

HOUSE OF REPRESENTATIVES—Tuesday, January 29, 1991

The House met at 12 noon.

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

Our prayers rise this day for those to whom great responsibility has been given. We remember the leaders of our own Nation and the leaders of other nations that they will know the gifts of wisdom and understanding, the gifts of insight and sound judgment.

May Your good spirit, gracious God, that ever points to the paths of peace, be with Your human family even in these days of conflict, that Your will may be done on Earth as it is in Heaven.

May Your blessing, O God, be with the members of the armed services. Be their protection and their guide this day and give to them and their families Your peace that passes all human understanding. This is our earnest prayer. 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 Indiana [Ms. LONG] please come forward and lead the House in the Pledge of Allegiance.

Ms. LONG 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.

A SALUTE TO PATRICIA LENZ AND OUR MILITARY FAMILIES

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

Mr. BONIOR. Mr. Speaker, I rise today to give recognition to a caring and generous individual, Ms. Patricia Lenz. She is here today as my special guest for the President's State of the Union Address.

Pat is the founder of the East Area Family Support Group for families and friends of those stationed in the Persian Gulf. She is also the proud mother of Robert Harper and Jim Lenz. Robert is currently serving in Saudi Arabia with the 24th Infantry, Signal Battalion of the United States Army. Jim is

currently in the Army Reserves and working in Germany.

Under Pat's leadership, the East Area Family Support Group began its meetings in September. Pat's efforts on behalf of our military families have been nonstop, around the clock. This weekend, they will open a special center offering assistance, information, and emotional support to anyone with friends or family stationed in the gulf.

Just as we draw strength from the courage of our men and women in the Persian Gulf, we draw inspiration from people like Patricia Lenz. May her example help to bring us all together in support of the families of those who so proudly serve our country.

RESOLUTION CONDEMNING IRAQ'S ECOTERRORISM

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

Mr. LAGOMARSINO. Mr. Speaker, today I will be introducing a resolution condemning Iraq's pumping of millions of gallons of oil into the Persian Gulf—its newest form of terrorism; namely, ecoterrorism. My resolution further holds Iraq 100 percent responsible for all economic and environmental damages and calls upon the President and the leaders of other allied nations to demand adequate compensation from Iraq for economic losses, environmental damages, and cleanup costs.

While I recognize that at this time my resolution cannot be enforced, I believe it sends the signal to Iraq, and the rest of the world, that we will not ignore Iraq's deliberately destructive environmental terrorism. This resolution calls on the President to make this issue part of any future settlement.

Iraq's deliberate polluting of the Persian Gulf further underscores the reckless, desperate nature of Saddam Hussein's dictatorship. Saddam's environmental warfare hurts most those he claims to be helping; namely, the Arab masses. This oilspill could destroy the fishing, pearling, and aquaculture industries in the gulf, ruining the economic livelihood of many innocent people including Iraqis. Contamination of desalinization plants only targets innocent Arab inhabitants of the gulf. Saddam, who claims to be the great protector of the Arabs, is instead wiping out the whole heritage and environment of the gulf.

I invite my colleagues to join me in cosponsoring my resolution.

CONGRATULATIONS TO THE "BETHEA BATTALION"

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

Mr. TALLON. Mr. Speaker, I am proud of all South Carolinians who are serving in Operation Desert Storm and I am deeply moved by the contributions of their families.

The Andrew Bethea family of Dillon, SC, my hometown, has gone above and beyond the call of duty.

They have sent five sons and one daughter-in-law to serve in Saudi Arabia. A grandson is currently stationed at Fort Stewart.

The tradition of service to country is one that was obviously instilled in the Bethea children by their parents.

Named the "Bethea Battalion" by the Dillon Herald, William, Lamont, Charles, Lylia, Alvin, Donald, and The-saurus are making the town of Dillon very proud.

To Mr. and Mrs. Bethea and the battalion, I want to express my gratitude and admiration for your high family values and to your dedication to this Nation.

Let us hope and pray for a swift and safe return.

I would like to submit for the RECORD, a list of the members of the Bethea family who are contributing to Operation Desert Storm.

THE BETHEA BATTALION

First Sgt. William R. Bethea, 47, a graduate of Gordon High School and the first to enlist, is in headquarters company of the 30th Engineering Battalion. He has nearly 21 years of Army service, punctuated by a two-year lay-off after he returned from Vietnam.

As a civilian he was employed at Dixiana. A resident of Raeford, N.C., he is the father of five.

SSG Lamont C. Bethea, 36, has 12 years of military service and is a member of the 32nd MEDSOM, a medical unit. A graduate of Dillon High before entering the Army, Charles and his wife, Judy, are parents of two children. He calls Fayetteville, N.C., his home.

SSG Charles Bethea, 35, enlisted shortly after his graduation from Dillon High School. He has 17 years of active duty. He is a supply sergeant in the Third Battalion. He met his wife, also a sergeant deployed in Saudi Arabia, while both were serving in the Army at Fort Sill, Oklahoma. He lists his home as Fayetteville.

Sgt. Lylia Bethea, attached to Headquarters and Headquarters Company, 30th Engineering Battalion, is a Tennessean. She has more than ten years of active duty.

Sgt. Alvin Bethea, 32, has 15 years in the Army and is a missile technician with Headquarters and Headquarters Company XVIII ABC. He met his wife when both were in the

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Army at Fayetteville and he is the father of a son. Mrs. Bethea is no longer in the Army. Charles' home is in Dillon.

Pvt. Donald Bethea, 27, the youngest and last to enlist, is a resident of Latta. He was a member of a National Guard unit, a transportation company, in Kingstree when it was mobilized. His wife, Shirl, and two children live in Latta.

E-4 Thesaurus Grice, 20, a grandson is carrying on the family tradition. He is a biomedical specialist stationed at Fort Gordon, Georgia.

AMERICA DESERVES EXPLANATION FROM OIL COMPANIES

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

Mr. GUNDERSON. Mr. Speaker, I do not believe the crisis in the Middle East is over oil. However, I do believe America's oil companies have some explaining to do to the American people. It is very difficult at a time when American men and women are putting their lives on the line over principles, that America's oil companies would use this crisis to record record profits.

The fact is, fourth quarter operating profits for the 12 largest oil producers increased an average of 70 percent over the same period 1 year ago. The fact is that income for the world's largest oil company soared more than threefold. Mobil rose to 45 percent; Texaco is up 35 percent; Amoco is up 68 percent; Chevron earned \$633 million. And it goes on and on. Shell Oil Co. jumped by 68.9 percent.

Somehow, some way, it is very difficult, at a time when American men and women are putting their lives on the line, that American companies would take advantage of this situation. I hope each and every one of them will give this Congress, this administration, the American people, and most importantly, our American troops, an explanation for this price gouging.

□ 1210

REMEMBERING NAVY SEAMAN JEFFREY SETTIMI

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

Ms. LONG. Mr. Speaker, I rise to express my sorrow at the unfortunate death of a young serviceman from Indiana. Navy Seaman Jeffrey Settimi lost his life when his ferry capsized while taking him from Israel to the U.S.S. *Saratoga*. A volunteer in the U.S. Navy, he was courageously serving and protecting our country against aggression in the Middle East.

Jeffrey was a patriot dedicated to protecting the freedoms of our great country. His commitment was demonstrated by his reenlistment in the

Navy in 1989, and by his 5 years of service in our Armed Forces.

The loss of anyone's life is a great loss. But, with the loss of Jeffrey's life, my concern for our troops in the Persian Gulf has significantly intensified and the terrible cost of war has become very personalized. His family never envisioned that the pain of such a loss would hit home so hard.

Jeffrey graduated from Fort Wayne's South Side High School, and joined the Navy shortly thereafter. He was the all-American boy next door; he enjoyed sports, was religious, and planned to attend college upon completion of his service with the Navy. He was a Fort Wayne native whose quiet and polite demeanor made him a joy for his parents to raise.

As we remember Jeffrey, let us all be reminded of the tremendous value of the human lives of the young men and women serving our country in the Persian Gulf.

WHAT IS LABOR'S NO. 1 LEGISLATIVE PRIORITY?

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

Mr. BALLENGER. Mr. Speaker, the No. 1 priority for organized labor this session will be H.R. 5, a bill to ban the permanent replacement of striking workers.

Supporters of the bill say it is designed to clarify existing law. Nothing could be further from the truth. In fact, this legislation will undo more than 50 years of labor law.

Unions represent only 12 percent of the private sector work force, yet unions are asking for one of the largest expansions of union power in recent years. They will be able to force their demands, resulting in essentially risk-free strikes over any issues.

Current labor law encourages reconciliation and as a result, strike activity is low. H.R. 5 makes the strike more likely and lessens the opportunity for a quick settlement to a dispute.

H.R. 5 includes not only unionized employees but nonunion businesses as well. For instance, employees who may walk off the job would have to be rehired to the same jobs whenever they return to work.

A strike bill is bad policy, bad for workers, and bad for America's competitive position in world economy. Join me in opposing this legislation.

MURDER IN RURAL AMERICA

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

Mr. RICHARDSON. Mr. Speaker, as we stand here in the "murder capital"

of our country, it is all too easy to think that violent crimes are isolated to our large cities. Unfortunately, violence is not limited to urban areas.

It is with great sadness that I tell you about a mass slaying in rural New Mexico this past weekend. This tragedy demands that we look more seriously at the issue of crime and law enforcement in our country.

As a result of a domestic dispute, seven people, including two police officers, were shot to death and a 13-year-old boy was hospitalized with two bullet wounds.

This nightmare occurred in Chimayo, a rural town that exemplifies the beauty of my home State. But violence did not respect the serenity of this land and inflicted irreparable damage on this community.

This can happen because one small State police office must serve hundreds of square miles.

Unfortunately, this community does not stand alone. Law enforcement in rural America must be improved by increasing manpower and by creating multijurisdictional task forces.

While considering the crime control bill, my colleagues and I successfully defeated the direct passthrough provision, thereby protecting the distribution of rural law enforcement funds. Yet, this will never be enough to the families of those who were brutally murdered.

Though I know I can not fully share their sorrow, I send my condolences and my assurance that we will continue to seek new ways of enhancing rural law enforcement.

[From the New Mexican, Jan. 27, 1991]

SEVEN DEAD, INCLUDING TWO COPS, IN SHOOTOUT AT CHIMAYO

(By Kelly Richmond and Mark Utgaard)

Seven people were killed, including two police officers, and at least four others were wounded Saturday evening in a shooting spree at a Chimayo trailer park, apparently sparked by a domestic dispute.

State Police Maj. John Denko said late Saturday that authorities were still looking for the suspect, identified as 29-year-old Ricky Abeyta of Chimayo. Denko said he escaped from the trailer before a state police tactical team stormed it about 10:30 p.m.

At 11:30 p.m., police issued a bulletin for a blue Toyota pickup with the license plate LW-6062. The police dispatcher said authorities believe Abeyta is armed with a 7 mm rifle, a .38-caliber handgun and a .357 handgun taken from a police officer.

"He is considered armed and very dangerous," said Denko.

Abeyta is described as being between 5 feet 3 and 5 feet 4 inches tall, about 130 pounds with brown hair, brown eyes and a dark complexion.

Denko said State Police Officer Glen Huber and Rio Arriba County Sheriff's Deputy Jerry Martinez were shot early Saturday evening when they arrived at the trailer to deliver a restraining order. Police, forced to wait at a distance by a suspect shooting from the trailer, were unable to attend to the fallen officers for hours after they had been shot.

It was unknown whether Abeyta slipped out of the trailer after police surrounded it or if he left even before police formed barricades. However, police at the scene said they are convinced he was in the trailer when back-up officers arrived because shots were fired from the trailer.

The other victims of the shooting were not identified by police as of late Saturday night. They included a 5-month-old baby boy found under a car, a child of an unknown age found in the back of the car, and a woman whose body was found in a rented moving truck outside the trailer.

Denko said Huber, killed in his patrol car, and Martinez apparently arrived after the shootings began.

"Evidently the situation became volatile before they got there. They were caught by surprise, totally off guard," Denko said.

Police believe the incident started when the suspect and his girlfriend got into an argument about her moving out.

Martinez is the father of a 1-month-old baby girl.

Police said that after shooting Huber and Martinez, Abeyta barricaded himself inside a trailer and police surrounded it.

At least one of the wounded was a 13-year-old boy who was airlifted by Lifeguard helicopter to University Hospital in Albuquerque, where he was listed in serious but stable condition with gunshot wounds to the shoulder and buttock.

The other wounded were taken to Espanola Hospital but the hospital declined to release any information about them.

Denko said Huber, 35, was a Santa Fe High School graduate and had seven years experience with the state police. The one-time Pecos marshal is survived by a wife and two daughters, he said.

The last state police officer killed in the line of duty was Wayne G. Allison, who was killed in a plane crash in February 1988. The last state police officer killed with a weapon was Sherman Toler, who was shot during a routine traffic stop in March 1986.

INTRODUCTION OF RESOLUTION TO WITHDRAW NOBEL PRIZE FROM GORBACHEV

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

Mr. ARMEY. Mr. Speaker, last October Soviet President Mikhail Gorbachev was awarded the Nobel Peace Prize for being a friend to the causes of peace, openness, and international trust. Within months, however, he has betrayed these causes by adopting old, hard-line Stalinist tactics in the Baltics. There we have witnessed the brutal suppression of free institutions, the silencing of the press and the killing of innocent civilians.

Mr. Speaker, as we speak, the international community is embracing the vision of freedom and democracy. President Gorbachev shows himself to be an enemy of this vision. His vision appears to be in violation of the 1975 Helsinki accords on human rights and holding on to states that were forcibly annexed in a secret pact with Adolph Hitler.

It is for these reasons, Mr. Speaker, that I have introduced a resolution calling upon the Nobel Committee to withdraw the Nobel Prize for peace from President Gorbachev. Let us send a strong message that the United States stands for the freedom of the 8 million people of the Baltic Republics and not with the brutality of totalitarian repression.

GOLDWATER-NICHOLS DEFENSE REORGANIZATION ACT SERVES US WELL IN DESERT STORM

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

Mr. HUTTO. Mr. Speaker, there is broad agreement that Desert Storm is better organized than any war in which the United States has been involved. This is due in large measure to the Goldwater-Nichols Defense Reorganization Act and is a great tribute to our late colleague Bill Nichols. Bill did some of his best work in the last years of his life and the Defense Department reform he coauthored was landmark legislation. Congressman Nichols, who lost a leg in combat in World War II, saw the need of eliminating the confusion in the chain of command. This legislation, which I gladly cosponsored, strengthens the hand of the Chairman of the Joint Chiefs of Staff, but most importantly, it gives the authority to the CINC, the Commander in Chief in the field to be in charge and to make decisions that saves lives and achieves objectives without confusion and interference from Washington. The Goldwater-Nichols Act truly serves us well.

SUPPORT H.R. 555, SOLDIERS' AND SAILORS' CIVIL RELIEF ACT AMENDMENT

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

Mr. RITTER. Mr. Speaker, I would like to thank the Veterans' Affairs Committee for their timely work in bringing to the floor later today H.R. 555, legislation which I have cosponsored, that will help Desert Storm service men and women and their families with potential financial hardships that they may face.

We need to be behind our troops 100 percent, not only on the battlefield, but on the homefront as well. Civil lawsuits, eviction from apartments, abusive actions of creditors, professional liability premiums for doctors and health insurance reinstatement are problems that should not burden our Desert Storm service members or their families back home.

Mr. Speaker, H.R. 555 provides new protections and relief from many of the types of problems that are worrisome

to our troops and their families by amending the Soldiers' and Sailors' Civil Relief Act, an act that has not been amended since the Vietnam war.

Mr. Speaker, I strongly support H.R. 555 and urge my fellow Members to stand fully behind our troops by voting unanimously for this bill.

AIDS EPIDEMIC CONTINUES TO GROW

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

Ms. PELOSI. Mr. Speaker, I rise to bring to the attention of our colleagues the recent report from the Center for Disease Control that 100,000 Americans have now died from AIDS. This is quite remarkable, because the disease was not even known 10 years ago.

The epidemic continues to grow. In the next two years it is estimated that 200,000 people will die of AIDS, and well over 1 million Americans are infected with the disease.

Because of this Congress, and I am here to thank the Congress, because of this Congress, federally funded research has given us some reason for hope, and last year with the passage of the Ryan-White care bill, the Federal Government assumed a necessary role in patient care and early intervention. We need to fully fund this legislation this year.

Unfortunately, the Federal prevention efforts have not been successful. We must do better. One hundred thousand dead and counting, we must do more.

BLANK CHECKS AND BALANCED CHECKBOOKS

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

Mr. ANNUNZIO. Mr. Speaker, I found testimony presented by administration officials last week rather astonishing in two regards.

First, it was stated that an additional \$77 billion will be needed this fiscal year to cover the costs of the Resolution Trust Corporation [RTC]. Yet, the RTC's audited financial statements for the year ending December 21, 1989, remain uncompleted.

If the RTC were a publicly held corporation, it would be in gross violation of SEC regulations, which give a publicly held corporation only 90 days to report its financial statements.

The RTC's unaudited financial statements are not in much better shape. The last quarter for which RTC has provided unaudited financial statements is for the one ending June 1990.

How can the administration estimate how much money it needs, when it has

no audited financial statements from 13 months ago, let alone now?

This brings us to the second remarkable aspect of the testimony: The administration wants Congress to give it a blank check to cover the RTC's costs.

Under any circumstances, granting such authority would be irresponsible.

Mr. Speaker, giving a blank check to an entity which cannot balance its own checkbook is an invitation for disaster.

□ 1220

DON'T CANCEL THE SUMMIT: NOW IS THE TIME TO KEEP TALKING

(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, this may be a revisionist perspective, but I feel compelled to come to the floor and indicate my serious concern about the decision to either cancel or delay the summit between the United States and the Soviet Union. Now is the time, particularly when we have over a half million troops in the Persian Gulf in harm's way, now is the time for the two superpowers to keep talking.

I as well as all of my colleagues and most Americans are concerned about the Baltic situation and the step backward for reforms by the Gorbachev government. All of us are also concerned about the delay in arms agreements. It is disturbing, but these are not insurmountable issues.

They can be discussed by us and by the Soviets. United States-Soviet relations still are the most important relationship to the United States and to the world.

Soviet assistance with respect to the coalition in the Persian Gulf has been paramount to United States success so far. To the extent that the United States can influence Gorbachev's policies in the Baltics as well as in furthering reform, we must keep talking with each other.

President Bush went the extra mile with Saddam Hussein to try to negotiate ourselves out of a conflict before it occurred. He should do no less with Gorbachev and the Soviet Union.

FAIRNESS FOR THE VETERANS OF VIETNAM AND RESERVISTS AND NATIONAL GUARD MEMBERS

(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, as we meet, the men and women of our Armed Forces are engaged in battle in the Middle East. In addition, thousands of veterans of past wars are engaged in battles of their own.

Today is our opportunity to help not only those brave forces serving us now,

but also the brave veterans who served us so honorably in years past.

H.R. 556 is about fairness for the veterans of Vietnam. It mandates extended care for those who suffered the dangerous after-effects of agent orange.

H.R. 555, meanwhile, is about fairness for the brave reservists and National Guard members on active duty. This legislation would ensure that their families are not subjected to unfair evictions, or gaps in health coverage.

I hope this Congress will move quickly to pass both of these bills. We owe it to ourselves to support not only the troops in this war, but also those involved in America's last war.

THE COSTS WITH RESPECT TO DESERT STORM

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

Mr. DORGAN of North Dakota. Mr. Speaker, it is clear that the most important cost with respect to Desert Shield and Desert Storm, the war in the Persian Gulf, is the cost measured in human lives, both the soldiers and civilians who are often the victims of war.

But there is another cost as well. We are facing it now and when the war is over and the dust settles, there will still be the financial burden for someone to bear, and the question is, Who will pay the costs?

We will likely hear tonight from the President in this Chamber about a new world order. The question I have is, Will the new world order be like the old world order?

We pay the bills, Uncle Sam carries the burden, and Uncle Sam eventually borrows from our allies to pay bills they owe.

Mr. Speaker, I introduced legislation yesterday asking the President to negotiate all such cost-sharing payments with our allies—specifically, Japan, Germany, the Saudis, the Kuwaitis, and others—to meet certain specific thresholds of contributions, financial contribution to the war in the Persian Gulf. If they fail to meet that contribution, we would impose import tariffs on their goods coming into this country to raise sufficient money to cover their shares.

This country is deep in debt, with a \$3.4 trillion national debt, and a near-\$400 billion deficit this year. We simply cannot, as in the old world order, keep on borrowing money from our allies to pay for their defense.

Let us make sure the new world order extracts from our allies their fair share of necessary contributions, to help this country pay the gulf war bill. In the final analysis, they owe this bill because they have a far greater depend-

ence on the trade of Persian Gulf oil than we do.

DESERT STORM IS NOT AMERICA'S ONLY WAR

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

Mr. TRAFICANT. Mr. Speaker, Desert Storm is not America's only war. There were 23,000 murders last year; we graduate 700,000 students who cannot read from high school; health care costs rose 22 percent; over 40 million Americans do not have health insurance; the savings and loan crisis turned into a junk bond graveyard; pensions are underfunded; banks are going belly up; and, after 5 years of slam-bam-Rudman, our deficit is now in outer space.

We do not simply need an update on the war tonight, ladies and gentlemen, we need a blueprint to deal with the war that rages in America. It is time Congress and our President take care of our country first.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. MAZZOLI). Pursuant to the provisions of clause 5 of rule I, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered or on which the vote is objected to under clause 4 of rule XV. Such rollcall votes, if postponed, will be taken after debate has been concluded on all motions to suspend the rules.

AGENT ORANGE ACT OF 1991

Mr. MONTGOMERY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 556) to provide for the Secretary of Veterans Affairs to obtain independent scientific review of the available scientific evidence regarding associations between diseases and exposure to dioxin and other chemical compounds in herbicides, and for other purposes, as amended.

The Clerk read as follows:

H.R. 556

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 "Agent Orange Act of 1991".

SEC. 2. PRESUMPTION OF SERVICE CONNECTION FOR DISEASES ASSOCIATED WITH EXPOSURE TO CERTAIN HERBICIDE AGENTS.

(a) IN GENERAL.—(1) Chapter 11 of title 38, United States Code, is amended by adding at the end of subchapter II the following new section:

"§316. Presumptions of service connection for diseases associated with exposure to certain herbicide agents

"(a)(1) For the purposes of section 310 of this title, and subject to section 313 of this title—

"(A) a disease specified in paragraph (2) of this subsection becoming manifest as specified in that paragraph in a veteran who, during active military, naval, or air service, served in the Republic of Vietnam during the Vietnam era; and

"(B) each additional disease (if any) that (1) the Secretary determines in regulations prescribed under this section warrants a presumption of service-connection by reason of having positive association with exposure to an herbicide agent, and (2) becomes manifest within the period (if any) prescribed in such regulations in a veteran who, during active military, naval, or air service, served in the Republic of Vietnam during the Vietnam era and while so serving was exposed to that herbicide agent,

shall be considered to have been incurred in or aggravated by such service, notwithstanding that there is no record of evidence of such disease during the period of such service.

"(2) The diseases referred to in paragraph (1)(A) of this subsection are the following:

"(A) Non-Hodgkin's lymphoma becoming manifest to a degree of disability of 10 percent or more.

"(B) Each soft-tissue sarcoma becoming manifest to a degree of disability of 10 percent or more other than osteosarcoma, chondrosarcoma, Kaposi's sarcoma, or mesothelioma.

"(C) Chloracne or another acneform disease consistent with chloracne becoming manifest to a degree of disability of 10 percent or more within one year after the last date on which the veteran performed active military, naval, or air service in the Republic of Vietnam during the Vietnam era.

"(3) For the purposes of this subsection, a veteran who, during active military, naval, or air service, served in the Republic of Vietnam during the Vietnam era and has a disease referred to in paragraph (1)(B) of this subsection shall be presumed to have been exposed during such service to an herbicide agent containing dioxin or 2,4-dichlorophenoxyacetic acid, and may be presumed to have been exposed during such service to any other chemical compound in an herbicide agent, unless there is affirmative evidence to establish that the veteran was not exposed to any such agent during that service.

"(4) For purposes of this section, the term 'herbicide agent' means a chemical in an herbicide used in support of the United States and allied military operations in the Republic of Vietnam during the Vietnam era.

"(b)(1) Whenever the Secretary determines, on the basis of sound medical and scientific evidence, that a positive association exists between (A) the exposure of humans to an herbicide agent, and (B) the occurrence of a disease in humans, the Secretary shall prescribe regulations providing that a presumption of service connection is warranted for that disease for the purposes of this section.

"(2) In making determinations for the purpose of this subsection, the Secretary shall take into account (A) reports received by the Secretary from the National Academy of Sciences under section 3 of the Agent Orange Act of 1991, and (B) all other sound medical and scientific information and analyses available to the Secretary. In evaluating any study for the purpose of making such deter-

minations, the Secretary shall take into consideration whether the results are statistically significant, are capable of replication, and withstand peer review.

"(3) An association between the occurrence of a disease in humans and exposure to an herbicide agent shall be considered to be positive for the purposes of this section if the credible evidence for the association is equal to or outweighs the credible evidence against the association.

"(c)(1)(A) Not later than 60 days after the date on which the Secretary receives a report from the National Academy of Sciences under section 3 of the Agent Orange Act of 1991, the Secretary shall determine whether a presumption of service connection is warranted for each disease covered by the report. If the Secretary determines that such a presumption is warranted, the Secretary, not later than 60 days after making the determination, shall issue proposed regulations setting forth the Secretary's determination.

"(B) If the Secretary determines that a presumption of service connection is not warranted, the Secretary, not later than 60 days after making the determination, shall publish in the Federal Register a notice of that determination. The notice shall include an explanation of the scientific basis for that determination. If the disease already is included in regulations providing for a presumption of service connection, the Secretary, not later than 60 days after publication of the notice of a determination that the presumption is not warranted, shall issue proposed regulations removing the presumption for the disease.

"(2) Not later than 90 days after the date on which the Secretary issues any proposed regulations under this subsection, the Secretary shall issue final regulations. Such regulations shall be effective on the date of issuance.

"(d) Whenever a disease is removed from regulations prescribed under this section—

"(1) a veteran who was awarded compensation for such disease on the basis of the presumption provided in subsection (a) before the effective date of the removal shall continue to be entitled to receive compensation on that basis; and

"(2) a survivor of a veteran who was awarded dependency and indemnity compensation for the death of a veteran resulting from such disease on the basis of such presumption shall continue to be entitled to receive dependency and indemnity compensation on such basis.

"(e) Subsections (b) through (d) shall cease to be effective 10 years after the first day of the fiscal year in which the National Academy of Sciences transmits to the Secretary the first report under section 3 of the Agent Orange Act of 1991."

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 315 the following new item:

"316. Presumptions of service connection for diseases associated with exposure to certain herbicide agents."

(b) CONFORMING AMENDMENT.—Section 313 of title 38, United States Code, is amended by inserting "or 316" after "section 312" each place it appears.

SEC. 3. AGREEMENT WITH NATIONAL ACADEMY OF SCIENCES.

(a) PURPOSE.—The purpose of this section is to provide for the National Academy of Sciences, an independent nonprofit scientific organization with appropriate expertise which is not part of the Federal Government,

to review and evaluate the available scientific evidence regarding associations between diseases and exposure to dioxin and other chemical compounds in herbicides.

