

It is our intent in offering this amendment to assure that $5 million each year from the Western Area Power Administration annual appropriation will be deposited into the mitigation and conservation fund authorized in this act.

□ 1540

Mr. Chairman, I yield to the gentleman from California [Mr. MILLER].

Mr. MILLER of California. Mr. Chairman, I thank the gentleman for yielding, and I thank him for offering this amendment. I think it is an improvement. It will help with the mitigation, and we have no objection to the amendment from this side.

Mr. OWENS of Utah. Mr. Chairman, I yield to my colleague, the gentleman from Utah [Mr. HANSEN].

Mr. HANSEN. Mr. Chairman, the minority has reviewed the amendment. We agree with it. It is a technical amendment, and we accept it on this side.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Utah [Mr. OWENS].

The amendment was agreed to.

Mr. RHODES. Mr. Chairman, I move to strike the last word.

Mr. Chairman, the method by which this bill is being handled here this afternoon is a tribute to the almighty power of the airline schedule. You thought I was going to say the chairman, did you not? So I will be brief.

It has been a pleasure working on this bill. I particularly want to thank the gentleman from Connecticut [Mr. GEJDENSON] for his assistance in recognizing unique features of certain agricultural projects in certain parts of the West.

I want to thank and pay tribute to the gentleman from California [Mr. LEHMAN] and the gentleman from California [Mr. DOOLEY] for their work on the reclamation reform portions of this act which I think has greatly strengthened it.

I especially want to thank the gentleman from Utah [Mr. HANSEN] and the gentleman from California [Mr. MILLER] and call attention to the Grand Canyon Protection Act. This is an extremely important part of the bill, and probably, from my judgment, the most important part of the bill. The only concern that I have is that since this is an omnibus bill, it has the potential for getting bogged down in the Senate. If we see that happening, I hope that the gentleman from California [Mr. MILLER] would move expeditiously to separate the Grand Canyon bill from this act so that it can be sent forward as a stand-alone measure.

AMENDMENT OFFERED BY MR. KOSTMAYER

Mr. KOSTMAYER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. KOSTMAYER: At the end of title XV, add the following new section:

SEC. 1502. IRRIGATION ASSISTANCE REPAYMENT REFORM.

Section 9 of the Reclamation Project Act of 1939 (43 U.S.C. 485h) is amended by inserting at the end thereof the following new subsection:

"(h)(1) Subject to paragraph (2) and notwithstanding any other provision of law, any costs of construction incurred after September 30, 1992, which are allocated to irrigation and which are beyond the ability of water users to repay and which may be repaid by revenues from power marketed by the Western Area Power Administration shall be repaid within 40 years of the inservice date of such irrigation project, division, or development unit, upon terms no less favorable to the Federal Government than payment in equal annual installments.

"(2) An increase in wholesale power rates, if any, charged by reason of paragraph (1) of this subsection may not exceed one mil per kilowatt-hour per year.".

Mr. KOSTMAYER (during the reading). Mr. Chairman, I ask unanimous consent that the amendment is considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. KOSTMAYER. Mr. Chairman, I know it is late, and I will try to move very quickly, but this is a complicated amendment only because this is a complicated subject.

Let me explain briefly how projects are paid for under the Bureau of Reclamation. The current system calls for

the Secretary of the Interior to make a judgment as to who the beneficiaries of a particular project will be. Generally they are farmers and utilities.

Let us say, for example, that in this hypothetical instance, a dam costs $100 million. The Secretary makes a judgment that $50 million of that benefits farmers and $50 million benefits utilities, the ratepayers. Therefore, the cost of that dam shall be borne equally by irrigators and ratepayers.

However, historically farmers have not generally been able in most cases, however, not in all cases, to pay their full 50 percent, and so the Secretary makes a judgment as to what percentage they can pay. Generally it is about 5 to 10 percent. The remainder which they are not able to pay shifts then to the utilities, and the utilities pay not only their share of the project, in this case our hypothetical $50 million, but they pay the farmer's share as well.

They have 50 years to pay their share. Only at that point do they then have to pay the farmers' share. They have 50 years to pay that share.

By the time they make that payment, the money is not worth very much because of inflation, and the Federal taxpayers get back on these Bureau of Reclamation projects about 1 penny for every dollar they invest. That is why the administration supports this amendment. That is why the National Taxpayer's Association supports this amendment.

This would require that both payments be made simultaneously, and that the payments not be deferred so that they are worth so little. Really, what we are talking about here, Mr. Chairman, is trying to stop a very unsound irrigation project.

This amendment is based on a recommendation issued by the inspector general in the Department of the Interior. It is virtually identical to the recommendation made by the Interior Inspector in the Department of the Interior except it does not go as far, because the Department of the Interior Inspector General says we ought not to only cover prospective dams, we ought to cover all dams historically.

My amendment covers only dams to be built in the future. Just to give you an example of what it could save, if we had done this on the Colorado River storage project, on the Central Arizona project, on the Pick-Sloan Missouri Basin project, on the Pacific Northwest Region project, we would have saved $2.1 billion.

The money that Federal taxpayers are paying to build these dams is being used to grow crops that are already in surplus in the country. This is agricultural and economic madness. It ought to be changed.

Now is the time to do it, and I hope that the committee will agree to my amendment.

PARLIAMENTARY INQUIRY

Mr. HANSEN. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. HANSEN. Mr. Chairman, I noticed that the gentleman has offered two amendments. Which one is in front of us, if I may ask?

The CHAIRMAN. The gentleman from Pennsylvania may wish to hear this. The amendment that is currently pending, one amendment only, is headed "Irrigation Assistance Repayment Reform." That is the only amendment that is pending at this moment.

Mr. HANSEN. Is that No. 046 or 680?

The CHAIRMAN. 046.

Mr. HANSEN. Pardon me?

The CHAIRMAN. There is no number that is on this, but it is not 680. We do not have a number on the one that was offered. But it is titled "Irrigation Assistance Repayment Reform." The second amendment is captioned "Ability to Pay Determinations"; that has not been offered.

Mr. HANSEN. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from Utah [Mr HANSEN] is recognized for 5 minutes.

Mr. HANSEN. Mr. Chairman, those of us on the minority side see a number of problems with this. We think it relates basically to those in Western power.

There are 34 States that would have the way they take care of CRSP power changed. It seems a little onerous at this point in the game to do it in midstream.

I really feel it would be better if we continue the way we are doing this. This will add a tremendous power hike for Federal multipurpose users.

The amendment, as I said, changes the rules of Federal power projects in midstream for us, and I do not know where a straight-line amortization with hydraulic power is really possible.

We are setting a very dangerous precedent that could be applied to power investments and raise the power rates for a number of people. It will be very tough on the Power Marketing Administration.

So with that in mind, I personally would oppose this and feel that it would be a mistake for the committee to adopt this amendment at this time.

Mr. MILLER of California. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in opposition to the amendment. I do not do so out of a different conviction that the gentleman has that these projects should pay for themselves. I do it because it is not clear to me the impact of this amendment on current and existing facilities.

I know that the gentleman said it would apply only to new dams, but it also apparently applies to any modification or change in those dams afterwards.

We are seeing a whole new generation of turbines and energy-conservation projects being undertaken at these facilities. I am just concerned that that in itself would kick these projects into a new payment schedule.

I would be fully prepared to give this full consideration in the Committee on the Interior, and either the gentleman's committee, so we could then understand the full impact.

But for those reasons, I am opposed to this amendment.

Mr. Chairman, I yield to the gentleman from Pennsylvania.

Mr. KOSTMAYER. Mr. Chairman, the Inspector General of the Department of the Interior would like this to apply retroactively. We are willing to apply it only prospectively. Right now, according to the Inspector General's report, the taxpayers are getting back a penny for every dollar they invest.

□ 1550

Under my amendment, this would increase to 24 cents a dollar. We would still be losing 76 cents on every dollar we invest. This is a subsidy. That is all it is. We are asking that these projects be able to pay for themselves. If these projects are able to pay for themselves, there is no problem.

Mr. MILLER of California. Reclaiming my time, I do not disagree with what the gentleman is saying. I am just saying that it is very important, and we have an obligation to these areas that are impacted by this amendment, to fully understand what that impact is going to be, and to be able to explain that.

It may very well be when we are done with that process we will still want to vote for this amendment. Until such time as that discussion can be engaged in, and that determination can be made, it is unfair to load this cost on that effort because this goes to the power users.

Mr. AUCOIN. Will the gentleman yield?

Mr. MILLER of California. Mr. Chairman, I yield to the gentleman from Oregon [Mr. AUCOIN].

Mr. AUCOIN. Mr. Chairman, has the committee had hearings on this matter at all?

Mr. MILLER of California. Not to my knowledge, we have not had hearings. That is my concern.

Mr. AUCOIN. If the gentleman will further yield, that is my concern, too, and I think the chairman of the committee who is doing a magnificent job steering this committee thinks it is a matter that should be examined by his committee. Until the House acts on it, I am inclined to agree.

I would like to express the kind of concerns the committee I think would like to look at. Irrigation projects, for example, may potentially have some power generating potential. I don't know whether, or in what way this

amendment would apply to those. I understand the EPA in the Pacific Northwest is exempt. I am speaking from my policy standpoint.

I am also concerned about the potential energy savings, adjustments or changes that could be made in existing plant facilities, and I do not know what the impact of this amendment would be on that.

Turbos and modernization, I do not know what the impacts would be there. Until those answers are known, it seems to me that we should not have the bill on the floor. I think the committee ought to take a look at it.

I appreciate the gentleman from California who chairs the committee agreeing with me on that, and I join him in opposing the amendment at this time.

Mr. MILLER of California. Mr. Chairman, reclaiming my time, let me make it very clear that this does not mean that the irrigator who, in fact, is getting the subsidy is concerned about here the business of a delayed payment that the gentleman from Pennsylvania [Mr. KOSTMAYER] raised, in fact, simply requires the power users, many of whom do not get benefits from the irrigation, requires them to pay more to continue that relationship between them and the irrigator. That may also be something that we want to take a look at with respect to this because I do not know that the power users, if this is a new agreement, that they, in fact, want to end up footing the bill for a project that they do not agree with or do not like, or do not want to pay for. That has to be put into this mix.

I can see the irrigators drifting on to the floor here. What I am trying to suggest is that this is somewhat more complicated. The author of the amendment knows in my gut I absolutely agree. I think the costs ought to be recovered. It is far too long a period of time. They should be recovered in a fair fashion. This decides, based on very old contracts, that a group of power users could get hit heavily with no notice.

I hope the gentleman would let Members have an opportunity to look at this amendment in the committee and find where the burden falls.

Mr. RHODES. Mr. Chairman, I move to strike the last word. I want to say that I agree with the chairman, that we do not know what the impact of this amendment will be. Each and every western water project is different. The benefits from each of them are different. The way they are priced are different.

I think it would be very, very important for Members to examine just exactly what the consequences of a move such as this will be so we do not wind up with a lot of unintended consequences. I would also like to expand such an inquiry to include the Corps of Engineers project which the gentleman knows serves the Eastern portion of the Nation, and for which there is neither advanced funding nor any payback. If we are going to get into the proposition that the beneficiaries of a water project ought to pay for, I think we ought to look into the Corps of Engineers projects as well as reclamation projects. I suspect that will elicit a response from Members.

Mr. KOSTMAYER. Mr. Chairman, will the gentleman yield?

Mr. RHODES. I yield to the gentleman from Pennsylvania.

Mr. KOSTMAYER. This bill deals with the Bureau of Reclamation, not the Corps of Engineers. I am happy to agree with the gentleman from Arizona about the Corps of Engineers. When this bill comes up and we have completed consideration of the Reclamation bill, I would be happy to consider that.

Let me say what we are really saying here when we say, "Let's have a hearing," is let Members put this off. People know it is a good idea. My friend from California knows in his heart of hearts it is a good idea.

As far as the utilities are concerned, there is a cap in the bill which would not allow their rates to go up more than 1 cent per kilowatt hour per year.

Mr. RHODES. One mil?

Mr. KOSTMAYER. If the gentleman will continue to yield, 1 mil. If they do begin to go up, they will say this is not a very good deal.

Let Members only have projects which can pay for themselves. The reason that the utilities do not object to this, the reason they are part of this bad bargain is because they do not have to pay the money back that the irrigators do not pay back until so long that it is not worth anything. They have no problem with this.

If we make this a sound, and do it on a sound fiscal basis, I think they will begin to have a serious problem.

Mr. RHODES. Reclaiming my time, let me respond to one point that the gentleman has tried to make.

Just bear in mind that utilities do not pay back anything. Ratepayers pay back. The consumers pay back.

So when we are talking about raising the rates to the utilities, that is not what we are talking about at all. We are talking about raising what our constituents, each and every one of them, pay for their electricity. That is what we ought to examine. I will be very candid with the gentleman. If this is an amendment that we cannot kill, then I certainly do not think it is an amendment we ought to postpone. If we cannot beat by voting, let us beat by having hearings.

Mr. KOSTMAYER. If the gentleman will yield, why should we subsidize utility rates? We are subsidizing utility rates because these projects cannot pay for themselves. If we stopped subsidizing utilities, they would do projects that can pay for themselves.

Mr. RHODES. Reclaiming my time, I would say that we subsidize utility rates for the same reason we subsidize a lot of things, because at some point in time, we decided it is wise public policy in this country to make available inexpensive, affordable electricity, for industry, for municipalities, and for individual ratepayers. That is the reason. It is a matter of public policy.

Your amendment is an adjustment to public policy and should be examined in that regard and should be examined very thoroughly.

Mr. KOSTMAYER. If the gentleman will continue to yield, let Members stop subsidizing a lot of things. Let Members subsidize fewer things.

Mr. RHODES. Reclaiming my time, I have no argument with the proposition that we subsidize too much. I think if we are going to go down that path, we have to recognize that we are changing fundamental public policy, and we better have a thorough airing of that before we go about it.

Mr. OWENS of Utah. Mr. Chairman, I move to strike the requisite number of words to say to my friend from Pennsylvania, with whom I very seldom disagree, almost but not quite, thou persuadeth me this afternoon. There are two or three major "buts."

First of all, it is my understanding, if I may have the attention of my friend, that this amendment deals only with the Western Area Power Administration and does not deal with the other administrations in this country.

Mr. KOSTMAYER. If the gentleman will yield, three of the other power marketing administrations the gentleman speaks of, Southeastern, Southwestern, and the Alaska Power Administration do not serve areas with Bureau of Reclamation Irrigation Projects. That is the only reason.

Mr. OWENS of Utah. Reclaiming my time, but in essence, the gentleman would have the impact of raising power rates. The gentleman says there is a cap, but it would raise them in one area, one power area of the country, of the five power areas in the country.

Mr. KOSTMAYER. If the gentleman will yield, this is the region that does business this way. Other regions do not do business in the same fashion. Other regions are simply exempt.

Mr. OWENS of Utah. Let me say I agree with the gentleman in principle and concept, but it is an issue which ought to be dealt with in a generic and fair way across the board.

□ 1600

If the gentleman will proceed and follow this issue at a subsequent time, as the chairman of our committee has promised, it would be heard in the appropriate way; but there have been, as has been said, no hearings and no consideration of the impact.

I would say to my friend, Mr. Chairman, this is an unfair implication for

those in the Western Area Power Administration. It would increase rates for Federal power customers in that area and would require straight line repayment of power investments at a time and in a fashion that does not allow us to fully consider the implications of it.

The matter is not before us today. It is new and unexpected and it is unfair.

Furthermore, at this late date in the history of this very important bill, this amendment would cause some real problems. This is a major piece of legislation before us today. It has been very carefully and artfully crafted by the chairman of the committee over a period of years, and has been very controversial.

It is now basically to the point of resolution in the House with the controversy resolved, but we go now to the other body. There we have serious problems if we raise this new very tough issue, an issue that would be troublesome in resolving the major issues which we resolve in this major reform bill.

So I appeal to the gentleman not to insist on a vote. This is a major piece of legislation. Its future in the other body would be dramatically complicated by passage of this amendment, and I urge my colleagues to vote against it.

Mr. KOLBE. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, what this amendment does has been made very clear in the discussion that we have had. Basically we are talking about increasing the repayment rates, shortening the repayment period from 50 to 40 years, doing away with the balloon payment that we have at the end, requiring annual payments. It changes the nature in which the projects are going to be repaid, those projects in the West that are power projects.

There are two reasons, it seems to me, that I would like to cite why I think this is bad legislation. The first, and most obvious, is that it is changing the rules of the game right in the middle of the game. We are talking about projects, I think of the central Arizona project that we have in Arizona, which was authorized in 1968. We have been funding the central Arizona project since 1975 in this body, and all of a sudden now we are going to change the rules of the game right in the middle of the construction, or two-thirds of the way through the construction of the project. It simply does not make any sense for us to do that.