(b) AGREEMENT.—The Secretary shall seek to enter into an agreement with the National Academy of Sciences for the Academy to perform the services covered by this section. The Secretary shall seek to enter into such agreement not later than two months after the date of the enactment of this Act.

(c) REVIEW OF SCIENTIFIC EVIDENCE.—Under an agreement between the Secretary and the National Academy of Sciences under this section, the Academy shall review and summarize the scientific evidence, and assess the strength thereof, concerning the association between exposure to an herbicide used in support of the United States and allied military operations in the Republic of Vietnam during the Vietnam era and each disease suspected to be associated with such exposure.

(d) SCIENTIFIC DETERMINATIONS CONCERNING DISEASES.—(1) For each disease reviewed, the Academy shall determine (to the extent that available scientific data permit meaningful determinations)—

(A) whether a statistical association with herbicide exposure exists, taking into account the strength of the scientific evidence and the appropriateness of the statistical and epidemiological methods used to detect the association;

(B) the increased risk of the disease among those exposed to herbicides during service in the Republic of Vietnam during the Vietnam era; and

(C) whether there exists a plausible biological mechanism or other evidence of a causal relationship between herbicide exposure and the disease.

(2) The Academy shall include in its reports under subsection (g) a full discussion of the scientific evidence and reasoning that led to its conclusions under this subsection.

(e) RECOMMENDATIONS FOR ADDITIONAL SCIENTIFIC STUDIES.—The Academy shall make any recommendations it has for additional scientific studies to resolve areas of continuing scientific uncertainty relating to herbicide exposure. In making recommendations for further study, the Academy shall consider the scientific information that is currently available, the value and relevance of the information that could result from additional studies, and the cost and feasibility of carrying out such additional studies.

(f) SUBSEQUENT REVIEWS.—An agreement under subsection (b) shall require the National Academy of Sciences—

(1) to conduct as comprehensive a review as is practicable of the evidence referred to in subsection (c) that became available since the last review of such evidence under this section; and

(2) to make its determinations and estimates on the basis of the results of such review and all other reviews conducted for the purposes of this section.

(g) REPORTS.—(1) The agreement between the Secretary and the National Academy of Sciences shall require the Academy to transmit to the Secretary and the Committees on Veterans' Affairs of the Senate and House of Representatives periodic written reports regarding the Academy's activities under the agreement. Such reports shall be submitted at least once every two years (as measured from the date of the first report).

(2) The first report under this subsection shall be transmitted not later than the end of the 18-month period beginning on the date of the enactment of this Act. That report shall include (A) the determinations and dis-

discussion referred to in subsection (d), (B) any recommendations of the Academy under subsection (e), and (C) the recommendation of the Academy as to whether the provisions of each of sections 6 through 9 should be implemented by the Secretary. In making its recommendation with respect to each such section, the Academy shall consider the scientific information that is currently available, the value and relevance of the information that could result from implementing that section, and the cost and feasibility of implementing that section. If the Academy recommends that the provisions of section 6 should be implemented, the Academy shall also recommend the means by which clinical data referred to in that section could be maintained in the most scientifically useful way.

(h) **LIMITATION ON AUTHORITY.**—The authority to enter into agreements under this section shall be effective for a fiscal year to the extent that appropriations are available.

(i) **SUNSET.**—This section shall cease to be effective 10 years after the last day of the fiscal year in which the National Academy of Sciences transmits to the Secretary the first report under subsection (g).

(j) **ALTERNATIVE CONTRACT SCIENTIFIC ORGANIZATION.**—If the Secretary is unable within the time period prescribed in subsection (b) to enter into an agreement with the National Academy of Sciences for the purposes of this section on terms acceptable to the Secretary, the Secretary shall seek to enter into an agreement for the purposes of this section with another appropriate scientific organization that is not part of the Government and operates as a not-for-profit entity and that has expertise and objectivity comparable to that of the National Academy of Sciences. If the Secretary enters into such an agreement with another organization, then any reference in this section and in section 316 of title 38, United States Code (as added by section 2), to the National Academy of Sciences shall be treated as a reference to the other organization.

SEC. 4. OUTREACH SERVICES.

Section 1204(a) of the Veterans' Benefits Improvement Act of 1988 (division B of Public Law 100-687; 102 Stat. 4125) is amended—

(1) in clause (1), by striking out “, as such information on health risks becomes known”;

(2) by redesignating clauses (1) and (2) as clauses (A) and (B), respectively;

(3) by inserting “(1)” after “PROGRAM.—”; and

(4) by adding at the end the following new paragraph:

“(2) The Secretary of Veterans Affairs shall annually furnish updated information on health risks described in paragraph (1)(A) to veterans referred to in paragraph (1).”

SEC. 5. EXTENSION OF HEALTH-CARE ELIGIBILITY BASED ON EXPOSURE TO AGENT ORANGE OR IONIZING RADIATION.

Section 610(e)(3) of title 38, United States Code, is amended by striking out “December 31, 1990” and inserting in lieu thereof “December 31, 1993”.

SEC. 6. RESULTS OF EXAMINATIONS AND TREATMENT OF VETERANS FOR DISABILITIES RELATED TO EXPOSURE TO CERTAIN HERBICIDES OR TO SERVICE IN VIETNAM.

(a) **IN GENERAL.**—Subject to subsections (d) and (e), the Secretary of Veterans Affairs shall compile and analyze, on a continuing basis, all clinical data that (1) is obtained by the Department of Veterans Affairs in connection with examinations and treatment furnished to veterans by the Department

after November 3, 1981, by reason of eligibility provided in section 610(e)(1)(A) of title 38, United States Code, and (2) is likely to be scientifically useful in determining the association, if any, between the disabilities of veterans referred to in such section and exposure to dioxin or any other toxic substance referred to in such section or between such disabilities and active military, naval, or air service in the Republic of Vietnam during the Vietnam era.

(b) **ANNUAL REPORT.**—The Secretary shall submit to the Committees on Veterans' Affairs of the Senate and the House of Representatives an annual report containing—

(1) the information compiled in accordance with subsection (a);

(2) the Secretary's analysis of such information;

(3) a discussion of the types and incidences of disabilities identified by the Department of Veterans Affairs in the case of veterans referred to in subsection (a);

(4) the Secretary's explanation for the incidence of such disabilities;

(5) other explanations for the incidence of such disabilities considered reasonable by the Secretary; and

(6) the Secretary's views on the scientific validity of drawing conclusions from the incidence of such disabilities, as evidenced by the data compiled under subsection (a), about any association between such disabilities and exposure to dioxin or any other toxic substance referred to in section 610(e)(1)(A) of title 38, United States Code, or between such disabilities and active military, naval, or air service, in the Republic of Vietnam during the Vietnam era.

(c) **FIRST REPORT.**—The first report under subsection (b) shall be submitted not later than one year after the effective date of this section.

(d) **FUNDING.**—The authority of the Secretary to carry out this section is effective in any fiscal year only to the extent or in the amount specifically provided in statutory language in appropriations Acts.

(e) **EFFECTIVE DATE.**—(1) This section shall take effect at the end of the 90-day period beginning on the date on which the first report of the National Academy of Sciences under section 3(g) is received by the Secretary, except that this section shall not take effect if the Secretary, after receiving that report and before the end of that 90-day period—

(A) determines that it is not feasible or cost-effective to carry out this section or that carrying out this section would not make a material contribution to the body of scientific knowledge concerning the health effects in humans of herbicide exposure; and

(B) notifies the Committees on Veterans' Affairs of the Senate and House of Representatives of the Secretary's determination and the reasons therefor.

(2) In making a determination under this subsection, the Secretary shall give great weight to the views and recommendations of the Academy expressed in that report with respect to the implementation of this section.

SEC. 7. TISSUE ARCHIVING SYSTEM.

(a) **ESTABLISHMENT OF SYSTEM.**—Subject to subsections (e) and (f), for the purpose of facilitating future scientific research on the effects of exposure of veterans to dioxin and other toxic agents in herbicides used in support of United States and allied military operations in the Republic of Vietnam during the Vietnam era, the Secretary of Veterans Affairs shall establish and maintain a system for the collection and storage of voluntarily contributed samples of blood and tis-

sue of veterans who performed active military, naval, or air service in the Republic of Vietnam during the Vietnam era.

(b) **SECURITY OF SPECIMENS.**—The Secretary shall ensure that the tissue is collected and stored under physically secure conditions and that the tissue is maintained in a condition that is useful for research referred to in subsection (a).

(c) **AUTHORIZED USE OF SPECIMENS.**—The Secretary may make blood and tissue available from the system for research referred to in subsection (a). The Secretary shall carry out this section in a manner consistent with the privacy rights and interests of the blood and tissue donors.

(d) **LIMITATIONS ON ACCEPTANCE OF SAMPLES.**—The Secretary may prescribe such limitations on the acceptance and storage of blood and tissue samples as the Secretary considers appropriate consistent with the purpose specified in subsection (a).

(e) **FUNDING.**—The authority of the Secretary to carry out this section is effective in any fiscal year only to the extent or in the amount specifically provided in statutory language in appropriations Acts.

(f) **EFFECTIVE DATE.**—(1) This section shall take effect at the end of the 90-day period beginning on the date on which the first report of the National Academy of Sciences under section 3(g) is received by the Secretary, except that this section shall not take effect if the Secretary, after receiving that report and before the end of that 90-day period—

(A) determines that it is not feasible or cost-effective to carry out this section or that carrying out this section would not make a material contribution to the body of scientific knowledge concerning the health effects in humans of herbicide exposure; and

(B) notifies the Committees on Veterans' Affairs of the Senate and House of Representatives of the Secretary's determination and the reasons therefor.

(2) In making a determination under this subsection, the Secretary shall give great weight to the views and recommendations of the Academy expressed in that report with respect to the implementation of this section.

SEC. 8. SCIENTIFIC RESEARCH FEASIBILITY STUDIES PROGRAM.

(a) **ESTABLISHMENT OF PROGRAM.**—Subject to subsections (e) and (f), the Secretary of Veterans Affairs shall establish a program to provide for the conduct of studies of the feasibility of conducting additional scientific research on—

(1) health hazards resulting from exposure to dioxin;

(2) health hazards resulting from exposure to other toxic agents in herbicides used in support of United States and allied military operations in the Republic of Vietnam during the Vietnam era; and

(3) health hazards resulting from active military, naval, or air service in the Republic of Vietnam during the Vietnam era.

(b) **PROGRAM REQUIREMENTS.**—(1) Under the program established pursuant to subsection (a), the Secretary shall, pursuant to criteria prescribed pursuant to paragraph (2), award contracts or furnish financial assistance to non-Government entities for the conduct of studies referred to in subsection (a).

(2) The Secretary shall prescribe criteria for (A) the selection of entities to be awarded contracts or to receive financial assistance under the program, and (B) the approval of studies to be conducted under such contracts or with such financial assistance.

(c) **REPORT.**—The Secretary shall promptly report the results of studies conducted under

the program to the Committees on Veterans' Affairs of the Senate and the House of Representatives.

(d) CONSULTATION WITH THE NATIONAL ACADEMY OF SCIENCES.—(1) To the extent provided under any agreement entered into by the Secretary and the National Academy of Sciences under this Act—

(A) the Secretary shall consult with the Academy regarding the establishment and administration of the program under subsection (a); and

(B) the Academy shall review the studies conducted under contracts awarded pursuant to the program and the studies conducted with financial assistance furnished pursuant to the program.

(2) The agreement shall require the Academy to submit to the Secretary and the Committees on Veterans' Affairs of the Senate and the House of Representatives any recommendations that the Academy considers appropriate regarding any studies reviewed under the agreement.

(e) FUNDING.—The authority of the Secretary to carry out this section is effective in any fiscal year only to the extent or in the amount specifically provided in statutory language in appropriations Acts.

(f) EFFECTIVE DATE.—(1) This section shall take effect at the end of the 90-day period beginning on the date on which the first report of the National Academy of Sciences under section 3(g) is received by the Secretary, except that this section shall not take effect if the Secretary, after receiving that report and before the end of that 90-day period—

(A) determines that it is not feasible or cost-effective to carry out this section or that carrying out this section would not make a material contribution to the body of scientific knowledge concerning the health effects in humans of herbicide exposure; and

(B) notifies the Committees on Veterans' Affairs of the Senate and House of Representatives of the Secretary's determination and the reasons therefor.

(2) In making a determination under this subsection, the Secretary shall give great weight to the views and recommendations of the Academy expressed in that report with respect to the implementation of this section.

SEC. 9. BLOOD TESTING OF CERTAIN VIETNAM-ERA VETERANS.

(a) BLOOD TESTING.—Subject to subsections (d) and (e), in the case of a veteran described in section 610(e)(1)(A) of title 38, United States Code, who—

(1) has applied for medical care from the Department of Veterans Affairs; or

(2) has filed a claim for, or is in receipt of disability compensation under chapter 11 of title 38, United States Code,

the Secretary of Veterans Affairs shall, upon the veteran's request, obtain a sufficient amount of blood serum from the veteran to enable the Secretary to conduct a test of the serum to ascertain the level of 2,3,7,8-tetrachlorodibenzo-p-dioxin (TCDD) which may be present in the veteran's body.

(b) NOTIFICATION OF TEST RESULTS.—Upon completion of such test, the Secretary shall notify the veteran of the test results and provide the veteran a complete explanation as to what, if anything, the results of the test indicate regarding the likelihood of the veteran's exposure to TCDD while serving in the Republic of Vietnam.

(c) INCORPORATION IN SYSTEM.—The Secretary shall maintain the veteran's blood sample and the results of the test as part of the system required by section 7.

(d) FUNDING.—The authority of the Secretary to carry out this section is effective in any fiscal year only to the extent or in the amount specifically provided in statutory language in appropriations Acts, but such amount shall not exceed \$4,000,000 in any fiscal year.

(e) EFFECTIVE DATE.—(1) This section shall take effect at the end of the 90-day period beginning on the date on which the first report of the National Academy of Sciences under section 3(g) is received by the Secretary, except that this section shall not take effect if the Secretary, after receiving that report and before the end of that 90-day period—

(A) determines that it is not feasible or cost-effective to carry out this section or that carrying out this section would not make a material contribution to the body of scientific knowledge concerning the health effects in humans of herbicide exposure; and

(B) notifies the Committees on Veterans' Affairs of the Senate and House of Representatives of the Secretary's determination and the reasons therefor.

(2) In making a determination under this subsection, the Secretary shall give great weight to the views and recommendations of the Academy expressed in that report with respect to the implementation of this section.

SEC. 10. CONFORMING AMENDMENTS TO PUBLIC LAW 98-542.

(a) AMENDMENTS TO SECTION 2.—Section 2 of Public Law 98-542 (38 U.S.C. 354 note) is amended by striking out "that chloracene," in paragraph (5) and all that follows through "herbicides and".

(b) AMENDMENTS TO SECTION 3.—Section 3 of such Public Law is amended by striking out "during service in the Armed Forces in the Republic of Vietnam to a herbicide containing dioxin or".

(c) AMENDMENTS TO SECTION 5.—Section 5 of such Public Law is amended as follows:

(1) Subsection (a)(1) is amended by striking out "during service—" and all that follows through "in connection with" and inserting in lieu thereof "during service in connection with".

(2) Subsection (b) is amended—

(A) by striking out "of exposure to herbicides containing dioxin or" in the first sentence of paragraph (1)(A);

(B) by striking out "evidence indicating—" in paragraph (2)(B) and all that follows through "(ii) a connection to" and inserting in lieu thereof "evidence indicating a connection to";

(C) in paragraph (3)—

(i) by striking out "herbicide or" in subparagraph (A); and

(ii) by striking out "to a herbicide containing dioxin or" in subparagraph (B); and

(D) by striking out "of the appropriate panel" in the first sentence of paragraph (1)(B), in the first sentence of paragraph (2)(A)(i), and in paragraph (2)(B).

(d) AMENDMENTS TO SECTION 6.—Section 6 of such Public Law is amended as follows:

(1) Subsection (a) is amended—

(A) in the matter preceding paragraph (1), by striking out "fifteen members" and inserting in lieu thereof "nine members";

(B) in paragraph (1)—

(i) by striking out "eleven individuals" and inserting in lieu thereof "six individuals";

(ii) by striking out subparagraph (A);

(iii) by redesignating subparagraph (B) as subparagraph (A); and

(iv) by redesignating subparagraph (C) as subparagraph (B) and in that subparagraph—

(I) by striking out "five individuals" and inserting in lieu thereof "three individuals"; and

(II) by striking out "dioxin or"; and

(C) in paragraph (2)—

(i) by striking out "four individuals" and inserting in lieu thereof "three individuals"; and

(ii) by striking out "dioxin or".

(2) Subsection (d) is amended—

(A) by striking out "eleven" in paragraph (1) and inserting in lieu thereof "six"; and

(B) by striking out "be divided into" in paragraph (2) and all that follows through "(B) an eight-member panel with" and inserting in lieu thereof "have".

(e) EFFECTIVE DATE.—(1) Except as provided in paragraph (2), the amendments made by this section shall take effect at the end of the six-month period beginning on the date of the enactment of this Act.

(2)(A) If the Secretary of Veterans Affairs determines before the end of such six-month period that the Environmental Hazards Advisory Committee established under section 6 of Public Law 98-542 (38 U.S.C. 354 note) has completed its responsibilities under that section and the directives of the Secretary pursuant to the Nehmer case court order, the amendments made by this section shall take effect as of the date of such determination.

(B) For purposes of this paragraph, the term "Nehmer case court order" means the court order dated May 2, 1989, in the case of *Nehmer v. Department of Veterans Affairs*, in the United States district court for the northern district of California (civil action docket number C-86-6160 TEH).

(3) If the Secretary makes a determination under paragraph (2), the Secretary shall promptly publish in the Federal Register a notice that such determination has been made and that such amendments have thereby taken effect as of the date of such determination.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Mississippi [Mr. MONTGOMERY] will be recognized for 20 minutes and the gentleman from Arizona [Mr. STUMP] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Mississippi [Mr. MONTGOMERY].

GENERAL LEAVE

Mr. MONTGOMERY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks, and to include extraneous material, on H.R. 556, the bill presently being considered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

Mr. MONTGOMERY. Mr. Speaker, I ask unanimous consent that debate on this bill be extended by 20 minutes, 10 minutes on this side and 10 minutes to the gentleman from Arizona [Mr. STUMP].

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

The gentleman from Mississippi [Mr. MONTGOMERY] will be recognized for 30 minutes and the gentleman from Arizona [Mr. STUMP] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Mississippi [Mr. MONTGOMERY].

Mr. MONTGOMERY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, today we have the opportunity to take the final, momentous step at the end of a long and arduous journey. For more than 10 years, the words "agent orange" have been synonymous with divisiveness and controversy, not only between Vietnam veterans and the Federal Government, but among the Nation's veterans' service organizations as well.

The legislation we consider today, H.R. 556, a compromise agreement, can perhaps salve the bitterness, anxiety, and disappointment which have engulfed both this issue and the earnest attempts to respond to our Vietnam veterans' concerns in a fair and rational manner.

Just this morning, I was notified by the Secretary of Veterans Affairs, Ed Derwinski, that the administration supports the compromise.

SECRETARY OF VETERANS AFFAIRS,
Washington, January 29, 1991.

Hon. G. V. (SONNY) MONTGOMERY,
Chairman, Committee on Veterans' Affairs,
House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: On behalf of the Administration, I am pleased to inform you the President is personally aware of and totally supportive of H.R. 556, 102nd Congress, the "Agent Orange Act of 1991." This bill is a compromise which relies on science to settle the troubling questions concerning the effect on veterans of exposure to herbicides—such as Agent Orange—used in the allied effort during the Vietnam war.

Among the bill's key features is codification, with minor modifications, of the presumptions of service connection for certain diseases associated with herbicide exposure or Vietnam service that VA, with the invaluable assistance of the Veterans' Advisory Committee on Environmental Hazards, has developed in recent years. Specifically, a Vietnam veteran disabled by non-Hodgkin's lymphoma, soft-tissue sarcoma (with some exceptions), or chloracne (within one year of leaving Vietnam) will be presumed to have incurred that disease while on active duty.

Further, the bill would establish a new regulatory mechanism for adding—or deleting—presumptions of service connection based on exposure to herbicides in Vietnam. Essentially, VA would be required to enter into a contract with the National Academy of Sciences (NAS) under which NAS would review and summarize the literature related to herbicide exposure and would provide its advice to VA. Taking into account the advice of NAS, VA could amend the list of those diseases for which service connection is presumed. That advice would also assist VA in decisions concerning further research and study.

The bill would also provide for research-related efforts in areas including tissue archiving, blood sampling and testing, and clinical-records review, but would do so subject to two important conditions: such activities would not be conducted if VA determines after considering the report of NAS, that they are not feasible or cost effective or would not make a material contribution to the body of scientific knowledge; and, such activities would be subject to specific appropriation of funds by the Congress. We are pleased with this balanced provision, which

will encourage important research within the limits of available resources and scientific feasibility.

Also, the bill would eliminate the dioxin function of the Veterans' Advisory Committee on Environmental Hazards.

We wish to express our belief that our Advisory Committee, since its creation in 1985, has done a thoroughly professional job in carrying out its assigned duties. We appreciate the difficult and often frustrating work they have undertaken over the years. Nevertheless, we are aware of the concern of some that a non-Governmental review would be of value. VA has testified before both the Senate and House Committees on Veterans' Affairs that we would not object to an independent review of our work in this area, after that work was completed. However, in the spirit of compromise, we support your proposal to eliminate the dioxin function of the Advisory Committee and replace it with a review of evidence by the NAS.

While we are supportive of this bill, we are seriously concerned about the effective date of the amendments, in section 10 of the bill, to Pub. L. No. 98-542 and to the provision relating to the court's order in *Nehmer v. Department of Veterans' Affairs*. We therefore ask that the staffs of the House and Senate Committees on Veterans' Affairs work with my staff to develop an amendment to this section that is more consistent with the bill's goal of resolving the uncertainty about the associations between diseases and exposure to herbicides, and to address other technical matters.

In sum, we applaud your efforts and those of your colleagues to work toward a thoughtful and meaningful compromise of this controversial issue. We have testified many times that VA has one overriding goal in this area: providing, as best we can, the truth for our Vietnam veterans about the effects of exposure to Agent Orange. Because, in our opinion, that is the goal of this fine legislation, we are pleased to offer our support.

The Office of Management and Budget has advised that there is no objection from the standpoint of the Administration's program to the views expressed in this letter on H.R. 556.

Sincerely yours,

EDWARD J. DERWINSKI.

H.R. 556 enjoys the unanimous support of my colleagues on the Veterans' Affairs Committee and a coalition of Members from both the House and Senate who have stood and fought on both sides of the issue. It reflects our best effort, an honest effort, for a pragmatic approach to determining whether exposure to herbicides in Vietnam might have caused various disabilities.

This compromise would codify administrative decisions of the Secretary of Veterans Affairs in deeming three conditions service-connected for compensation purposes. Further, it would entrust to an independent, renowned scientific panel—the National Academy of Sciences—the responsibility for a comprehensive review of available and future data on the long-term health effects of herbicide exposure. The Secretary would be expected to give great weight to the determinations of the academy in deciding if additional presumptions for any disease should be established.

There have been countless scientific studies and reviews of the scientific evidence bearing on the long-term health effects of exposure to herbicide agents in humans. The following excerpts from agent orange briefs prepared by the Department of Veterans Affairs, published in September 1990, describe some of the major activities over recent years on this issue and the Vietnam experience as well:

AGENT ORANGE AND VIETNAM RELATED
RESEARCH
VA EFFORTS

Vietnam Veterans Mortality Study (Proportionate Mortality Study of Army and Marine Corps Veterans of the Vietnam War)—The results of this study were released in September 1987. Patterns of mortality among 24,235 Army and Marine Corps Vietnam veterans were compared with that of 25,685 non-Vietnam veterans using standardized proportional mortality ratios. The study subjects were a random sample of deceased Vietnam era veterans identified in a VA computerized benefit file. Military service information was obtained from military personnel records, and cause of death information from death certificates. Statistically significant excess deaths were observed among Army Vietnam veterans for motor vehicle accidents, non-motor vehicle accidents and accidental poisonings. Similar findings have been reported in other studies of Vietnam veterans. Suicides were not elevated among Vietnam veterans. Marine Corps Vietnam veterans appeared to have an increased mortality from lung cancer and non-Hodgkin's lymphoma compared to Marines who did not serve in Vietnam. The study did not investigate possible causes of these findings. The study was published in the *Journal of Occupational Medicine* in May 1988.

Follow-up Proportionate Mortality Study of Army and Marine Corps Veterans of the Vietnam War—This updates the Vietnam Veterans Mortality Study. The initial effort included Vietnam-era veterans who died during the 1965-82 period. The updates includes deaths through 1984. Compared to non-Vietnam veterans, soldiers and Marines who served in Vietnam had a small but statistically significant excess of deaths from external causes. Army Vietnam veterans had small excesses of laryngeal cancer and lung cancer, but the role of such known causes as smoking could not be determined. The study has been accepted for publication in the *Journal of Occupational Medicine*.

Proportionate Mortality Among US Army Vietnam Veterans Who Served in I Corps—This study was designed to determine whether Army veterans, who were stationed in the same geographical area in Vietnam as Marine veterans, experienced mortality patterns similar to these Marines. The post-service mortality experience of 6,668 Army veterans who served in Military Region I, also known as "I Corps," was compared to that of 29,917 Army non-Vietnam veterans. Statistically significant excesses of deaths were observed for motor vehicle accidents and accidental poisonings. Deaths due to other major disease categories, including malignant neoplasms, and suicides were no more frequent among Army I Corps veterans than their counterparts. No significant excess of deaths due to non-Hodgkin's lymphoma or lung cancer was observed. The study results will be published in the *American Journal of Epidemiology* in the near future. This was a follow-up research project in

response to results of the Vietnam Veterans Mortality Study. (See first entry in this Brief.)

Soft Tissue Sarcoma Study (Soft Tissue Sarcoma and Military Service in Vietnam: A Case Control Study)—This study was conducted of men who were of draftable age during the Vietnam conflict to examine the association of soft tissue sarcomas with military service in Vietnam as well as other environmental risk factors. A total of 217 soft tissue sarcomas cases selected from the Armed Forces Institute of Pathology were compared to 599 controls for Vietnam service occupational and non-occupational exposure to various chemicals, occupational history, medical history, and life-style (smoking, alcohol, coffee, etc.). The results of the study indicate that Vietnam veterans did not have an increased risk of soft tissue sarcoma when compared to those men who had never been in Vietnam. The study was published in the *Journal of the National Center Institute* in October 1987.

Soft Tissue Sarcoma Review (Soft Tissue Sarcomas and Military Service in Vietnam: A Case Comparison Group Analysis of Hospital Patients)—This study review soft tissue sarcoma cases among Vietnam era veterans who were admitted to VA medical centers during the period 1969-1983. This effort compared location, histopathology and relative frequency of soft tissue sarcomas between Vietnam veterans and non-Vietnam veterans. The study showed that for this group of veterans, service in Vietnam did not increase the risk of developing this type of cancer. The VA's Office of Environmental Epidemiology worked with the VA's Pathology Service and the Armed Forces Institute of Pathology on this research. The findings were published in the *Journal of Occupational Medicine* in December 1986.