The second thing that I think needs to be pointed out is there is a difference here. What the gentleman is doing is putting the cost of this on the power users, not on the irrigation users, which is where the benefits of projects by and large are seen, so it does not affect those who get the benefits of the project. It may affect those who have no benefit whatever from the project, that is the power users who may, and in fact very often are, in the urban areas. So it is not going to have the significant impact that the gentleman wants in terms of trying to put the cost on those who are getting the benefits from it.

As my colleague, the gentleman from Arizona noted, we do a lot of other kinds of projects around here, water projects all over the country that we call flood control projects that are done through the Corps of Engineers. We do not have the same kind of repayment features in those. We do not require that kind of annual repayment feature on those projects.

The gentleman from Pennsylvania talked about saying we ought to stop subsidizing a lot of things. Well, I happen to agree with the gentleman, but we do a lot of subsidizing of different things around here, not just construction, not just capital projects, but I would note that when it comes to mass transit, for example, we subsidize mass transit through operating subsidies.

So I think for all these reasons, Mr. Chairman, this is a bad piece of legislation, a bad amendment and it should be defeated.

Mr. KOSTMAYER. Mr. Chairman, will the gentleman yield?

Mr. KOLBE. I yield to the gentleman from Pennsylvania.

Mr. KOSTMAYER. Mr. Chairman, I think the Members would like to vote and I am prepared to vote. If the amendment is agreed to, I am certainly prepared not to offer the other 11 amendments I had this afternoon.

Mr. MORRISON of Washington. Mr. Chairman, will the gentleman yield?

Mr. KOLBE. I yield to the gentleman from Washington.

Mr. MORRISON of Washington. Mr. Chairman, I just want to say to the sponsor of the amendment, I represent an area with heavy investments in these matters, and any changes now that are being made are on behalf of Fish and Wildlife, so this is no time to change the rules, because this is not benefiting irrigators or rate payers. It is benefiting all of us. Let us stay with the game plan the way we have it.

Mr. THOMAS of Wyoming. Mr. Chairman, will the gentleman yield?

Mr. KOLBE. I yield to the gentleman from Wyoming.

Mr. THOMAS of Wyoming. Mr. Chairman, I simply rise to express my opposition and talk about the multiple use project we have in the West. This is not just power and irrigation. It is recreation, it is flood control, it is all these others that need to be included in the process as well, and I oppose this amendment.

Mr. FAZIO. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I simply want to add my comments.

You know, there is clearly an environmental goal that the gentleman has, and apparently that is to stop unnecessary dams from being built. I would not want to associate myself with a different position, but I think it is important to point out in an era of global warming when we have air quality problems because of burning of oil and other problems associated with the use of nuclear power, we have very few options available to us.

It certainly is to our interest to build hydro projects where they are economically feasible and to upgrade them, to repower them, to put in new turbines, to do a number of things that make the existing projects that we have more efficient.

This is simply an environmental effort in and of itself. So it seems to me that without fully understanding the direction the gentleman is taking in this amendment, it ought to be handled in the committee. It ought to be looked at in the overall context of energy policy and air quality issues and ought not to be agreed to in a quick and dirty debate on the floor of the House of Representatives, when no one has had an opportunity to read it.

Now, as I understand it, this bill will not cover the Bonneville Power Administration. Now, why the gentleman decided to cover WAPA, the Western Area Power Administration, and not Bonneville, is beyond me.

Perhaps the gentleman felt he could not change the law. The gentleman easily could have changed the law as it related to Bonneville if he really wanted to encompass all the Members here by the same standard.

Mr. KOSTMAYER. Mr. Chairman, if the gentleman will yield, I just want to tell the gentleman that Bonneville is exempt under the law, Bonneville, Idaho, Oregon, and Washington are all exempt under the law.

Mr. FAZIO. The gentleman could not exempt them if it were his intent.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania [Mr. KOSTMAYER].

The amendment was rejected.

AMENDMENT OFFERED BY MR. MILLER OF CALIFORNIA

Mr. MILLER of California. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. MILLER of California:

TITLE XX.—LAKE ANDES-WAGNER, SOUTH DAKOTA

In section 2001(b)(4) (page 154), strike "program is" and insert in lieu thereof "program is not".

TITLE III.—FISH, WILDLIFE, AND RECREATION MITIGATION AND CONSERVATION

In section 308(a) (page 76, line 17), strike "National Forest Plan" and insert in lieu thereof "National Forest Land and Resource Management Plan".

Mr. MILLER of California (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. MILLER of California. Mr. Chairman, this is purely a technical amendment to make up for a clerical error made in the production of the bill. Like the Foreign Affairs Committee, this has to do with "not" and not having "not".

I ask for the acceptance of the amendment.

Mr. HANSEN. Mr. Chairman, will the gentleman yield?

Mr. MILLER of California. I yield to the gentleman from Utah.

Mr. HANSEN. Mr. Chairman, the minority agrees with the chairman of the committee, and we accept the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California [Mr. MILLER].

The amendment was agreed to.

Mr. FALEOMAVAEGA. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise today in support of H.R. 429, and in particular title 21, which will require a study of the long-term water, sewer, and power needs of the insular areas. This legislation previously passed the House of Representatives on June 14, 1990.

Mr. Chairman, American Samoa, Guam, the Northern Mariana Islands, Puerto Rico, and the Virgin Islands comprise this country's overseas territories. None of them has water, sewer, or power systems which would be considered adequate by residents of the 50 States. The recent devastation of the Virgin Islands by Hurricane Hugo, and a similar devastation of the Manu's group of islands in Samoa in 1987 and again in February of last year have brought to the forefront the inadequacy of the water and power systems in our insular areas. The residents of these areas frequently receive contaminated or inadequate supplies of water and power. When hurricanes strike, and they strike frequently, there is no drinkable water, no power, and no sewage treatment.

The results of the study this bill authorizes will assist the Federal and territorial governments in determining the magnitude of the problem and the steps that should be taken to correct it.

Mr. Chairman, this title would not have been possible without the support of the Honorable GEORGE MILLER, chairman of the full committee, and the Honorable RON DE LUGO, chairman of the Subcommittee on Insular and International Affairs. Congressman ROBERT LAGOMARSINO also contributed significantly to the final draft which was significantly improved over legislation I introduced in the last Congress.

The CHAIRMAN. Are there further amendments? If not, the question is on the amendment in the nature of a substitute, as amended.

The amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. PANETTA) having assumed the chair, Mr. CARDIN, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 429) to authorize additional appropriations for the construction of the Buffalo Bill Dam and Reservoir, Shoshone Project, Pick-Sloan Missouri Basin Program, Wyoming, pursuant to House Resolution 178, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. MILLER of California. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 360, nays 24, not voting 48, as follows:

[Roll No. 187]

YEAS—360

Abercrombie
Ackerman
Allard
Anderson
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Annunzio
Anthony
Applegate
Aspin
Atkins
AuCoin
Bacchus
Baker
Ballenger
Barnard
Barrett
Bateman
Bennett
Bentley
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bliley
Boehlert
Boehner
Bonior
Borski
Boucher
Boxer
Brewster
Broomfield
Browder
Brown
Bruce
Bryant
Byron
Callahan
Camp
Campbell (CA)
Campbell (CO)
Cardin
Carper
Chandler
Chapman
Clement
Clinger
Coble
Coleman (TX)
Collins (IL)
Collins (MI)
Combest
Condit
Conyers
Cooper
Coughlin
Cox (CA)
Cox (IL)
Coyne
Cramer
Cunningham
Dannemeyer
Darden
DeFazio
DeLauro
Dellums
Derrick
Dickinson
Dingell
Dixon
Donnelly
Dooley
Doolittle
Dorgan (ND)
Dornan (CA)
Downey
Dreier
Durbin
Dwyer
Dymally
Early
Eckart
Edwards (CA)
Edwards (TX)
Emerson
Engel
English
Erdreich
Espy
Evans
Fascell
Fazio
Feighan
Fields
Fish
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Franks (CT)
Frost
Gallegly
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
Gonzalez
Goodling
Gordon
Grandy
Green
Guarini
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Hansen
Harris
Hastert
Hayes (IL)
Hayes (LA)
Hefley
Hefner
Henry
Hertel
Hoagland
Hobson
Hochbrueckner
Holloway
Horn
Horton
Hoyer
Hubbard
Hughes
Hunter
Hyde
Inhofe
Ireland
James
Jefferson
Jenkins
Johnson (CT)
Johnson (SD)
Johnson (TX)
Johnston
Jones (GA)
Jones (NC)
Jontz
Kanjorski
Kaptur
Kasich
Kennelly
Kildee
Kleczka
Klug
Kolbe
Kolter
Kopetski
Kostmayer
Kyl
LaFalce
Lagomarsino
Lancaster
Lantos
LaRocco
Laughlin
Leach
Lehman (CA)
Lehman (FL)
Lent
Levin (MI)
Lewis (CA)
Lewis (FL)
Lewis (GA)
Lightfoot
Lipinski
Livingston
Long
Lowery (CA)
Lowey (NY)
Luken
Machtley
Markey
Matsui
Mazzoli
McCandless
McCloskey
McCollum
McCrery
McCurdy
McDade
McDermott
McEwen
McGrath
McHugh
McMillan (NC)
McMillen (MD)
McNulty
Meyers
Mfume
Michel
Miller (CA)
Miller (OH)
Miller (WA)
Mineta
Mink
Moakley
Molinari
Mollohan
Montgomery
Moody
Moorhead
Moran
Morrison
Mrazek
Murphy
Murtha
Myers
Nagle
Natcher
Neal (MA)
Neal (NC)
Nichols
Nowak
Oakar
Obey
Olin
Olver
Orton
Owens (NY)
Owens (UT)
Oxley
Packard
Pallone
Panetta
Parker
Patterson
Paxon
Payne (NJ)
Payne (VA)
Pease
Pelosi
Perkins
Peterson (FL)
Peterson (MN)
Pickett
Pickle
Porter
Poshard
Price
Rahall
Ramstad
Rangel
Ravenel
Ray
Reed
Rhodes
Richardson
Ridge
Riggs
Rinaldo
Ritter
Roe
Roemer
Ros-Lehtinen
Rose
Rostenkowski
Roth
Roukema
Rowland
Roybal
Russo
Sanders
Sangmeister
Sarpalius
Savage
Sawyer
Saxton
Schaefer
Scheuer
Schiff
Schroeder
Schumer
Sharp
Shaw
Shuster
Sikorski
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter (NY)
Slaughter (VA)
Smith (FL)
Smith (IA)
Smith (NJ)
Smith (TX)
Snowe
Solarz
Spratt
Staggers
Stallings
Stark
Stearns
Stenholm
Stokes
Studds
Sundquist
Swett
Swift
Synar
Tallon
Tanner
Tauzin
Taylor (MS)
Thomas (CA)
Thomas (GA)
Thomas (WY)
Thornton
Torres
Towns
Traficant
Traxler
Unsoeld
Upton
Valentine
Vander Jagt
Vento
Visclosky
Volkmer
Vucanovich
Walker
Waters
Waxman
Weber
Weiss
Weldon
Wheat
Whitten
Wilson
Wise
Wolf
Wolpe
Wyden
Wylie
Yates
Yatron
Young (AK)
Young (FL)
Zimmer

NAYS—24

Archer	Jacobs	Sensenbrenner
Armey	Marlenee	Shays
Burton	Nussle	Smith (OR)
Crane	Penny	Solomon
Duncan	Petri	Stump
Goss	Roberts	Taylor (NC)
Hancock	Rohrabacher	Williams
Herger	Santorum	Zeliff

NOT VOTING—48

Alexander	Gallo	Martinez
Barton	Gaydos	Mavroules
Beilenson	Geren	Morella
Brooks	Gradison	Oberstar
Bunning	Gray	Ortiz
Bustamante	Hammerschmidt	Pursell
Carr	Hatcher	Quillen
Clay	Hopkins	Regula
Coleman (MO)	Houghton	Rogers
Costello	Huckaby	Sabo
Davis	Hutto	Schulze
de la Garza	Kennedy	Serrano
DeLay	Levine (CA)	Spence
Dicks	Lloyd	Torricelli
Edwards (OK)	Manton	Walsh
Fawell	Martin	Washington

□ 1642

The Clerk announced the following pairs:

On this vote:

Mr. Costello for, with Mr. DeLay against.

Mr. ROBERTS and Mr. STUMP changed their vote from "yea" to "nay."

So the bill was passed.

The result of the vote was announced as above recorded.

The title of the bill was amended so as to read: "A bill to amend certain Federal Reclamation laws to improve enforcement of acreage limitations, and for other purposes."

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. MILLER of California. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed.

The SPEAKER pro tempore (Mr. OWENS of Utah). Is there objection to the request of the gentleman from California?

There was no objection.

ADJOURNMENT TO MONDAY, JUNE 24, 1991

Mr. MOAKLEY. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at noon on Monday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. MOAKLEY. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

HOUR OF MEETING ON THURSDAY, JUNE 27, 1991

Mr. MOAKLEY. Mr. Speaker, I ask unanimous consent that when the House adjourns on Wednesday, June 26, 1991, it adjourn to meet at 11 a.m., Thursday, June 27, 1991.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

REPORT ON RESOLUTION WAIVING CERTAIN POINTS OF ORDER DURING CONSIDERATION OF H.R. 2686, DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS BILL, FISCAL YEAR 1992

Mr. MOAKLEY, from the Committee on Rules, submitted a privileged report (Rept. No. 102–118) on the resolution (H. Res. 179) waiving certain points of order during consideration of the bill (H.R. 2686) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1992, and for other purposes, which was referred to the House Calendar and ordered to be printed.

PERMISSION FOR COMMITTEE ON THE JUDICIARY TO HAVE UNTIL 6 P.M. ON TOMORROW TO FILE TWO LEGISLATIVE REPORTS

Mr. EDWARDS of California. Mr. Speaker, I ask unanimous consent that the Committee on the Judiciary may have until 6 p.m. on Friday, June 21, 1991, to file two legislative reports.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

PERMISSION FOR COMMITTEE ON ARMED SERVICES TO FILE REPORT ON H.R. 2474, ARMS CONTROL AND DISARMAMENT ACT AUTHORIZATION AMENDMENTS, 1992 and 1993

Mrs. BYRON. Mr. Speaker, I ask unanimous consent that the Committee on Armed Services may have until midnight tonight to file its report on the bill (H.R. 2474) to amend the Arms Control and Disarmament Act to authorize appropriations for fiscal years 1992 and 1993, and for other purposes.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Maryland?

There was no objection.

MARY KATHLEEN HANAGAN

The SPEAKER pro tempore (Mr. JONTZ). Under a previous order of the House, the gentleman from Florida [Mr. IRELAND] is recognized for 5 minutes.

Mr. IRELAND. Mr. Speaker, I was greatly saddened to learn of the death of Ms. Mary Kathleen Hanagan. Ms. Hanagan had been a valued employee in our Department of State's Passport Services Division for over two decades. At the time of her death, she was special assistant to the Deputy Assistant Secretary for Passport Services. Prior to that, she had served as the Chief of Special Issuance.

Mary Kathleen "Kathi" Hanagan was very well known to all of us in the Congress and to the many individuals in the executive branch who are called upon to travel overseas. For many years, Kathi was the focal point for lost passports, the issuance of official passports, and the solver of such problems as "I have to be overseas tomorrow morning and I don't have a passport." Often Federal employees are the brunt of many complaints, often many of them without foundation. Kathi Hanagan was a true example of the best and the brightest. She performed her job for 22 years in the most exemplary fashion. I am sure I speak for all the Members of the House when I say she will be missed and that she was not only a wonderful public servant, but a tremendous individual as well.

Kathi was very active in the local community and served as a volunteer for many area organizations. She also raised money for several worthy charities. In addition all her friends were deeply touched and moved by her courage in her battle with cancer over the last 9 months. The eulogy delivered at her funeral mass by her lifelong friend Mary Snell Diegelman is one of the most moving and memorable I have ever read. A true testament to the love for this individual both within her community and in Government circles was the fact that well over 300 people attended her funeral.

Mr. Speaker, with your permission I would like to place in the CONGRESSIONAL RECORD a copy of the memorable eulogy as well as an article from the Washington Post. On behalf of all the Members of the House, I extend sincere condolences to her family and friends at this time.