Adipose Tissue Study (Retrospective Study of Dioxins and Furans in Adipose Tissue)—VA, in collaboration with the Environmental Protection Agency (EPA), recently completed a very detailed analysis of adipose tissue specimens from 200 men of the Vietnam era age group. The specimens were analyzed for 2, 3, 7, 8-TCDD, the contaminant found in one of the ingredients of Agent Orange, and sixteen other related dioxins and dibenzofurans. Researchers used adipose tissue collected for the EPA's National Human Adipose Tissue Survey. A total of 40 Vietnam veterans, 80 veterans who did not serve in Vietnam, and 80 civilians were selected and their archived tissues were analyzed. Investigators found that the average level of 2, 3, 7, 8-TCDD in adipose tissue of Vietnam veterans was not significantly different from that of the non-Vietnam veterans or the civilians. This was the case both with and without adjustment for several demographic variables. Furthermore, the results showed no association between TCDD levels and Agent Orange exposure opportunity estimations based on military records. The study has been accepted for publication in the *American Journal of Public Health*.

National Vietnam Veterans Readjustment Study—This study found that a majority of Vietnam theater veterans have made a successful re-entry to civilian life and currently experience few symptoms of post-traumatic stress disorder (PTSD) or other readjustment problems. Although in general, male Vietnam theater veterans do not differ greatly in their current life adjustment from their era veteran counterparts, there is some evidence that female theater veterans currently experience more readjustment problems than other Vietnam era veteran women of similar

age and military occupation. The study found that 15.2 percent of all male Vietnam veterans and 8.5 percent of Vietnam veteran women currently suffer from PTSD. The study also indicated that PTSD in the Vietnam veteran population is associated with significant levels of morbidity, reflected in higher levels of employment, family and educational difficulties. The rates of PTSD are higher for black and Hispanic veterans than among white veterans.

Combat Experience and Postservice Psychosocial Status as Predictors of Suicide in Vietnam Veterans—Potential risk factors for suicide among 38 Vietnam veterans were examined using Vietnam veterans who died from motor vehicle accidents as a comparison group. Veterans were selected from Los Angeles County Medical Examiner's files. No military service factor was associated with suicide. The characteristics of Vietnam veterans suicide cases were not substantially different from non-Vietnam veteran suicides with respect to known demographic risk factors. The psychological profile for Vietnam veteran suicide cases was also similar to non-Vietnam veteran suicide cases in most instances. Symptoms related to PTSD were observed more frequently among suicide cases than accident cases. However, suicides were not associated with specific combat experiences or military occupation. The extent of combat experience in Vietnam per se as measured in this study was not a good predictor of suicide death. These results were published in the *Journal of Nervous and Mental Disease* in January 1990.

Army Chemical Corps Study—This study examined health effects of chemical exposures during military service in Vietnam among men assigned to Army chemical units, which were responsible for detecting and counteracting enemy chemical warfare by using riot control agents and for defoliating vegetation using phenoxy herbicides. Because they were involved in the mixing and application of these chemicals, these men were likely to have had heavier exposure to them than ground troops. Nearly 1,000 men who served in Army chemical units in Army chemical units in Vietnam between 1965 and 1971 were identified from unit morning reports, by the U.S. Army and Joint Services Environmental Support Group. Fifty-three deaths were observed through December 1987. Based on rates for U.S. men adjusted for race, age, and calendar period, there were statistically significant excesses of digestive disease deaths, primarily due to alcohol-related diseases, and from motor vehicle accidents. Two deaths were observed from leukemia (with 0.5 expected) and two from brain cancer (0.4 expected). A total of 257 of the veterans had received VA inpatient care and/or the VA Agent Orange Registry medical examinations during the study period. Two veterans had confirmed diagnoses of Hodgkin's disease (0.7 expected). Because of the small study group size and the lack of specificity of information regarding exposure, these results cannot be attributed to any single chemical agent. The study results will be published in the *American Journal of Industrial Medicine*.

Non-Hodgkin's Lymphoma Among Vietnam-era Veterans—This is a hospital-based case-control study undertaken to examine the association between military service in Vietnam and non-Hodgkin's lymphoma. The case group of about 400 Vietnam-era veterans who were treated in VA medical centers between 1969 and 1985 with a diagnosis of non-Hodgkin's lymphoma was compared with nearly 800 Vietnam-era veterans with a diag-

nosis other than malignant lymphoma. Military service in Vietnam did not increase the risk of non-Hodgkin's lymphoma either in general or with increased latency period, as defined as the duration in years from the first service in Vietnam to hospital discharge. Service in a specific military branch, a specific region of Vietnam, or combat role (as determined by military occupational specialty) were not associated with any increased risk of non-Hodgkin's lymphoma. The study has been accepted for publication in the *Journal of Occupational Medicine*.

A Case Control Analysis of Post-Traumatic Stress Disorder Among Vietnam Veterans in the Agent Orange Registry—This case control study compared demographic and military variables of 374 Vietnam veterans with PTSD diagnoses with a similar number of Vietnam veterans who did not have PTSD. All of these veterans were selected from the VA Agent Orange Registry, a computerized data base of about 200,000 Vietnam veterans who voluntarily reported to a VA health care facility for a medical examination. (For more information about the VA Agent Orange Registry, see Agent Orange Brief, Number 2.) Cases and controls were matched by age, year of Agent Orange Registry examination, and race. The study results have been submitted for publication in a professional journal.

Women Vietnam Veterans Mortality Study—The health effects of military service in Vietnam are being evaluated for women who served in Vietnam. The study cohort consists of all women who were on active duty in Vietnam. Approximately 5,000 female Vietnam veterans were identified from morning reports and military records to verify Vietnam service dates; military occupations have been abstracted as well. Causes of death among female Vietnam veterans will be compared with those among female Armed Forces veterans who did not serve in Vietnam. A comparison cohort of approximately the same size as the study cohort has been identified and military records have been abstracted. It is anticipated that a report will be available in early 1991.

Women Vietnam Veterans Data Analysis—VA is conducting an indepth analysis of data collected in the National Vietnam Veterans Readjustment Study to learn more about psychological health outcomes, in addition to PTSD, in women Vietnam veterans. This research is projected for completion, with a report to Congress, in 1991.

NON-VA EFFORTS

CDC Epidemiologic Study (Epidemiologic Studies of the Health of Vietnam Veterans—Mandated by Public Law 97-72 and Public Law 96-151)—This project is actually three studies: the Vietnam Experience Study, designed to evaluate the overall impact of military service in Vietnam on those who served there; the Agent Orange Exposure Study, intended to assess the possible adverse health effects on Vietnam veterans of exposure to the herbicide; and the Selected Cancers Study, designed to determine the risks of developing specific types of cancer among Vietnam veterans. The Department of Veterans Affairs (VA) provided full funding to the Centers for Disease Control (CDC) for this research.

Vietnam Experience Study—There are two components of this study: mortality (death) and morbidity (disease). The mortality effort (Postservice Mortality Among Vietnam Veterans) revealed that total mortality in Vietnam veterans was 17% higher than for other veterans. The excess mortality occurred mainly in the first five years after discharge

from active duty and involved motor vehicle accidents, suicide, homicide, and accidental poisonings. Thereafter, mortality among Vietnam veterans was similar to that of other Vietnam-era veterans, except for drug-related death, which continued to be elevated. An unexpected finding was a deficit in deaths from diseases of the circulatory system among Vietnam veterans. The excess in postservice mortality due to external causes among Vietnam veterans is similar to that found among men returning from combat areas after World War II and the Korean War. The results of this study component were published in the *Journal of the American Medical Association* in February 1987. At the same time, CDC published a comprehensive report on this project.

The morbidity component of the Vietnam Experience Study (Health Status of Vietnam Veterans) indicated that the Vietnam and non-Vietnam veterans studied were similar in terms of level of education, employment, income, marital status, and satisfaction with personal relationships. Certain psychological problems, however, were significantly more common among Vietnam veterans than among non-Vietnam veterans. These included depression, anxiety, and alcohol abuse or dependence. About 15% of Vietnam veterans suffered from combat-related post-traumatic stress disorder at some time during or after military service, and 2.2% had the disorder during the month before the examination. During the telephone interview, Vietnam veterans reported current and past health problems more often than did non-Vietnam veterans, although results of medical examinations showed few current differences in physical health. Vietnam veterans had more hearing loss. Also, among a subsample of participants who had semen samples evaluated, Vietnam veterans had lower sperm concentrations and lower average proportions of "normal" sperm cells. Despite differences in sperm characteristics, Vietnam and non-Vietnam veterans have fathered similar numbers of children.

Children of Vietnam veterans were not more likely to have birth defects recorded on hospital birth records than were children of non-Vietnam veterans. The rates of total, major, minor, and suspected defects were similar among children of Vietnam and non-Vietnam veterans. The results of the morbidity component were published in the *Journal of the American Medical Association* in May 1988. CDC published a report (five volumes plus three supplements) on this study component in January 1989.

Agent Orange Exposure Study—This study was designed to evaluate the health effects, if any, of possible exposure to herbicides (primarily Agent Orange), utilizing information contained in military records. This component was put on hold in January 1986 because of problems related to the exposure assessment of veterans who served in Vietnam. More specifically, it was determined that a study based solely on military records was not possible because of the considerable potential for misclassification of exposure status. Subsequently, the Centers for Disease Control conducted a TCDD validation study to compare military records-based estimates with current serum dioxin levels. The results of this study led the Domestic Policy Council's Agent Orange Working Group and the Congressional Office of Technology Assessment to conclude that the Agent Orange Exposure Study cannot be conducted. Consequently, this study was canceled. The results of the validation study were published in the *Journal of the American Medical Association*

in September 1988. The final report was published by CDC in September 1989.

Selected Cancers Study—This study was designed to determine if Vietnam veterans are at increased risk of contracting any of six specific cancers: soft tissue and other sarcomas, non-Hodgkin's lymphoma, Hodgkin's disease, nasal cancer, nasopharyngeal cancer, and liver cancer. Data collection for this study component began in January 1985. Selected Cancers Study findings, released in March 1990, indicated that Vietnam veterans are at increased relative risk of developing non-Hodgkin's lymphoma. CDC reported that for "men aged 35-59, the age of most Vietnam veterans, the annual risk of developing non-Hodgkin's lymphoma is 1 in 10,000. For Vietnam veterans, the risk appears to be about one and one-half per 10,000." The higher non-Hodgkin's lymphoma ratio was due to excessive non-Hodgkin's lymphoma among men who served on ships offshore Vietnam. According to the investigators, there is no similar increased risk among veterans who served in locations other than Vietnam. CDC found that Vietnam veterans are not at increased risk for developing any of the other five types of cancers studied.

Because of the difficulty in estimating Agent Orange exposure in individual veterans (see Agent Orange Exposure Study entry above), CDC only indirectly evaluated the effects of such exposure for the Selected Cancers Study. The study did not find any evidence that the increased risk of non-Hodgkin's lymphoma might be due to Agent Orange exposure. In fact, the pattern of risk among subgroups of Vietnam veterans seems to be the opposite of the use of Agent Orange in Vietnam. It is anticipated that the results will be published in a professional journal in late 1990 or early 1991.

As a result of the findings of the Selected Cancers Study, Secretary Derwinski announced that VA would service-connect non-Hodgkin's lymphoma for service in Vietnam. For additional information about this decision, see Agent Orange Brief, Number 8.

Questions concerning the conduct of the studies described above should be referred to the Centers for Disease Control, Atlanta, Georgia 30333.

Air Force Health Study (An Epidemiologic Investigation of Health Effects in Air Force Personnel Following Exposure to Herbicides)—This study is being conducted to determine whether long-term adverse health effects exist following contact with herbicides and whether these medical problems can be attributed to occupational exposure to Agent Orange. The study consists of mortality and morbidity components with associated follow-up efforts. The investigation focuses on the Air Force personnel attached to Operation Ranch Hand, who were responsible for the great majority of herbicide spraying missions. Members of the Ranch Hand unit had frequent and repeated exposure to Agent Orange. Individuals in the comparison group had served in numerous flying organizations that transported cargo to, from, and within Vietnam but were not involved in the aerial spray operations of Agent Orange.

Air Force investigators have issued a series of mortality and morbidity assessments. The mortality assessments have shown that the Ranch Hand population is doing about the same as the comparison group, with no unusual causes of death, increased frequency of death, or evidence suggesting death at younger ages. Because of the "healthy veteran effect," (that is, only healthy people are allowed to serve in our Armed Forces) both

groups are surviving significantly longer than similarly aged civilians. The morbidity assessments showed only minor differences between the Ranch Hands and the comparisons, and these differences were not considered to be indicators of dioxin-related disease. Mortality reports were published in 1983, 1984, 1985, 1986, and 1989. Morbidity assessments were released in 1984, 1987, and 1990. This research project is expected to continue into the twenty-first century.

CDC Birth Defects Study (Vietnam Veterans' Risks for Fathering Babies with Birth Defects)—This study, conducted by the Centers for Disease Control with funding from VA, Department of Defense, and the Department of Health and Human Services, assessed Vietnam veterans' risks for fathering babies with major structural birth defects. Information regarding military service in Vietnam was obtained from interviews with mothers and fathers of babies in case and control groups and from review of military records. Vietnam veterans did not have an increased risk of fathering babies with defects. Vietnam veterans who had greater estimated opportunities for Agent Orange exposure were not at greater risk for fathering babies with all types of defects combined. The study results were published in the *Journal of the American Medical Association* in August 1984. CDC published a comprehensive report of the study findings in August 1984.

Agricultural Herbicide Use and Risk of Lymphoma and Soft-Tissue Sarcoma—This population-based case-control study of soft-tissue sarcoma, Hodgkin's disease, and non-Hodgkin's lymphoma in Kansas found farm herbicide use to be associated with non-Hodgkin's lymphoma. This National Cancer Institute study indicated that the relative risk of non-Hodgkin's increased significantly with number of days of herbicide exposure per year and latency. Men exposed to herbicides more than 20 days per year (regardless of the number of years of herbicide use) had a 6-fold increased risk of non-Hodgkin's lymphoma relative to nonfarmers. Excess risk was associated primarily with long-term use of the herbicide 2,4-D, one of the ingredients of Agent Orange. (This ingredient did not contain the contaminant of Agent Orange known as TCDD or dioxin which has caused a variety of illnesses in laboratory animals.) Soft tissue sarcomas were not associated with herbicide exposure. This study supports findings from Sweden and the U.S. that suggest non-Hodgkin's lymphoma is associated with farm herbicide use. The results of the study were published in the *Journal of the American Medical Association* in September 1986.

Soft Tissue Sarcoma and Non-Hodgkin's Lymphoma in Relation to Phenoxyherbicide and Chlorinated Phenol Exposure in Western Washington—This National Cancer Institute-funded population-based case-control study was conducted in western Washington State to evaluate the relationship between occupational exposure of men aged 20-79 to certain herbicides and other chemicals and the risks of developing soft tissue sarcoma and non-Hodgkin's lymphoma. Occupational histories and other information were obtained by personal interviews for 128 soft tissue sarcoma cases and 576 non-Hodgkin's lymphoma cases, diagnosed between 1981 and 1984, for 694 randomly selected controls without cancer. The results demonstrated small but significantly increased risks of developing non-Hodgkin's lymphoma in association with some occupational activities where certain herbicides have been used in combination

with other types of chemicals, particularly for prolonged periods. They do not demonstrate a positive association between increased cancer risks and exposure to any specific herbicide alone. Moreover, these findings provide no evidence of increased risks of developing non-Hodgkin's lymphoma associated with chlorinated phenol exposure or of developing soft tissue sarcoma associated with exposure to either class of chemical. The results were published in the *Journal of the National Cancer Institute* in May 1987.

To date, scientific investigative efforts, including the exhaustive study conducted by the Centers for Disease Control [CDC] in Atlanta, have not established a causal link between exposure to agent orange in Vietnam and any disease in humans other than chloracne, a skin condition.

Just last Thursday, the *Washington Post* reported the results of one of the most comprehensive epidemiological studies of dioxin—an agent orange contaminant—ever conducted. This study of 5,000 chemical industry workers, workers who are among the most highly exposed groups in the world with exposure far greater than that documented for ground troops who served in Vietnam, was conducted by the National Institute for Occupational Safety and Health Study and the results were published in the *New England Journal of Medicine*. As for the findings, allow me to quote from the *Post* article: " * * * the scientists concluded that only those exposed to massive amounts of dioxin suffered any ill effects, and those effects formed only a modest indictment against the chemical." More than two-thirds of these workers had, on average, 90 times the normal—background—level of dioxin exposure, yet no increased risk for cancer was found.

Mr. Speaker, the pattern is consistent. Reputable studies of groups with documented exposure have invariably supported the conclusion that exposure to herbicides in Vietnam is not responsible for the health effects now experienced by Vietnam veterans. The more we see, the more science reveals, the clearer this picture becomes.

If those who doubt the scientific findings we have already received believe further review of the evidence by the academy is the way to go, then it has my wholehearted support. If this good-faith compromise can help curtail the rancor and heal the wounds of mistrust, then it most certainly has my unequivocal support. I trust all of us will abide by the academy's findings.

The question of whether compensation should be paid for disabilities allegedly related to exposure to herbicides has gone on for much too long. It has been debated, explored, explained, studied, defined, and deliberated. It has received an inordinate amount of attention and energy. It is time to move on and, in doing so, to leave in place a mechanism for continuing scientific scrutiny which, if allowed to work, can

assuage the remaining concerns of affected veterans.

I want to give credit to my distinguished colleague for their contributions to this long sought agreement, in particular, Representative BOB STUMP of Arizona, Representative TIM PENNY of Minnesota, Representative LANE EVANS of Illinois, and Representative DOUG APPELEGATE, of Ohio.

TIM PENNY deserves much of the credit for this agreement. Last year, he offered the first compromise that was adopted by the Veterans' Affairs Subcommittee on Compensation, Pension and Insurance. Although final committee action on last year's bill, H.R. 5326, did not reflect this, many of the principles set forth in the Penny amendment are embodied in the compromise we now consider.

I also want to thank Members of the other body, Senators ALAN CRANSTON, chairman of the Senate Veterans' Affairs Committee, TOM DASCHLE of South Dakota, ALAN SIMPSON of Wyoming, and FRANK MURKOWSKI of Alaska, for their roles in the development of this agreement. I want to give special thanks to Ed Scott, staff director and chief counsel of the Senate Veterans' Affairs Committee, for the leadership he provided in working with our committee staff. Mack Fleming, the staff director and chief counsel of our committee, also deserves our gratitude for the hard work he put into helping work out this compromise.

Senator DASCHLE has introduced identical legislation in the other body. He and I have long been on opposite sides of the fence on the agent orange compensation issue, and I was particularly pleased to read his comments in the *Washington Post* when the compromise was announced. He said: "I am confident that this legislation will be successful." I hope that its enactment will mean that, for many Vietnam veterans, the battle with the Federal Government over the effects of agent orange exposure is finally coming to an end.

I share his sentiments and hope he is right. Perhaps, with the passage of this compromise, we are at long last witnessing the epilogue of an exhaustive labor.

On one can legitimately say that the Congress has not been responsive to the concerns of our Vietnam veterans who believe their medical conditions are related to herbicide exposure in Vietnam. Our committee alone has conducted 17 hearings on the matter. The following is a list of hearings held by the House committee on agent orange issues since 1978:

10/11/78—Subcommittee on Medical Facilities & Benefits Herbicide "Agent Orange".

2/25/80—Subcommittee on Medical Facilities & Benefits, Oversight Hearing to Receive Testimony on Agent Orange.

7/22/80—Subcommittee on Medical Facilities & Benefits, Oversight Hearing to Receive Testimony on Agent Orange.

9/16/80—Subcommittee on Medical Facilities & Benefits, Scientific Community Report on Agent Orange.

4/28/81—Subcommittee on Hospitals & Health Care, Legislation to Improve Medical Programs Administered by the VA. (H.R. 2157, H.R. 2953, H.R. 2999). Serial No. 97-21.

5/6/81—Subcommittee on Oversight & Investigations, Current Status of Agent Orange Studies. Serial No. 97-22.

7/16/81—Select Subcommittee, Issues Concerning Vietnam Veterans. Serial No. 97-32.

9/15/82—Subcommittee on Oversight & Investigations, Federal Agent Orange Activities and the Vet Center Program. Serial No. 97-78.

4/26 & 4/27/83—Subcommittee on Compensation, Pension and Insurance, H.R. 1961—Vietnam Veterans Agent Orange Relief Act. Serial No. 98-18.

5/3/83—Subcommittee on Oversight & Investigations, Status of Federally Conducted Agent Orange Studies. Serial No. 98-19.

5/24/83—Subcommittee on Oversight & Investigations, Review of Federal Studies on Health Effects of Low-Level Radiation Exposure & Implementation of Public Law 97-72. Serial No. 98-20.

7/12/83—Subcommittee on Compensation, Pension & Insurance, H.R. 1961—Vietnam Veterans Agent Orange Relief Act. Serial No. 98-23.

10/3/84—Subcommittee on Hospitals & Health Care, Centers for Disease Control Birth Defects Study. Serial No. 98-60.

7/31/86—Subcommittee on Hospitals and Health Care, Status of Agent Orange Studies. Serial No. 99-58.

6/8/88—Subcommittee on Hospitals and Health Care, Review of Agent Orange Studies. Serial No. 100-51.

7/10/89—Subcommittee on Hospitals and Health Care, Agent Orange Studies. Serial No. 101-21.

4/4/90—Full Committee, Centers for Disease Control Selected Cancers Study and Scientific Reviews of the Study. Serial No. 101-44.

5/2/90—Subcommittee on Compensation, Pension and Insurance, H.R. 3004—Veterans Agent Orange Exposure and Vietnam Service and Benefits Act of 1989. Serial No. 101-44.

All we have said during this entire scientific investigative process is, "Let's have the best available facts in hand before rendering judgment on compensation for herbicide exposure."

The Congress commissioned a broad, multimillion-dollar epidemiological study which, to the applause of veterans' organizations, it later took from the VA and placed in the hands of the Centers for Disease Control [CDC], generally accepted as the experts. Further, we've mandated independent reviews of CDC findings.

The Congress in 1984 told the Department of Veterans Affairs that we want compensation for disabilities related to agent orange exposure to be made on the basis of sound scientific and medical evidence. We directed the Department, through an advisory committee, to review, compile and apply the best available evidence to decisions regarding service-connected compensable conditions.

In 1986, the Congress established an entitlement to hospital care for any veteran who might have been exposed to agent orange while serving in Viet-

nam, unless the VA finds his disability resulted from a cause other than herbicide exposure. The compromise we consider today would extend this entitlement through 1993. The House also passed during the 101st Congress legislation which would expand this entitlement to outpatient care.

Today, we continue to respond by taking perhaps the most significant step of all.

It is time to put the matter of agent orange behind us and to rest once and for all. In an effort to do so, I and others who share my views have been willing to compromise, as have the proponents of a more liberal approach. The result is, in my opinion, feasible and responsible.

H.R. 556, the Agent Orange Act of 1991, would:

Establish a statutory presumption of service connection for three conditions: First, non-Hodgkin's lymphoma; second, soft-tissue sarcomas; and third, chloracne if manifested within 1 year from last date of service in Vietnam, and

Establish a mechanism by which the Secretary of Veterans Affairs can, by regulation, presume service connection for additional disabilities suffered by veterans who served in Vietnam if he determines that a positive association exists between herbicide exposure and the occurrence of disease in humans. For purposes of the Secretary's determination, an association would be considered positive if the credible evidence for the association is equal to or outweighs the credible evidence against the association.

The Secretary would make his decisions based on reports and recommendations received from the National Academy of Sciences [NAS], with whom he would be required to enter into a contract for a comprehensive review of the scientific evidence pertaining to herbicide exposure, as well as all other valid medical and scientific information and analyses available to the Secretary.

The Secretary would be required to make a determination with respect to each disease entity covered in each NAS report within 60 days after receiving the report and, if a presumption is granted, the Secretary would be required to publish proposed regulations within 60 days thereafter. He would have an additional 60 days to issue final regulations. The Secretary would be empowered to remove diseases from such regulations if, in the future, it is determined that a presumption is not warranted; veterans or survivors receiving compensation or DIC would not be affected by any such removal.

H.R. 556 also would:

Require the Secretary, within 2 months after the enactment of this act, to seek to enter into an agreement with the NAS to review the scientific evidence and to make periodic reports

to the Secretary. This section also provides that NAS reports shall include determinations with respect to each disease considered: First, whether a statistical association with herbicide exposure exists; second, whether there is an increased risk of the disease among those who were exposed while in Vietnam; and third, whether a plausible biological mechanism exists or whether there is evidence of a causal relationship between herbicide exposure and the disease. The NAS would transmit its first report within 18 months from the date of enactment of the act. The NAS would also make recommendations concerning the need, if any, for additional scientific studies to resolve areas of continuing scientific uncertainty and include these recommendations in its reports.

Expand the Secretary's outreach activities required under Public Law 100-687 and require that updated information be provided on an annual basis to affected Vietnam-era veterans.

Require the Secretary to compile and analyze clinical data obtained by the VA in connection with examinations and treatment furnished to veterans suffering from herbicide related disabilities and to report to the Committees on Veterans' Affairs on an annual basis. This requirement would be subject to the appropriation of specific funding and would not take effect until after the Secretary has received a report from the NAS which contains its recommendation as to the feasibility or scientific value of such action.

Require the Secretary to establish and maintain a system for the collection and storage of blood and tissue samples received from veterans who served in Vietnam. This requirement is also subject to the availability of specific appropriations and also would not take effect until after the Secretary received a report from the NAS as described above.

Require the Secretary to establish, in consultation with the National Academy of Sciences, a program to provide for the conduct of studies of the feasibility of conducting additional scientific research on health hazards resulting from dioxin exposure, exposure to toxic agents in herbicides in Vietnam, or health hazards resulting from Vietnam service. Again, the conduct of such a program would be subject to specific appropriations and NAS recommendations as to its scientific value.

Require the Secretary to test the blood of any veteran who served in Vietnam during the Vietnam era who is eligible for health care from the Department under section 610(e) of title 38 or who has filed a claim for disability compensation for a disability alleged to be related to herbicide exposure to ascertain the level of 2,3,7,8-tetrachlorodibenzo-p-dioxin [TCDD] which may be present in the veteran's

body. This section is also subject to specific appropriations and NAS recommendations as to its scientific value.

Make conforming amendments to Public Law 98-542 to change the mission and makeup of the Advisory Committee on Environmental Hazards, to limit it to considerations regarding ionizing radiation only.

There follows a more detailed statement of the compromise agreement reached with the other body on H.R. 556:

EXPLANATORY STATEMENT ON THE AGENT ORANGE ACT OF 1991

The Agent Orange Act of 1991 (H.R. 556 as passed by the House of Representatives on January 29, 1991) was derived, with modifications, from bills considered by the Senate and the House of Representatives, but not enacted, during the 101st Congress. These include S. 1153, which the Senate passed on August 3, 1989; title VIII of S. 13, which the Senate passed as part of a substitute amendment to H.R. 901 on October 3, 1989; part C of title I of S. 2100, which the Senate Committee on Veterans' Affairs reported on July 19, 1990, but which did not receive Senate consideration prior to the end of the 101st Congress; and H.R. 5326, which the House of Representatives passed on October 15, 1990. H.R. 556 as passed by the House is substantively identical to S. 238, which was introduced in the Senate on the same date that H.R. 556 was introduced in the House.

The Committees on Veterans' Affairs of the Senate and the House of Representatives have prepared the following explanation of H.R. 556 (hereinafter referred to as "the bill").

PRESUMPTIONS OF SERVICE CONNECTION FOR CERTAIN DISEASES

Section 2(a) of the bill would (1) codify decisions the Secretary of Veterans Affairs has announced to grant presumptions of service connection for non-Hodgkin's lymphoma and soft-tissue sarcoma in veterans who served in Vietnam; and (2) codify and expand current VA regulations providing a presumption of service connection for chloracne becoming manifest within three months after completion of the veteran's service in Vietnam by expanding the manifestation period to one year.

Section 2(a) also would create a procedure requiring the Secretary to establish in regulations a presumption of service connection for other diseases that the Secretary determines to have a positive association with exposure to Agent Orange or other herbicides used in Vietnam. The determinations as to whether such associations exist would be required to be based on sound medical and scientific evidence, taking into account (1) periodic reports by the National Academy of Sciences reviewing scientific information regarding possible association between exposure to herbicides and the occurrence of diseases; and (2) all other scientific information available to the Secretary.

The Committees note that the Secretary already has authority to apply any presumption established under new section 316(b) of title 38, United States Code (as added by section 2(a) of the bill), to veterans exposed outside Vietnam to the same herbicide agent on which the presumption is based.

INDEPENDENT SCIENTIFIC STUDY OF HERBICIDES

Section 3 would require the Secretary to seek to enter into a contract with the Na-

tional Academy of Sciences (NAS), within 60 days after enactment, to review scientific and medical information regarding the health effects of exposure to Agent Orange and other herbicides used in Vietnam. If VA is unable to enter into a contract with NAS, the Secretary must seek to enter into a contract with another independent scientific organization having expertise and objectivity comparable to that of NAS.

For each disease suspected of being associated with exposure to an herbicide, NAS would review and summarize the relevant scientific evidence and determine (1) whether there is a statistical association with exposure to the herbicide; (2) the increased risk of disease among those exposed to the herbicides during service in Vietnam; and (3) whether there is a plausible biological mechanism or other evidence of a causal relationship between herbicide exposure and the disease. NAS also would include in its reports any recommendations it has for further studies to resolve areas of continuing scientific uncertainty about the health effects of exposure to herbicide agents.

The first report by NAS, due not later than 18 months after the date of enactment, would include the Academy's recommendations as to whether the programs under sections 6-9, discussed below, should be implemented.

The bill would require follow-up reviews by NAS at least once every two years for 10 years after the initial report.

The Committees expect that NAS will identify the specific herbicide agent responsible for each of the Academy's determinations under section 3(d) of the bill.

EXPANSION OF OUTREACH ACTIVITIES

Section 4 would expand the outreach activities required under Public Law 100-687 to require VA to provide veterans with annual updates about the health effects of exposure to herbicides.

EXTENSION OF SPECIAL HEALTH-CARE ELIGIBILITY

Section 5 would extend from December 31, 1990, to December 31, 1993, priority eligibility for VA health care based on possible exposure to Agent Orange or radiation.

COMPILATION AND ANALYSIS OF DATA FROM VA EXAMINATIONS AND TREATMENT

Section 6 would require VA, effective 90 days after VA receives the first NAS report, to compile, analyze, and submit annual reports to Congress about scientifically useful, clinical data obtained from VA medical examinations and treatment provided after November 3, 1981, to Vietnam veterans who sought VA health care under section 610(e) of title 38 based on exposure to Agent Orange or radiation. The program would be subject to specific appropriations being made to carry it out and would not be implemented if the Secretary determines, giving great weight to the recommendations in the first NAS report, that it is not feasible or cost-effective to carry out the program or that carrying out the program would not make a material contribution to the body of scientific knowledge concerning the health effects in humans of herbicide exposure.

BLOOD AND TISSUE ARCHIVING

Section 7 would require VA, effective 90 days after VA receives the first NAS report, to establish an archiving system for blood and tissue samples contributed voluntarily by Vietnam veterans, for the purpose of facilitating scientific research on the effects of veterans' exposure to dioxin and other agents in herbicides. The program would be subject to specific appropriations being made

to carry it out and would not be implemented if the Secretary determines, giving great weight to the recommendations in the first NAS report, that it is not feasible or cost-effective to carry out the program or that carrying out the program would not make a material contribution to the body of scientific knowledge concerning the health effects in humans of herbicide exposure.

SCIENTIFIC RESEARCH FEASIBILITY STUDIES

Section 8 would require VA, effective 90 days after VA receives the first NAS report, to establish in consultation with NAS a program of pilot studies of the feasibility of conducting additional scientific research on health hazards of exposure to herbicide agents or service in Vietnam. The program would be subject to specific appropriations being made to carry it out and would not be implemented if the Secretary determines, giving great weight to the recommendations in the first NAS report, that it is not feasible or cost-effective to carry out the program or that carrying out the program would not make a material contribution to the body of scientific knowledge concerning the health effects in humans of herbicide exposure.

BLOOD TESTING

Section 9 would require VA, effective 90 days after VA receives the first NAS report, to test for TCDD in any blood sample voluntarily provided by Vietnam veterans who seek VA health care under priority eligibility based on exposure to Agent Orange. VA would be required to provide tested veterans with the results of the test and an explanation of the meaning of the results. The program would be subject to specific appropriations being made to carry it out, not to exceed \$4 million a year, and would not be implemented if the Secretary determines, giving great weight to the recommendations in the first NAS report, that the program is not feasible or cost-effective to carry out the program or that carrying out the program would not make a material contribution to the body of scientific knowledge concerning the health effects in humans of herbicide exposure.

The Committees expect NAS to include in its recommendations under section 3 the Academy's recommendations as to what, if anything, the results of the blood tests might indicate regarding the likelihood that a veteran was exposed to 2,3,7,8-tetrachlorodibenzo-p-dioxin (TCDD). If section 9 of the bill is implemented, the Committees further expect the Secretary, in explaining these blood-test results to veterans, to give great weight to the NAS recommendations in that regard.

MODIFICATION OF FUNCTIONS OF THE VA ADVISORY COMMITTEE ON ENVIRONMENTAL HAZARDS

Section 10 would eliminate the Agent Orange functions of VA's Advisory Committee on Environmental Hazards six months after the date of enactment or upon the Secretary's determination that the Advisory Committee has completed its responsibilities under the May 2, 1989, court order in *Nehmer v. Department of Veterans Affairs*, No. C-86-6160 TEH (N.D. Calif.), whichever occurs first.

VA has advised the Committees that it expects the Advisory Committee to complete these responsibilities by the end of May 1991. The Committees thus fully expect the Advisory Committee and the Secretary to carry out those responsibilities by the end of the six-month period following the enactment of this measure.

The Congressional Budget Office has furnished the following estimate of cost on H.R. 556 in a letter dated January 23, 1991:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, January 25, 1991.

Hon. G. V. MONTGOMERY,
Chairman, Committee on Veterans' Affairs,
House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the attached cost estimate for H.R. 556, the Agent Orange Act of 1991, as introduced and referred to the Committee on Veterans' Affairs on January 17, 1991.

If you wish further details on this estimate, we will be pleased to provide them.

Sincerely,

ROBERT D. REISCHAUER.

CONGRESSIONAL BUDGET OFFICE, COST
ESTIMATE, JANUARY 24, 1991

1. Bill Number: H.R. 556.
2. Bill Title: Agent Orange Act of 1991.
3. Bill Status: As introduced and referred to the Committee on Veterans' Affairs on January 17, 1991.
4. Bill Purpose: To provide for the Secretary of Veterans Affairs to obtain independent scientific review of the available scientific evidence regarding associations between diseases and exposure to dioxin and other chemical compounds in herbicides, and for other purposes.
5. Estimated cost to the Federal Government:

(By fiscal year, in millions of dollars)

	1991	1992	1993	1994	1995	1996
Direct Spending:						
Budget authority	0	0	0	0	0	0
Outlays	0	0	0	0	0	0
Authorization:						
Authorization level	13	17	9	4	4	4
Outlays	11	17	11	4	4	4

The costs of this bill fall within budget function 700.

BASIS OF ESTIMATE

The following section-by-section cost analysis addresses only those sections of the bill that could be expected to have a significant budgetary impact.

Section 2. This section establishes a presumption of service-connection for certain diseases of veterans who served in the Republic of Vietnam during the Vietnam Era. The diseases covered by this section are non-Hodgkin's lymphoma (NHL), soft-tissue sarcoma (excluding osteosarcoma, chondrosarcoma, Kaposi's sarcoma, and mesothelioma), and chloracne. In October 1990, the Department of Veterans Affairs (VA) published final regulations to pay compensation benefits to Vietnam Era veterans with non-Hodgkin's lymphoma. The VA has also announced that compensation benefits would be paid to Vietnam-service veterans with soft-tissue sarcoma. The VA has paid compensation benefits for chloracne for several years.

Because the effects of the Administration's actions to extend compensation benefits to veterans with NHL, soft-tissue sarcoma, and chloracne are reflected in the CBO baseline, Section 2 has no cost when scored against it.

In addition, Section 2 requires the Secretary of Veterans Affairs to prescribe regulations establishing a presumption of service-connection for diseases of Vietnam-service veterans for which a positive relationship with Agent Orange exposure is determined by the Secretary based on medical and sci-

entific evidence. There is no way of estimating in advance which, if any, diseases may be determined to be positively associated with Agent Orange exposure. This estimate, therefore, does not include any costs that may result from future extensions of compensation coverage to Agent Orange-exposed veterans.

Section 3. This section provides for the National Academy of Sciences (NAS) to review and evaluate available scientific evidence regarding associations between diseases and exposure to dioxin and other chemical compounds in herbicides. The NAS is also required to submit, at least biennially, reports of the findings to the Senate and House Committees on Veterans Affairs. The first report is required within 18 months following the enactment of this Act. CBO assumes a February 1, 1991 enactment date. All surveys after the first would be updates of the initial survey. The following estimate is based on the cost of similar studies; outlays are projected according to historical spending patterns.

(By fiscal year, in millions of dollars)

	1991	1992	1993	1994	1995	1996
Estimated authorization level	1	*	*	*	*	*
Outlays	1	*	*	*	*	*

Section 5. This section extends from December 31, 1990 to December 31, 1993, the authority of the VA to provide medical care to veterans for conditions possibly related to exposure to Agent Orange or ionizing radiation during military service.

(By fiscal year, in millions of dollars)

	1991	1992	1993	1994	1995	1996
Estimated authorization level	12	17	5	0	0	0
Outlays	10	17	7	0	0	0

During fiscal year 1989, the VA treated more than 130,000 veterans on an outpatient basis for conditions possibly related to Agent Orange and radiation exposure, and nearly 300 veterans were treated on an inpatient basis. The above estimate assumes that the demand for care from this group would continue to grow slowly, according to historical trends. Average cost data for this care were not available from the VA. The cost of care, therefore, was assumed to be the same as the overall average cost for outpatient or short-term inpatient care in VA facilities. These costs were increased in the out-years for anticipated inflation.

Section 6. This section requires the VA to compile and analyze all clinical data obtained from examinations and treatment of Vietnam veterans for conditions that are suspected to be related to Agent Orange exposure.

The VA currently maintains in the Agent Orange registry clinical data from the initial and first follow-up examinations of all Vietnam-service veterans who are willing to participate in the registry. Under this provision, any further examinations or treatments after the first follow-up visit would have to be recorded as well. Adding this information to the registry should not have a significant cost.

Section 7. This section requires the VA to establish and maintain a system for the collection and storage of blood and tissue samples voluntarily contributed by veterans with Vietnam service. The specimens would be available for future scientific research on the health effects of dioxin and other toxic agents in herbicides used in Vietnam.

According to the Centers for Disease Control (CDC), the sterility requirements for obtaining blood and tissue samples from Agent Orange-exposed veterans must be extremely stringent, because such low concentrations of dioxin (a few parts per billion) are suspected of being potentially toxic. Therefore, acceptable samples could not be collected by a veteran's personal physician or even by the average physician in a VA hospital, unless they are trained in the necessary procedures. The CDC recommends that one or two special facilities be established and maintained by the VA for the sole purpose of collecting and storing the specimens.

If the CDC's recommendations were followed, the number of voluntary contributions by veterans would probably be fairly small, because veterans would have to travel to the special facilities to donate samples. This estimate assumes that 1,000-2,000 blood samples would be contributed over a five-year period to one or two repositories established in existing VA medical facilities. It was assumed that the VA would not reimburse the travel costs of volunteer tissue donors.

If a larger number of veterans are willing to travel to the collection centers to donate samples or to have the tests performed, greater storage space would be needed than is assumed here. Under these circumstances, the cost could exceed \$1 million a year. These estimates are based on the costs experienced by specimen repositories operated by the National Bureau of Standards, the National Cancer Institute, and the CDC. This section is effective 90 days following the submission of the NAS report described in section 3.

Section 9. This section authorizes the appropriation of amounts not to exceed \$4 million to provide for testing of blood serum to ascertain the levels of dioxin in veterans who served in Vietnam and who may have been exposed to Agent Orange. Under this section, this test would be performed on veterans who applied for medical care from the Department of Veterans Affairs or who filed a claim for disability compensation. This section also requires the Secretary to notify the veteran of test results and to maintain the sample and results in the tissue archive established in section 7 of this bill.

(By fiscal years, in millions of dollars)

	1991	1992	1993	1994	1995	1996
Estimated authorization level	0	0	4	4	4	4
Outlays	0	0	4	4	4	4

According to the CDC, the costs to draw and test the blood serum is approximately \$1,500 per test. The costs to conduct the test on all veterans covered by the provision would far exceed \$4 million. CBO estimates that the full amount authorized would be spent in each fiscal year. This section would take effect six months following the submission of the first NAS report described in section 3. Therefore, there is no effect in 1992.

The CBO assumes that all authorizations are fully appropriated at the beginning of each fiscal year.

6. Pay-as-you-go considerations: The Budget Enforcement Act of 1990 sets up pay-as-you-go procedures for legislation affecting direct spending or receipts through 1995. The benchmark against which changes in direct spending or receipts are measured is the baseline as described in the Act. The direct spending increases in Section 2 of this bill are included in that baseline. For this reason, this bill has no pay-as-you-go implications.

7. Estimated cost to State and local government: The Congressional Budget Office has determined that the budgets of state and local governments would not be significantly affected by the enactment of this bill.

8. Estimate comparison: None.
9. Previous CBO estimate: None.
10. Estimate prepared by: Sandra Clark (226-2820).

11. Estimate approved by:
JAMES L. BLUM,
Assistant Director
for Budget Analysis.

Mr. Speaker, in approving this measure, Congress does not make any scientific judgment. With this bill, we take no position as to whether there is either a link or a significant statistical association regarding exposure to agent orange and adverse long-term health effects. That is a matter for the experts, for science.

With enactment of this compromise, we are giving veterans the benefit of the doubt and attempting to settle one of the most complex and contentious veterans' issue ever brought before this body for consideration.

I hope each of my colleagues will support the bill.

□ 1230

Mr. Speaker, I yield such time as he may consume to the gentleman from California [Mr. EDWARDS], the vice chairman of the Committee on Veterans' Affairs.

Mr. EDWARDS of California. Mr. Speaker, I am pleased to rise in strong support of H.R. 556, the Agent Orange Act.

For years, many veterans of the Vietnam war have believed our Government has failed them by neglecting to address adequately health problems arising from their exposure to agent orange during that war.

H.R. 556 remedies that situation. By providing permanent disability benefits for certain conditions deemed related to exposure to agent orange and providing a mechanism for addition of other conditions to that list in the future, passage of this legislation will assure that this group of veterans receives appropriate compensation.

Congressman MONTGOMERY of Mississippi, the distinguished chairman of the Veterans' Affairs Committee, and Congressman EVANS of Illinois, a distinguished senior member of the committee, deserve great credit for developing such a compromise. I congratulate both of them for bringing this fine product to the floor today.

I also want to point out that, during this time of great conflict in the Persian Gulf—with American men and women again risking their lives and limbs in a war zone far from home—we need to assure them and the American people that those who answer the call of this Nation will be taken care of by this Nation.

By fairly putting to rest one of the remaining controversial issues of the

Vietnam era, we give that assurance. I urge my colleagues to vote "aye" on H.R. 556.

Mr. MONTGOMERY. Mr. Speaker, I yield myself just 20 seconds to answer the gentleman from California [Mr. EDWARDS].

Mr. Speaker, I want to thank the gentleman from California for his help. I called him when I thought we had worked out this compromise. I asked the gentleman from California to look at this compromise. He agreed with it, and we all got together, and I say to the gentleman, "Thanks again, DON."

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

Mr. STUMP. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 556, as amended, the Agent Orange Act of 1991. This measure represents a bipartisan compromise on a most divisive and controversial issue. This bill has been unanimously cosponsored by committee members on both sides of the aisle.

I want to commend the chairman of our committee, SONNY MONTGOMERY, for his bipartisan leadership on an issue that was born in an atmosphere of mistrust and suspicion.

It is time to let the best scientific minds in the country review the existing studies and recommend further action. An independent review by the National Academy of Science would do just that, and bring with it integrity, objectivity, and credibility.

I look forward to the NAS report, authorized by H.R. 556, as amended, and I urge unanimous support of the bill.

Mr. Speaker, I yield such time as he may consume to the gentleman from New Jersey [Mr. SMITH].

Mr. SMITH of New Jersey. Mr. Speaker, I rise in support of H.R. 556, the Agent Orange Act of 1991. As an original cosponsor of the legislation, I believe the bill represents a good compromise that will benefit Vietnam veterans and helps to mitigate the controversy which has long surrounded this issue.

H.R. 556 codifies current VA policy regarding agent orange compensation by establishing in statute a presumption of service-connection for non-Hodgkin's lymphoma, soft-tissue sarcoma, and chloracne. Thus this bill will guarantee VA compensation for certain veterans developing these diseases subsequent to service in Vietnam.

In order to maintain an up-to-date understanding of agent orange and its effects, the legislation also requires the National Academy of Sciences [NAS] to review the diverse and sometimes contradictory scientific evidence pertaining to agent orange exposure. The NAS is required to report to the Secretary of the Department of Veterans Affairs information regarding the association between agent orange exposure and manifestations of disease.

Upon review of NAS reports, the Secretary is given the authority by this legislation to expand the list of compensable diseases and compensate veterans accordingly.

Mr. Speaker, H.R. 556 also directs the VA to intensify its outreach activities to Vietnam veterans in order to keep veterans apprised of new benefits or developments in the study of agent orange. The VA is also encouraged to maintain a system to collect and analyze clinical data from Vietnam veterans and report to Congress regarding the findings.

Mr. Speaker, this bill deals with the agent orange issue in a broad-based, comprehensive manner. It addresses several concerns from both sides of the issue and ensures that some tangible progress will be made regarding the questions surrounding agent orange. I am very pleased to be a cosponsor of the bill and encourage my colleagues to join members of our committee in supporting this legislation.

Mr. MONTGOMERY. Mr. Speaker, I yield 3 minutes to the gentleman from Ohio [Mr. APPEGATE], chairman of the Subcommittee on Compensation, Pension, and Insurance.

Mr. APPEGATE. Mr. Speaker, I thank the gentleman from Mississippi [Mr. MONTGOMERY], the chairman of the Committee on Veterans' Affairs, for giving me the opportunity to rise and talk a little bit about this legislation. I say to my colleagues, "You don't know how happy I am that this day has arrived and that we have this legislation before us."

Mr. Speaker, this is momentous legislation that potentially will have an effect on many thousands upon thousands of Vietnam-era victims, or their spouses, or survivors, and this is a fight that these veterans have fought since 1975. I believe we have finally in place the necessary legislation to assess and respond to many of the unanswered questions that have permeated this issue since the potential hazards of exposure to herbicides and other toxic agents which were first reported back in the mid-1970's. It leaves ultimate decisions regarding the addition of new disabilities for which presumptions of service connection may be granted to the Secretary of Veterans Affairs. However the advice upon which the Secretary will act will be coming from the highly respected National Academy of Sciences. This legislation gives the academy the freedom to do its job without outside influence or pressure, and I am proud to be an original cosponsor with all of my Committee on Veterans' Affairs colleagues, and, as the chairman has indicated, the compromise reflects the efforts and many concerns of the Members of Congress.

□ 1240

Mr. Speaker, I want to commend our chairman, the gentleman from Mis-

issippi, Mr. SONNY MONTGOMERY, and the ranking minority member, the gentleman from Arizona, Mr. BOB STUMP, for their strong leadership and their willingness to work toward a reasonable compromise. I also want to commend especially the gentleman from Illinois, Mr. LANE EVANS, for his dedication and dogged determination as the original sponsor of this legislation back over a couple of sessions. I also want to thank some of the national veterans' organizations, with particular thanks to the American Legion, the VFW, and the Vietnam Veterans of America.

The gentleman from Mississippi [Mr. MONTGOMERY], the gentleman from Illinois [Mr. EVANS], and all of us in fact know that we went through quite a battle last year to push this legislation through the subcommittee and get it out onto the floor. Then it got stuck out here because of problems that we had with the other body. But it is here today, and it has been agreed upon by the Members of the other body. I want to commend the leadership of the Committee on Veterans' Affairs of the Senate, particularly Senator TOM DASCHLE, for his very strong efforts on behalf of this legislation.

That is the way we get legislation in this body. It all has to come together, and we all have to work together. I urge my colleagues to give their strong support to this bill.

Mr. STUMP. Mr. Speaker, I yield such time as he may consume to the gentleman from Arkansas [Mr. HAMMERSCHMIDT], the ranking member of the Subcommittee on Hospitals and Health Care.

Mr. HAMMERSCHMIDT. Mr. Speaker, I thank the gentleman for yielding this time to me.

Mr. Speaker, I join my colleagues today in support of H.R. 556, the Agent Orange Act of 1991.

Many Members have been involved in this effort for a long, long time, and we have had a lot of hearings. The chairman of our committee, the gentleman from Mississippi [Mr. MONTGOMERY], the chairman of the subcommittee, the gentleman from Ohio [Mr. APPEGATE], the gentleman from Ohio [Mr. MCEWEN], who was formerly on our committee, the gentleman from Illinois [Mr. EVANS], the gentleman from Georgia [Mr. ROWLAND], and many others on the committee have been involved in this effort.

Mr. Speaker, since the late 1970's, there has been a divisive and contentious debate over the issue of compensation for disabilities attributed to exposure to agent orange. We finally have before us a compromise agent orange bill which is supported by both the House and Senate Committees on Veterans' Affairs.

H.R. 556 codifies decisions made by the DVA to recognize non-Hodgkin's lymphoma, soft-tissue sarcomas, and

chloracne as diseases which warrant a presumption of service-connection by reason of having a positive association with exposure to a herbicide agent, and thus eligible for compensation.

Most importantly, H.R. 556 requires the Secretary to contract with the National Academy of Sciences [NAS], a prestigious, non-governmental organization, to conduct a comprehensive review of scientific evidence in order to make regular recommendations to the DVA on the possible health effects resulting from exposure to agent orange. Subsequently, the Secretary would have 60 days from the time he receives such a recommendation to determine whether a presumption of service-connection is warranted for each disease covered by the report.

Finally, this legislation would extend health care eligibility for veterans who suffer from disabilities alleged to be related to herbicide exposure or ionizing radiation exposure until December 31, 1991.

I urge my colleagues to support H.R. 556, a compromise agent orange bill.

Mr. MONTGOMERY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the gentleman from Illinois, Mr. LANE EVANS, is chairman of the Subcommittee on Oversight and Investigations of our committee, and I would like to commend him for the work he has done on agent orange. The gentleman from Illinois has sponsored this legislation for a number of years. He has worked hard, he has been cooperative, and this is a compromise. We all gave on this compromise. I want to thank the gentleman from Illinois publicly for the help he has given us in bringing this bill to the floor today.

Mr. Speaker, I yield 4 minutes to the gentleman from Illinois [Mr. EVANS].

Mr. EVANS. Mr. Speaker, a number of people deserve credit for their help in working out this compromise starting with Chairman MONTGOMERY and Ranking Minority BOB STUMP.

DOUG APPLIGATE, a persistent and strong advocate of agent orange victims was behind this legislation from the start to the finish.

Chief Deputy Whip DAVE BONIOR, the founder of the Vietnam-era Veterans in Congress [VVIC], and the current cochair of the caucus MARTIN LANCASTER and all caucus members worked hard in moving this bill through the process.

Senators TOM DASCHLE and JOHN KERRY deserve thanks for moving the bill through the Senate. In addition, Secretary Derwinski should be recognized for his efforts regarding agent orange compensation.

The veterans service organizations, most notably the Vietnam Veterans of America [VVA], the American Legion, and the Veterans of Foreign Wars [VFW], put innumerable hours in pushing this bill.

But as we take action to address the problems of agent orange victims, we should also face the fact that our Government's efforts to deal with the issue have been a woeful tale of footdragging and unmet obligations.

Some 11 million gallons of agent orange and other herbicides were sprayed over Southeast Asia. Since the war veterans have suspected their exposure to these herbicides caused cancers and other illnesses.

Three vets from my district, Bruce Craddock, Duane Winkler, and Jim Simpson died in recent years from what their doctors believed were illnesses caused by agent orange exposure.

Yet Congress had to take the responsibility of studying this problem away from an unsympathetic Veterans' Administration [VA] in 1979 when they transferred the responsibility to the Centers for Disease Control [CDC].

The CDC was no better. They spent 8 years and 63 million taxpayers dollars to say in effect they could not come up with a proper methodology.

Agent orange victims owe a special debt of gratitude to Congressman TED WEISS whose hearings by the Government Operations Subcommittee clearly documented this disgraceful foot-dragging.

The Weiss hearings demonstrated the necessity of taking further review of the issue from governmental agencies and giving it to an independent non-governmental organization, the National Academy of Sciences [NAS]—as set up in this bill.

So this is a long overdue step for those who responded to our country's call in our most unpopular war.

They were there when we needed. Now is the time to recognize their contributions and the obligation we owe them.

As war rages in the Middle East, we today take a big step in putting the Vietnam war behind us.

Let us never again neglect our veterans the way agent orange veterans were neglected.

Mr. Speaker, as the primary author of agent orange legislation from the past two Congresses and a sponsor of H.R. 556, the Agent Orange Act, I would like to discuss a number of issues regarding the legislation we are voting on today.

First, it should be clear that section 3 of H.R. 556 relating to recommendations of the National Academy of Sciences for additional studies and section 8 relating to the feasibility of conducting additional scientific research would not amend or repeal Public Law 96-151. Under Public Law 96-151 the Secretary of Veterans Affairs is obligated to conduct an epidemiological study of any long-term adverse health effects in humans of service in the Armed Forces of the United States in the Republic of Vietnam during the period of the Vietnam conflict as such health effects may result from exposure to phenoxy herbicides, including the herbicide known as agent or-

ange. The question of whether the Secretary has fulfilled his obligations under that law is the subject of consolidated lawsuits currently pending in Federal court (*The American Legion v. Derwinski*, Civ. No. 90-1808 SSH (D.D.C.), and *Vietnam Veterans of America v. Derwinski*, Civ. No. 90-1809 SSH (D.D.C.)). In addition, H.R. 556 does not include in section 10, which contains conforming amendments to Public Law 98-542, any amendment to section 8 of Public Law 98-542. That section of Public Law 98-542 amended those obligations of the Secretary under Public Law 96-151 that are the subject of the aforementioned lawsuit.