EULOGY FOR KATHI HANAGAN

(By Mary Snell Diegelman)

She was our friend . . . but as Charles E. Raven wrote, "no man, be he lawyer, doctor, priest or poet can correctly describe the real history of another . . . The little events that determine the growth of the soul, the secret memories that colour his mentality, the hidden springs from which arise his motives and action . . . These no friend, however intimate, can fully know."

While we are never privy to another's innermost thoughts, we are free to choose our friends, and we know what we cherish and expect from a friendship. I loved Kathi. She was my dear friend of almost forty years. When she asked me a couple of months ago to prepare and deliver this testimonial, I tried to tell her that she expected too much of me. But how could I refuse? How could I tell her that I couldn't muster enough composure to pull me through these few minutes after she endured with such courage and

dignity the overwhelming mental and physical anguish of this last year.

Many of us here have known one another since grade school days at this parish, and we have returned tonight for a sadly significant milestone. It all began for us in the older buildings down the street—the Sacraments, celebrations, education, C.Y.O., weddings and sometime funerals—but never for one of our own. To those of you who were fortunate enough to become Kathi's friends in later years, we, her old-time friends, admire your taste, judgment and good fortune. We have all enjoyed the casual, seemingly uncomplicated (never shallow), shy yet sociable Mary Kathleen Hanagan:—the one who loved to sing but really couldn't carry a tune:—the one who would gleefully remind me about her charismatic charms after managing to develop a cherished friendship with a woman new to the area, despite the fact that Kathi's mouth was completely wired shut at the time.

We know she never tried to impress people with her intellect or any other attribute except wit. But, did you know how smart she was? How she could produce at the last minute—always down to the wire—some of the most incredible study marathons, term papers, exams—and her good grades reflected that. Besides, anyone with such an extensive repertoire of lousy jokes had to have a terrific memory and a very active mind.

But I came to love another side of Kathi—the part we shared during grade school sleep overs, long walks on the beach, lengthy phone conversations. Those were the times that enabled me to understand that I loved her for her faith, humor, innocent whimsy, intelligence and kindness—the same attributes which supported her through painful times and losses throughout the years—and this illness.

I have so many images of her in various settings—her family's living room in Fairlington, grade and high school classrooms, her college dorm rooms, her apartments in Alexandria. Following college, Kathi's professional career flourished while she struggled in her personal life. However, she rebounded—she blossomed after moving to Parkfairfax where she began to enjoy the freedom of being her best on her own terms. There was a period a couple of years ago when many of us were planning our Blessed Sacrament reunion—a time that captured Kath when she was at her absolute best. She looked fabulous. She was content. She thrived on her work, her home, her friends. Life had finally calmed down as much as she would allow it. She offered her home for our reunion planning sessions, and at first a rather small group worked and worried about pulling it off. After a while, we knew it would work because the planning sessions themselves turned into minireunions, and we thank Kath for setting the tone. She threw herself into it with such enthusiasm, humor and uncomplicated support that we hated the meetings to end. I understand that she exhibited the same vibrant force with her friends from the Saint Patrick's Day Parade Committee with whom she developed an interest in her Irish heritage, as reflected in the liturgy tonight.

No description of Kath would be complete without recognizing members of her family as central figures in her life. Jean, to who Kath referred lovingly as her "wicked stepmother", realized early on how much Kathi needed her gentle but firm guidance. I can't remember when Kath later began to call Jean "my Mom", but Jean made that transition easy, and Kath viewed her as her staunchest ally. In the old days, caring for Kath meant also taking on three or four of her friends at a time, who were constantly visiting the Hanagan household. Mr. Hanagan would peer up from the Sports Page or pizza dough just long enough to tease one of us—the same Irish humor that Kath inherited. All you had to do was see the twinkle coming into their eyes and you knew you were in for it. He and Kathi's mother must have been waiting for her with open arms on Tuesday. And Pat, her just-a-little-bit-older sister, who put up with a lot from Kath and us. Probably Pat became the good mother she is today because she got to practice on Kath's friends. I bet even Kathi would be hard-pressed to explain the extent of her reliance on Pat as a constant in her life. And, Jimmy, her baby brother—who grew up and was thrust into the role of advisor, champion and true friend.

From the moment we all realized the extent of her illness, I don't believe any one of us could casually accept our time with Kathi. Each visit and every opportunity to help were treasures. The sheer number of her friends was impressive—a testimony to her character. She never complained, and as time passed she wanted to visit with every person who contacted her. We all served a purpose—everyone had a role; but it never mattered to me and Kathi throughout the years what our status or roles were—student, worker, married, single, dating or gravely ill—having one another had become a way of life of us. Such a given! Now I can't comprehend life without her. I will miss her terribly. It was my great privilege to call her my dear friend!

[From the Washington Post, June 13, 1991]

MARY KATHLEEN HANAGAN

Mary Kathleen Hanagan, 44, an employee for 22 years in the State Department's passport services division, died of cancer June 11 at the Hospice of Northern Virginia in Arlington. She lived in Alexandria.

Miss Hanagan was special assistant to the deputy assistant secretary for passport services. A former passport examiner, she also had been chief of special issuance in the passport division.

Miss Hanagan was born in Washington and reared in Arlington. She was a graduate of St. Mary's Academy in Alexandria and Mary Washington College.

She was active with the St. Patrick's Day Parade Committee of Washington and was a volunteer at WETA, Hopkins House in Alexandria and senior citizen programs of Alexandria. She also tutored in the Washington Higher Achievement program and was a fund-raiser for the Arthritis Foundation.

Her marriages to Frank McGovern and James Ward ended in divorce.

□ 1640

TWO SHIPS ON A COLLISION COURSE

The SPEAKER pro tempore (Mr. JONTZ). Under a previous order of the House, the gentlewoman from Maryland [Mrs. BENTLEY] is recognized for 60 minutes.

Mrs. BENTLEY. Mr. Speaker, earlier this month, this body debated at length over the future of space station Freedom. During this time many of my colleagues raised the point that if we abondoned funding for the project, then we would lose face in the sight of our allies. I would like to focus on what I consider particularly affronting remarks made by one of those so-called allies, Japan.

As much as I appreciate the sentiments of those who favored the station, and I too cast my vote on its behalf, feeling that it is an extremely important project for this country, we should recognize that there are some ominous lessons to be learned in the wake of these discussions.

Principally, it is important to recognize the degree to which foreign governments have diluted the integrity of the budget process. Certainly, it is true that the station is a cooperative venture and that the member nations of the project have an interest in realizing its further development, but it also is essential that we realize the extent to which foreign agents are attempting to influence American policymaking.

In this regard, Japan, more than any other nation involved in the project, has been extremely bitter. While it is no secret that the ties between our two nations have been deteriorating, the events leading up to the space station vote were extremely revealing considering the Japanese Government's longstanding public relations campaign of friendship and reconciliation.

The New York Times reported on May 28 that Japan issued an—

> * * * unusually blunt and direct warning that it might refuse to contribute billions of dollars to American-led big-science projects in coming years unless American plans to build a vast outpost in space remain intact.

The same article quoted an official at the Japanese Foreign Ministry who said, "It is a very serious situation."

Should the American people regard this as an attempt to blackmail the budget making process? I feel they should.

In reality, this most recent dispute points to a trend which has been developing in recent months signaling a fundamental alteration in the dynamics of the United States-Japan bilateral relationship.

This change in the weather marks the end of a long road of deteriorating commitment and respect between Japan and the United States.

Some have questioned the means by which these relations have come to be as bad as they are today. There is no reason for this confusion.

In fact, the fog of mystery which seems persistently to surround United States-Japanese relations is just one of the many mechanations employed by Japan's lobby to mislead and skew what should be a very important debate over the future of American industrial policy.

Fortune magazine of May 6, 1991 makes some significant observations concerning the changing nature of United States-Japan relations and offers what I feel is a very revealing por-

trait of Japan's evolving attitude about the value of the United States in their vision of the future.

To Japan, the United States is a commodity, to be bought and sold to the highest bidder.

Fortune began its analysis by noting a peculiar scene witnessed by some in the Japanese capital, Tokyo, this spring.

Domo arigato—Thank You, America—read placards on the big truck leading a march through central Tokyo this spring. But unlike most demonstrations, this one wasn't snarling traffic. Behind the truck was just one lonely marcher.

While Americans reacted to victory in the Gulf with unbridled pride, most Japanese saw the whole episode as orokana senso—that foolish war. Far from being ashamed of their checkbook approach to the Gulf, Japanese are bristling with arrogance and self-confidence. Japan's new mood, pitted against a souring American attitude toward Japan, has produced the deepest split between the two countries since World War II.

Mr. Speaker, what I find most astonishing about the Japanese position is its total disregard for the history of the relationship between our two nations. Countless times in the past 45 years the United States has suffered so that Japan could prosper.

Since 1945 the U.S. and Japan have been knitted together at the hip, strategically and economically. During the Cold War, the U.S. felt it needed a strong military presence in northern Asia to counter the Chinese Communists and the Soviet Union. Japan welcomed the American security umbrella. Economically, Japan needed access to the huge U.S. market, plus American technology to keep growing. After initial postwar feelings that anything made in Japan was shoddy, Americans came to love Japanese goods for their value and high quality.

Times have changed. Trade figures belie the notion that the United States-Japan relationship has been a cooperative one. In fact what has developed is a parasitic relationship where Japan has utilized America as its host nation while aggressively pursuing a strategy of economic and industrial imperialism.

Then, consider trade. Japan's dependence on the U.S. has shrunk dramatically. Since 1986, exports from Japan to the U.S. have edged up only slightly while those to Europe and Asia have soared. Trade with the U.S. last year accounted for 27% of Japan's worldwide trade, down from 33% in 1986. This year the figure could be around 25%, and for the first time in 15 years Japan will export more to Asia than to the U.S. If anything, America has become more dependent on Japan these days, not the other way around. The Commerce Department says the Pentagon will have to rely on the Japanese for semiconductors and other high-tech equipment for its smart weapons of the future. In consumer electronics, Americans have plenty of choice—among the Japanese brands that dominate shelves.

A comparison study of trade surpluses held by Japan in America and those held by America in Japan further illustrates this unbalanced relationship. According to Fortune, in 1990 Japan's leading surplus category was a $22.3 billion surplus with the United States in the areas of computers and telecommunications equipment. The United States largest surplus, $8.9 billion in the area of food, beverages, and cigarettes.

The writing is on the wall; Japan is sourcing America to supply its industrial growth.

Japan's change in attitude finally has brought to the surface long-held beliefs. Perhaps the following remarks can serve as a rallying cry for Americans interested in preserving some measure of economic strength.

A Japanese broadcaster, Hiroshi Kume, reflects on Japanese beliefs when he notes:

We just don't think like you. We might dress in jeans, but we are still samurai, wearing swords. For us, Japan equals the earth. Going to England is like going to Mars. The U.S. is Jupiter. I've met junior-high kids who don't even know we fought a war against the Americans. Parents don't want to talk about it and schools don't teach it.

Mr. Speaker, Japan is different. And the comparison is not flattering. Americans who, in increasing numbers, are realizing the folly of one-sided United States-Japan interaction must stand up and be heard. America needs to defend its economic ability or else surrender its economic future to the predatory Japanese juggernaut.

Mr. Speaker, I include the entire Fortune magazine article for the RECORD.

[From Fortune Magazine, May 6, 1991]

THE BIG SPLIT

(By Carla Rapoport)

Domo arigato—Thank You, America—read placards on the big truck leading a march through central Tokyo this spring. But unlike most demonstrations, this one wasn't snarling traffic. Behind the truck was just one lonely marcher.

While Americans reacted to victory in the Gulf with unbridled pride, most Japanese saw the whole episode as orokana senso—that foolish war. Far from being ashamed of their checkbook approach to the Gulf, Japanese are bristling with arrogance and self-confidence. Japan's new mood, pitted against a souring American attitude toward Japan, has produced the deepest split between the two countries since World War II. The economic and geopolitical ties between the world's two wealthiest nations can no longer be taken for granted.

The U.S. trade deficit with Japan, though slowly decreasing, is still staggering. More Americans than ever believe that Japan's trading practices are restrictive at home and predatory abroad. Japanese think that America should get its own economy in shape instead of trying to tell Japan what to do. Americans have doubts that Japan can be counted on in the next crisis.

The results? Despite the cordial meeting between George Bush and Japanese Prime Minister Toshiki Kaifu in California in April, these developments are certain to cause political trouble at home for both of them. Here are some things to look for:

There will be increasingly bitter trade fights and at least some stirrings in Congress for retaliation, especially if deficit improvement flattens out.

The Democrats are bound to make U.S.-Japan trade a campaign issue in the 1992 presidential election.

The American-Japanese security alliance, in which bases in Japan have been a crucial part of U.S. global military power, will come under increasing strain.

Japan's growing strength in key high-tech industries will result in further penetration of markets worldwide.

OK, you say, you've seen this movie before and you know how it ends. Japan promises increased market access, and American industry promises to try harder, right? We decide that we need each other militarily and economically, right? Throughout the great trade battles, from textiles in the 1970s to baseball bats, beef, and supercomputers in the 1980s, that's the way it's been.

This rift looks more serious. Since 1945 the U.S. and Japan have been knitted together at the hip, strategically and economically. During the Cold War, the U.S. felt it needed a strong military presence in northern Asia to counter the Chinese Communists and the Soviet Union. Japan welcomed the American security umbrella. Economically, Japan needed access to the huge U.S. market, plus American technology, to keep growing. After initial postwar feelings that anything made in Japan was shoddy, Americans came to love Japanese goods for their value and high quality.

Now the Asian part of the Cold War is about to dissolve in Gorbymania. The Soviet leader's precedent-setting April trip to Tokyo is expected to lay groundwork for an end to the dispute over four Japanese islands held by the Soviets since the end of World War II. In exchange, Moscow is counting on billions in loans and credits.

U.S. policymakers want to keep America's 12 bases (two Army, three Navy, six Air Force, and a Marine air station) in Japan, with the Japanese providing a rising share of the cost, on grounds that accidents like the rise of a Saddam Hussein could happen in Asia too. But with the Soviet threat eliminated, many Japanese are uninterested in paying for U.S. troops they think are no longer needed.

Then, consider trade. Japan's dependence on the U.S. has shrunk dramatically. Since 1986, exports from Japan to the U.S. have edged up only slightly while those to Europe and Asia have soared. Trade with the U.S. last year accounted for 27 percent of Japan's worldwide trade, down from 33 percent in 1986. This year the figure could be around 25 percent, and for the first time in 15 years Japan will export more to Asia than to the U.S. If anything, America has become more dependent on Japan these days, not the other way around. The Commerce Department says the Pentagon will have to rely on the Japanese for semiconductors and other high-tech equipment for its smart weapons of the future. In consumer electronics, Americans have plenty of choice—among the Japanese brands that dominate shelves.

Want proof of Japan's new sense of independence? If you can read Japanese, glance at a recent study of U.S.-Japan relations commissioned by Japan's Foreign Ministry and written by the International Institute for Global Peace, a Tokyo research organization with strong government ties. The report states: "It is apparent that the U.S. economy is not recovering and its capacity to manage its foreign strategy is declining—for example, its inability to bear the full costs of the Gulf war. The American people and policymakers seem to refuse to acknowledge the country's decline and need for improvement

* * *. If the entire U.S. political system is not reformed, the illogical, inefficient budget procedure is likely to continue."

The study says that Japan's rise as an economic superpower has reawakened Japanese nationalism in the form of anti-Americanism. "There is a growing feeling that further [trade] concessions to the U.S. are unnecessary." During the Gulf war, nationalism erupted as pacifism, especially among Japan's younger generation. The report points out that the "backlash" was not directed at leaders of the multinational forces in general, but "specifically at the U.S." The Foreign Ministry study concluded that all this spells trouble for Japan-U.S. security treaties.

Anti-Americanism? Surely, as the Japanese grew richer, traveled abroad more, and absorbed more Hollywood movies, they would want what Americans want—bigger homes, two cars, consumer credit to the max, and more leisure. Japan's role in World War II must make young Japanese, like young Germans, anxious to atone for their parents' nationalistic mistakes, right?

It's not happening. Most Japanese are working and saving as hard as ever. As for guilt, forget it. Says Hiroshi Kume, Japan's popular latenight anchor for TV Asahi: "We just don't think like you. We might dress in jeans, but we are still samurai, wearing swords. For us, Japan equals the earth. Going to England is like going to Mars. The U.S. is Jupiter. I've met junior-high kids who don't even know we fought a war against the Americans. Parents don't want to talk about it and schools don't teach it."

In comic books and on television, Americans have become the butt of jokes. The standard Touch-Tone telephone, called the "push phone" in Japan after its push buttons, is now known as the Bush Phone. Pick it up, and it asks for money. Comedian Tokoro Joji draws laughs with this hardly humorous line: "Japan lends money to America so its people can maintain living standards three times higher than ours."