On another subject, section 305(a) of H.R. 5326 in the 101st Congress contained a congressional finding that the standard of proof required for a scientific conclusion of causation is higher than the standard of proof necessary to justify a presumption of service connection for purposes of veterans disability compensation law. The pending measure does not expressly address whether a scientific conclusion of causation is required for justification of a presumption of service connection for disease associated with exposure to herbicides during service in Vietnam.

I accepted the omission of such a finding in this compromise legislation because I believe that, in light of other provisions in this bill and other provisions of law, the matter is self-evident and the finding is thus unnecessary. For example, enactment of the provisions of this legislation requiring a presumption of service connection upon a determination that there is a positive association between exposure and disease, as well as the provisions enacted in Public Law 98-542, and the decision in *Nehmer v. U.S. Veterans Administration*, 712 F. Supp. 1404 (N.D. Cal. 1989)—make clear beyond dispute the congressional view that the standard of proof required for a scientific conclusion of causation is higher than the standard of proof necessary to justify a presumption of service connection, for purposes of veterans disability compensation, based on exposure during military service to herbicides. To use the higher standard of proof required for a scientific conclusion of causation in deciding whether to establish presumptions of service connection would place a heavy burden of scientific uncertainty totally upon the veteran. This would be inconsistent with the approach that Congress has followed in creating presumptions of service connection and providing for the creation of presumptions.

Section 305(b) of H.R. 5326 in the 101st Congress specifically required a survey and evaluation of scientific evidence or information regarding the effects "that herbicide agents have on humans and other animals." This language is not included in the compromise measure. As the author of the House agent orange legislation, I do not view the omission of that wording as changing the scope of the scientific review. Rather, it is my intention that the requirement for the National Academy of Sciences [NAS] to "review and summarize the scientific evidence * * * concerning the association between exposure to an herbicide used in * * * Vietnam * * * and each disease suspected to be associated with such exposure" requires the review of scientific studies of the association between exposure of animals to the extent that such studies are relevant to the

question of association between exposure of humans and the occurrence of disease. Likewise, it is my intention that the requirements for the Secretary to base his determinations on "sound medical and scientific evidence" and to take into account the NAS reports and all other sound medical and scientific information would entail the consideration of animal studies that bear on the issues related to human exposure. I believe the language in section 3(a) of H.R. 556 stating that it is the purpose of section 3 to provide for a review and evaluation of "the available scientific evidence regarding associations and exposure to dioxin" and that this reflects the intent to provide for a comprehensive review and certainly not to exclude any category of potentially useful scientific information. Thus, it is my understanding that, to perform properly their duties, the Secretary and NAS would necessarily consider scientific studies regarding the effects of herbicide exposure on animals.

Additionally, section 2 of H.R. 556 requires the Secretary, in evaluating studies on the effects of dioxin, to take into consideration such factors as statistical significance, replicability, and peer review. I want to make clear that it is not my intention that, in making determinations under section 2 of the legislation, that the Secretary is required or intended to refuse to rely upon studies that he considers not to be statistically significant or capable of replication or able to withstand peer review. Rather, as the language indicates, these factors are intended to guide the Secretary in weighing these studies that must be included in the universe of information an analyses upon which his determinations must be based.

If the Secretary determines that a presumption of service connection is warranted for a particular disease, he is required by section 2 of the bill to conduct a rulemaking proceeding, involving notice to the public and the opportunity to comment. On the other hand, if the Secretary determines that a presumption of service connection is not warranted for a particular disease, he is required to publish this determination, as well as an explanation of the basis for the determination, in the Federal Register, without conducting a public rulemaking proceeding. In my opinion, the Secretary's determination that a particular disease does not warrant a presumption of service connection would be reviewable.

The previous agent orange legislation, H.R. 5326, contained language specifying that the National Academy of Sciences should review scientific evidence relevant to the health effects of exposure, including specifically effects involving porphyrin synthesis, nervous system function, immune function, reproduction, and birth defects, and psychological and psychiatric effects. In redrafting the language outlining the Academy's responsibilities, we attempted to make the instructions more concise, but not to exclude any diseases from the Academy's consideration. I also expect that the Academy will review any evidence related to a possible connection between exposure to herbicides used in Vietnam and the soft-tissue sarcomas excluded from presumptive disability compensation under section 2 of H.R. 556: osteosarcoma, chondrosarcoma, Kaposi's sarcoma, and mesothelioma. The exclusion of these diseases from the presumption is not in-

tended to suggest that they should be excluded from the scientific review.

Section 9 would establish a voluntary blood testing program to be implemented by the Secretary unless he determines, after receiving recommendations from the National Academy of Sciences that such a program would not be feasible or would not make a material contribution to the body of scientific knowledge concerning the health effects in humans of herbicide exposure. It is my intention that the blood testing program, if implemented, be used only to further scientific research efforts, not to affect either an individual veteran's eligibility for disability compensation or the presumption of exposure in new section 316(a)(3) of title 38, as added by section 2(a) of the bill. I believe section 9(e)(1)(A) supports that view by providing that the program would not be implemented if the Secretary determines that it would not make a material contribution to the body of scientific knowledge concerning the health effects in humans of herbicide exposure. This clearly is a reference to the value of the program to achieving research goals.

Finally, I would like to address the impact of the changes to Public Law 98-542 made by section 10 of the legislation on the rulemaking proceeding currently being conducted pursuant to the Court's decision in *Nehmer v. U.S. Veterans Administration*, Civ. No. C-86-6160 (N.D. Cal.).

The delayed effective date of the changes to Public Law 98-542 in section 10 of this legislation allows for the orderly completion of the rulemaking proceeding required by Public Law 98-542. In setting this delayed effective date, the sponsors of this legislation relied on the fact that the VA has been working for over 21 months to complete the rulemaking proceeding required by the Nehmer decision, and on the VA's representations that by May of this year its Advisory Committee on Environmental Hazards will complete its deliberations and make recommendations to the Secretary of Veterans' Affairs concerning those diseases alleged to be associated with herbicides containing dioxin that it has yet to review. The legislation therefore contemplates that on or before the delayed effective date of section 10, the advisory committee will have taken these actions.

The premise of Public Law 98-542 and the court orders in *Nehmer* is that is the recommendations of the Advisory Committee on Environmental Hazards, the studies and analyses the advisory committee reviewed, and any other pertinent scientific information available to the Secretary provide a basis for according a presumption of service connection to certain diseases, the Secretary would immediately promulgate regulations adding a presumption. By allowing for the orderly completion of the rulemaking proceeding required by Public Law 98-542, this legislation keeps this process intact. Thus, the Secretary may act to add disease immediately after the advisory committee makes its recommendations. After the National Academy of Sciences transmits its first report pursuant to section 3 of this legislation, the Secretary will then have additional information upon which to add or subtract diseases from the list of those to which a presumption of service connection attaches.

The sponsors of this compromise legislation are aware that the Secretary is required by the Court's orders in *Nehmer* to adjudicate pending agent orange claims and to readjudicate certain agent orange claims denied in the past, based on the regulations the Secretary ultimately adopts. By allowing for the orderly completion of the rulemaking required by *Nehmer*, this legislation allows the Secretary to handle these claims in a manner consistent with the many adjudicatory provisions of title 38 that favor and are solicitous to VA claimants. We expect the Secretary to grant benefits to those who should prevail under the regulations he ultimately adopts after the advisory committee completes its work. With regard to those claimants who would not prevail under these regulations, the Secretary has authority under title 38 to delay the final resolution of these claims until he obtains additional information from the National Academy of Sciences pursuant to section 3 of this legislation. We encourage the Secretary to delay final resolution of these latter claims until after he receives at least the first report from the National Academy of Sciences and makes the determinations required by section 2 of this legislation.

Mr. WEISS. Mr. Speaker, today the House of Representatives considers legislation to compensate Vietnam veterans for certain rare diseases associated with exposure to agent orange, and to require that a new, objective study be conducted of the herbicide and its connection to other illnesses suffered by veterans of the Vietnam war. I welcome this overdue measure, and I commend the chairman of the House Veterans' Affairs Committee for his efforts to facilitate a compromise on a controversial issue.

Although the bill falls short of addressing all the problems I believe are connected to agent orange, such as birth defects and certain neurological disorders, it is a good compromise and interim solution. For the first time, the House has recognized the suffering of Vietnam veterans who had been exposed to the toxic herbicide.

A similar agent orange bill was passed by the House last year as part of a veterans benefits package that included a cost-of-living allowance for disabled veterans. That bill was held up by the other body because of the agent orange provisions. In the waning hours of the 101st Congress, the agent orange section was stripped from the legislation, and a COLA bill was brought to the House floor, to be considered without debate or perusal.

Knowing that we would pass the COLA bill this month, with retroactive benefits, and knowing that the agent orange bill would not be easily resurrected in the new Congress, I objected to stripping of the agent orange provisions from the COLA measure. I objected because, as chairman of the Human Resources and Intergovernmental Relations Subcommittee, I had learned after a 2-year investigation that the Federal Government had manipulated and covered up its studies of agent orange exposure. Evidence that the chemicals contained in the herbicide, such as dioxin and 2,4-D, were causing illnesses in Vietnam veterans had been ignored or swept under the carpet. I did not want this injustice to continue.

I objected to the stripping of the agent orange bill on the last day of the 101st Congress to give the House more time to resolve differences with the other body on the legislation's most controversial provisions. The passage of the Agent Orange Act of 1991 is exactly what I had hoped would be accomplished so that all our veterans would receive just compensation in return for their service to our country.

Now the National Academy of Sciences will conduct a thorough and objective study of illnesses related to agent orange exposure. The Secretary of Veterans Affairs is empowered to compensate veterans suffering from illnesses positively associated with exposure to the herbicide. The Department of Veterans Affairs will be required to analyze veterans treated by its hospitals to determine if their diseases are related to agent orange exposure, and to see if a pattern of illness exists among the veterans. Finally, the legislation establishes a statutory presumption of service connection for non-Hodgkin's lymphoma, soft-tissue sarcoma, and chloracne, the first time Congress has officially recognized the relation of any diseases to agent orange exposure.

I am grateful to the American Legion and Vietnam Veterans of America for their support and diligence in keeping a spotlight on the agent orange issue. They fought courageously to make America recognize the debt we owe to Vietnam veterans. This legislation would not have passed without their efforts.

Mr. MONTGOMERY. Mr. Speaker, I yield such time as he may consume to the gentleman from Illinois [Mr. SANGMEISTER].

Mr. SANGMEISTER. Mr. Speaker, I thank the gentleman for yielding this time to me, and I rise in strong support of H.R. 556.

Mr. Speaker, I would like to take this opportunity to voice my strong support for H.R. 556, the Agent Orange Act of 1991. This bill represents years of hard work and compromise within the Veterans' Affairs Committee—a committee I am honored to serve on under the leadership of G.V. "SONNY" MONTGOMERY, the chief sponsor of this measure.

As we are all well aware, there are differing opinions on how the U.S. Government should proceed with agent orange compensation. It is an emotional issue and one that had reached a stalemate after years of research and study. For this reason, I am especially proud of the bill brought to the floor today. H.R. 556 is a tremendous first step toward clarifying what effect agent orange had on service men and women in Vietnam and what conditions should be compensated. It codifies the three diseases already compensated as a service-connected disability by the Veterans' Administration [VA]—non-Hodgkins lymphoma, soft-tissue sarcoma, and chloracne. In addition, it requires the VA to decide whether permanent disability benefits should be given to veterans suffering from other diseases, based on the objective, scientific review of the National Academy of Sciences—the first non-Government entity charged with making such recommendations.

I would be remiss if I did not recognize the tireless efforts of my friend and colleague on the Veterans' Affairs Committee, LANE EVANS.

For years, LANE has led the charge on behalf of Vietnam veterans and their concerns relating to agent orange exposure. His leadership in the Veterans' Affairs Committee yielded similar agent orange provisions which passed the House last year but were not considered by the Senate. There is no doubt his work helped set the stage for the bill we are considering today.

Again, I rise to offer my strong support for H.R. 556 and commend Chairman MONTGOMERY for making this issue a top priority for the 102d Congress.

Mr. MONTGOMERY. Mr. Speaker, I yield such time as he may consume to the gentleman from Texas [Mr. GEREN].

Mr. GEREN of Texas. Mr. Speaker, I rise in strong support of H.R. 556.

Mr. STUMP. Mr. Speaker, I yield 3 minutes to the gentleman from Florida [Mr. JAMES], a member of the Committee on Veterans' Affairs.

Mr. JAMES. Mr. Speaker, today this House has the chance to correct a grave inequity that Vietnam veterans have faced for many years. Agent orange defoliant, which was used extensively in the war in Vietnam, has long been a source of controversy. Many veterans have been convinced that this herbicide has been the cause of serious illnesses such as cancer, and many scientific studies have lent credence to their arguments, but until recently the Government has refused to face that possibility. Today, with the passage of H.R. 556, we can take that first step toward redressing this error.

Make no mistake about it, this issue has been very contentious over the years. All of us remember the obstacles that this problem put up last year when the controversy prevented the passage of other vital veterans legislation. However, thanks to the efforts of everyone involved, we have been able to reach a satisfactory compromise. As a member of the Veterans' Affairs Committee, I am proud of our work toward resolving this concern, and I urge my colleagues in the House to pass this legislation today.

Mr. MONTGOMERY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to yield 3 minutes to the gentleman from Illinois [Mr. PENNY], but let me say first that the gentleman introduced a compromise amendment last year that was partially adopted this year and is in the bill we are working on today. I want to thank the gentleman from Minnesota for his help and his cooperation. He has been a valued member of our committee, and he is chairman of the Subcommittee on Education, Training, and Employment.

Mr. Speaker, I yield 3 minutes to the gentleman from Minnesota [Mr. PENNY].

□ 1250

Mr. PENNY. Mr. Speaker, today is a day that many thought might never ar-

rive—a day when a bipartisan, bicameral agreement on agent orange is before this House. I am pleased to be here in strong support of this bill, H.R. 556. Much credit for our being here today goes to our colleague, Mr. EVANS and our former colleague Mr. DASCHLE. To you—you persevered and made a difference. To our colleagues—the chairman and ranking member of the House Veterans Affairs' Committee, Mr. MONTGOMERY and Mr. STUMP—you finally found the way through the agent orange impasse. As a result of your leadership, I believe we have produced better legislation and better policy.

It's a day we can celebrate not in a self-gratulatory way, but with a continuing compassion for veterans and their families. What has bothered me most in the time that we have debated this issue is: What do we tell veterans? What do we tell families? Who has the correct information about agent orange and when will we know its effects for sure? On the issue of agent orange we've always been long on questions and short on answers.

One of the most nagging questions for lawmakers was how we could do what was right and fair for veterans and still be consistent with our obligations to enact right and fair public policy. To that end, I have searched repeatedly and with great frustration for a conclusive, scientific answer to this emotionally charged and sensitive issue.

The amendment I offered last summer in subcommittee was offered in a sincere attempt to get those answers. This legislation before us today is similar to that amendment. I wanted then, as I want now, to sort out the conflicting evidence. I believed the National Academies of Science to be the appropriate arbiter of this dispute, going outside the Government for the first time to get an independent scientific review.

Unlike previous bills, this legislation gives the NAS great latitude in setting up their studies. Once they have reached a decision regarding the positive correlation of a condition to agent orange exposure, they will convey that finding to the Secretary. Appropriately, it removes Congress as the middleman. We're not scientists so we should put the mechanism in place for granting compensation where compensation is justly due and then step back. If NAS finds that certain conditions are not related to agent orange exposure then they are obligated to convey that finding as well.

I am pleased that the legislation also includes provisions allowing NAS to conduct, in addition to the initial study, ongoing review and to avail itself of clinical data, blood and tissue samples, which could be collected through the VA. Of immediate significance is the continuation of VA medical care eligibility for veterans suffer-

ing from possible agent orange related conditions. I was also pleased to have included the provision allowing Vietnam veterans to request blood tests to determine serum dioxin levels.

As I said last July, the issue before us is not cost. If the diseases suffered by these veterans were caused by agent orange, then we need to pay the cost. The issue is what is right and what is fair. It is right to pay compensation where it is warranted. It is fair to all veterans to base that decision on the best scientific evidence available. By passing this legislation we have the opportunity to be both right and fair. We also have the opportunity, at long last, to get some real answers for Vietnam veterans and their families.

Mr. STUMP. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to associate myself with the remarks of the gentleman from Minnesota [Mr. PENNY] and commend him for the hard work he has done on behalf of this bill.

Mr. Speaker, I yield 4 minutes to the gentleman from Florida [Mr. BILIRAKIS].

Mr. BILIRAKIS. Mr. Speaker, I rise in strong support of H.R. 556, the Agent Orange Act of 1991.

First, I would like to commend the distinguished chairman of the Veterans' Affairs Committee, SONNY MONTGOMERY, and the ranking minority member, BOB STUMP, for bringing this important legislation to the floor in a timely manner. I would also like to recognize DOUG APPELEGATE and LANE EVANS for their diligent efforts to reach a compromise on this critical issue.

Controversy has surrounded the agent orange issue for years. Despite exhaustive studies on the subject, researchers have not been able to conclusively link agent orange exposure to the development of rare diseases such as soft-tissue sarcoma and melanoma. In fact, the various studies which have been conducted have oftentimes contradicted one another.

Consequently, the debate over providing a presumption of service connection between certain diseases experienced by veterans of active service in Vietnam and exposure to certain toxic herbicide agents used in Vietnam has remained unresolved.

In the past, I was reluctant to codify any presumption of service connection for cancers and other rare physical problems which have been diagnosed at higher frequency rates for individuals exposed to dioxins because of the lack of scientific evidence. However, after careful reexamination of the issue, it seems to me that we have lost sight of the real issue—the veterans suffering from the debilitating ailments associated with herbicide exposure.

Last year, Secretary Derwinski announced his decision to compensate victims of non-Hodgkins lymphoma

and soft-tissue sarcoma. I applaud the Secretary's decision. However, I also believe that if we are prepared to compensate veterans suffering from these two forms of cancer without a definitive answer to the health effects of agent orange, we should also provide the same consideration to those veterans suffering from other severe medical maladies believed to be the result of exposure to agent orange or other defoliates used in Vietnam.

During the 101st Congress, I supported legislation which codified the Secretary's action on non-Hodgkin's lymphoma and soft-tissue sarcoma. Unfortunately, that legislation was the victim of last minute political wrangling and was not enacted into law.

I am pleased to have the opportunity to be an original cosponsor of the legislation before us today. I am hopeful that this compromise which codifies Secretary Derwinski's decision and calls on the National Academy of Science to conduct an ongoing review of all scientific and medical evidence on the long-term health effects of herbicide exposure, will move us one step closer to resolving the controversy surrounding agent orange.

I have said repeatedly that veterans are a patient group of individuals who are willing to wait as long as necessary to accomplish their goals, but our Vietnam veterans have waited long enough. I urge my fellow Members to support H.R. 556.

Mr. MONTGOMERY. Mr. Speaker, I yield 1 minute to the gentleman from West Virginia [Mr. STAGGERS], a member of the Committee on Veterans' Affairs and the chairman of the Subcommittee on Housing and Memorial Affairs. Mr. Speaker, I would say that all four of our subcommittee chairmen have now spoken in support of this legislation.

Mr. STAGGERS. Mr. Speaker, let me thank the gentleman from Mississippi [Mr. MONTGOMERY] for bringing this legislation to the floor. I, as a longtime advocate of the need for the Congress to recognize and compensate victims of agent orange, am very pleased to see H.R. 556 come to the floor so early in the 102d session of Congress.

Let me further state my pleasure in working with the distinguished chairman of the full committee, SONNY MONTGOMERY. He is to be commended for bringing this legislation forward. The road to this Chamber has been rough, twisting, and sometimes at a dead end.

Mr. Speaker, I am sure others will devote their remarks to the more technical side of how this legislation creates a statutory presumption of service connection for non-Hodgkin's lymphoma, soft-tissue sarcomas, and chloracne. However, I would like to confine my remarks to what I think this action means to hundreds of veter-

ans I have met during my tenure in Congress.

The action we are taking today is the fulfillment to the veterans of America's last sustained war, Vietnam. Mr. Speaker, to many of us it is regrettable that it has taken this long. Today, the people's House, the U.S. House of Representatives, fulfills its commitment to millions of veterans to heal the suffering and compensate those who have answered America's call to serve.

It is an ironic situation we face today. Today, we will provide benefits to veterans who suffered under the last war America fought, while we prepare to go to war in the Arabian Peninsula. We should remember that fact and, for those of us very concerned with veterans benefits and health care, renew our commitment to caring for those who have fought the battles that have given our people the freedoms we in America enjoy.

The effort made to bring us to this day has been brought about in large measure by the efforts of a number of Members but I would particularly like to mention, LANE EVANS, DOUG APPELEGATE, DAVE BONIOR, and MARTIN LANCASTER. These Members, as well as others, have provided valuable service to helping America's veterans and helping to get a good bill to the floor.

Mr. Speaker, I proudly cosponsor this legislation and urge all Members to support this substantial improvement for America's veterans.

Mr. MONTGOMERY. Mr. Speaker, I yield 2 minutes to the gentleman from Georgia [Mr. JONES], a member of the Committee on Veterans' Affairs.

Mr. JONES of Georgia. Mr. Speaker, I rise in very strong support of H.R. 556. I rise with a great deal of pride in a generation of Americans who served their country unselfishly and heroically in the jungles of Vietnam.

Mr. Speaker, I would like to thank the gentleman from Mississippi [Mr. MONTGOMERY] and the ranking member, the gentleman from Arizona [Mr. STUMP], the gentleman from Ohio [Mr. APPELEGATE], the gentleman from Minnesota [Mr. PENNY], and, most particularly, the gentleman from Illinois [Mr. EVANS], for their dogged determination and their work to find a compromise which has enabled us to facilitate this vital piece of legislation. But I think the real credit belongs to those same men and women who risked so much in Southeast Asia, because they never gave up the right for what they believed in. They never let us forget what happened there. They never once turned their backs on their buddies.

Mr. Speaker, as we once again see the cream of our American youth stand courageously and vigilantly for the cause of international freedom, it is appropriate that today, through this legislation, we recognize once again the sacrifices of our veterans of Vietnam. This legislation is a testimony to

their perseverance and their compassion.

Mr. Speaker, I urge Members to support this long overdue measure.

Mr. MONTGOMERY. Mr. Speaker, I yield 2 minutes to the gentlewoman from Indiana [Ms. LONG]. I am proud to say the gentlewoman is also a member of the Committee on Veterans' Affairs.

Ms. LONG. Mr. Speaker, there is no question about it, this really is a significant day. For years, agent orange issues have been the subject of considerable debate, but the Congress has been unable to pass legislation. Today, we have the opportunity to support a bill which, in all likelihood, will become law. I congratulate those who played a role in developing this measure. In particular, I commend the gentleman from Mississippi, the chairman of the House Veterans' Affairs Committee, Mr. MONTGOMERY, for bringing the Agent Orange Act of 1991 to the floor.

Veterans of each of our Nation's wars have made grave sacrifices, some unique, some common to war. These sacrifices should never go unnoticed, and yet, sometimes they do. While we have attempted in many ways to assist our veterans, we have been slow to respond to the special needs of some of our Vietnam-era veterans.

Perhaps this is the case because veterans of that war came home with problems that health care professionals and the public at large had never encountered. Problems like post-traumatic stress disorder [PTSD], problems associated with exposure to the herbicide agent orange, and others were unheard of prior to the return of our Vietnam veterans.

Since Vietnam-era veterans were the first to experience widespread exposure to agent orange, some of these veterans now have rare forms of cancer like non-Hodgkins lymphoma, soft-tissue sarcoma, and certain types of chloracne. The evidence linking these diseases and agent orange exposure is so strong that this legislation establishes a new category of service-connected disability.

Still, there are other diseases present in Vietnam veterans who were exposed to agent orange which are not presently covered in this legislation. Perhaps the correlation between the two phenomena is purely coincidental, but the limited statistical evidence that does exist tells a somewhat different story. The evidence, at the very least, tells us that we need to look further. In order to measure any correlation, this bill calls for a critical and comprehensive study. If this study determines that there is a link between agent orange and other forms of cancer, fairness mandates, and our policies must reflect that those other veterans exposed must also be compensated.

I strongly urge passage of the Agent Orange Act so that we may more fairly

begin paying the debt we owe to our Vietnam veterans and their families.

□ 1300

Mr. MONTGOMERY. Mr. Speaker, I yield 2 minutes to the gentleman from Virginia, [Mr. PAYNE], also a member of our committee.

Mr. PAYNE of Virginia. Mr. Speaker, I rise in strong support of H.R. 556 to compensate Vietnam veterans for specific diseases resulting from exposure to agent orange. As a veteran, I am very sensitive to the suffering that Vietnam veterans have experienced. It is our responsibility to the veterans who have served our Nation to ensure that they all receive fair and equitable compensation and health care for any physical disabilities that they develop in the service of their Nation. It is the least that we can do for our veterans.

The issue as to whether or not certain cancers can be attributed to exposure to dioxin has been greatly debated. Numerous studies have been performed in an effort to establish this medical association. However, it has not been conclusively demonstrated that exposure to dioxin can result in the development of certain cancers.

Under this bill, Vietnam veterans suffering from non-Hodgkin's lymphoma, soft-tissue sarcoma and chloracne will receive, by law, compensation. The Secretary of the Department of Veterans Affairs had previously made an administrative decision to provide compensation for these diseases to Vietnam veterans. As far as adding the list of compensable diseases, the Secretary of Veterans Affairs could do so after weighing the recommendations of the National Academy of Sciences. A great deal of the past controversy has revolved around the body performing scientific evaluations. The National Academy of Sciences is a highly respected, non-profit, nongovernmental organization. The academy will review all of the scientific and medical evidence on the long-term health effects of exposure to the herbicide and report its findings to the Secretary.

I believe that this compromise legislation is a fair and equitable agreement among the various groups interested in this issue. I want to thank Chairman MONTGOMERY, Congressmen STUMP, EVANS, and APPLIGATE for their leadership in working out this compromise, and I urge my colleagues to pass this bill.

Mr. MONTGOMERY. Mr. Speaker, I yield 2 minutes to the gentleman from Georgia [Mr. ROWLAND], a member of our committee who has been very, very helpful on health care and other matters in working with our committee.

Mr. ROWLAND. Mr. Speaker, I thank the chairman for yielding me the time.

Mr. Speaker, like many of the issues we deal with in Congress, the debate over health care eligibility for Viet-

nam veterans exposed to agent orange has not been easy to resolve. While I, personally, believe a connection potentially exists between exposure and certain diseases, the scientific data is still not perfectly clear out. We still do not have all the answers.

However, this legislation represents a big step toward dealing with this issue in a fair and reasonable way.

The Department of Veterans Affairs already recognizes the eligibility of veterans exposed to agent orange who have subsequently suffered from chloracne and from non-Hodgkin's lymphoma and soft-tissue sarcomas.

Congress should do no less. This bill makes that administrative decision a matter of law.

The measure also empowers the Secretary of Veterans Affairs to add other diseases to the list. It calls on the Secretary to base his decisions on recommendations of the National Academy of Sciences, which is expected to conduct a long-term review of the scientific and medical evidence of the health effects of exposure to agent orange.

Mr. Speaker, I congratulate our chairman, SONNY MONTGOMERY, the ranking member, BOB STUMP, and LANE EVANS who has taken the lead on this issue, as well as DOUG APPLIGATE, who has been out in the forefront, as well as everyone on the Veterans' Affairs Committee who has helped to put this compromise together. I hope we now have an opportunity to resolve this issue and provide needed help to many veterans and their families.

Mr. MONTGOMERY. Mr. Speaker, I yield 2 minutes to the gentleman from Massachusetts [Mr. KENNEDY], another member of the committee.

Mr. KENNEDY. Mr. Speaker, first of all let me commend the chairman of the Committee on Veterans' Affairs, Mr. SONNY MONTGOMERY, and the ranking minority member, Mr. BOB STUMP, for their ability to reach consensus between the Members of Congress and the organizations on the issue of agent orange.

I also want to pay particular thanks and gratitude to LANE EVANS of the committee whose hard work and true dedication on this issue over a period of years enabled this compromise to be worked out. I know that this and other issues on the committee have faced difficult times in the past, and it is through the dedication of individuals like LANE EVANS and their willingness to work out the specifics on the part of the chairman and his staff that the bill has finally come forward, and I want to congratulate both of them for the work that they have done.

Let me say that I fully support H.R. 556, the Agent Orange Act. The bill will provide disability compensation for, what I think, are the two disabilities that cause the most concern to Vietnam veterans—non-Hodgkins'

lymphoma and soft tissue sarcoma. But the most important aspect of this bill is the fact that a system will be set up, so that the National Academy of Sciences will be able to make recommendations to the Department of Veterans Affairs for compensation of other disabilities.

I think this bill is an important first step in resolving an injustice that has affected so many Vietnam veterans. Passage of this legislation will set an important precedence not only for Vietnam veterans but for the veterans of the current war in the gulf who could potentially be exposed to God only knows what kind of chemicals.

I would like to commend again Congressman LANE EVANS for championing this and other tough issues and again thank Chairman MONTGOMERY and the ranking minority member BOB STUMP for bringing this bill to a vote. I urge my colleagues to vote yes for H.R. 556.

The SPEAKER pro tempore (Mr. MAZZOLI). The Chair will announce that the gentleman from Mississippi [Mr. MONTGOMERY] has 2½ minutes remaining and the gentleman from Arizona [Mr. STUMP] has 21½ minutes remaining.

Mr. STUMP. Mr. Speaker, I ask unanimous consent to yield 10 minutes of my time to the gentleman from Mississippi [Mr. MONTGOMERY], and that he be allowed to control that time.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arizona?

There was no objection.

The SPEAKER pro tempore. The gentleman from Mississippi [Mr. MONTGOMERY] is recognized for 12½ minutes.

Mr. MONTGOMERY. Mr. Speaker, I yield 2 minutes to the gentleman from Kansas [Mr. SLATTERY], also a member of our committee.

Mr. SLATTERY. Mr. Speaker, I will not use the 2 minutes that the chairman has so generously allotted, but I just wanted to rise and express my support for this legislation, and also join my colleagues in expressing my gratitude to Mr. LANE EVANS and Mr. DOUG APPLIGATE and Mr. BOB STUMP as well as the chairman of the committee for bringing this legislation before us today. Certainly LANE EVANS has worked tirelessly on this since we came in together 8 years ago, and today his efforts are coming to fruition. So he should be commended for his tenacity and his sticking to the effort.

Mr. Speaker, the Second District of Kansas, which I have the honor of representing here in Washington, is home to Fort Riley and to 15,000 troops currently involved in Operation Desert Storm.

They, their families, and all others who have served our country in times of war or peace deserve to know that this country is committed to honoring their service. Their sacrifices demand no less.

The Agent Orange Act codifies recent VA decisions to compensate Vietnam veterans for non-Hodgkin's lymphoma, soft-tissue sarcomas, and a skin condition known as chloracne, all of which are believed to have been caused by the use of agent orange during the Vietnam War.

Furthermore, the legislation requires the National Academy of Sciences to review all scientific and medical evidence on the long-term health effects of agent orange and other herbicides and report its finding to the Secretary of Veterans Affairs.

H.R. 556 will enable us to unravel the many controversial issues surrounding agent orange and give disabled veterans the treatment and compensation they are entitled to receive.

I urge my colleagues to recognize the importance of this issue to so many Americans, and to pass this legislation today.

Mr. STUMP. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Massachusetts [Mr. CONTE], the ranking Republican on the Committee on Appropriations.

Mr. CONTE. Mr. Speaker, I rise in support of H.R. 556.

Mr. Speaker, this bill endeavors to right an old wrong. During the Vietnam war, we exposed our troops to tremendous quantities of a toxic herbicide mixture known as agent orange. Agent orange contains dioxin, the most toxic chemical known to man. A tiny amount of dioxin causes cancer, immune system depression, and birth defects in laboratory animals.

Mr. Speaker, our efforts to compensate veterans who may have been harmed by agent orange have been complicated by scientific uncertainty. Conclusive findings on the relationship between agent orange exposure and health ailments have eluded us. Prior agent orange studies have been criticized as inconclusive or politically motivated.

The legislation before us today directs the Department of Veterans Affairs to commission an independent study by the prestigious National Academy of Sciences to determine the probable effects of agent orange exposure. This independent review will be presented to the Secretary of Veterans Affairs. If he finds that a presumption of service connection is warranted with respect to certain diseases, he will provide for the payment of compensation to eligible veterans.

This proposal is a vehicle to break the gridlock that has stalled progress on the agent orange issue for years. I commend my dear friend and chairman of the House Committee on Veterans' Affairs, the Honorable SONNY MONTGOMERY, for his successful and good faith efforts to reach a fair compromise on this issue. I am also indebted to my wise colleague, the ranking minority member of the Veterans' Affairs Com-

mittee, the Honorable BOB STUMP, for his devoted work on this legislation.

Mr. Speaker, I would also note that the bill establishes a presumption of service connection for three diseases: chloracne, non-Hodgkins lymphoma, and soft-tissue sarcomas. The Secretary of the Department of Veterans Affairs, my good friend, the Honorable Edward Derwinski, was widely praised when he took administrative action last spring to provide benefits for veterans with these diseases. The legislation before us is a congressional affirmation of his action and a tribute to his good judgment.

Mr. Speaker, I urge my colleagues to vote "aye."

Mr. MONTGOMERY. Mr. Speaker, I yield such time as he may consume to the gentleman from Nevada [Mr. BILBRAY].

Mr. BILBRAY. Mr. Speaker, I appreciate the chairman of the committee yielding me this time. I rise in support of the bill and commend the chairman, the gentleman from Mississippi [Mr. MONTGOMERY], the gentleman from Illinois [Mr. EVANS], the gentleman from Arizona [Mr. STUMP] and the others who have worked so hard on this much needed legislation.

Mr. Speaker, I rise in support of H.R. 556, legislation that will establish a process requiring the VA to determine whether certain diseases of Vietnam veterans should be presumed to be service-connected based on exposure to agent orange.

I would like to commend Chairman MONTGOMERY and Representative LANE EVANS for working together to forge this compromise which I believe is acceptable to all parties.

Over the course of the 12 years since this issue was first raised, there have been concerns that before providing compensation to veterans, there should first be some scientific evidence suggesting a reasonable connection between disease and exposure. To ensure a resolution so that agent orange-exposed veterans receive compensation, I cosponsored H.R. 3004 during the 101st Congress.

This measure would put in place a mechanism allowing an unbiased independent scientific agency to offer future guidance to the Department of Veterans Affairs and Congress on additional diseases that can be said to be reasonably associated with exposure to dioxin.

Under the legislation we consider today, a mechanism is initiated to review the health effects of agent orange among the approximately 3 million veterans who have served in Vietnam.

H.R. 556 provides for the VA's determination of whether ailments were caused by agent orange which would be based on a review of relevant scientific information by the National Academy of Sciences.

I support this measure because I believe it is a fair compromise and urge passage of the legislation.

Mr. MONTGOMERY. Mr. Speaker, I yield 3 minutes to the chairman of the Committee on the Budget [Mr. PANNETTA], who has been very cooperative. We have worked with him this last

year, and look forward to working with him this year. He has had a number of members of our committee temporarily serving with him, and I know he will treat them fairly.

Mr. PANETTA. Mr. Speaker, I am pleased to have representatives from the Committee on Veterans' Affairs on the Committee on Budget.

I rise, really in support of this bill, by putting on two hats. One is as a member of the Vietnam era caucus over the last 10 years, and former vice chairman of that caucus. This is obviously legislation that we have always pursued and have worked on. With the leadership of the gentleman from Illinois [Mr. EVANS] and many others who have worked on this legislation, it finally comes to fruition.

The President has said that we ought not to repeat the mistakes of Vietnam when it comes to the Persian Gulf. One of the mistakes in Vietnam was the way we treated the veterans who returned. This bill, both symbolically and substantively, is a step taken to try to repair the damage that was done to those returning veterans. I think it is a significant step and a worthwhile step. Hopefully, it will be enacted soon with the support of all the Members.

The second hat that I wear today is that of the chairman of the Committee on the Budget. We have been dealing with a series of bills involving both the veterans as well as the fighting men and women who are in the Persian Gulf. I have been asked how these bills relate to both the budget agreement and the pay-as-you-go requirement that is part of the budget agreement. Let me just mention briefly that with regard to the COLA bill that was passed last week, the cost-of-living increases provided to veterans as well as this bill, the agent orange bill, both of these are contained within the baseline that was established by the Congressional Budget Office and was contained in the budget agreement. So they do not involve additional costs above what was prepared in the budget agreement.

Second, with regard to two other bills that will be taken up, the soldiers' and sailors' civil relief bill as well as the physicians' and dentists' relief bill that will be taken up tomorrow, these are authorization bills and obviously have to be covered within the discretionary caps that are presented to the Committee on Appropriations as part of the agreement.

Last, with regard to a bill last week, there was a bill that provided tax relief to our fighting men and women that could involve, and we are now getting the figures, a revenue loss as the result of that, and it is our intent to try to cover the costs of that in the budget resolution that will be presented to the House when we come forward with that.

The Committee on Veterans' Affairs has been, as the chairman pointed out, stalwart in terms of responding to the savings that we have asked of them every time we have developed a budget agreement. They have been always forthcoming and always very helpful in that effort. It is not easy to do. It is tough. We recognize that. It is in the spirit of that agreement that we now say that we do have obligations to meet here with regard to the veterans and the fighting men and women who are part of the Persian Gulf. That is understandable. However, we also have to implement the discipline that was part of that budget agreement to pay for these costs. In that way, not only do we serve the interests of those who are there and who are fighting, and those who will return as veterans to this society, but we also ensure that we will protect the quality of society that we will be able to return back to.

Therefore, for all of those reasons, I commend the chairman and commend the committee for bringing this legislation forward.

Mr. MONTGOMERY. Mr. Speaker, I yield myself such time as I may consume to say to the chairman of the Committee on the Budget that we have tried to work with him.

I agree, we are making savings. We have to see that we carry out these agreements if we are ever going to get this budget under control. That is basically what we have done in our committee, and we did have to cut back some programs on veterans. However, we picked the programs we thought would affect the veterans least.

I thank the chairman of the Budget Committee for speaking on this bill.

Mr. Speaker, I yield 2½ minutes to the gentleman from North Carolina [Mr. LANCASTER].

Mr. LANCASTER. Mr. Speaker, as a Vietnam era veteran and cochair of the Vietnam veterans in Congress, I join with my colleagues in today supporting H.R. 556, the Agent Orange Act of 1991. I want to commend my colleagues, the gentleman from Mississippi [Mr. MONTGOMERY] and the gentleman from Arizona [Mr. STUMP] in introducing bipartisan, compromise legislation that would make into law administrative decisions by the Department of Veterans Affairs to compensate Vietnam veterans for two cancers, non-Hodgkin's lymphoma and soft-tissue sarcomas, and chloracne, a skin condition. In addition the Secretary of Veterans Affairs can presume service connection for additional disabilities suffered by veterans who served in Vietnam if he determines that a positive association exists between herbicide exposure and the occurrence of the disease in humans. The National Academy of Sciences will conduct scientific reviews and report to the Secretary its findings. My colleague and chair of the Vietnam veterans in Congress, the gen-

tleman from Illinois, [Mr. EVANS] should be recognized for his tenacity in continuously pushing to bring agent orange legislation before the House for consideration.

This compromise is one born out of conflict and controversy, much like the Vietnam war itself. The veterans of this conflict have waited for years in hope of congressional action that would mandate service-connected disability benefits for the diseases that have ravaged their bodies as a result of their exposure to the herbicide. In my meeting with individual veterans and veterans groups of the Vietnam era, many feel that they and their needs have been neglected and all too often forgotten. While this legislation is the result of many months of efforts, it is but a beginning in addressing the ongoing issue of agent orange. There have been studies upon studies and reviews of those studies and still the concerns persist. I think it is significant that today we unite in a bipartisan effort to recognize that the time has long since come to recognize in a tangible way, through legislation and compensation, our veterans who are victims of agent orange.

As we speak, a war is being waged in the Persian Gulf. Who knows at this time what the needs of the young men and women who come home from this war will be. My friend and colleague from Mississippi, who is chairman of the Committee on Veterans' Affairs, will continue to be attuned to the special needs of these veterans.

We in Congress serve the veteran and the veteran's family. As we continue each day to serve our Nation's veterans, we must keep constantly in mind the words of Lincoln that appear now on the the Department of Veterans Affairs building: "To care for those who have borne the battle and for his widow, and his orphan." It is correct and appropriate that this legislation receive the full support of all present today to show our veterans that we continue to care for the veteran once the battle has been fought.

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Mr. MONTGOMERY. Mr. Speaker, I yield 2 minutes to the gentleman from Colorado [Mr. SKAGGS].

Mr. SKAGGS. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I am proud to support this bill to assist Vietnam veterans with cancers linked to war-time exposure to agent orange.

A year and a half ago, I joined other Vietnam veterans in Congress to announce the introduction of similar agent orange legislation, which served as the starting point for the bill before us today. During that year and a half, we worked to prove our case that this is the most responsible way to settle the issue. This approach treats both

the exposed veteran and the taxpayer with respect.

We should pass this legislation today and the President should sign it, so that we can get on with the job of providing help and healing for Vietnam veterans who suffer from the aftereffects of agent orange. This debt to many Vietnam veterans is long overdue.

The legislation would establish a presumption that certain diseases are related to a veteran's exposure to agent orange while serving in Vietnam. In doing this, it also establishes that these illnesses and diseases are our country's responsibility—not a burden of that conflict to be borne in tragic isolation by the veteran.

The bill would provide permanent disability benefits for veterans who currently suffer from non-Hodgkin's lymphoma or soft-tissue sarcoma. The legislation would also provide benefits for survivors. In addition, the bill commissions the prestigious National Academy of Sciences [NAS] to make a scientific determination about whether other diseases may have been caused by agent orange exposure. If the NAS determined a disease is related to agent orange, the Veterans Department would be required to accept that determination within 60 days and begin paying benefits, or, if it rejected that determination, provide a clear justification.

As a Vietnam veteran myself, I am particularly sensitive to the long anguish of those veterans who were made ill by agent orange. Out of deep respect for them, I urge my colleagues to support this bill.

Mr. MONTGOMERY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, may I say to the gentleman from Colorado, the President has agreed that he will sign this legislation.

I have one more speaker, and he is a very active member of our committee. I yield 2 minutes to the gentleman from Alabama [Mr. HARRIS].

Mr. HARRIS. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I rise today to urge my colleagues to support passage of H.R. 556.

H.R. 556 represents compromise legislation to provide disability payments for Vietnam veterans who were exposed to agent orange, a chemical sprayed in Vietnam to defoliate the jungles. Veterans who develop non-Hodgkin's lymphoma and soft tissue sarcoma will be presumed to have service-connected disabilities. In addition, their survivors can also apply for these benefits. The bill also provides service-connected disability for veterans who suffered from chloracne, within 1 year of their service in Vietnam. Medical care will continue to be guaranteed for veterans

who were exposed to agent orange or ionizing radiation in the military service.

The second part of H.R. 556 requires the National Academy of Sciences [NAS] to examine all of the scientific data about agent orange and make recommendations to the Department of Veterans Affairs [DVA]. The Secretary of the DVA will consider these recommendations and may list additional service-connected disabilities as he deems warranted.

I would also like to thank chairman MONTGOMERY, Congressman STUMP and Congressman LANE EVANS for acting quickly on these issues of vital importance to our veterans. It is a tribute to their leadership that this compromise bill will be considered so early in the 102d Congress under the suspension calendar. I urge my colleagues to support this measure.

Mr. MONTGOMERY. Mr. Speaker, I yield 1 minute to the gentleman from Illinois [Mr. COX].

Mr. COX of Illinois. Mr. Speaker, I rise in support of H.R. 556, a bill to provide permanent compensation for Vietnam veterans suffering the effects of agent orange exposure.

As one of nearly 16,000 Vietnam era veterans in the 16th Congressional District of Illinois, I strongly support this legislation. We must not delay mandating compensation for those veterans exposed to agent orange. This legislation provides permanent disability for Vietnam veterans that suffer from diseases which are said to be related to agent orange exposure. Additionally, it authorizes an ongoing comprehensive review of all scientific and medical evidence on the long-term health effects of herbicide exposure. This legislation is long overdue.

In the days since January 16, the pictures from the Persian Gulf have reminded us of the horrors of war, and the commitment and sacrifice of those who answer the call to serve our country. Let us not forget, then, our responsibility to provide benefits and support to all of our Nations veterans.

Finally, I would like to thank the gentleman from Illinois [Mr. EVANS], for his efforts on behalf of our veterans. I would particularly like to commend him for his work on this legislation.

I urge my colleagues to support this bill.

Mr. STUMP. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, before we close this debate, there are two other Members I would like to recognize. One is the gentleman from Ohio [Mr. MCEWEN] who is the ranking member of the Subcommittee on Compensation, Pension, and Insurance of the Committee on Veterans' Affairs who I would like to thank for his hard work in resolving this agent orange compromise.

I would also like to recognize the gentleman from Texas [Mr. ARMEY] whose Subcommittee on Human Resources and Intergovernmental Relations of the Committee on Government Operations held hearings on this issue, and I thank the gentleman for his very valuable contribution.

Mr. GOSS. Mr. Speaker, I would like to commend the distinguished gentleman from Mississippi, Chairman MONTGOMERY, for bringing this important legislation back to the floor so quickly—this is another piece of unfinished business from the last Congress that deserves our immediate attention. I also wish to thank Mr. STUMP from Arizona and Mr. EVANS from Illinois for their hard work on behalf of our veterans.

Today we have the opportunity to address the very real suffering and needs of agent orange victims and their families—who for too many years have had to fight for recognition of their ailments and compensation from their Government.

Certainly this bill deserves our full support and rapid consideration in the other body. As our troops continue their brave service in the Persian Gulf, it is only fitting that we make good on our commitment to another generation of service members.

But Mr. Speaker, there is yet another group—a smaller group—of veterans who still cry out for recognition and assistance from the Government they so loyally served in World War II.

I am speaking of the mustard gas victims, men who were used as human guinea pigs by the U.S. Government to test the effects of lethal chemical gases and the effectiveness of protective clothing.

Today, more than 45 years later, the few participants of these secret experiments who are still alive, fight for their ailing health while they continue to fight for disability compensation. They are sick and they are unable to provide for themselves in some instances.

Since the last time I spoke about this tragic situation, progress has been made and the VA is now reevaluating its previous denials of assistance. In addition, I have reintroduced private relief legislation—H.R. 456—to provide compensation to the four known survivors of these grisly tests who have literally nowhere to turn.

Any veteran who suffers as a result of service to this great country has a right to expect compassion and caring. As we correct the longstanding injustice to victims of agent orange, it is my hope that soon we will do the same for the victims of mustard gas.

Ms. SNOWE. Mr. Speaker, I would like to express my support for H.R. 556, the Agent Orange Act of 1991. I would also like to congratulate my colleagues on the Veterans' Affairs Committee for producing a workable compromise on the issue of how future decisions on the question of service connection will be made. It is my hope that passage of this bill today, 11 years after Congress first requested a study of the health effects of this herbicide, will help lay to rest the fractious dispute over agent orange benefits and provide our veterans with the help they need.

I was a cosponsor of the agent orange bill in the 98th Congress which provided a tem-

porary presumption of service connection for these conditions while studies continued. During the 101st Congress, I cosponsored the Veterans Agent Orange Exposure and Vietnam Service Benefits Act which sought to provide permanent presumption of service connection for specified health conditions. H.R. 556 will formally acknowledge the link between certain medical conditions and exposure to agent orange. In particular, non-Hodgkin's lymphoma, soft-tissue sarcoma, and chloracne will be considered as service-connected disabilities for the purposes of receiving benefits and services from the Department of Veterans Affairs. It will also establish a system for determining what other conditions may or may not be related to agent orange.

I have spoken with numerous veterans in Maine over the years about this issue. It has been difficult to explain to those veterans exposed to agent orange why, 20 years after the spraying stopped, they are still fighting for access to the benefits they earned and deserve. Steven Bentley, chairman of the Maine State Council of Vietnam Veterans of America, Inc., expressed the frustration of our veterans in these words:

And I know this above all: that the very government that sent me to Vietnam has concluded via its Centers for Disease Control that it will not bother to even look at a possible connection because it has concluded that my dioxin level and my problems, as well as those of my brother-in-arms, are statistically insignificant.

Today, in passing this bill, we are finally doing right by these veterans.

Mr. GEPHARDT. Mr. Speaker, last week this body overwhelmingly approved H.R. 3 which provides a 5.4-percent cost-of-living adjustment in compensation to our Nation's 2.2 million veterans with service-connected disabilities and to 300,000 widows and children of veterans who died of service-connected causes.

Today we are considering another bill of great importance to the Nation's veterans, H.R. 556, the Agent Orange Act of 1991. For years, many of us have been concerned by the effects of exposure to dioxin on the health of veterans who served in Vietnam. Earlier this month, a historic compromise was reached to ensure that the Vietnam veterans injured by agent orange receive the health care and compensation they deserve.

H.R. 556 enacts into law the Veterans' Administration's decisions to compensate Vietnam veterans for soft-tissue sarcoma, non-Hodgkin's lymphoma, and chloracne. In addition, the act calls on the National Academy of Sciences to conduct an impartial and exhaustive review of all previous studies of agent orange diseases. The academy will report its findings to the Secretary of Veterans Affairs who must act upon the academy's recommendations within 60 days. This process will ensure that bureaucratic disagreements will not delay the compensation justly deserved by these veterans.

We have a national obligation to recognize the courage and sacrifices of our veterans. I commend the chairman and the many Members who have worked on this issue to ensure that veterans injured by agent orange receive the compensation and support they are justly

entitled to. I rise in strong support of H.R. 556, and urge my colleagues to do the same.

Mr. McGRATH. Mr. Speaker, I rise today in strong support of H.R. 556, a bill to codify decisions by the Department of Veterans Affairs to compensate Vietnam veterans for two cancers—non-Hodgkin's lymphoma and soft-tissue sarcomas—and a skin condition, chloracne. This measure is a well-crafted compromise between Members of both the House and the Senate and a shining illustration of bipartisanship after last year's version of this legislation resulted in controversy and a hold-up of cost-of-living allowances [COLA's] for disabled veterans.

The agent orange issue is perhaps one of the most hapless byproducts of the Vietnam war. Conflicting scientific studies of the defoliant's effects have resulted in verbal and legal warfare between veteran's groups and Government agencies. In 1987, for example, the Centers for Disease Control in Atlanta announced that agent orange had virtually no effect on military personnel stationed in Vietnam. However, a report later that year by the Veterans' Administration concluded that those subject to the herbicide stood a better chance in developing several forms of cancer.

It is truly unfortunate that the agent orange issue has turned into a political fiasco—with veterans emerging as the victims. It is for that reason that I strongly support H.R. 556. Briefly, the bill would provide permanent disability benefits for Vietnam veterans who suffer from non-Hodgkin's lymphoma, and soft-tissue sarcomas. In addition, the bill would establish a permanent presumption of service connection for chloracne in Vietnam veterans whose chloracne became manifest within 1 year of their service in Vietnam. The legislation also requires the DVA to commission a National Academy of Sciences study of medical and scientific evidence regarding associations between herbicide exposure and human diseases.

The time for rhetoric is over. I urge my colleague to join me in support of H.R. 556. It is now time to realize the effects of agent orange and act to mend the veterans who have been afflicted.

Mr. ANNUNZIO. Mr. Speaker, I rise in support of this bill to compensate Vietnam veterans for illnesses linked to agent orange.

The battle we fought in Vietnam has long since ended, but the sacrifices made by thousands of veterans who participated in that war linger on.

Each year as many as 2,300 of our 3.1 million Vietnam-era veterans come down with cancers that may stem from their exposure to agent orange.

This bill will enable the victims of that war's silent killer to get the disability benefits they deserve.

Under this bill, the National Academy of Sciences will review the cases of veterans affected by other illnesses linked to agent orange.

The bill also authorizes more research on Vietnam-era veterans to advance our knowledge of service-related illnesses.

It's sad to say our military personnel who risked their lives in Vietnam must now risk death from illnesses linked to agent orange. We can't change the past, but we can begin

to address today's problems. To that end, I urge my colleagues to support House Resolution 556.

Mr. BONIOR. Mr. Speaker, I rise in strong support of the legislation being considered by the U.S. House of Representatives today which greatly benefits our Nation's veterans. This legislation is truly of monumental importance to veterans, their families, and our country.

I wholeheartedly endorse the Agent Orange Act, H.R. 556, which provides compensation for veterans affected by their service-connected disabilities. This legislation helps end the nightmare of agent orange by bringing relief to the thousands of Vietnam veterans who suffer from the effects of agent orange. Like no other wartime illness, agent orange represents for many of us the lingering horror of Vietnam.

The Agent Orange Act will provide permanent disability benefits to Vietnam veterans who suffer from diseases that have been irrefutably linked to the powerful defoliant, agent orange. With the passage of this legislation, we put behind us the years of controversy over agent orange. We put behind us allegations of fraudulent studies and botched research to finally come to grips with the total impact of the agent orange tragedy.

As the founder of the Vietnam-era Veterans in Congress, I have worked for the full compensation of all veterans affected by exposure to agent orange. I am very proud that the passage of H.R. 556 sends a strong message that the time for more studies and more talk is over—agent orange victims must be treated for their suffering.

At a time when we are facing the prospect of a bloody war in the Persian Gulf, we must demonstrate our national resolve by showing that we will take care of all of our veterans. The men and women serving in the Persian Gulf are being asked to sacrifice for their country—just as young Americans did in the Second World War, the Korean war, and in Vietnam.

This bill we are considering today is truly of great national significance for veterans and will help us to close the book on the lingering scars of the Vietnam war and better provide for all veterans. I strongly support the passage of this landmark legislation.

Mr. RICHARDSON. Mr. Speaker, last week the Congress finally saw fit to grant our veterans their well-deserved cost-of-living increase. Now it is time for us to formally recognize and compensate those veterans who became disabled from exposure to agent orange, dioxin, and other debilitating chemicals while serving us so well in Vietnam.

Too many of our veterans are living with diseases that are the result of this exposure, and none are receiving disability compensation. This disability is no different than any other; we must compensate our veterans justly by passing the Agent Orange Act.

The cooperation of many Members of Congress resulted in this compromise bill which provides permanent disability benefits for Vietnam veterans who suffer from non-Hodgkin's lymphoma and soft-tissue sarcoma, as well as for veterans who developed chloracne within 1 year of their service in Vietnam.

It is time for us to stop the political debates that prevented us from moving forward on this and other important veterans' legislation during the last Congress. This bill is a vote for our veterans.