For years Japanese defended their aggressive trade policies by pleading poverty; the old we're-just-a-small-country-with-no-natural-resources line, usually accompanied by a deferential bow. A few still use it, but most Japanese unabashedly believe that their own robust economy will lead the world's development from now on. Japan is the world's largest donor of aid; eight of the world's ten biggest banks are Japanese; the country's huge industrial companies are rich and getting richer; what's more, city streets are still safe at night. The Japanese have so much of the world's advanced technology that even Western weapons makers are dependent on them. Well-respected economists in Tokyo now issue reports claiming that Japan, with half the population of the U.S., will have a larger GNP by the end of this decade.

Some Americans agree. William Spencer, CEO of Sematech, the government-backed semiconductor research consortium in Texas, says, in all seriousness, "Today's technology is not being driven by the Strategic Defense Initiative. It's being driven by Sony Camcorders." Japanese technology has become so important that IBM, Apple, Compaq, and Tandy are now defending Japan's electronics exporters against charges by smaller U.S. competitors that the Japanese are dumping flat-panel displays. The U.S. giants claim that American suppliers cannot meet the demand for this crucial computer component.

On the west coast, Japanese banks kept the flagging real estate market alive most of last year. They continued lending after most U.S. institutions had all but stopped in the wake of the S&L crisis. Says Jack Rodman, a Los Angeles real estate consultant: "Developers are holding their breath, waiting for Japanese banks to turn on the taps again." In the job-hungry South, expect only raves about the Japanese. Says Tennessee Governor Ned McWherter. "[Japan] is what our future is all about."

A lot of other Americans, though, view Japan's power with growing uneasiness. In March, Jerry Jasinowski, president of the 12,500-member National Association of Manufacturers, wrote to President Bush seeking a "reassessment" of America's relationship with Japan. Jasinowski, whose organization represents 85% of U.S. manufacturing output, didn't spell out precisely what he wanted Bush to do. But such a reassessment might well open a discussion of those Administration taboos, managed trade and industrial policy, the Japanese versions of which Jasinowski apparently envies. Japan's goals, he wrote, appear to be more "intensely national and more thoroughly coordinated and pursued than our own." In a CNN interview later, he added, "In some cases we ought to do what the Japanese have done."

Polls reflect a hardening attitude toward Japan and, lately, Japanese products. A nationwide survey last fall by the Chicago Council on Foreign Relations showed that 60% of those polled consider that Japan's economic strength will be a "critical threat" to the "vital interests of the U.S." over the next ten years. In a poll taken since the Gulf war by Gordon S. Black/USA Today, 31% said they would be "less likely" to buy Japanese products than before. Says Mark Foster, former special counsel to the U.S. embassy in Tokyo and now a consultant to American companies trying to crack the Japanese market: "All across the country, people I talk to are looking at the Japanese as free-riders."

Even the Bush administration, which has been extremely measured toward Japan, has begun to lose patience. Secretary of Agriculture Edward Madigan sent an emotional letter to Tokyo after Japanese officials threatened to arrest American farmers for trying to display packets of U.S. rice at a food exhibition. "There are more than two million farmers in America," he wrote. "Should they band together against buying Japanese products?" In March the Administration released its annual report on worldwide trade barriers. The tone was a lot calmer than Madigan's, but the longest section was devoted to Japan, including lengthy descriptions of such nontariff barriers as Japan's refusal to accept clinical testing data on U.S. pharmaceuticals on grounds that Japanese are physically different. More testing makes it more expensive for U.S. drug companies to crack the Japanese market.

Washington has soft-pedaled criticism of Japan through the years primarily because security arrangements have been deemed more important than trade. Push the Japanese too hard on imports, went the argument, and the U.S. might lose its important strategic bases. Nor has that view disappeared with the end of the Cold War. The Soviet threat has been replaced among some defense thinkers by the Great Vacuum threat. James Auer, head of U.S.-Japan Studies at Vanderbilt University and a former assistant to the Secretary of Defense, sums it up: "The biggest threat in the Pacific is no longer communism but the potential breakup of the U.S.-Japan alliance. If the U.S. were not there, it would leave a vacuum that the Soviets or the Chinese or the Japanese might be tempted or even forced to fill."

Still, the motion of the primacy of security is fading. In a letter to President Bush this spring, Senator Max Baucus, Democrat of Montana and chairman of the Senate subcommittee on international trade, wrote, "No other bilateral issue [with Japan] is more important than trade." He urged a sweeping review of America's Japan policy, similar to the one on U.S. policy toward the Soviet Union that the CIA performed when Bush was director.

At first glance, this shift in U.S. attitudes toward Japan seems odd. The trade deficit finally is moving in the right direction. From the peak of $57 billion in 1987, the gap narrowed to $41 billion last year. Japan's current account surplus with all its trading partners fell from 4.4% of GNP to 1.2%.

For many American companies, business in Japan has never been better. Coca-Cola earns more there than from its U.S. soft-drink business. Proctor & Gamble is diapering Japanese babies from Okinawa to Hokkaido. Motorola is cleaning up in the cellular phone market. Apple computers are popping up in Japanese schools and offices. Investment banks like Saloman Brothers and Morgan Stanley are making serious money in Japan.

The problem is that no matter how fast U.S. companies expand in Japan, Japanese companies are expanding faster worldwide. And America's trade profile with Japan is beginning to look like that of a Third World country. The U.S. is gaining in exports of raw materials and food while Japan is gaining in high-tech, high-value-added manufactured goods.

At the same time Japan's share of high-tech markets worldwide is surging while the U.S. share is declining. Further, while U.S. exports to Japan have increased substantially in the past five years, the growth of exports from Europe and Asia to Japan has handily outstripped U.S. growth.

It has been six years since the yen doubled in value following the meeting of central bankers at the Plaza hotel in New York. The currency shift was supposed to solve the trade problem by making U.S. goods cheaper in Japanese markets. Japan's imports have gone up dramatically, but the main beneficiaries have been neighboring Asian countries that sell cheap consumer goods and Europeans who have exploited a new Japanese appetite for French wines, Italian suits, and BMWs.

And while the U.S. trade deficit has declined, its proportion of Japan's total surplus went up—from 62% in 1986 to 75%. America's electronics industry is the largest in the world (though Japan's may surpass it in 1991). Yet the U.S. electronics deficit with Japan rose from $17.5 billion in 1985 to $18.2 billion last year.

In data-processing and office automation equipment, a sector Americans pioneered, U.S. world market share has plunged from 50.8% in 1984 to 32.1% in 1989, while Japan's has surged from 14.4% to 32.4%. Japan's share of the world electronics market jumped from 21.7% to 31.2% between 1985 and 1989, while the U.S. share dropped from 64.5% to 50.5%.

In addition, the strong yen allowed Japanese companies to pick up U.S. real estate and American companies at half price. The cost of imported raw materials, like oil and steel, plummeted because of Japan's superstrong currency. Not only did the muscular yen not hurt Japanese businesses, but moreover the growth cycle that began in late 1986 is soon to become the longest in the

postwar period, expanding the economy by 25% so far.

On the eve of his latest trade mission to Japan, Commerce Secretary Robert Mosbacher complained that "Japan is an exporting superpower and an importing alsoran." Peter Petri, a Brandeis economist on sabbatical in Japan, explains: "The U.S. doesn't make cheap consumer goods anymore, and our luxury goods aren't rich enough for the Japanese. We're left with what we always sold—airplanes, sophisticated office equipment—things the Japanese couldn't make."

Japan's import tables bear out Petri's point. While imports from the U.S. climbed 76% between 1986 and 1990, imports from the countries of the European Community soared 133%. Sales from France to Japan have gone up nearly 300%, and from Germany 144%. Imports from China more than doubled, turning a trade deficit into a $6 billion surplus. Imports from Southeast Asia rose 83% and from South Korea 106%.

Even if Japan takes more action to open its markets, the U.S. will not significantly benefit. To the Japanese, this fact seems obvious. Says Makoto Kuroda, a former top trade official who is a managing director of Mitsubishi Corp.: "America is not in a position to supply Japan, if we are leading in major industries."

This hurts many U.S. companies. Consider semiconductors. After years of rancorous trade fights that led to a Japanese commitment to increase imports but little action, American producers are finally making progress in the Japanese market. But Rod Canion, president of Compaq, and Jerry Junkins, CEO of Texas Instruments, recently told Congress that the improvement is coming too late. While the U.S. semiconductor industry has now begun to hold its own, it has, they claim, "gone from dominance to fighting for parity" (see Technology). Since 1980 the U.S. share of the world chip market has fallen from 57% to 40%, while Japan's share has risen from 27% to 47%.

Don't blame us, say more and more Japanese. Most revealing is a report titled "Japan, the U.S., and Global Responsibilities," signed by 68 members of the Japan Forum on International Relations, including academics, writers, and the CEOs of Hitachi, NKK, Shimizu Corp., Nippon Life Insurance, Seiko Epson, and Yasuda Trust. At the end it states that the U.S. must abandon its preoccupation with the bilateral trade imbalance: "The U.S. should stop regarding each new tack in its efforts to resolve the trade imbalance as a panacea."

Looking at the matter coldly, the Japanese are right. While Americans earnestly push for a level playing field, the Japanese know that such a field doesn't exist. While the U.S. doggedly fights each trade battle, claiming victories in beef, oranges, and supercomputers, Japan's aggressive approach to trade doesn't change. When the U.S. finally got Japan to buy supercomputers last year after a seven-year fight, Japanese companies had learned how to make the machines themselves and had already taken 95% of the big public-sector market. Quotas came off beef and oranges last month but tariffs went up, so prices in the stores were unchanged or in some cases higher.

This doesn't mean the Japanese are cheating. They are simply playing by different rules. Economic policy drives Japanese society. As Mosbacher puts it, "It's difficult to know where the government ends and the private sector begins." Says Glen Fukushima, a former U.S. trade official now with AT&T Japan: "When tariffs and barriers come off, the Japanese are ready." Former U.S. trade negotiator Clyde Prestowitz Jr., now president of the Economic Strategy Institute in Washington, explains: "In the U.S. policies are canted toward the consumer. In Japan they are canted toward the producers."

Take a close look at the Japanese auto industry, touted by many American economists as the best example of Japan's wide-open competitiveness. Eleven makers slugging it out, right? In fact, only three of the smaller manufacturers—Mazda, Honda, and Suzuki—are independents, each sticking to a distinct area of expertise.

All the other automakers have strong links to one or two other manufacturers through stock ownership. Toyota is the leading shareholder of Hino, Japan's largest truck producer, and Daihatsu, another maker of minicars. Nissan owns 40% of Nissan Diesel Motor. Fuji Heavy Industries, maker of Subaru, would have been bankrupt long ago if Nissan and the Industrial Bank of Japan hadn't bailed it out. Bureaucrats tightly monitor overall production in all industries, and though there have been notable exceptions (they couldn't persuade motorcycle maker Honda to stay out of the car business), they have usually been able to curtail new facilities that might create overcapacity.

To get a feel for how this works, pretend that Teddy Roosevelt and the trustbusters never existed. Imagine that General Motors held stakes in all its parts makers, plus stakes to Bethlehem Steel, its biggest distributors, Prudential Life Insurance, Chase Manhattan, and Merrill Lynch. Imagine that it told all those companies that it would never sell the shares as long as they gave preferential treatment to GM wherever possible. Imagine the meeting GM would hold once a month with the CEOs of all those companies. Now you are getting the idea of a Japanese keiretsu, or industrial group.

Further, imagine senior managers from seven or eight of those groups sitting down with a bureaucrat at the Commerce Department. Says the government man: "Memory chips (or amorphous metals or whatever) are going to be crucial to all industries for the next decade. Here are the tax incentives and loans you can get if you decide to get involved in this business." The government keeps an eye on every important move the companies make, but it has also eliminated most of the risk. By making the business under discussion a top national priority, the government guarantees that markets will exist and no company will fail.

Is this collusion? Kinichi Kadono, a board member at Toshiba, doesn't think so. Looking back on Japan's move into high-power memory chips 15 years ago, he says, "The government acted as a trigger to get companies involved, but our investment since then has been huge." Is it fair? He answers with a touch of poor-little-Japan: "I was a teenager after World War II. You can't imagine the poverty and weakness we felt. Even with help from the government, we still thought we were helpless. The government played a big role here, but was it bad? I don't think so."

Though Tokyo's official attitude remains conciliatory on U.S. trade initiatives, Washington's efforts may now be beside the point. Japan's huge capital spending program, which was backed by the super-low interest rates and cheap capital costs of the late 1980s, has yet to bear fruit. Says Jeffrey Garten, a managing director of Blackstone Group, a New York investment bank that deals heavily with Japan: "The wave of Japanese exports that will come from that investment will likely dwarf anything we've seen so far."

Trade battles will become more acute, nonetheless. Expect computers to be next, and then watch for something called dual-use components. These are electronic devices that can go into a toaster or a Patriot missile. While Japan does not export arms, it does export dual-use electronics by the shipload. And it is this fact that brings trade with Japan back into the security arena. Says Andrew Grove, CEO of Intel: "All that high-tech stuff you saw in the Gulf war was based on U.S. technology developed in the 1970s. We controlled it then. Today, for the most part, we don't." After his fourth trip to Japan, Senator Jeff Bingaman, a New Mexico Democrat, wrote Deputy Secretary of Defense Donald Atwood: "A comparison of U.S. and Japanese efforts in critical technologies, particularly dual-use technologies, clearly shows adverse trends for the U.S."

Japanese executives take for granted that an important shift in the balance of power between the U.S. and Japan has taken place. Says Mitsubishi's Kuroda, an affable man who genuinely likes Americans: "The important thing is to make sure relations between Japan and the U.S. are good, and you'll have no problem buying Japanese chips. If your companies are not competitive, your government should help them. America should have the guts to tackle its problems."

Many Japanese in high places think it's only a matter of time before Japan stops giving in on U.S. demands for more trade concessions and more money for U.S. bases in Japan. They believe Japan should begin planning for an independent role on the world stage as befits its economic power and responsibilities. Says Shohei Kurihara, a former top government official who is now executive vice president of Toyota: "The strategic alliance [with the U.S.] is less important today." Adds Kume, the TV newscaster: "The military alliance makes me feel that World War II hasn't really ended."

Popular magazine articles have also taken up the topic, with titles like "Is America Japan's Military Policeman?" Outspoken Diet member Shintaro Ishihara, author with Sony Chairman Akio Morita of the popular book "The Japan That Can Say No," is already campaigning for the U.S. to give back an air base to be used as a third Tokyo airport. Toyota's Kurihara is saying no in his own way. Though import promotion is an official government policy, he says the company can't find an American car to recommend to its dealers.

Japanese politicians are gradually beginning to realize that saying no to America means Japan will have to accept more responsibility for its own defense. A willingness to go it alone is growing among younger members of the Diet. The danger, says Koji Kakizawa, a Diet member who is director of the ruling Liberal Democrat Party's National Defense Division, is that Japan will turn isolationist and not cooperate with the U.S. on defense matters at all. As for trade, the Ministry of International Trade and Industry (MITI) is preparing its own list of what it says are U.S. unfair trade practices—including quotas on sugar and other agricultural products—that it plans to present to Washington this year.

The ground ahead of the U.S. and Japan on the trade and defense fronts will be the rockiest since the war. But each side can act now to make the damage as light as possible.

Japan would do well continuing to stimulate its economy to keep imports and aid programs growing. Surely the ban on rice imports should be lifted, if only to show good faith to American negotiators.

On the U.S. side, a growing number of members of Congress and academics are looking at some kind of organized government support for targeted high-tech industries. Says Prestowitz: "The U.S. is becoming more dependent on foreign technology. The response of so many Japanese during the Gulf war showed that sometimes even allies may not see their national interest as coinciding with ours. Maybe we need a technology policy."

Such rumblings are even coming from inside the Administration. Managed trade, which would limit imports, is a nonstarter. But government aid to industries that make dual-use products is under consideration. Says a senior Administration trade official: "My personal view is that we haven't given these [industries] the attention they deserve. I'd focus on areas like semiconductors, real basic stuff."

Voices for such moves come from Japan too. "If U.S. politicians made a strong stand and ordered American manufacturers to catch up to Japan, then the U.S. would easily catch up and surpass us," says Ishihara. Adds Toshiharu Miyano, president of Miyano Machinery, a machine tool maker: "America must become more protectionist. Save the domestic manufacturing sector."