Ms. SLAUGHTER of New York. Mr. Speaker, I rise today to register my unequivocal support for the legislation before us. The Agent Orange Act of 1991, H.R. 556, finally codifies that Vietnam veterans who suffer from non-Hodgkin's lymphoma, soft-tissue sarcoma, or chloracne are eligible for VA disability benefits. Perhaps even more important is that the Agent Orange Act of 1991 holds out the promise of answers to Vietnam veterans suffering other conditions whose relation to agent orange exposure remains a mystery. By directing the National Academy of Sciences to conduct a comprehensive review of all scientific and medical evidence relating to agent orange exposure, the legislation before us takes an important and long overdue step toward unlocking the mysteries of herbicide exposure and finding long-term solutions to the agent orange problem.

I am proud to have cosponsored the predecessor to this legislation in the 101st Congress. The brave men and women who served the United States in Vietnam deserve no less. Isn't it enough that they have had to suffer the loss of comrades, the horrifying memories of combat, and their own lasting disabilities? How much longer can we ask them to continue suffering the mysteries of agent orange—the uncertainties of the herbicide's true effect not only on their own health but on the health of their children?

By approving the Agent Orange Act of 1991, we answer, "No longer." No longer will the serious health concerns of Vietnam veterans exposed to agent orange be embroiled in politics. No longer will we, as a Nation, rest content with the inconclusive findings of previous agent orange studies. No longer will we ignore that agent orange turned out to be more than just a means of defoliation. Our Vietnam veterans have served too valiantly to allow the 12-year debate on agent orange to continue.

As a child of World War II, I remember well the homecoming and victory parades of our Armed Forces. From those memories, I've gained a tremendous respect and appreciation for those who have bravely fought for freedom. For me, this profound appreciation has translated into an unwavering commitment to the health care, housing, and other quality of life interests of our Nation's veterans. In the 101st Congress, I supported legislation to improve the quality of health care personnel in veterans' hospitals, provide rehabilitation services to incarcerated veterans, counsel victims of post-traumatic stress disorder, and provide other necessary services.

Today, as the House votes to pass H.R. 556, I reaffirm my own personal commitment to the interests of those men and women who served the United States Armed Forces in Vietnam. I extend this same commitment to the more than 400,000 future veterans now serving in the Persian Gulf. I salute their courage and their professionalism and I pledge that once Operation Desert Storm has been committed to the history books, their service will not be forgotten. I am proud of each and

every one of our Nation's veterans and I will never let their needs be ignored.

Mr. ESPY. Mr. Speaker, I want to commend Chairman SONNY MONTGOMERY for his outstanding leadership on behalf of the men and women who have served and who continue to serve our Nation in times of war. I also commend my colleagues on both sides of the aisle who have worked so hard to fashion a compromise in this longstanding issue.

Mr. Speaker, by passing H.R. 556, this Congress is acting to reassure the men and women who defend our freedom that our Nation appreciates their sacrifices, and most importantly, that we will honor the commitments we have made to them and their families.

Mr. Speaker, I want to express my total support for H.R. 556. Those Vietnam veterans who have suffered from the effects of agent orange have suffered long enough. Their bodies have been wounded, but so has their spirit. Disability compensation for them is long overdue.

Mr. Speaker, our support for H.R. 556 will also send a strong signal of support for men and women serving in the Persian Gulf. It will serve to ensure them that this Nation will provide for their war-related needs once this conflict is over.

Again, I thank the distinguished chairman of the Veterans Affairs Committee for his leadership in this area. And I pledge my continue support for the courageous men and women who make our freedom possible.

Mrs. KENNELLY. Mr. Speaker, I rise today in strong support of H.R. 556, The Agent Orange Act of 1991. Agent orange has been of primary concern to our Nation's veterans since the Vietnam era. And yet, 18 years after the Vietnam conflict, questions about association between disease and exposure remain unanswered. This bill seeks to find those answers. While the Agent Orange Act would provide disability benefits for those veterans suffering from certain established conditions, it also commissions the National Academy of Sciences to review and evaluate available scientific evidence regarding diseases and exposure to dioxins; and make recommendations to the Veterans Affairs Department regarding other possible diseases related to agent orange exposure. This in turn may help other veterans still suffering.

Long-term effects of exposure to this herbicide should be studied and must be evaluated. Last year agent orange passed in the House but went no further. We can no longer sit still. It is time to help those who are suffering and pursue answers to those questions still remaining.

In the past weeks, we have pledged our support for our soldiers fighting in the gulf. Let us not forget the pledge made to those who fought in the past. I urge my colleagues to join me in supporting the Agent Orange Act of 1991.

Mr. GILMAN. Mr. Speaker, I am pleased to rise in support of H.R. 556, a measure to obtain independent review of the available scientific evidence regarding associations between diseases and exposure to dioxin and other chemical compounds.

I would like to commend the distinguished chairman of the Veterans' Affairs Committee, the gentleman from Mississippi [Mr. MONT-

GOMERY] for introducing this important measure, and the ranking minority member, the gentleman from Arizona [Mr. STUMP] for his unceasing efforts on behalf of our Nation's veterans.

H.R. 556 establishes, for Vietnam veterans, a statutory presumption of service connection to non-Hodgkin's lymphoma, soft-tissue sarcoma, and chloracne. In addition, this measure requires the Department of Veterans Affairs to commission a National Academy of Sciences study of medical and scientific evidence regarding associations between herbicide exposure and human diseases.

Mr. Speaker, our Vietnam veterans continue to fight for benefits due to them because of their exposure to agent orange. The Department of Veterans Affairs has taken steps to compensate veterans who were exposed to agent orange by awarding service-connected disability benefits to veterans suffering from non-Hodgkin's lymphoma.

Due to this important measure, the Department of Veterans Affairs will be required to: Compile and analyze clinical data collected from examinations and treatment of veterans suffering from herbicide-related disabilities, establish a system for collecting and storing blood and urine samples from Vietnam veterans, establish a program to study the feasibility of future scientific research on health hazards resulting from exposure to toxic agents in herbicides in Vietnam, and test the blood of any Vietnam veteran who has filed a disability-compensation claim for a disability allegedly related to herbicide exposure.

Mr. Speaker, many of our Nation's veterans are suffering each day due to their exposure to agent orange. Secretary Derwinski has taken the first step to compensate those who were exposed. It is time for Congress to continue to take important and necessary steps in providing compensation and medical care for those who were exposed to agent orange.

Accordingly, I fully support H.R. 556, and urge my colleagues to vote in favor of it.

Mr. YOUNG of Alaska. Mr. Speaker, I rise in support of the agent orange bill to provide for the Secretary of Veterans Affairs to obtain independent review of the available scientific evidence regarding associations between diseases and exposure to dioxin and other chemical compounds, H.R. 556, and the bill to amend the Soldiers' and Sailors' Civil Relief Act of 1940 to improve and clarify the protections provided by that act, H.R. 555.

At this time in our Nation's history, with our troops in the Persian Gulf, we need to especially show our support for our veterans more than ever. These amendments to the Soldiers' and Sailors' Relief Act will provide reservists on active duty and regulars in the military with certain protections. These protections are to help members of the military service who have financial obligations that have accumulated before they began their active duty and who cannot meet those obligations due to their participation in the Persian Gulf. These include protection in court proceedings and protection from action by creditors as well as protection for their dependents from eviction. Also included is personal liability protection for certain military personnel.

My State of Alaska has more veterans per capita than most States in the Union. The citi-

zens of Alaska have done their fair share to protect and preserve our liberties. Veterans in my State and indeed veterans throughout the Nation have been willing to stand in harms way for our benefit and for the benefit of freedom loving people throughout the world. Because these veterans have been prepared to make supreme sacrifices, we can do nothing less than show our gratitude and appreciation for their brave efforts. Mr. Speaker, I am proud to vote in favor of these two bills today.

Mr. POSHARD. Mr. Speaker, I am pleased to rise in strong support of H.R. 556, the Agent Orange Act, a bill which I am honored to cosponsor.

This is a practical step toward assisting with medical problems suffered by Vietnam veterans and a symbolic salute to a group of Americans long ignored and unappreciated.

This legislation provides permanent disability benefits for Vietnam veterans who suffer from exposure to agent orange, the chemical used to eradicate parts of the jungle environment our troops fought in. Some of the benefits are immediate, while in other cases the bill calls for more study and scientific examination. It is my sincere hope and desire that we will address the medical needs of these specific cases as a Nation that appreciates the sacrifice made by our men and women in the armed services.

I am pleased to see that through the great leadership and membership of the Veterans' Committee we are able to provide both a cost-of-living adjustment and compensation for agent orange exposure only days apart. This represents a hard fought compromise that combines scientific data with a realization of our obligation not to forget the hardships faced by those affected by combat action. I congratulate the committee for its fine work at compromise, and urge my colleagues to continue to work for compassionate treatment of American veterans.

As we are once again engaged in battle, with a new generation of war veterans to be created, we must always be mindful of the obligation we owe to those who serve us and preserve our freedoms. And in this particular instance, for the Vietnam veteran who did not receive the kind of welcome home they deserved, this is perhaps a long overdue but significant thank you for all of their efforts.

Mr. PAYNE of New Jersey. Mr. Speaker, I rise today to offer my support for House Resolution 556, the Agent Orange Act of 1991. This bill will give Congress the opportunity to address the often forgotten needs of thousands of veterans who served in Vietnam. The effects of agent orange on the Vietnam veteran are painful not only to the veteran but also to his family.

Mr. Speaker, I would like to thank the members of the House Committee on Veterans' Affairs for bringing this valuable legislation to the floor early in this session of Congress. I especially would like to commend Chairman MONTGOMERY, the ranking minority member Mr. STUMP, Representative PENNY, Representative EVANS, and Representative APPLIGATE for their leadership.

Mr. Speaker, I would also like to recognize the leading role played by Representative TED WEISS, chairman of the House Government Operations' Subcommittee on Human Re-

sources and Intergovernmental Relations, on which I serve. Chairman WEISS' subcommittee has oversight responsibility for the Department of Veterans Affairs. He has worked tirelessly to address the concerns of Vietnam veterans and their families.

This legislation authorizes compensation to Vietnam veterans for two forms of cancers—non-Hodgkin's lymphoma and soft-tissue sarcomas—and chloracne, a skin condition often found in Vietnam veterans exposed to agent orange and other herbicides.

Mr. Speaker, we now have the opportunity to show our support for the men and women who have given so much to this country. So, I urge my colleagues to vote in favor of House Resolution 556. Again, I commend the members of the House Committee on Veterans' Affairs for bringing this legislation to the floor.

Mrs. MINK. Mr. Speaker, I rise today in support of H.R. 556, the Agent Orange Act of 1991. Unfortunately, I was unavoidably detained by engine trouble of the Amtrak train I was traveling on and did not register my vote in support of H.R. 556. Had I been in the Chamber at the time, Mr. Speaker, I would have voted aye on this bill.

H.R. 556 will provide for the healing of the many Vietnam veterans who were affected by agent orange—a healing not only of the body, but of the spirit. H.R. 556 will provide the desperately needed benefits for those veterans who have suffered from certain conditions due to exposure to agent orange. But just as important, Mr. Speaker, this bill will help heal the spirit of the Vietnam veterans which has been discouraged by years of neglect and indifference by our Nation and Government.

The passage of H.R. 556 will make permanent the disability benefits veterans may receive for non-Hodgkin's lymphoma and soft-tissue sarcoma, and just as important it sets procedures to determine whether other conditions are also related to agent orange exposure. This will enable even more veterans to receive disability compensation, which in many cases is needed to help sustain a decent standard of living for veterans and their families.

The passage of this bill is important, not only to compensate for the sacrifices these veterans have made, but also to show them and the Nation, that the U.S. Congress is willing to give them what they deserve. I commend Chairman MONTGOMERY and the members of the Veterans' Affairs Committee who have brought this bill swiftly to the floor this year. This issue has been addressed in other pieces of legislation, of which I am a cosponsor. I am pleased that the sponsors of such legislation were able to work with Chairman MONTGOMERY and others on the committee to bring this bill forth today. I would also like to recognize recent efforts by the Department of Veterans Affairs to provide compensation for agent orange related conditions.

In recent years this Nation has been on the road to recovery, mending the divisions created by the Vietnam war. Recognizing and providing for the needs of the Vietnam veterans will help to continue this process. Mr. Speaker, I am pleased H.R. 556 has passed and I commend my colleagues for voting for this important bill.

Mr. INHOFE. Mr. Speaker, finally there is a bill to protect service veterans of the Vietnam war. This bill establishes permanent disability benefits for veterans who suffer from diseases like non-Hodgkin's lymphoma, soft-tissue sarcomas, and chloracne. It establishes a sturdy agenda for determining whether other symptoms and conditions are related to exposure from agent orange. This bill is a good, strong bill and one that is long overdue. We, as citizens of the United States, owe this to our veterans.

As I speak, we have entered into another war. A war that will produce an entirely new generation of veterans. These men and women are in the Persian Gulf defending the interests of this country and its allies. They are risking their lives for us. Passing this bill is the least we can do for them in return.

We are all hoping that the day will soon arrive when they will come home from the Persian Gulf. And when they do, they should not have to worry and wonder if they are eligible for the many disability benefits that aide in protecting them from the diseases that result from war. It should be understood by all veterans of the United States that we are protecting their best interests in every respect. And, by passing this legislation, we have made this clear.

Ms. MOLINARI. Mr. Speaker, I rise today to say that I am pleased that Congress is finally taking a responsible step toward addressing the controversies surrounding exposure to agent orange. Let me commend the chairman and ranking minority member of the Committee on Veterans' Affairs, as well as the efforts of Congressman EVANS and others to bring H.R. 556 forward for consideration on the floor today.

For 12 years, Congress has struggled with the issue of agent orange exposure. Passage of today's bill will mark the first meaningful action by Congress toward allocating Federal medical benefits to the veterans who suffer from resulting diseases. This legislation will provide compensation for non-Hodgkin's lymphoma, soft-tissue sarcomas, and chloracne, which many believe are related to exposure to the defoliant agent orange.

This legislation also coordinates the efforts of an independent scientific entity, the National Academy of Sciences, and the Administration of Veterans' Affairs. Together, the findings of these two will hopefully result in a comprehensive set of regulations so that ailing veterans will receive the compensation that they deserve.

I think it important to underline that thousands of veterans who served in Vietnam have suffered with diseases and ailing conditions associated with exposure to the dioxins of agent orange for over 20 years now. One must remember that our responsibility to these people is not just to study these problems, but rather to address them. We must continue to abide by the principle of taking care of those that served our country, regardless of the cause or responsibility of their possible injuries.

As this generation's active military continues to fight for us in the Persian Gulf, today's legislation may begin to assure them that their sacrifices will not go unnoticed upon their return home.

Ms. PELOSI. Mr. Speaker, I rise in strong support of H.R. 556, the Agent Orange Act. I commend Chairman MONTGOMERY, Congressman STUMP, the ranking minority member, and Congressmen EVANS, PENNY, and APPLGATE for their leadership in forging the compromise which allowed us to consider this measure and H.R. 3, the disabled veterans COLA bill, which the House and Senate unanimously passed last week. Together, these two bills reaffirm our commitment to the Nation's disabled veterans.

Vietnam veterans exposed to agent orange have been forced to cope with both life-threatening illness and the belief that they had served a government which had not fulfilled its obligation to the Nation's veterans. These veterans demand and deserve the support of Congress.

This bill would provide permanent disability compensation to Vietnam veterans who suffer from cancers currently known to be a result of exposure to agent orange. The bill would also direct the National Academy of Sciences to conduct a comprehensive review of the long-term health effects of herbicide exposure so that additional agent orange-related diseases can be identified.

I once again thank the Veterans' Affairs Committee for their work in bringing this bill to the floor. We must also thank the thousands of Vietnam veterans for their patience and perseverance in seeking these overdue benefits. I urge my colleagues to honor the Nation's commitment to all of its veterans and support this important legislation.

Mr. STUMP. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MAZZOLI). All time has expired.

The question is on the motion offered by the gentleman from Mississippi [Mr. MONTGOMERY] that the House suspend the rules and pass the bill, H.R. 556, as amended.

The question was taken.

Mr. HAMMERSCHMIDT. Mr. Speaker, on that I demand the yeas and nays. The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I and the Chair's prior announcement, further proceedings on this motion will be postponed.

SOLDIERS' AND SAILORS' CIVIL RELIEF ACT AMENDMENTS OF 1991

Mr. MONTGOMERY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 555) to amend the Soldiers' and Sailors' Civil Relief Act of 1940 to improve and clarify the protections provided by that act; to amend title 38, United States Code, to clarify veterans' reemployment rights and to improve veterans' rights to reinstatement of health insurance, and for other purposes as amended.

The Clerk read as follows:

H.R. 555

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 "Soldiers' and Sailors' Civil Relief Act Amendments of 1991".

SEC. 2. EVICTION AND DISTRESS DURING MILITARY SERVICE.

(a) INCREASED MAXIMUM RENTAL AMOUNT FOR APPLICABILITY OF STAY.—Section 300 of the Soldiers' and Sailors' Civil Relief Act of 1940 (50 U.S.C. App. 530) is amended by striking out "\$150" in subsection (1) and inserting in lieu thereof "\$1,200".

(b) TECHNICAL AMENDMENTS.—Such section is further amended—

(1) by redesignating subsections (1), (2), (3), and (4) as subsections (a), (b), (c), and (d), respectively; and

(2) in subsection (c), as so redesignated, by striking out "subsection (1) hereof" and inserting in lieu thereof "subsection (a)".

(c) EFFECTIVE DATE.—The amendment made by subsection (a) applies to actions for eviction or distress that are commenced after July 31, 1990.

SEC. 3. EXTENSION OF POWER OF ATTORNEY PROTECTION.

Subsection (c) of section 701 of the Soldiers' and Sailors' Civil Relief Act of 1940 (50 U.S.C. App. 591) is amended to read as follows:

"(c) This section applies to the following powers of attorney executed by a person in military service or under a call or order to report for military service (or who has been advised by an official of the Department of Defense that such person may receive such a call or order):

"(1) A power of attorney that is executed during the Vietnam era (as defined in section 101(29) of title 38, United States Code).

"(2) A power of attorney that expires by its terms after July 31, 1990."

SEC. 4. PROFESSIONAL LIABILITY PROTECTION FOR CERTAIN PERSONS ORDERED TO ACTIVE DUTY IN THE ARMED FORCES.

Article VII of the Soldiers' and Sailors' Civil Relief Act is amended by adding at the end the following new section:

"Sec. 702. (a) This section applies to a person who—

"(1) after July 31, 1990, is ordered to active duty (other than for training) pursuant to section 672 (a) or (g), 673, 673b, 674, 675, or 688 of title 10, United States Code, or who is ordered to active duty under section 672(d) of such title during a period when members are on active duty pursuant to any of the preceding sections; and

"(2) immediately before receiving the order to active duty—

"(A) was engaged in the furnishing of health-care services or other services determined by the Secretary of Defense to be professional services; and

"(B) had in effect a professional liability insurance policy that does not continue to cover claims filed with respect to such person during the period of the person's active duty unless the premiums are paid for such coverage for such period.

"(b)(1) Coverage of a person referred to in subsection (a) by a professional liability insurance policy shall be suspended in accordance with this subsection upon receipt of the written request of such person by the insurance carrier.

"(2) A professional liability insurance carrier—

"(A) may not require that premiums be paid by or on behalf of a person for any professional liability insurance coverage suspended pursuant to paragraph (1); and

"(B) shall refund any amount paid for coverage for the period of such suspension or,

upon the election of such person, apply such amount for the payment of any premium becoming due upon the reinstatement of such coverage.

"(3) A professional liability insurance carrier shall not be liable with respect to any claim that is based on professional conduct (including any failure to take any action in a professional capacity) of a person that occurs during a period of suspension of that person's professional liability insurance under this subsection. For purposes of the preceding sentence, a claim based upon the failure of a professional to make adequate provision for patients to be cared for during the period of the professional's active duty service shall be considered to be based on an action or failure to take action before the beginning of the period of suspension of professional liability insurance under this subsection, except in a case in which professional services were provided after the date of the beginning of such period.

"(c)(1) Professional liability insurance coverage suspended in the case of any person pursuant to subsection (b) shall be reinstated by the insurance carrier on the date on which that person transmits to the insurance carrier a written request for reinstatement.

"(2) The request of a person for reinstatement shall be effective only if the person transmits the request to the insurance carrier within 30 days after the date on which the person is released from active duty. The insurance carrier shall notify the person of the due date for payment of the premium for such insurance. Such premium shall be paid by the person within 30 days of receipt of that notice.

"(3) The period for which professional liability insurance coverage shall be reinstated for a person under this subsection may not be less than the balance of the period for which coverage would have continued under the insurance policy if the coverage had not been suspended.

"(d) An insurance carrier may not increase the amount of the premium charged for professional liability insurance coverage of any person for the minimum period of the reinstatement of such coverage required under subsection (c)(3) to an amount greater than the amount chargeable for such coverage for such period before the suspension, except to the extent of any general increase in the premium amounts charged by that carrier for the same professional liability coverage for persons similarly covered by such insurance during the period of the suspension.

"(e) This section does not—

"(1) require a suspension of professional liability insurance coverage for any person who is not a person referred to in subsection (a) and who is covered by the same professional liability insurance as a person referred to in such subsection; or

"(2) relieve any person of the obligation to pay premiums for the coverage not required to be suspended.

"(f)(1) A civil or administrative action for damages on the basis of the alleged professional negligence or other professional liability of a person whose professional liability insurance coverage has been suspended under subsection (b) shall be stayed until the end of the period of the suspension if—

"(A) the action was commenced during that period;

"(B) the action is based on an act or omission that occurred before the date on which the suspension became effective; and

"(C) the suspended professional liability insurance would, except for the suspension,

on its face cover the alleged professional negligence or other professional liability negligence or other professional liability of the person.

"(2) Whenever a civil or administrative action for damages is stayed under paragraph (1) in the case of any person, the action shall be deemed to have been filed on the date on which the professional liability insurance coverage of such person is reinstated under subsection (c).

"(g) In the case of a civil or administrative action for which a stay could have been granted under subsection (f) by reason of the suspension of professional liability insurance coverage of the defendant under this section, the period of the suspension of the coverage shall be excluded from the computation of any statutory period of limitation on the commencement of such action.

"(h) If a person whose professional liability insurance coverage is suspended under subsection (b) dies during the period of the suspension—

"(1) the requirement for the grant or continuance of a stay in any civil or administrative action against such person under subsection (f)(1) shall terminate on the date of the death of such person; and

"(2) the carrier of the professional liability insurance so suspended shall be liable for any claim for damages for professional negligence or other professional liability of the deceased person in the same manner and to the same extent as such carrier would be liable if the person had died while covered by such insurance but before the claim was filed.

"(4) In this section:

"(1) The term 'active duty' has the meaning given that term in section 101 of title 10, United States Code.

"(2) The term 'profession' includes occupation.

"(3) The term 'professional' includes occupational."

SEC. 5. HEALTH INSURANCE REINSTATEMENT UPON REEMPLOYMENT.

(a) AMENDMENT TO TITLE 38.—Paragraph (1) of section 2021(b) of title 38, United States Code, is amended—

(1) by inserting "(A)" after "(b)(1)"; and

(2) by adding at the end the following:

"(B) In the case of employer-offered health insurance, an exclusion or waiting period may not be imposed in connection with coverage of a health or physical condition of a person entitled to participate in that insurance under subparagraph (A), or a health or physical condition of any other person who is covered by the insurance by reason of the coverage of such person, if—

"(i) the condition arose before or during that person's period of training or service in the Armed Forces;

"(ii) an exclusion or waiting period would not have been imposed for the condition during a period of coverage resulting from participation by such person in the insurance; and

"(iii) the condition of such person has not been determined by the Secretary to be service-connected."

(b) AMENDMENT TO SOLDIERS' AND SAILORS' CIVIL RELIEF ACT OF 1940.—Article VII of the Soldiers' and Sailors' Civil Relief Act of 1940 is amended by adding after section 702, as added by section 4, the following new section:

"SEC. 703. (a) A person who, by reason of military service described in section 702(a)(1), is entitled to the rights and benefits of this Act shall also be entitled upon release from such military service to rein-

statement of any health insurance which (1) was in effect on the day before such service commenced, and (2) was terminated effective on a date during the period of such service.

"(b) An exclusion or a waiting period may not be imposed in connection with reinstatement of health insurance coverage of a health or physical condition of a person under subsection (a), or a health or physical condition of any other person who is covered by the insurance by reason of the coverage of such person, if—

"(1) the condition arose before or during that person's period of training or service in the Armed Forces;

"(2) an exclusion or waiting period would not have been imposed for the condition during a period of coverage resulting from participation by such person in the insurance; and

"(3) the condition of such person has not been determined by the Secretary of Veterans Affairs to be a disability incurred or aggravated in the line of duty (within the meaning of section 105 of title 38, United States Code).

"(c) Subsection (a) does not apply in the case of employer-offered insurance benefits in which a person referred to in such subsection is entitled to participate pursuant to the provisions of chapter 43 of title 38, United States Code."

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect as of August 1, 1990.

SEC. 6. STAY OF JUDICIAL PROCEEDINGS.

(a) STAY OF ACTION OR PROCEEDING.—In any judicial action or proceeding in which a member of the Armed Forces described in subsection (b) is involved (either as plaintiff or defendant), the court shall, upon application by such member (or some other person on the member's behalf) at any stage before final judgement is entered, stay the action or proceeding until a date after June 30, 1991.

(b) MEMBERS COVERED.—A member of the Armed Forces is covered by subsection (a) if at the time of application for the stay of a judicial action or proceeding the member—

(1) is on active duty; and

(2) is serving outside the State in which the court having jurisdiction over the action or proceeding is located.

(c) DEFINITION.—For purposes of this section, the term "State" includes the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, and Guam.

SEC. 7. EXERCISE OF RIGHTS UNDER ACT NOT TO AFFECT CERTAIN FUTURE FINANCIAL TRANSACTIONS.

Article I of the Soldiers' and Sailors' Civil Relief Act of 1940 (50 U.S.C. App. 510 et seq.) is amended by adding at the end the following new section:

"SEC. 108. Application by a person in military service for, or receipt by a person in military service of, a stay, postponement, or suspension pursuant to the provisions of this Act in the payment of any tax, fine, penalty, insurance premium, or other civil obligation or liability of that person shall not itself (without regard to other considerations) provide the basis for any of the following:

"(1) A determination by any lender or other person that such person in military service is unable to pay such civil obligation or liability in accordance with its terms.

"(2) With respect to a credit transaction between a creditor and such person in military service—

"(A) a denial or revocation of credit by the creditor;

"(B) a change by the creditor in the terms of an existing credit arrangement; or

"(C) a refusal by the creditor to grant credit to such person in substantially the amount or on substantially the terms requested.

"(3) An adverse report relating to the creditworthiness of such person in military service by or to any person or entity engaged in the practice of assembling or evaluating consumer credit information.

"(4) A refusal by an insurer to insure such person."

SEC. 8. CLARIFICATION OF TITLE 38 REEMPLOYMENT RIGHTS COVERAGE FOR RESERVISTS.

(a) IN GENERAL.—(1) Subsection (g) of section 2024 of title 38, United States Code, is amended—

(A) by striking out "active duty for not more than 90 days" and inserting in lieu thereof "active duty (other than for training)"; and

(B) by inserting ", including any period of extension of active duty under section 673b of title 10" before the period at the end.