Ishihara and Miyano obviously have scant knowledge of the realities of American politics. Still, their comments, however naive, highlight the difference in thinking between Japanese and Americans. The Japanese would never leave something so precious as their industrial base to the brutalities of market forces. Bureaucrats and legislators guard industry like protective hens. Americans have always backed away from such thinking as unnecessary—and anticompetitive—coddling.

America's adversarial business climate grew out of years of combat between crusading governments and big companies. Remember the suit filed on the last day of the Johnson Administration, seeking to break up IBM because it was too powerful? The suit was eventually dropped, but similar action against AT&T did lead to a sundering of the telephone giant. Can anyone imagine a Japanese government pursuing such goals? Clyde Prestowitz, for one, thinks change is due. Says he: "When John D. Rockefeller knocked out competitors by undercharging, we said it was bad. Today, when foreign competitors undersell domestic manufacturers, that ought to be bad too, but we say it's good for the consumer."

As the U.S. considers its responses to Japan's growing economic challenges, it will also have to take a hard look at the strategic relationship. The two sides should unwind their relationship only slowly. Japan spends about $30 billion a year on defense. As the Soviet threat recedes, Japan can provide more of its own defense and still join in arms reduction programs.

What the U.S. must accept in dealing with both trade and defense issues is that the terms of the relationship have changed fundamentally. This is not just another squall that will end with pledges of more concessions in Japan and more patience in Washington. The new self-assurance of the Japanese is a fact. It only seems to have blown up overnight. It has been building for years, along with Japan's economic power. The question now is whether both sides can accept each other as they are, and build a new relationship on that understanding.

□ 1650

THE COLD WAR IS OVER

The SPEAKER pro tempore. Under a previous order of the House the gentleman from Massachusetts [Mr. FRANK] is recognized for 60 minutes.

Mr. FRANK of Massachusetts. Mr. Speaker, we have an enormous opportunity that faces us as a result of America's victory in the cold war. For 45 years, the United States had as its major concern in terms of the energy level of our political system, as a large claim on our resources, I would guess from 1945 till now, from the end of World War II till now, the largest single chunk of our resources, with the possible exception of Social Security. It has gone to the purpose of survival, and we would have hoped, victory in the cold war. We have now achieved that, and we are slow to recognize the consequences.

What these consequences mean are enormous, and they are enormously beneficial. For 45 years the United States defended much of the rest of the world against an aggressive, hostile and unified Communist bloc. That bloc no longer exists. Indeed, as I look around the world today, Mr. Speaker, with the exception of Fidel Castro, I cannot think of any Communist leader that George Bush does not like.

He is quite friendly with Mr. Gorbachev. He wants to initiate most-favored-nation treatment once again for the People's Republic of China. We are talking about giving assistance that we know winds up in the hands of Pol Pot in Cambodia. We were just told by the administration that we should not be too harsh here in our language toward the leader of Serbia, one of the last of the faithful Communists in Eastern Europe, Mr. Milosevic, in Yugoslavia.

I grant that the President has no great enthusiasm for the North Korean leadership, as he should not. He has not seemed especially angry at them lately.

The cold war is over, and it has not just withered away. We have won it.

The question is, what action do we now take? We have put ourselves at a significant disadvantage in several respects because of our willingness to defend so many of our allies against communism. We have maintained a very high percentage of our gross national product as military expenditure compared to many of our allies.

The problem is that many of these allies have become our competitors and they have used the disparity in military spending to our economic disadvantage.

In other words, as we have been protecting these people against military assault, they have been using that very fact as leverage against us in an economic competition.

Let us take the United States and Japan. The United States has been spending more than 6 percent of its gross national product on the military for some time over a period of years. The Japanese have averaged less than 1 percent.

I do not know anyone who thinks that if these two societies, America and Japan, had been spending roughly equal amounts on the military, that the economies would look the way they look now.

We have done in the military area wondrous things. People saw them on display during the war against Iraq. The United States has put some of its most creative scientists, its best technology, its most adept development people, its scarcest resources, its capital, we have put that into the military for the benefit of much of the world. We have, through those efforts, developed a wonderful set of weapons. But they have had, of course, one relevant quality here. They were not by and large for sale. They were certainly not to be shared widely.

We have put much of our best efforts into weaponry which we hoped fervently would never be used.

The Japanese, on the other hand, have been free to use virtually every resource in their society to develop those for civilian use and in competition. We have spent 6 percent; they have spent 1 percent of the GNP on the military.

Let us take two businesses that exist side by side, businesses of the same sort. Let us take two grocery stores, two law firms, two manufacturing companies, two drycleaning establishments, two auto plants, two of anything that has an identical product. And suppose that because of a difference in jurisdiction, in one community the owner of that business has to spend $6 out of every $100 taken in on security, on protection against burglary, robbery, assault.

And suppose the people just across the line spend $1 out of every $100 taken in for the identical purpose.

Most of us would expect that the business that had to spend $1 out of every $100 on security would be able to outstrip the business that spent $6 out of every $100 on security in a number of areas because one of them would have 5 percent in advantage to spend on marketing, on research, on development.

That is the advantage we have given Japan. Not just Japan. While the disparity has been greatest in percentage of GNP between the United States and Japan, it has been a significant one with the United States and NATO.

The average for the NATO countries outside of the United States in spending has been 3 percent of gross national product. So when we go to the Nether-

lands and Denmark and Germany and England and France and those countries in Western Europe, developed countries with which we compete, they have got a similar advantage.

What has happened, Mr. Speaker, is that we have tried to be Bo Jackson in a way that even Bo Jackson would not want to be Bo Jackson. For the last 20 years there have been two competitions going on in the world. There has been a military competition. There have been two competitors in the military competition, the United States and the Soviet Union.

I know that other countries developed weapons. We have Britain. We had France, other countries. But we just had a war with Iraq, which we were told was the fourth largest army in the world.

I assume China was first, Russia was second. We were third. Iraq was fourth. The outcome of that war between the United States and the fourth largest army in the world proved a point indisputably. We have a disparity in armed might over any other country, with the exception of the Soviet Union, that is incomparable.

If you take the United States and the Soviet Union as one end of a military spectrum, a year ago, with our thermonuclear capacity and our ability to deliver it, and then you look at Britain and France, they are probably closer to the Metropolitan Washington, DC, Police Department in firepower than they are to either the United States and the Soviet Union. We have been in classes by ourselves.

How has the Soviet Union been able to stay roughly even with, which I do not think they are equal, but in the same league with the United States in military spending? Very simply, by having no economy of a civilian nature. The Russians developed an extraordinarily repressive form of government which they used so they did not have to have a civilian economy. And they could stay with us militarily.

On the other hand, after the military competition between the United States and Russia as our first problem, we have had particularly for the last 20 years a civilian competition between the United States and Japan and Denmark and the Netherlands and France and Taiwan and Hong Kong and a lot of other countries.

□ 1700

Now, how have many of these countries stayed even, and even, in some cases, surpassed the United States in civil competition? Because, just as the Russians stayed even with us militarily having no civilian economy, these countries could stay even with us in the civilian area by having no military to speak of.

Look at the combined forces of NATO, look at the European Community, population, GNP; larger than ours and a military nowhere near ours.

The United States is, and has been for 20 years, the only society in the world that could even have contemplated competing against the Russians militarily and against our European and Asian allies in the civilian area. You see, that is why we have been the Bo Jackson of the world, but Bo Jackson was smarter than America. We were very energetic and very courageous. He was smarter, because Bo Jackson would play football during the football season against football teams and baseball during the baseball season against baseball teams. Even he never tried to play baseball and football on the same day against two different teams. That is what America has been expected to do for 20 years.

We have been simultaneously competing against the Soviet Union militarily, against Japan and Denmark, Hong Kong, the Netherlands, and Germany, and everybody else in the civilian area. We have done extraordinarily well.

This is not a reason for us to be self-flagellating. No other society in the history of the world could have accomplished what we accomplished, but neither could any society, including us, have done as well in either competition as we might have done if we were only doing one. Think what the civilian competition between America on the one hand and Denmark or Belgium or Taiwan or South Korea would look like if we did not have the military expenditures that we had.

The answer is we would have been doing a lot better. Look at the United States and Japan. Suppose that marvelous weaponry in terms of technological skill that people saw on display in the war against Iraq, suppose that had, instead, gone into civilian goods; suppose, instead of being used or held in reserve to defend the world, it was transformed into a civilian competition. I think the answer is very clear, that the disparity that we find in the balance of trade between ourselves and Japan would not have been anything like that.

So here is the situation we have had for 20 years. We have voluntarily decreased our civilian productive capacity, because we have voluntarily taken on an extraordinarily heavy military burden by and large for the benefit of the rest of the world.

People can argue about whether we should or should not have done that. I must say I think it has been a long time since we needed to do it.

People have said, "Well, we had to be there in the 1980's to protect Europe against a Warsaw Pact invasion." I cannot remember the last time that I think a Russian general would have comfortably picked up his gun, got in front of a bunch of armed Polish and Hungarian soldiers and said, "Follow me." I think he would have expected to have gotten shot.

Whatever you argue about the past, it is indisputable today that there is no ground military threat facing Europe. There is no military threat that I can see facing Japan.

What is Japan worried about? China and Russia? Yes, that they might not buy enough from them.

There is no more Warsaw Pact. The Soviet Union continues to be a nation about which we have to have concerns, but with its own internal turmoil, with its own secessionist tendencies, this is not a nation to strike fear into the hearts of a country as well armed as we now know the United States confidently to be.

On the one hand we no longer, it seems to me, have to carry that burden. By the way, we should note one reason we were paying so much more for the military than our European and Asian allies is that they were poor. When World War II ended, we were the only society of an advanced economic sort that survived intact. So we took on that burden. We helped. We supported them. They do not need it anymore.

Japan, the Netherlands, Belgium, these are not poor countries anymore. These are countries capable of spending on their own.

We started out the cold war defending poor and weak countries against a strong, aggressive Communist bloc. Do you know what has changed? Those countries are no longer weak. Those countries are no longer poor. The Communist bloc is no longer aggressive. The Communist bloc is no longer so threatening.

Only one thing is not changed. We are still spending as much money as we used to.

We started out spending that level of money for certain purposes. Everything has changed but the money, because they do not want us, our allies, to stop spending the money. Of course not.

Our allies like a situation in which we spend large amounts on their defense. It helps them keep their own military expenditures low. It helps their own economies. The United States is a very important force in creating jobs in Germany. The United States makes some contribution to the economies of these other countries. In the Philippines, if we pulled out, they would have economic problems.

It is ironic that in many of these countries they act as if they are doing us a favor by letting us stay there. Mr. Speaker, I think the most popular book in the world, without question, is "Tom Sawyer." All of those other countries have figured out that they can get America to paint their fences and act as if we should be grateful for the opportunity to do so.

The cold war being over, the United States could, over a 3-year period, cut its military expenditures in half and

still be without question the strongest military power in the world. We would have nuclear submarines, the B-1 bomber, a capacity to send troops all over the world, airpower and seapower unequaled, but we would no longer be providing our allies with the special favor of taxing ourselves and borrowing money to provide enormous benefits to them.

On the one hand, that means our own productivity would take a boost. On the other hand, it means we could attack some of our own social problems.

My understanding is that every country in NATO but one has a form of universal health care. We are the only one that does not. We have the biggest military, and we have, for our own citizens, the least socially useful provision of health care systems.

I think the time has come to reverse that.

I have noticed the gentleman from California has come to the Chamber, and I will be happy to yield to him.

Mr. ROHRABACHER. Mr. Speaker, I thought I would just associate myself with many of the points the gentleman is making.

I think it is fascinating that we have people from the conservative side of the Congress and the more liberal side of the Congress who fundamentally agree that the nature of the cold war has changed, and, in fact, we are probably entering an era when the cold war will be behind us, and that we have got to make some fundamental decisions as to how we spend our resources, and I especially identified with the gentleman's analysis of how the Japanese and our other allies have basically not only been using their resources but their talent in order to compete with us while we were defending them.

I think many of the points that the gentleman has made, and I would like to note that in the last 2 months, some of the decisions I have had to make here on the floor have been predicated on totally different premises than what the decisions that I made 10 years ago when I was in the White House.

For example, I voted recently in support of an amendment offered by the gentleman from Massachusetts [Mr. FRANK] that would have prevented us from what I considered to be wasting money on certain nuclear weapons, and not to say that perhaps in the future if something happens in the Soviet Union where there is some sort of totalitarian threat that retakes over the Soviet Union we may again have to look at nuclear weapons, but at this point when the chances of war have so declined between the United States and the Soviet Union, now is not the time for us to be wasting scarce tax dollars, and as the gentleman pointed out so aptly, that if we waste our dollars here on defense items that are no longer necessary because world conditions have changed, it makes us less competitive in this new world of competition, in a world where the cold war is fading and we are under a new world of economic competition, and it makes us actually less able to compete.

Mr. FRANK of Massachusetts. I appreciate what the gentleman says. I think it ought to be clear that we are not talking here about ideological issues, or at least I hope we are not. We are talking about commonsense adjustments to reality.

I have said, and I know there are people in this House and elsewhere who would disagree with it, about the role of America in the world.

I think since World War II, it has been on the whole a very positive one. I do not speak from the standpoint of someone saying, "Gee, American military power has been kind of a problem, let us cut it back." I think American military power has been used very successfully. We should be very proud of the fact that Japan and Germany, for instance, today are prosperous and democratic.

Germany and Japan today practice a form of democracy greater than either of those societies has ever practiced it before. They get the primary credit for that. You do not inject democracy from the outside, but the United States gets secondary credit with our occupation of both Germany and Japan where we helped. I think one of the great accomplishments of Douglas MacArthur was that he was determined to do everything he could to inculcate democracy in Japan.

We are saying now not that we are unhappy about America's role but that it has been so successful that we can reorient our approach.

I yield further to the gentleman from California.

Mr. ROHRABACHER. I think it is important for us to note, and I know that we might have some disagreements on an analysis of history and what has brought us to this point where we can take a new look at it and perhaps the cold war, as I say, is fading.

□ 1710

I, too, am very proud of the role that American forces have played around the world, and I think that without the courage and the strength of the United States and the technological component, the fact that we actually committed ourselves to developing the weapons systems that we needed in those days that I do not think that we could have deterred a general war with the Soviet Union. However, we did deter a war with the Soviet Union.

Now that the Soviet Union seems to be in somewhat disarray, I think more than weapons at this point in time, it is more important than the United States developing weapons, it is important for the United States to be the champions of democracy all over the world. I would like to note that the gentleman has been very supportive in recent days of measures that I have introduced and others have introduced to insist that the United States be on the side of the democratic reformers in Communist countries rather than trying to cut deals and go along and get along with the governments of those countries.

Mr. FRANK of Massachusetts. Reclaiming my time, I think the gentleman is right. When I talk about reducing what I think is wasteful spending right now militarily in Japan and in Western Europe, that is the opposite of isolationism.

I want America to be able to play a major constructive role in the world. I do not think we are doing enough to combat hunger in sub-Saharan Africa or help bring down the debt in South America. However, what we want to say in the post-cold-war era, we have helped build our allies up and fractionate the communism empire where there is no empire yet, and now what we are saying is, in the past we were deterred in foreign policy from advancing certain lesser issues because we had a bigger issue, a common human phenomenon. If we have an overriding focus on survival, on any one thing, other issues will become secondary.

Between the United States and the Soviet Union, for most of the postwar period, the problem was the terrible tension and the nuclear weapons, and we were focused on deterred war. We were focused on making sure the Soviets were not a threat in that sense to these vital interests. That meant in some cases that we looked the other way on human rights issues with both the Soviet Union and China. China was important to the United States because it was a counter way to the Soviet Union. So we judged China very leniently because we did not want to alienate them. That was true in other cases, too.

The breakout of war in Afghanistan meant we had a different view of Pakistan. Some of the Members are saying now, given the predominance of the United States in the world, given the fact that we have, for a combination of reasons, assured our security, we are not going to let that down. I do not want to dismantle nuclear submarines. I do not want to take a nuclear deterrent away. We may differ among ourselves as to how much we need, but I do not think there are many advocates for diminishing the American military superiority which the world has benefited.

Given that, we can now focus on other issues, look at China as a society and say that we will deal with them based on what values we think we advance in that relationship, and not simply as a counter to the Soviet Union.

Mr. ROHRABACHER. If the gentleman will continue to yield, also we can afford to be the champions of freedom and liberty and democracy that our forefathers thought America should be.

For example, if we no longer, as the gentleman says, have to have a counter way to China, and counter balance China against the Soviet Union, there is no reason why we should not insist on very strict human rights standards before we give them a most-favored-nation status.

I was very disheartened with the President's reaction, after his meeting with President Yeltsin, in that he reaffirmed in very strong terms that he would be, that we would still be maintaining a close relationship and a strong relationship with Mr. Gorbachev who has never been elected to anything. There is no one who elected Gorbachev to hold the power in the Soviet Union.

So I think when it comes to our national security, it behooves the United States to be very strong in our principles in insisting, and in countries all over the world, whether they be former Communist countries or countries like South Africa which were never taken control of by the Communists, but today when the Soviet threat has receded, there is no reason at all that we should not be for a very democratic South Africa.

I met with Chief Buthelezi and assured him I would be pushing for a democratic South Africa. Coupled with that, it is important that we, at a time when we have these opportunities, not let the Soviet leadership in the Kremlin get off the hook by continuing to support Communist and totalitarian movements like in Cuba, while we give our resources to subsidize them. This is another piece of legislation.

Mr. FRANK of Massachusetts. Reclaiming my time, I agree. One thing, as we did in the amendment, the gentleman talked about what we said to the Soviet Union. Many Members said, "Look, we are prepared to be your friends and cooperate with you and encourage you in moving toward democracy and moving toward freedom and moving toward a better and more productive economic system, but you have to cooperate." For the Soviet Union to continue to subsidize one of the world's most repressive regimes, the regime in Cuba, and also to continue to spend more than it ought to militarily, is unwise.

My own view, and I particularly like the amendment that our friend from Arizona [Mr. KYL] and others put forward, said to the Soviet Union we want the Soviet Union to substantially cut their military. I say to the Soviet Union that there is no reason why they cannot cut military more than half than what they are spending from their standpoint, much more makes sense, which would encourage people here, I believe we can cut our spending substantially in any case. A substantial reduction by the Soviets would even strengthen our case. It would enhance the process by which we would get the results to reduce spending here, and I would be glad at that point to share all the savings with them.

They can do something in their interests by cutting the military. If they do not do that, I do not think they can blame any country but themselves for not advancing economically.

Mr. ROHRABACHER. If the gentleman will continue to yield, I asked President Yeltsin that question directly yesterday. I said, "What would you do if the leadership in the Kremlin under Mr. Gorbachev continues to spend their resources and waste them on weapons of destruction?" He looked me in the eye. This was a very fascinating explanation of his own strategy, that he believes in the republics, where they will have the power to tax under the new union treaty, and the central government apparently will not have the power to tax. He said he will not permit the Russian republics to continue to subsidize a heavy military spending. They would reduce the subsidy that Russians give to the central government by 15 percent for their military and 15 percent next year, and that is another reason why we have someone who is willing to make a stand for peace in the republics, we should be out supporting those people who believe in democracy because it will enable the United States in the end to reduce our own military expenditures.

Mr. FRANK of Massachusetts. I thank my friend. I would just say that he mentioned that he spoke yesterday to Chief Buthelezi and spoke to Mr. Yeltsin. He had a cosmopolitan day. He has come a long way.

I appreciate the gentleman's support, and it stresses what I hope we can get across. The victory of the United States in the cold war offered the United States tremendous opportunity as a Nation. It offers, I might say, tremendous opportunities to my party as a Democrat. I have to say the party has a legitimate role in America. I belong to a party which has for sometime had an agenda for more programmatic activity on the part of the Federal Government. Part of the benefit we give from the demise of the cold war is the extent to which it will enhance our productivity by reducing the drain that the Government makes on the private sector in particular, by freeing up the marvelous technology and resources in capital that has gone into this military operation, by freeing some of that up for the private sector, I think we can do very well.

If Boeing loses the B-2 bomber ultimately, I believe that will enhance Boeing's ability to increase further its domination of the world in selling civilian airframes. I think this economy of ours continues to have enormous strength, and that if we are able to take tens of billions of dollars in resources that now go to the military every year, and free that up in the civilian sector, that will be helpful. Some of what we free up can also go to deal with social problems.

I said before, we are the only country in NATO that does not have a form of universal health care that tells the citizens, if they get desperately ill, worry about your health but do not worry about your finances. Among the NATO countries, only in the United States does a person have to worry that if they lose their job, they may be in terrible trouble if their child gets sick, because there will be no way to provide that child with medical care, short of total financial ruin.

□ 1720

Only in the United States if you are 67 years old and you or your spouse faces the need to get long-term care do you have to accept the fact that that means you die wiped out financially because we do not have the right kind of health care system.

Why is the United States the only country in NATO that cannot have that kind of health care system? Are we somehow the ones who cannot afford it? Are we the poorest country in NATO? Are we really that far behind all our NATO allies?

No, the answer is that we have undertaken for so long a military burden on their behalf that we have deprived ourselves of the resources to give ourselves the kind of medical care in insurance terms that they give themselves.

What the end of the cold war offers to the Democratic Party is this. We have programs that I believe are quite popular with the American people, more education, better funded environmental activity, public transportation of which people can be proud, a railroad system that would be environmentally as well as economically better for all of us, more money for education so we could attract the very best Americans to get into teaching. We have not been able to afford that for some time.

Some of my colleagues have felt that if we raise taxes we could afford it, but there have been severe political constraints against raising taxes.

Properly acted upon, the end of the cold war offers those of us who believe in an activist government, those of us who believe that there is a role to be played on the part of this society through government in dealing with those needs that the free enterprise system cannot meet by itself, we now have a chance to have those resources.

We cannot solve every problem all at once, but we are talking, Mr. Speaker,

I believe realistically about an ability to reduce military spending within a fairly short period of time from a $300 billion level to a $150 billion level and be the strongest Nation in the world. We will not be providing unnecessary protection in-depth for rich nations against nonexistent threats, that will lose. In return, we will gain enormous resources that we can put to our own beneficial use.

Mr. Speaker, I am about to yield back the balance of my time today, but I intend to speak again in the next few days on this theme.

I believe that our greatest political intellectual problem today is cultural lag. We won the cold war. That offers us enormous opportunities for increasing our worldwide civilian economic position. It offers us enormous resources for dealing with problems that we have too long ignored and we do not want to take advantage of them.

George Bush in this case is the opposite of another Republican George, George Aiken, the former Senator from Vermont. Since he is a former Senator, I think I can mention him under the rules. If he was a current Senator, I could not, but I think you can quote former Senators.

George Aiken said with regard to the war in Vietnam that what America should have done back in the seventies was to declare victory and get out. George Bush is doing the opposite with regard to the cold war. He wants to deny victory and stay in. He wants to continue to spend militarily on our national defense establishment almost the same amounts, marginally less but almost the same amounts that was spent at the cold war's height. That is a mistake. It is unnecessary for our defense. It is destructive to our economy.

I will return, Mr. Speaker, to discuss again ways in which I think we as a Nation and, candidly, my party as a party can take advantage of George Bush's refusal to recognize the implications of America's cold war victory.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio [Mr. MILLER] is recognized for 60 minutes.

[Mr. MILLER of Ohio addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

THE INTEGRITY IN HIGHER EDUCATION ACT OF 1991

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York [Mrs. LOWEY] is recognized for 20 minutes.

Mrs. LOWEY of New York. Mr. Speaker, I am pleased to join my distinguished colleague, Mr. GOODLING, the ranking member of the Education and Labor Committee, in introducing extremely important legislation to improve higher education programs in this Nation and to save the taxpayers money which is now being wasted through fraud and abuse in Federal student aid programs.

We are all aware that we will need a highly skilled workforce to meet the economic challenges that we face as a Nation in the 21st century. This means that we will need to ensure that more of our Nation's students receive high quality training at the postsecondary level.

Our Nation boasts the best higher education system in the world, and most of our Nation's educational institutions are providing high quality training for their students. However, it is clear from testimony before the Education and Labor Committee that the quality of some postsecondary education institutions is poor. In fact, the evidence shows that some institutions are engaging in outright fraud. As a result, students in these institutions are not receiving the training they need to obtain employment.

Unfortunately, many of these institutions are eligible to participate in Federal student aid programs, and their students rely heavily on guaranteed student loans to finance their educations. The result is that students frequently default on their loans, leaving our Nation's taxpayers with a substantial financial burden.

Clearly, we must be concerned about the costs to our Government of student loan defaults. However, we must also be concerned about many of the students who have defaulted. Some were not even aware that their student aid was in the form of loans. Others did not receive the education that they were promised. Still others want to repay the loans, but find themselves unable to do so because they don't have the skills to hold a job. Student loan defaults have enormous repercussions for the students involved, including a significant debt that will thwart their efforts to get ahead in life for years to come.

Further, it is worth noting that each loan default means that scarce Federal funds are being diverted from their intended purpose of training our young people for successful careers. At this crucial time in our Nation's struggle to ensure economic growth, we cannot afford to waste Federal education resources.

This year, the costs to the Federal Government of default payments for student loans will be approximately $2.7 billion. These costs have risen steadily in recent years, and they now amount to more than 50 percent of total obligations for the guaranteed student loan program. While some of the increase in default costs can be attributed to an increase in loan volume and to an increasing reliance by low-income borrowers on loans—due to reduced availability of grant funds—a substantial portion of the increase is attributable to waste and fraud. In fact, according to a report recently issued by the Senate Committee on Government Affairs permanent Subcommittee on Investigations, between fiscal years 1983 and 1989, default costs rose by 338 percent—approximtely four times greater than the increase in loan volume during that period.

This increase in default costs has led Congress to adopt a series of initiatives designed to reduce student loan defaults. While some of these reforms have been crafted in such a way as to exclude the participation of institutions of higher education in Federal financial aid programs based solely on the default rate of the institution's students, rather than on the quality of the programs they offer. It is extremely important to make a distinction between schools which serve a disadvantaged population that is more likely to have trouble repaying large loans, and those which are offering education which is of poor quality and is not likely to lead to gainful employment. We should not engage in so-called reforms which unfairly limit the access of disadvantaged students to the education they so desperately need in order to become productive citizens.

Further, many default reduction initiatives are aimed at controlling costs once a student loan default has already occurred. Clearly, this is not as efficient as stopping a default before it has occurred. One major means of preventing defaults, which has been proposed by Education and Labor Committee Chairman WILLIAM FORD, involves shifting the balance of student aid in the direction of more grant aid, particularly for low-income students and particularly in the early years of a student's postsecondary education. This is an essential reform which should be enacted as part of the upcoming reauthorization of the Higher Education Act.

However, we must also pay careful attention to preventing defaults before they occur by preventing poor quality educational institutions from participating in Federal student aid programs. This must be accomplished by improving our gatekeeping procedures for participation in student aid programs.

Currently, approval for participation in Federal student aid programs is governed by a "triad," including licensure by the States, accreditation by private accreditation agencies, and certification by the Department of Education. Testimony before the Education and Labor Committee has demonstrated that there are significant problems with each of these gatekeeping functions. The Senate Permanent Subcommittee on Investigations report states that "The triad of licensure, accreditation, and certification/eligibility provides little or no assurance that schools are educating students efficiently and effectively."

Clearly, substantial reforms will be needed in all of these areas. However, the bill that Mr. GOODLING and I are introducing today focuses on the importance of improving State oversight of the approval of postsecondary education institutions.

There are several reasons why we have chosen to emphasize the role of the States in oversight of higher education. First of all, States are much closer to the problem than the Department of Education and are much more likely to be able to conduct vigorous oversight for this reason. Second, the States have already demonstrated their capacity to conduct vigorous oversight with respect to the educational programs administered by the Veterans Administration. Third, we believe it is of fundamental importance to ensure that there is strong oversight of these public education programs by a governmental body that is responsible to the public. Finally, many States are willing and eager to take on this responsibility. Some are already moving in this direction by initiating regulatory reforms to improve the licensing of postsecondary educational institutions. And the State Higher Education Execu-

tive Officers Association has endorsed our proposal to expand significantly the responsibilities of States in this regard.

The Integrity in the Higher Education Act, which we are introducing today, provides a comprehensive plan for achieving strong State oversight of higher education institutions. We believe that this plan will succeed in improving the quality of higher education and eliminating waste and fraud. However, this bill is not intended as a final product. Rather, it is intended as a discussion document, and both Mr. GOODLING and I welcome the comments of all interested parties who have suggestions for improvements.

The Integrity in Higher Education Act authorizes the Secretary of Education to develop and implement objective performance standards for the administration of Title IV Student Aid Programs. These broad Federal standards will provide general principles that can be used to fashion State-specific standards governing the approval of postsecondary institutions.

The Secretary is also authorized to enter into agreements with States (or consortia of States) to establish one State postsecondary approving agency to review and approve all postsecondary institutions and educational programs. If any State declines to enter into such an agreement, the Secretary is authorized to enter into appropriate arrangements with another qualified entity to carry out this task.

The State's plan, which is subject to the Secretary's approval or disapproval, will specify the manner in which State oversight of postsecondary institutions would occur. Each postsecondary approving agency will have ultimate responsibility for authorizing each institution to offer postsecondary education and for assuring that each institution remains in compliance with State requirements for program quality. The State may approve different standards of approval for different classes of institutions as defined by its laws.

A State postsecondary approving agency may determine that an institution or educational program should be disapproved if it finds that an institution is not in compliance with State standards. In such cases, the State will notify the Secretary to take action to terminate that institution's eligibility for Federal student aid, subject to certain minimum procedural standards. This crucial authority will eliminate schools which are of poor quality from Federal student aid programs, thereby safeguarding our Nation's students and saving the taxpayers of this Nation large sums of money which would otherwise be wasted.

The bill also calls on the Federal Government to help pay the costs of this new oversight function by the States. The bill authorizes appropriations not to exceed 1 percent of the amount appropriated for title IV student aid programs, and it imposes a cap on the amount which can be received by individual States. This amount is consistent with that currently provided to States for the administration of many other education programs. It is important to note that the minimal new costs of this program will be more than offset by the significant savings and improved program delivery achieved through reduction of waste, fraud and abuse in these programs.

The bill also requires the Secretary to establish minimum standards for the approval of accrediting agencies and associations. Finally, it creates a new grant program to aid public agencies and nonprofit organizations to demonstrate innovative approaches to improve the administration of student aid programs and reduce regulatory burdens on higher education institutions.

All Americans understand the importance of education to our Nation's economic future, and they understand that ensuring high quality postsecondary education must be among our most important priorities if we hope to remain competitive in the world marketplace. This, in turn, will require increased availability of student aid for all American students. However, support for expansions of student aid and improvements in our higher education programs will be difficult so long as serious questions remain about the integrity of our higher education programs.

This is why the Integrity in Higher Education Act is of such great importance. By making State oversight and regulation the centerpiece of institutonal eligibility for Federal student assistance, we can significantly reduce the waste, fraud and abuse that are overshadowing the enormous accomplishments of most higher education institutions. This will not only safeguard our students and save the taxpayers money, but it will help us turn our attention to the most important task our nation currently faces: revitalizing our economy and enhancing our competitiveness.

I am honored to join Mr. GOODLING in introducing this bill, which I hope all of my colleagues will see fit to cosponsor. I am attaching a summary of the bill at this point:

SUMMARY OF THE INTEGRITY IN HIGHER EDUCATION ACT OF 1991

Section 1—Short Title.

The Integrity in Higher Education Act of 1991

Section 2—Institutional Integrity Requirements.

Creates a new Part H in title IV of the Higher Education Act devoted to institutional integrity.

Federal Responsibilities: The Secretary of Education is directed to develop and implement objective performance standards for the administration of Title IV student aid programs. This shall include program reviews of all eligible institutions and recertification reviews of administrative capability and financial responsibility of institutions.

State Postsecondary Approving Agency Program: The Secretary is authorized to enter into agreements to establish one State postsecondary approving agency in each State to review and approve postsecondary institutions and educational programs, and to provide federal funds to the States for this purpose. States may enter into consortia to carry out these provisions. If a State declines to enter into such an agreement, the Secretary is authorized to enter into appropriate arrangements with other entities for program review and approval in that State.

State Postsecondary Approving Agency Agreements: Each agreement shall describe a state organizational structure that identifies the State agency responsible for review and approval of each institution in the State for participation in student aid programs. Each agreement shall designate a single State postsecondary approving agency responsible for authorizing each institution to offer postsecondary education and for assuring that each institution remains in compliance with State requirements for offering postsecondary education. No State is required to fulfill these obligations unless the Secretary reimburses the State for the costs incurred (as limited by the following section).

Federal Reimbursement of State Postsecondary Approving Agency Costs: The Secretary shall reimburse the States for the costs of performing State postsecondary approving agency functions. Appropriations are authorized for fiscal year 1993 and succeeding fiscal years in an amount not to exceed one percent of the amount appropriated in each fiscal year for Title IV aid. A cap is imposed on the amount which may be received by any state in a fiscal year.

Functions of State Approving Agencies: The State postsecondary approving agency shall approve an institution only if the institution meets published State standards developed in consultation with institutions and demonstrates that it provides satisfactory education and training. The State may approve different standards of approval for different classes of institutions as defined by its laws. A State postsecondary approving agency may determine that an institution or educational program should be disapproved if it finds that an institution is not in compliance with State standards. In such cases, the States will notify the Secretary to take action as prescribed by regulation to terminate that institution's eligibility for federal student aid. The Secretary shall prescribe minimum procedural standards for the disapproval of institutions by State postsecondary approving agencies. States may adopt certain mechanisms to enforce State standards.

Section 3—Accrediting Agency Standards.

The Secretary of Education shall establish standards for the approval of accrediting agencies and associations. No accrediting agency or association shall be approved by the Secretary unless it meets these standards.

Section 4—Demonstration Grants for Improved Administration and the Reduction of Regulatory Burdens.

The Secretary of Education is authorized to make grants to public agencies, nonprofit private organizations, and institutions of higher education to demonstrate innovative approaches to improve the administration of student aid programs and reduce regulatory burdens on eligible institutions. For this purpose, $10 million is authorized in fiscal year 1992 and such sums as may be necessary for the 4 succeeding fiscal years.

LEAVE OF ABSENCE

By unanimous request, leave of absence was granted to:

Mr. ORTIZ (at the request of Mr. GEPHARDT) for today between 11 a.m. and 2 p.m. on account of official business.

Mr. HUTTO (at the request of Mr. GEPHARDT) for today after 3 p.m. on account of official business.

Mr. WASHINGTON (at the request of Mr. GEPHARDT) for today after 1 p.m. on account of official business.

Mr. RAY (at the request of Mr. GEPHARDT) for today on account of a death in the family.

Mr. WALSH (at the request of Mr. MICHEL) for today on account of personal reasons.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Member (at the request of Mr. DREIER of California) to revise and extend his remarks and include extraneous material:)

Mr. IRELAND, for 5 minutes, today.

(The following Members (at the request of Mr. MCNULTY) to revise and extend their remarks and include extraneous material:)

Mr. STAGGERS, for 5 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mrs. LOWEY of New York, for 20 minutes, today.

Mr. SKELTON, for 60 minutes each day, on July 16, 23, and 30.

Mr. MCCLOSKEY, for 60 minutes, on June 25.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. DREIER of California) and to include extraneous matter:)

Mr. BALLENGER.
Mr. WELDON.
Mr. GOODLING.
Mr. BEREUTER.
Mr. DUNCAN.
Mr. GALLEGLY.
Mr. PURSELL.
Mr. THOMAS of California.
Mr. FRANKS of Connecticut.
Mr. MICHEL.
Mr. KOLBE.

(The following Members (at the request of Mr. MCNULTY) and to include extraneous matter:)

Mr. TRAXLER.
Mr. SWETT.
Mr. ROEMER.
Mr. BONIOR.
Mr. SOLARZ.
Mr. TORRICELLI in two instances.
Mr. SOLARZ.
Mr. DARDEN.
Mr. BRUCE.
Mr. TORRES.
Mr. MAZZOLI.
Mr. SERRANO.
Mrs. LOWEY of New York.
Mr. YATRON.

ADJOURNMENT

Mr. FRANK of Massachusetts. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 25 minutes), under its previous order, the House adjourned until Monday, June 24, 1991, at 12 p.m.noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1592. A letter from the Comptroller General, the General Accounting Office, transmitting a review of the President's fourth special impoundment message for fiscal year 1991, pursuant to 2 U.S.C. 685 (H. Doc. No. 102-102); to the Committee on Appropriations and ordered to be printed.

1593. A letter from the Assistant Secretary of Defense, transmitting the 1991 report on textile and apparel manufacturing, pursuant to 10 U.S.C. 113 note; to the Committee on Armed Services.

1594. A letter from the Department of Defense, transmitting notification of the Defense Nuclear Agency's decision to exercise the provision for exclusion of the clause concerning examination of records by the Comptroller General, pursuant to 10 U.S.C. 2313(c); to the Committee on Armed Services.

1595. A letter from the Secretary of Health and Human Services, transmitting a draft of proposed legislation to reorganize the Alcohol, Drug Abuse, and Mental Health Administration; to the Committee on Energy and Commerce.

1596. A letter from the Acting Director, Defense Security Assistance Agency, transmitting notification of the Department of the Air Force's proposed Letter(s) of Offer and Acceptance [LOA] to Australia for defense articles and services (Transmittal No. 91-29), pursuant to 22 U.S.C. 2776(b); to the Committee on Foreign Affairs.

1597. A letter from the Acting Director, Defense Security Assistance Agency, transmitting notice of the Department of the Navy's proposed Letter(s) of Offer and Acceptance [LOA] to the NATO Seasparrow Consortium for defense articles and services (Transmittal No. 91-24), pursuant to 22 U.S.C. 2776(b); to the Committee on Foreign Affairs.

1598. A letter from the Director, Office of Management and Budget, transmitting OMB estimate of the amount of change in outlays or receipts, as the case may be, in each fiscal year through fiscal year 1995 resulting from passage of H.R. 232, pursuant to Public Law 101-508, section 13101(a) (104 Stat. 1388-582); to the Committee on Government Operations.

1599. A letter from the Director, Office of Management and Budget, transmitting OMB estimate of the amount of change in outlays or receipts, as the case may be, in each fiscal year through fiscal year 1995 resulting from passage of H.R. 2251, pursuant to Public Law 101-508, section 13101(a) (104 Stat. 1388-582); to the Committee on Government Operations.

1600. A letter from the Comptroller General of the United States, transmitting the Comptroller's views of the Conyers-Horton amendment to H.R. 2622; to the Committee on Government Operations.

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. ASPIN: Committee on Armed Services. H.R. 2474. A bill to amend the Arms Control and Disarmament Act to authorize appropriations for fiscal years 1992 and 1993, and for other purposes; with amendments (Rept. 102-93, Pt. 2). Referred to the Committee of the Whole House on the State of the Union.

Mr. GORDON: Committee on Rules. House Resolution 179. Resolution waiving certain points of order during consideration of H.R. 2686, a bill making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1992, and for other purposes (Rept. 102-118). Referred to the House Calendar.

Mr. WHITTEN: Committee on Appropriations. H.R. 2698. A bill making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 1992, and for other purposes (Rept. 102-119). Referred to the Committee of the Whole House on the State of the Union.

Mr. DIXON: Committee on Appropriations. H.R. 2699. A bill making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1992, and for other pruposes (Rept. 102-120). Referred to the Committee of the Whole House on the State of the Union.

Mr. NATCHER: Committee on Appropriations. H.R. 2707. A bill making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies, for the fiscal year ending September 30, 1992, and for other purposes (Rept. 102-121). Referred to the Committee of the Whole House on the State of the Union.

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. WHITTEN:

H.R. 2698. A bill making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 1992, and for other purposes.

By Mr. DIXON:

H.R. 2699. A bill making appropriations for the government of the District of Columbia and other activities chargable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1992, and for other purposes.

By Mr. RITTER:

H.R. 2700. A bill to establish uniform standards for product liability actions; jointly, to the Committees on the Judiciary and Energy and Commerce.

H.R. 2701. A bill to promote greater predictability in professional liability actions by establishing certain standards for liability and providing for other reforms; jointly, to the Committees on the Judiciary and Energy and Commerce.

H.R. 2702. A bill to amend the Internal Revenue Code of 1986 to encourage investments in startup companies by providing special treatment for losses on such investments; to the Committee on Ways and Means.

H.R. 2703. A bill to amend the Internal Revenue Code of 1986 to provide a variable capital gains deduction and to index the basis of capital assets; to the Committee on Ways and Means.

H.R. 2704. A bill to amend the Internal Revenue Code of 1986 to encourage investments in new manufacturing and other productive equipment by allowing an investment tax credit for such investments; to the Committee on Ways and Means.

H.R. 2705. A bill to amend the Internal Revenue Code of 1986 to encourage investments in manufacturing companies by providing special treatment for losses on such investments; to the Committee on Ways and Means.

H.R. 2706. A bill to amend the Internal Revenue Code of 1986 to provide a partial exclusion of dividends and interest received by individuals; to the Committee on Ways and Means.

By Mr. NATCHER:

H.R. 2707. A bill making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies, for the fiscal year ending September 30, 1992, and for other purposes.

By Mr. ARCHER:

H.R. 2708. A bill to amend the Internal Revenue Code of 1986 to clarify the application of certain pension plan distribution rules in cases where plan assets are invested with an insurance company in conservatorship; to the Committee on Ways and Means.

By Mrs. BENTLEY (for herself, Mr. GAYDOS, Mr. DONNELLY, Mr. LIPINSKI, Mr. HAYES of Louisiana, Mr. REED, Mr. HOCHBRUECKNER, Mr. FRANK of Massachusetts, Mr. DWYER of New Jersey, Mr. BENNETT, Mr. OBERSTAR, Mr. LIVINGSTON, Mr. SOLOMON, Mr. JEFFERSON, Mrs. UNSOELD, Mr. CARDIN, Mr. BAKER, Mr. DAVIS, Mr. BLILEY, Mr. BATEMAN, Mr. MURPHY, Mr. GILCHREST, Mr. LEWIS of California, Mr. HOLLOWAY, Mr. DORNAN of California, Mr. LOWERY of California, Mr. TAUZIN, Mr. OLIN, Mr. BILBRAY, Mr. HUNTER, Mr. HUBBARD, Mr. BLAZ, Mr. DELLUMS, Mr. RAVENEL, Mr. HORTON, Mr. SPENCE, Mr. MCMILLEN of Maryland, Mr. TALLON, Mr. CALLAHAN, Mr. GOODLING, Mr. MINETA, Mrs. JOHNSON of Connecticut, Mr. HERTEL, Mr. AUCOIN, Mr. SERRANO, Mr. PACKARD, Mrs. BYRON, Mr. RITTER, Mr. ANNUNZIO, Mr. ABERCROMBIE, Mr. KOLTER, Mr. MURTHA, Mr. OWENS of Utah, Mr. CHAPMAN, Mr. DEFAZIO, Mr. HUCKABY, Mr. PAYNE of Virginia, Mr. ANDREWS of Maine, Mr. MONTGOMERY, Mr. CUNNINGHAM, Mr. BORSKI, Mr. ATKINS, Mr. TAYLOR of North Carolina, Mr. TAYLOR of Mississippi, Mrs. MINK, Mr. TORRICELLI, Mr. GRANDY, Mr. HERGER, Mr. SLAUGHTER of Virginia, Mr. DICKS, Mr. QUILLEN, Mr. PURSELL, Mr. GALLEGLY, Mr. COBLE, Mr. HYDE, Mr. DARDEN, Mr. TRAFICANT, Mr. HARRIS, Mr. SAXTON, Mr. GONZALEZ, Mr. FOGLIETTA, and Mr. SCHULZE):

H.R. 2709. A bill to remedy the serious injury to the United States shipbuilding and repair industry caused by subsidized foreign ships; jointly, to the Committees on Merchant Marine and Fisheries and Ways and Means.

By Mr. CLEMENT (for himself, Mr. COOPER, Mr. DUNCAN, Mr. FORD of Tennessee, Mr. GORDON, Mrs. LLOYD, Mr. QUILLEN, and Mr. SUNDQUIST):

H.R. 2710. A bill to amend title 28, United States Code, to provide for the appointment of an additional bankruptcy judge for the Middle District of Tennessee; to the Committee on the Judiciary.

By Mr. COUGHLIN:

H.R. 2711. A bill to amend the Foreign Assistance Act of 1961 to authorize assistance for foreign countries to plan and implement operations to interdict drug traffickers operating in those countries; to the Committee on Foreign Affairs.

By Mr. COUGHLIN (for himself, Mr. OXLEY, and Mr. PAXON):

H.R. 2712. A bill to provide authority to the Coast Guard to use necessary and appropriate force, in strictly controlled circumstances, to compel aircraft used in drug trafficking to land; jointly, to the Committees on Merchant Marine and Fisheries and Armed Services.

By Mr. COYNE:

H.R. 2713. A bill to extend the existing suspension of duty on 1,5-naphthalane diisocyanate; to the Committee on Ways and Means.

By Mr. CRANE:

H.R. 2714. A bill to amend the Internal Revenue Code of 1986 to increase the personal exemption to $4,000; to the Committee on Ways and Means.

By Mr. ENGEL:

H.R. 2715. A bill to amend the Communications Act of 1934 to direct the Federal Communications Commission to establish an ethnic and minority affairs section; to the Committee on Energy and Commerce.

By Mr. GOODLING (for himself and Mrs. LOWEY of New York):

H.R. 2716. A bill to amend title IV of the Higher Education Act of 1985 in order to improve the process for accreditation, licensure, and approval of institutions participating in programs under that title; to the Committee on Education and Labor.

By Mr. HOAGLAND (for himself and Mr. GLICKMAN):

H.R. 2717. A bill to amend section 319 of title 23, United States Code, relating to landscaping and scenic enhancement, to authorize planting trees along the rights-of-way of Federal-aid highways; to the Committee on Public Works and Transportation.

By Mrs. MORELLA:

H.R. 2718. A bill to amend the Metropolitan Washington Airports Act of 1986 to provide for reorganization of the Metropolitan Washington Airport Authority and for local review of proposed actions of the Airports Authority affecting aircraft noise; to the Committee on Public Works and Transportation.

By Ms. NORTON:

H.R. 2719. A bill to amend title 38, United States Code, to provide for the repatriation of the remains of veterans who received certain distinguished medals; to the Committee on Veterans' Affairs.

By Mr. OWENS of New York:

H.R. 2720. A bill to extend for 1 year the authorizations of appropriations for the programs under the Child Abuse Prevention and Treatment Act and the Family Violence Prevention and Services Act, and for certain programs relating to adoption opportunities, and for other purposes; to the Committee on Education and Labor.

BY Mr. PALLONE (for himself and Mr. SOLOMON):

H.R. 2721. A bill to amend the Internal Revenue Code of 1986 to immediately repeal the luxury tax on passenger vehicles; to the Committee on Ways and Means.

By Mr. PAYNE of New Jersey:

H.R. 2722. A bill to revise and extend the programs under the Abandoned Infants Assistance Act of 1988; jointly, to the Committees on Education and Labor and Energy and Commerce.

By Mr. TORRICELLI:

H.R. 2723. A bill to grant the United States a copyright to the flag of the United States and to impose criminal penalties for the destruction of a copyrighted Flag; to the Committee on the Judiciary.

By Mr. VISCLOSKY:

H.R. 2724. A bill to amend the Federal Water Pollution Control Act to establish a Water Pollution Penalty Fund and to authorize the Administrator of the Environmental Protection Agency to use amounts in that Fund to carry out projects to restore and recover waters of the United States from damages resulting from violations of that Act; to the Committee on Public Works and Transportation.

H.R. 2725. A bill to amend the Federal Water Pollution Control Act to direct the Administrator of the Environmental Protection Agency to enter into contracts with the Secretary of the Army to carry out a project for the removal and appropriate disposal of sediments, including contaminated sediments, in Indiana Harbor and Ship Canal, East Chicago, IN; to the Committee on Public Works and Transportation.

By Mr. WASHINGTON:

H.R. 2726. A bill to authorize the National Institute of Corrections to make grants to States to carry out family unity demonstration projects; and for other purposes; to the Committee on the Judiciary.

H.R. 2727. A bill to provide for the National Institute of Justice to study the feasibility of establishing a clearinghouse to facilitate the transfer of prisoners among State correctional institutions; to the Committee on the Judiciary.

By Mr. COLEMAN of Missouri (for himself, Mr. FORD of Michigan, Mr. GOODLING, and Mr. KILDEE):

H.J. Res. 279. Joint resolution to declare it to be the policy of the United States that there should be a renewed and sustained commitment by the Federal Government and the American people to the importance of adult education; to the Committee on Education and Labor.

By Mr. TRAXLER (for himself, Mr. PENNY, Mr. HORTON, Mr. PAYNE of Virginia, Mr. MCDERMOTT, Mr. LAFALCE, Mr. SANGMEISTER, Mr. KOSTMAYER, Mr. KANJORSKI, Mr. HARRIS, Mr. GUARINI, Mr. STAGGERS, Mr. BONIOR, Mr. KOLBE, Mr. SERRANO, Mr. GILLMOR, Mrs. MINK, Mr. HEFNER, Mr. NEAL of Massachusetts, Mr. HAMILTON, Mr. RAVENEL, Mr. FROST, Ms. KAPTUR, Mr. WISE, Mrs. MORELLA, Ms. Long, Ms. NORTON, Mr. BOEHNER, Mr. BARNARD, Mr. KILDEE, Mrs. LLOYD, Mr. SMITH of Florida, Mr. FAZIO, Mr. WOLPE, Mr. VALENTINE, Mr. SMITH of Texas, and Mr. FORD of Michigan):

H. Con. Res. 172. Concurrent resolution providing for the printing of a revised edition of the booklet entitled "Our American Government" as a House Document; to the Committee on House Administration.

MEMORIALS

Under clause 4 of rule XXII,

196. The SPEAKER presented a memorial of the Senate of the State of Nevada, relative to EPA's proposed standards for the regulation of waste from mines; to the Committee on Energy and Commerce.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. GREEN of New York introduced a bill (H.R. 2728) to provide the U.S. Claims Court with jurisdiction to hear, determine, and render judgment upon any claim by the personal representative of the estate of Beatrice Braude against the United States for the backpay of Beatrice Braude; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 11: Mr. SHAYS and Mr. SHARP.

H.R. 44: Mr. RINALDO.

H.R. 66: Mr. SWIFT, Mr. CARPER, Ms. PELOSI, Mr. MORRISON, Mrs. BOXER, and Mr. KILDEE.

H.R. 68: Mr. THOMAS of California and Mr. MRAZEK.

H.R. 74: Mr. TOWNS, Ms. NORTON, Mr. LANCASTER, Mr. SLATTERY, Mr. BUSTAMANTE, Mr. GEPHARDT, Mr. TRAFICANT, and Mr. HAMILTON.

H.R. 116: Mrs. PATTERSON.

H.R. 127: Mr. LEVINE of California, Mr. MOORHEAD, Mr. DORNAN of California, Mr. HOCHBRUECKNER, Mr. LENT, Mr. CONYERS, Mr. MCEWEN, and Mr. BUSTAMANTE.

H.R. 394: Mr. GONZALEZ, Mr. FALEOMAVAEGA, and Mr. SARPALIUS.

H.R. 463: Mr. PALLONE.

H.R. 661: Mr. CHANDLER and Mrs. JOHNSON of Connecticut.

H.R. 765: Mr. MCCLOSKEY, Mr. HOCHBRUECKNER, Mr. CONYERS, Mr. SMITH of Florida, and Mr. JONTZ.

H.R. 786: Mr. ROYBAL.

H.R. 911: Mr. SKAGGS, Mr. GALLO, Mr. DE LUGO, Mr. FROST, Mr. LAGOMARSINO, Mr. RHODES, Mr. ESPY, Mr. QUILLEN, Mr. BROWN, Mr. HATCHER, Mr. COUGHLIN, Mr. MACHTLEY, Mr. RICHARDSON, and Mr. CONDIT.

H.R. 999: Mr. HEFLEY.

H.R. 1063: Mr. MRAZEK, Mr. FOGLIETTA, Mr. ACKERMAN, Mr. SANDERS, Mr. JEFFERSON, Mr. RANGEL, and Mr. ANDREWS of New Jersey.

H.R. 1126: Mr. MARTINEZ, Mr. MCGRATH, Mr. VISCLOSKY, Mr. FOGLIETTA, Mr. HERTEL, and Mr. KILDEE.

H.R. 1161: Mr. KILDEE, Ms. ROS-LEHTINEN, and Mr. RAVENEL.

H.R. 1186: Mr. GEKAS, Mr. APPLEGATE, Mr. FISH, Mr. WOLPE, Mr. HANSEN, Mr. BATEMAN, Mr. MOLLOHAN, Mr. JONTZ, Mr. NAGLE, Mr. HEFNER, Mr. ALEXANDER, Mr. GILLMOR, Mr. WYLIE, Mr. GORDON, Mr. LIVINGSTON, Mr. ROWLAND, Mr. RAY, Mr. KILDEE, Ms. ROS-LEHTINEN, and Mr. PERKINS.

H.R. 1226: Mr. ECKART.

H.R. 1269: Mr. PALLONE.

H.R. 1300: Mr. OLVER.

H.R. 1335: Mr. ESPY, Mr. DELLUMS, Mr. SMITH of New Jersey, and Mr. MACHTLEY.

H.R. 1354: Mrs. LOWEY of New York, Mrs. SCHROEDER, Mr. BURTON of Indiana, Mr. WISE, Mr. SWIFT, Mr. HAYES of Louisiana, Mr. SLATTERY, Mr. REED, Mr. MAZZOLI, Ms. DELAURO, Mr. RANGEL, Mr. MCDERMOTT, Mrs. MORELLA, Mr. DONNELLY, Mr. SWETT, Mr. CAMPBELL of California, Mr. ROYBAL, Mr. DANNEMEYER, Mr. STOKES, Mr. LEWIS of California, Ms. SLAUGHTER of New York, Mr. ANDERSON, Mr. MANTON, Mr. CARDIN, Mr. ROEMER, Mrs. ROUKEMA, Mr. MARKEY, and Mr. LEVIN of Michigan.

H.R. 1406: Mr. BROOMFIELD, Mr. SWETT, Mr. DIXON, Mr. PERKINS, Mr. LOWERY of California, Mr. PACKARD, Mr. GAYDOS, Mr. MCCANDLESS, Mr. THOMAS of Wyoming, Mrs. BOXER, Mr. STALLINGS, Mr. CALLAHAN, and Mr. ZELIFF.

H.R. 1407: Mr. CAMPBELL of California and Mr. ZIMMER.

H.R. 1456: Mr. MINETA, Mr. SWETT, Mr. THORNTON, Mr. HOUGHTON, and Mr. FISH.

H.R. 1460: Mr. YATES.

H.R. 1583: Mr. OWENS of Utah, Mr. WEISS, Mr. BUSTAMANTE, and Mr. FORD of Tennessee.

H.R. 1597: Mr. THOMAS of California.

H.R. 1603: Mr. RAMSTAD.

H.R. 1623: Mr. JEFFERSON, Mr. BILBRAY, Mr. RAMSTAD, Mr. QUILLEN, Mr. CONDIT, and Mr. GINGRICH.

H.R. 1624: Mr. JEFFERSON, Mr. BILBRAY, Mr. RAMSTAD, Mr. QUILLEN, and Mr. CONDIT.

H.R. 1707: Mr. MACHTLEY and Mr. OWENS of New York.

H.R. 1730: Mr. KILDEE, Mr. IRELAND, Mr. EVANS, Mr. MCDADE, Mr. HASTERT, Mr. RICHARDSON, Mr. JENKINS, Mrs. COLLINS of Michigan, Mr. SWIFT, and Mr. KLECZKA.

H.R. 1774: Mr. SWIFT, Mr. MCMILLAN of North Carolina, and Mr. GEJDENSON.

H.R. 1864: Mr. GUNDERSON, Mr. ECKART, Mr. MURPHY, Mr. KOLBE, and Mr. RIGGS.

H.R. 1916: Mr. FOGLIETTA, and Mr. KILDEE.

H.R. 1969: Mr. WEISS, and Mr. ECKART.

H.R. 2017: Mr. ESPY.

H.R. 2046: Mr. LEHMAN of Florida, Mr. PERKINS, Mr. THOMAS of Georgia, Mr. JEFFERSON, and Mr. BURTON of Indiana.

H.R. 2049: Mr. SHUSTER.

H.R. 2135: Mr. TALLON, Mr. HORTON, Mr. MILLER of California, Mr. ROSE, Mr. ANDREWS of New Jersey, and Mr. RIGGS.

H.R. 2215: Mr. BACCHUS, Mr. CONYERS, Mr. DELLUMS, Mr. DIXON, Mr. GORDON, Mr. HORTON, Mr. JEFFERSON, Mr. MFUME, Ms. NORTON, Mr. PAYNE of New Jersey, Mr. SCHEUER, and Mrs. UNSOELD.

H.R. 2289: Mr. MOLLOHAN.

H.R. 2305: Mr. HORTON, Mr. SCHIFF, and Mr. GALLO.

H.R. 2323: Mr. STARK, Mr. DELLUMS, Mr. SMITH of Florida, Mr. DWYER of New Jersey, Ms. NORTON, and Ms. KAPTUR.

H.R. 2335: Mr. JONTZ.

H.R. 2382: Mr. JONTZ and Mr. HAYES of Illinois.

H.R. 2385: Mr. LIPINSKI, Mr. WILSON, Mr. MCMILLEN of Maryland, and Mr. LIGHTFOOT.

H.R. 2391: Mr. LANCASTER and Mr. DWYER of New Jersey.

H.R. 2392: Mr. LANCASTER and Mr. DWYER of New Jersey.

H.R. 2439: Mr. DELLUMS.

H.R. 2448: Mr. RINALDO.

H.R. 2515: Mr. DONNELLY, Mr. FORD of Tennessee, Mr. POSHARD, and Mr. BILBRAY.

H.R. 2553: Ms. OAKAR and Mr. LIPINSKI.

H.R. 2600: Mr. RINALDO, Mr. COYNE, Mr. STARK, Mr. TORRES, and Mr. GAYDOS.

H.R. 2611: Ms. NORTON, Mr. BERMAN, and Mr. DICKS.

H.J. Res. 123: Mr. MARTIN, Mrs. COLLINS of Michigan, Mr. FOGLIETTA, Mr. DYMALLY, Mr. NICHOLS, Mr. JENKINS, Mr. ROE, Mr. FRANKS of Connecticut, Mr. PAYNE of Virginia, Mr. HUBBARD, and Mr. COLEMAN of Missouri.

H.J. Res. 142: Mr. HARRIS, Mrs. COLLINS of Illinois, Mrs. MEYERS of Kansas, Mr. QUILLEN, Mr. LAGOMARSINO, Mr. FALEOMAVAEGA, Mr. RIDGE, Ms. SLAUGHTER of New York, Mr. ROGERS, Mr. MCNULTY, Mr. ERDREICH, Mr. FOGLIETTA, Mr. MARTIN, Ms. KAPTUR, Mr. GEKAS, Mr. DEFAZIO, Mrs. COLLINS of Michigan, Mr. BROOMFIELD, Mr. WELDON, Mr. UPTON, Mr. MCGRATH, Mr. BAKER, Mr. RHODES, Mr. MOORHEAD, Mr. DANNEMEYER, Mr. PURSELL, Mr. KASICH, Mr. SHAW, Mr. ANNUNZIO, Mrs. VUCANOVICH, Mr. VANDER JAGT, Mr. RITTER, Mr. DYMALLY, Mr. PALLONE, Mr. JONTZ, Mr. PERKINS, Mrs. JOHNSON of Connecticut, Mr. EDWARDS of Oklahoma, Mr. ROBERTS, Mr. COBLE, Mr. TAYLOR of North Carolina, Mr. SMITH of New Jersey, Mr. WEBER, Mr. MURPHY, Mrs. BENTLEY, Mr. MCMILLEN of Maryland, Mr. FAZIO, and Mr. DWYER of New Jersey.

H.J. Res. 156: Mr. DARDEN.

H.J. Res. 177: Ms. NORTON.

H.J. Res. 180: Mrs. BOXER, Mr. CARPER, Mr. COYNE, Mr. LEWIS of Florida, Mr. NATCHER, Mr. RAMSTAD, and Mr. RIDGE.

H.J. Res. 189: Mr. DARDEN, Mr. HALL of Ohio, Mr. HEFNER, Mrs. KENNELLY, Mr. MCMILLEN of Maryland, Mr. REED, Mr. REGULA, Mr. RIGGS, Mr. ROBERTS, Mr. SKEEN, Mr. SMITH of Florida, Mr. TORRICELLI, Mr. DE LUGO, and Mr. ANDREWS of Maine.

H.J. Res. 211: Mr. MINETA, Mr. GOODLING, Mrs. BYRON, Mrs. BOXER, Mr. LEVIN of Michigan, Mr. GORDON, Mr. PANETTA, Mr. HENRY, Mr. PETRI, Mr. SUNDQUIST, and Mr. KOSTMAYER.

H.J. Res. 233: Mr. JONES of Georgia and Mr. JENKINS.

H.J. Res. 248: Mr. PURSELL, Mr. KOLBE, Mr. NICHOLS, Mr. CUNNINGHAM, Mr. EMERSON, Mr. SCHAEFER, Ms. ROS-LEHTINEN, Mr. GILCHREST, Mr. MILLER of Ohio, Mr. RIGGS, and Mr. HUTTO.

H.J. Res. 257: Mr. ACKERMAN, Mr. BALLENGER, Mrs. BYRON, Mr. CLEMENT, Mr. DEFAZIO, Mr. DINGELL, Mr. ESPY, Mr. FOGLIETTA, Mr. FORD of Michigan, Mr. GUARINI, Ms. NORTON, Mr. HORTON, Mr. HUGHES, Mr. LANCASTER, Mr. LEHMAN of Florida, Mr. LEVIN of Michigan, Mr. LEWIS of Georgia, Mr. LOWERY of California, Mr. OWENS of Utah, Mr. PAYNE of New Jersey, Mr. RANGEL, Mr. ROE, Mr. SANGMEISTER, Mr. SCHULZE, and Mr. VANDER JAGT.

H.J. Res. 261: Mr. AUCOIN, Mr. BEREUTER, Mr. CARDIN, Mr. ENGEL, Mr. MAVROULES, and Mr. SWETT.

H.J. Res. 270: Mr. ANTHONY and Mr. SMITH of Florida.

H. Con. Res. 4: Mr. SPRATT.

H. Con. Res. 107: Mr. GALLEGLY, Mr. EMERSON, Mr. WAXMAN, Mr. CONDIT, Mr. RAMSTAD, Mr. UPTON, Mr. TORRES, Mr. KOSTMAYER, Mr. GUNDERSON, Mr. HOCHBRUECKNER, Mr. ABERCROMBIE, Mrs. LOWEY of New York, Mr. GRANDY, Mr. INHOFE, Mr. FISH, and Mr. ENGEL.

H. Con. Res. 152: Mr. MRAZEK, Mr. SCHEUER, Mr. DWYER of New Jersey, Mr. LEWIS of Georgia, Mr. DELLUMS, Mr. BILBRAY, Mr. DORNAN of California, Mr. MARKEY, Mr. CONYERS, Ms. NORTON, Ms. KAPTUR, and Mr. YOUNG of Alaska.

H. Con. Res. 156: Mr. MRAZEK, Mr. LEACH, Mr. JEFFERSON, Mr. HORTON, and Mr. LAGOMARSINO.

H. Res. 96: Mr. BACCHUS, Mr. BALLENGER, Mr. BENNETT, Mrs. BENTLEY, Mr. BLAZ, Mr. BOEHLERT, Mr. BORSKI, Mr. BOUCHER, Mrs. BOXER, Mr. BUSTAMANTE, Mr. CARPER, Mr. DELLUMS, Mr. EDWARDS of California, Mr. ENGEL, Mr. ESPY, Mr. FASCELL, Mr. FAWELL, Mr. FRANK of Massachusetts, Mr. FROST, Mr. GORDON, Mr. HAMILTON, Mr. HUGHES, Mrs. JOHNSON of Connecticut, Ms. KAPTUR, Mr. KLECZKA, Mr. KOLBE, Mr. KOSTMAYER, Mr. LANCASTER, Mr. LAUGHLIN, Mr. LEHMAN of California, Mr. LEWIS of Florida, Mr. LIGHTFOOT, Mrs. LLOYD, Mr. MFUME, Mr. MYERS of Indiana, Mr. OWENS of New York, Mr. PAYNE of Virginia, Mr. PETERSON of Minnesota, Mr. SANTORUM, Mr. SCHEUER, Mr. SKAGGS, Mr. STARK, Mr. STUDDS, Mr. SWIFT, Mr. SYNAR, Mr. WEISS, Mr. WOLPE, and Mr. ZIMMER.

H. Res. 163: Mr. REED, Mr. HUGHES, Mr. MRAZEK, Mr. ACKERMAN, Mr. TRAFICANT, Mr. EVANS, Mr. BROWN, Mr. LOWERY of California, Mr. SCHEUER, Mr. RAHALL, Mr. ANDERSON, Mr. HORTON, Mr. DANNEMEYER, Mr. RITTER, Mr. DINGELL, and Mr. LEVINE of California.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 2686

By Mr. VOLKMER:

—On page 95, beginning on line 11, strike all of section 317.

By Mr. CRANE:

—In the title relating to "RELATED AGENCIES", under the heading "NATIONAL FOUNDATION ON THE ARTS AND HUMANITIES", strike the items relating to the "NATIONAL ENDOWMENT FOR THE ARTS",