(2) The amendments made by paragraph (1) shall apply to any member of a reserve component of the Armed Forces who is ordered to active duty (other than for training) under section 673b of title 10, United States Code, after July 31, 1990.

(b) TECHNICAL AMENDMENT.—(1) Subsection (a) of such section is amended by striking out "provided for by this section" and inserting in lieu thereof "provided for by this chapter".

(2) The amendment made by paragraph (1) shall take effect as of December 3, 1974.

SEC. 9. TECHNICAL AMENDMENTS TO SOLDIERS' AND SAILORS' CIVIL RELIEF ACT OF 1940.

The Soldiers' and Sailors' Civil Relief Act of 1940 is amended as follows:

(1) Section 101 (50 U.S.C. App. 511) is amended—

(A) in paragraph (1), by inserting "the Air Force," after "the Marine Corps."; and

(B) in paragraph (2), by striking out "shall include" and all that follows through "discharge" and inserting in lieu thereof "means, in the case of any person, the period beginning on the date on which the person enters active service and ending on the date of the person's release".

(2) Section 102 (50 U.S.C. App. 512) is amended by striking out ", including the Philippine Islands while under the sovereignty of the United States."

(3) Section 103(4) (50 U.S.C. App. 513(4)) is amended by striking out "after the date of the enactment of the Soldiers' and Sailors' Civil Relief Act Amendments of 1942".

(4) Section 105 (50 U.S.C. App. 515) is amended—

(A) by striking out "The Secretary of War and the Secretary of the Navy" and all that follows through "to insure" in the first sentence and inserting in lieu thereof "The Secretary of Defense and the Secretary of Transportation, with respect to the Coast Guard when it is not operating as a service in the Navy, shall ensure"; and

(B) by striking out "the Secretary of War and the Secretary of the Navy" in the second sentence and inserting in lieu thereof "the Secretary of Defense and the Secretary of Transportation".

(5) Section 106 (50 U.S.C. App. 516) is amended—

(A) by striking out "Selective Training and Service Act of 1940, as amended," and inserting in lieu thereof "Military Selective Service Act (50 U.S.C. App. 451 et seq.)";

(B) by striking out "the Enlisted Reserve Corps" and inserting in lieu thereof "a reserve component of the Armed Forces"; and

(C) by striking out "he reports for such service" and inserting in lieu thereof "such member reports for military service or the date on which the order is revoked, whichever is earlier".

(6) Section 205 (50 U.S.C. App. 525) is amended by striking out "the date of enactment of the Soldiers' and Sailors' Civil Relief Act Amendments of 1942" and inserting in lieu thereof "October 6, 1942".

(7) Section 206 (50 U.S.C. App. 526) is amended—

(A) by striking out "per centum per annum" each place it appears and inserting in lieu thereof "percent per year"; and

(B) by striking out "prior to his entry" and all that follows through "bear interest" and inserting in lieu thereof "before that person's entry into that service shall, during any part of the period of military service, bear interest".

(8) Section 300 (50 U.S.C. App. 530) is amended—

(A) in subsection (c), as redesignated by section 2(b), by striking out "shall be guilty" and all that follows through "\$1,000," and inserting in lieu thereof "shall be fined as provided in title 18, United States Code, or imprisoned for not to exceed one year,"; and

(B) in subsection (d), as redesignated by section 2(b), by striking out "Secretary of War," and all that follows through "as the case may be," and inserting in lieu thereof "Secretary of Defense or Secretary of Transportation, with respect to the Coast Guard when it is not operating as a service in the Navy,".

(9) Sections 301(2), 302(4), 304(3), and 305(3) (50 U.S.C. App. 531(2), 532(4), 534(3), 535(3)) are amended by striking out "shall be guilty" and all that follows through "\$1,000," and inserting in lieu thereof "shall be fined as provided in title 18, United States Code, or imprisoned for not to exceed one year,".

(10) Section 302(3) (50 U.S.C. App. 532(3)) is amended by striking out "after the date of enactment of the Soldiers' and Sailors' Civil Relief Act Amendments of 1942 and".

(11) Section 400(a) (50 U.S.C. App. 540(a)) is amended by striking out "before the date of enactment of the Soldiers' and Sailors' Civil Relief Act Amendments of 1942 or not less than one hundred and eighty days before" in clause (2) and inserting in lieu thereof "not less than 180 days before".

(12) Section 401 (50 U.S.C. App. 541) is amended—

(A) by striking out "Administrator of Veterans' Affairs" in the first sentence and inserting in lieu thereof "Secretary of Veterans Affairs";

(B) by striking out "Veterans' Administration" both places it appears and inserting in lieu thereof "Secretary"; and

(C) by striking out "Administrator" in the last sentence and inserting in lieu thereof "Secretary".

(13) Section 402 (50 U.S.C. App. 542) is amended—

(A) in the first sentence, by striking out "Veterans' Administration" and inserting in lieu thereof "Secretary of Veterans Affairs"; and

(B) in the second sentence, by striking out "Veterans' Administration" and inserting in lieu thereof "Secretary".

(14) Section 403 (50 U.S.C. App. 543) is amended—

(A) in the first sentence, by striking out "Administrator of Veterans' Affairs" and inserting in lieu thereof "Secretary of Veterans Affairs"; and

(B) in the second sentence, by striking out "Administrator of Veterans' Affairs" and inserting in lieu thereof "Secretary".

(15) Section 404 (50 U.S.C. App. 544) is amended by striking out "Veterans' Administration" both places it appears and inserting in lieu thereof "Secretary of Veterans Affairs".

(16) Section 405 (50 U.S.C. App. 545) is amended by striking out "Administrator of Veterans' Affairs" and inserting in lieu thereof "Secretary of Veterans Affairs".

(17) Section 407 (50 U.S.C. App. 547) is amended—

(A) in the first sentence, by striking out "The Administrator of Veterans' Affairs is hereby authorized and directed to" and inserting in lieu thereof "The Secretary of Veterans Affairs shall"; and

(B) in the second sentence, by striking out "Administrator of Veterans' Affairs" and inserting in lieu thereof "Secretary".

(18) Section 408 (50 U.S.C. App. 548) is repealed.

(19) Section 504(3) (50 U.S.C. App. 564(3)) is amended by striking out "within six months after the effective date of this Act or".

(20) Section 505(1) (50 U.S.C. App. 565(1)) is amended by inserting "(30 U.S.C. 28)" after "section 2324 of the Revised Statutes of the United States".

(21) Section 506(2) (50 U.S.C. App. 566(2)) is amended—

(A) by striking out "six months after the effective date of this Act or"; and

(B) by striking out "General Land Office" and inserting in lieu thereof "Bureau of Land Management".

(22) Section 507 (50 U.S.C. App. 567) is amended—

(A) by striking out "General Land Office" in the second sentence and inserting in lieu thereof "Bureau of Land Management";

(B) by striking out "a register of a United States land office" in the third sentence and inserting in lieu thereof "an officer designated by the Secretary of the Interior"; and

(C) by striking out "inclusive" in the last sentence.

(23) Section 510(2) (50 U.S.C. App. 570(2)) is amended by striking out "prior to the effective date of this Act" and inserting in lieu thereof "before October 17, 1940".

(24) Section 514 (50 U.S.C. App. 574) is amended—

(A) by striking out "orders: *Provided*, That nothing" in paragraph (1) and inserting in lieu thereof "orders. Nothing"; and

(B) by striking out "the use thereof:" in paragraph (2) and all that follows through "has been paid" and inserting in lieu thereof "the use thereof, but only if a license, fee, or excise required by the State or territory, possession, or District of Columbia of which the person is a resident or in which the person is domiciled has been paid".

(25) Section 600 (50 U.S.C. App. 580) is amended by striking out "the date of the approval of this Act" and inserting in lieu thereof "October 17, 1940,".

(26) Section 601 (50 U.S.C. App. 581) is amended—

(A) in paragraph (1), by striking out "Chief of the Bureau of Navigation of the Navy Department" and inserting in lieu thereof "Chief of Naval Personnel"; and

(B) in paragraph (3)—

(i) by striking out "Department of War or the Navy" and inserting in lieu thereof "Department of Defense"; and

(ii) by striking out "jurisdiction: *Provided*, That no" and inserting in lieu thereof "jurisdiction. No".

(27) Section 604 (50 U.S.C. App. 584) is amended—

(A) by striking out "1945: *Provided*, That" and inserting in lieu thereof "1945, except that"; and

(B) by striking out "thereafter: *Provided* further, That whenever" and inserting in lieu thereof "thereafter. Whenever".

The SPEAKER pro tempore. The gentleman from Mississippi [Mr. MONTGOMERY] will be recognized for 20 minutes and the gentleman from Arizona [Mr. STUMP] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Mississippi [Mr. MONTGOMERY].

Mr. MONTGOMERY. Mr. Speaker, I yield such time as he may consume to the gentleman from Minnesota [Mr. PENNY].

Mr. PENNY. Mr. Speaker, I rise in strong support today of H.R. 555, amendments to the Soldiers' and Sailors' Civil Relief Act of 1940. This legislation was developed as a result of hearings held last fall by the House Veterans' Affairs Committee to determine what modifications were needed in the act to meet the needs of the service personnel called to active duty today. The provisions of the legislation will allay some of the stateside concerns of men and women currently serving in the Persian Gulf.

The provision suspending premium payments on professional liability insurance is a significant help to the large numbers of physicians and others recently called up. Guaranteed reinstatement of private health insurance for service members and their families upon their return from active duty will ensure that no individual or family will go without health insurance coverage as a result of service. Increasing the protection against eviction for families paying rent up to \$1,200 per month reflects the dramatic change in housing costs over the years and should give this protection to most individuals. The protections against adverse action and pending lawsuits will allow service members further peace of mind.

Finally, the clear statement of veterans' reemployment rights is the most basic assurance we can give these service members that their jobs will be there for them when they return.

Passage of this legislation is but one more way we can demonstrate our support for the men and women who are voluntarily serving on our behalf in Operation Desert Storm. I urged its adoption.

Mr. MONTGOMERY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, it gives me great pleasure to bring this measure, H.R. 555, to the House on behalf of the Committee on Veterans' Affairs. It is very fitting that the Congress address the needs of the members of our Armed Forces, many of whom are serving in the Middle East as we speak. Before I go into the details of this legislation, I would like to inform my colleagues about the

two laws which this bill would amend, the Soldiers' and Sailors' Civil Relief Act of 1940 and the veterans reemployment rights law.

Let me briefly explain how the Soldiers' and Sailors' Civil Relief Act works.

First, the act provides legal and economic protection to people who have been called to active duty. This means members of the Guard and Reserve, as well as persons who enlist or are drafted. The act generally provides relief to persons who are significantly affected by being called to active duty, or who are suddenly assigned to a location far from their home, such as Saudi Arabia.

Second, the act was not designed to relieve a person of a debt owed, nor was it designed to permit persons to avoid valid obligations. What the act is intended to do is assure fair treatment to persons who suddenly find their personal lives changed by the country's call to duty.

Third, the act's important provisions are as follows: A lender may not charge interest or more than 6 percent a year on a debt incurred before the person went on active duty. A service member who has dependents can ask a court to delay eviction proceedings. Mortgage foreclosure proceedings must be approved by a court or be agreed to by the service member. The act protects service members from having their property sold to pay taxes that are due.

The other important law we are considering is the veterans reemployment rights law [VRR]. This law protects the civilian jobs of those who join the Armed Forces. It also protects the civilian jobs of members of the Guard and Reserve who are called to active duty. When they leave active duty, their employer must give them their jobs back and all benefits as if they had never left. The Department of Labor monitors compliance with this law.

In September 1990, our committee held a joint hearing with the Senate Committee on Veterans' Affairs on these two laws. At that hearing, the Department of Defense recommended a number of changes to these laws, and those changes are reflected in this bill. Since that hearing, we have received a lot of calls about problems that are not specifically addressed by the act. We will hold additional hearings in March and April on legislation to strengthen and clarify these laws.

I want to commend Representative TIM PENNY, the chairman of our Subcommittee on Education, Training, and Employment, and CHRIS SMITH, the ranking minority member of that subcommittee, for their efforts to bring these laws up to date.

The change in the approach to meeting our military obligations which has taken place over the last 15 years—the total force policy—has not been reflected in these two laws. The increased reliance on our Reserve and

Guard units to perform essential defense functions has meant the callup of around 170,000 men and women in the past 5 months. Almost 100,000 are now serving in the Middle East. This legislation will address some of their needs.

H.R. 555 would suspend premium payments on professional liability insurance for the thousands of doctors and health-care professionals now serving in the Armed Forces.

For example, a surgeon might be paying \$50,000 a year for malpractice insurance even while he is on active duty. This bill would allow him to suspend payments and reinstate the coverage when he leaves active duty.

H.R. 555 would guarantee reinstatement of health insurance for service members and their families when they leave active duty as if they had never been called. This means no waiting periods and no exclusions for conditions which arise while the person is on active duty.

For example, while he is serving on active duty, a service member's child might get a disease that will require medical care for many years. For example, diabetes. When the service member leaves active duty, he needs health insurance for that child, and this bill will help him get the same coverage he had before he went on active duty.

The bill would also broaden the protection against eviction to families paying rents up to \$1,200 a month.

Finally, it would require courts to suspend further action on any pending lawsuits at the request of the service member until at least July 1, 1991.

The bill also makes a number of clarifying amendments to the act.

For the benefit of my colleagues, I'd like to include additional background and information on this legislation and these two laws, along with some practical advice on dealing with questions about the laws that may arise. If any of my colleagues are contacted by constituents who have a specific problem that might be covered by the act, the first thing the constituent should do is to seek advice from the base legal assistance officer. These officers are trained to offer assistance to service members and their families. They're very good at what they do. I've talked personally to some of these officers, and they are very knowledgeable.

Additional information about the Soldiers' and Sailors' Civil Relief Act is available to members' offices from the Congressional Research Service of the Library of Congress. It has prepared a summary of the act in plain English, and I highly recommend it as a basic explanation of what the act is intended to do.

The Department of Labor has prepared several factsheets which summarize the law on job rights for reservists and members of the National Guard

and reemployment rights for returning veterans.

Now, I'd like to provide detailed information on the bill we are considering, H.R. 555. On September 12, 1990, the committee held a joint hearing with the Senate Committee on Veterans' Affairs on the provisions and protections afforded by the Soldiers' and Sailors' Civil Relief Act and the veterans reemployment rights provisions codified in title 38, United States Code, to persons called to active duty in the Armed Forces. Witnessed at the hearing included Members of Congress, representatives of the Department of Defense, the Department of Veterans Affairs, and the Department of Labor, veteran and military service organizations, and representatives of the banking and home mortgage industry. Subsequently, the committee ordered H.R. 5814 reported to the House on October 12, 1990, and the House passed the measure on October 15. H.R. 555 is virtually identical to H.R. 5814 with certain additional provisions described hereafter.

BACKGROUND AND DISCUSSION OF H.R. 555

The Congress and State legislatures have long recognized the need for legislation to protect the legal rights of service members called to active duty. In addition, the Congress has similarly recognized that the nature of military service often compromises the ability of service members to fulfill their financial obligations. The Soldiers' and Sailors' Civil Relief Act of 1940—SSCRA, 50 U.S.C. App. 500 et seq.—is essentially a reenactment of legislation enacted during World War I. It was subsequently amended in 1942, in part to override court decisions that in some instances had led to restrictive interpretations of the act, defeating its purposes. Congress has subsequently provided for the continuation of the act's protections during peacetime. Minor amendments to the act were made in 1966 and 1972.

Since 1940, protection has been extended to the citizen soldier who leaves employment to serve in our Nation's Armed Forces by preserving the former service member's right to return to his or her preservice employment. Subsequent to the enactment of legislation pertaining to veterans of active duty service, employment protection was established for members of the National Guard and Reserves. Since the establishment of the All Volunteer Force and the development of the total force policy, there has been increasing emphasis on the Selected Reserve as an effective means of providing a significant portion of our Nation's defense.

The President's recent activation of a significant number of Reserve Forces has caused the Congress and the administration to reexamine the provisions of existing law providing employment and other protections for such persons. Subsequent to the September 12 hearing, the Department of Defense

transmitted two proposals to the Congress advocating changes in existing law. I have attached copies of those two letters, dated September 21, 1990, and October 9, 1990, to my written remarks for inclusion in the RECORD on this legislation. A number of other witnesses at the September 12 hearing made suggestions for updating or modifying existing law. This legislation represents the committee's response to the Department of Defense's request for legislative modifications. The committee expects to hold additional hearings in March or April to determine the need for any further legislation.

EVICTED AND DISTRESS DURING MILITARY SERVICE

The SSCRA provides protection against eviction or distress of a service member's family except upon the express order of a court. The original 1940 act applied only to leases where the monthly payment was less than \$80 per month. In 1966, this figure was amended to \$150. In today's real estate market, it is not unusual for a service member to pay as much as \$1,000 or more to house his or her family in a single family home in certain areas. Thus, the committee believes that it is appropriate to extend the protection against eviction to service members residing in these parts of the country. Accordingly, section 2 of H.R. 555 would change the current \$150 ceiling to \$1,200.

EXTENSION OF POWER OF ATTORNEY PROTECTION

In 1972, Congress added a provision to the act which provided that a power of attorney executed by a service member who is in a missing status would be automatically extended for the period the person is in a missing status. This section only applied to persons serving during the Vietnam era. Section 3 of the bill would extend this protection to any person in military service after August 2, 1990.

PROFESSIONAL LIABILITY PROTECTION

As noted in the September 21, 1990, letter from the Department of Defense transmitting proposed legislation to provide professional liability protection for military members ordered to active duty, the President's recent activation of a significant number of physicians in the Reserve components has focused attention on the problem of medical malpractice insurance for these physicians. The Department states that 60 percent of the total force medical capability is in the Reserve components. Unlike casualty insurance policies with which most Americans are familiar, most malpractice insurance provides coverage for a period of time against claims made during that period, rather than for a period during which an event which led to the claim actually occurred. Because of high premium costs, many physicians who must continue to pay for malpractice insurance during the period of their

Reserve service are placed under a serious financial burden.

Under section 4 of H.R. 555, Reserve component health care professionals—and potentially other categories of personnel—called to active duty in connection with military operations will have the right to suspend their civilian professional liability insurance coverage while they are serving their temporary active duty assignment. They will be relieved of the burden of paying premiums during this period. When the active duty assignment is completed, the insurance policy will be reinstated. During the period the professional liability insurance policy is suspended, the reported bill would stay court actions for damages on the basis of alleged professional negligence or other actions covered by the policy. The stay would end when the policy is reinstated. A service member must request reinstatement within 30 days after release from active duty. A plaintiff's right to make a claim will be protected from the expiration of any statute of limitations, but the plaintiff's ability to prosecute the claim in a civil or administrative action will be withheld temporarily until the member completes his or her temporary period of active duty assignment.

This legislation does not specifically address how claims made during the period of suspension should be handled by insurers. The committee believes that the nature of individual claims and the differences in procedures which various insurers utilize to handle such claims makes it unwise to prescribe a hard and fast rule for treatment of such claims. It is clear, however, that it would be inconsistent with the intent of this legislation if a claim made during a period of suspension resulted in any individual liability on the part of the insured, when an administrative or civil action based on the same treatment and brought during the same period would not result in such liability.

The committee notes that a number of insurance carriers who underwrite physician malpractice insurance have recently established policies which accomplish the same objectives as the reported bill. The committee commends the public spirit and patriotism that led to these voluntary actions, which provide much needed relief to health care professionals who are already serving in the Persian Gulf theater of operations and elsewhere. The committee believes legislation is warranted to assure those contemplating an assignment to a Reserve component that they will not be penalized financially for serving their country when called. The legislation will also help to assure the medical capabilities of the Reserve components in the future.

HEALTH INSURANCE REINSTATEMENT RIGHTS

The high cost of health care is of concern to many people, and it presents a particular problem to members of the

selected Reserve who have been or may be called to active duty. Testimony presented to the committee expressed the apprehension of service members for the continuity of health care for themselves and their families. Employers and insurers are also concerned and confused about their obligations to provide health insurance benefits. The critical role of the Guard and Reserve requires that service members and their families be able to maintain adequate health care insurance. It is also appropriate that employers and insurers be made aware of their specific responsibilities regarding the benefits offered to persons who are called to active duty.

Chapter 43, title 38, United States Code, currently provides that a service member whose employment has been restored is entitled to participate in insurance and benefits offered by an employer pursuant to the employer's established rules and practices pertaining to employees on furlough or leave of absence. However, the type and extent of health insurance benefits to which a reemployed service member is entitled remain unclear. Section 5 of H.R. 555 would amend section 2021(b), title 38, United States Code, to clarify that a reemployed service member is entitled to the health insurance benefits provided by an employer as if he or she had never been called to active duty and his or her employment had not been interrupted.

The Soldiers' and Sailors' Civil Relief Act is silent on the issue of health insurance coverage. Section 5 would also amend article VII of the act to require insurers, upon the release of a service member from military service, to reinstate the health insurance coverage of the service member and of his or her family which was in effect on the day before the military service began and which was terminated during the period of such service. The amendment would also provide that such person and his or her family are entitled to the health insurance coverage which would have been provided if no period of military service had occurred.

CLARIFICATION OF REEMPLOYMENT RIGHTS

Section 8 of the reported bill would amend section 2024(g), title 38, United States Code, to clarify that members of the Selected Reserve called to active duty for 90 days or longer under section 673b, title 10, United States Code, are entitled to the reemployment rights and benefits provided under chapter 43, title 38, United States Code.

By way of background prior to the enactment of Public Law 99-661, the President was authorized to call 50,000 members of the Selected Reserve to active duty for a 90-day period under the provisions of section 673b, title 10, United States Code. Public Law 99-661, however, amended this section to provide for the callup of 200,000 selected reservists for an initial 90-day period

which, under certain circumstances, can be extended for an additional 90 days.

Section 2024(g) of title 38, United States Code, currently provides reemployment rights coverage for individuals serving on active duty for up to 90 days under section 673b, title 10. Section 2024(g) was not amended following the enactment of Public Law 99-661, however, and selected reservists serving for longer than 90 days, are not protected under this section.

Although the Department of Labor has determined that other sections of chapter 43 provide reemployment rights coverage for these individuals, it is the committee's view that further clarification, by way of an amendment to section 2024(g), is advisable. Accordingly, the committee bill would provide entitlement to reemployment rights and benefits for selected reservists called to active duty—other than for training—including any period of extension of active duty under section 673b of title 10, United States Code.

STAY OF JUDICIAL PROCEEDINGS

Section 2 of H.R. 5814 contained a provision intended to clarify what actions would constitute a court appearance for the purposes of the Soldiers' and Sailors' Civil Relief Act. Since the time that this legislation was reported, questions have arisen as to whether a service member should be entitled to apply for a stay of proceeding while remaining technically outside of a court's jurisdiction. Indeed, one author has suggested that the provisions providing for a stay of civil proceedings cannot be construed to achieve such a result, and were not intended to do so. See Chandler, "The Impact of a Request for a Stay of Proceedings Under the Soldiers' and Sailors' Civil Relief Act," 102 Military Law Review 168—fall 1983. There remains some concern, however, that service members now serving during the Persian Gulf war may be disadvantaged by courts who are unwilling to grant stays as contemplated by section 201 of the act, 50 U.S.C. App. 521. Accordingly, H.R. 555 would require courts to grant an application for a stay in any judicial action or proceeding at any stage before final judgment is entered until at least July 1, 1991.

PROHIBITED ADVERSE ACTIONS

In its letter of October 9, 1990, transmitting proposed legislation, the Department of Defense noted that "there is concern that a creditor could adversely affect the credit rating of those members who avail themselves of the protections of the Soldiers' and Sailors' Civil Relief Act." Section 7 of H.R. 555 prohibits such actions, along with any other denial of credit of insurance based solely on the fact that a service member has applied for benefits authorized by the act. This would not prohibit an insurer or lender from making decisions based on its usual

qualifying criteria related to the credit or insurance being sought.

For the benefit of my colleagues, I will insert the two letters from the Department of Defense regarding this subject at the end of my statement.

In closing, I want to say that our committee will be taking a closer look at the situations of the service members who are now serving their country. As my colleagues know, I will not hesitate to recommend whatever is needed to meet the real needs of our Armed Forces, particularly the many persons in the Guard and Reserve who have left families and jobs behind.

I want to thank BOB STUMP for his help in bringing this legislation before the House today. I also want to acknowledge the leadership of the Senate Veterans' Affairs Committee for their efforts to address the needs of our Armed Forces.

I urge my colleagues to support this legislation.

GENERAL COUNSEL OF THE
DEPARTMENT OF DEFENSE,
Washington, DC, September 21, 1990.

HON. THOMAS S. FOLEY,
Speaker of the House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Attached is a draft of legislation "To provide professional liability protection for certain military members ordered to active duty during military operations".

This proposal is part of the Department of Defense legislative program for the 101st Congress. The Office of Management and Budget advises that from the standpoint of the Administration's program there is no objection to the presentation of this proposal for the consideration of Congress.

PURPOSE OF THE LEGISLATION

The President's recent activation of a significant number of physicians in the reserve components has focused urgent attention on the problem of medical malpractice liability insurance for these physicians. The potential effects of this problem are underscored by the fact that 60% of the total force medical capability of the armed forces is in the reserve components.

The medical malpractice insurance problem for these physicians relates to two key developments in recent years in the malpractice liability insurance industry: (1) malpractice insurance liability premiums have skyrocketed; and (2) there has been a strong shift toward "claims-made" policies. Under these policies, insurance coverage relates to the date a malpractice claim was filed, rather than the date the event on which the claim is based actually occurred. As a result, even when the physician stops or suspends his or her medical practice, the physician must continue to purchase liability insurance, either by continuing the regular policy or by purchasing "tail insurance" to cover lingering potential liabilities—claims that may be filed in the future for acts that occurred in the past. For reserve component physicians, this means they must continue to pay for malpractice liability insurance relating to their suspended civilian practice while they are serving exclusively in an active duty status. In some medical specialties, the malpractice premium charges actually exceed the total military pay and allowances the medical officers will receive while serving on active duty.

To assure the ability of the armed forces to respond to possible contingencies during the coming year in connection with Operation Desert Shield, as well as similar future urgent operational missions, the Department believes it necessary to establish special authority to protect health care professionals (and other professional personnel with similar liability problems) called to active duty from severe financial burdens associated with liability insurance.

Under the proposed bill, reserve component health care professionals (and potentially other categories of personnel) voluntarily or involuntarily called to active duty (or retired members recalled to duty) in connection with military operations will have the right to suspend their civilian professional liability insurance coverage while they are serving their temporary active duty assignment. They will be relieved of the burden of paying premiums during this period. When the active duty assignment is completed, the insurance policy will be reinstated.

During the period the professional liability insurance policy is suspended, in the case of a "claims-made" policy, the proposed bill would suspend court action on any claim made after the professional was called to active duty. The period of suspension would last no longer than 90 days after release from active duty of the member. In no case would the suspension last longer than one year except in case of a declaration of war or national emergency declared by the President. A plaintiff's right to make a claim will be protected from the expiration of any statute of limitations, but the plaintiff's ability to prosecute the claim will be withheld temporarily until the member completes his or her temporary period of active duty assignment.

This proposed legislation provides much needed relief to some reserve component health care professionals already activated in connection with the current military operations, and is needed to assure the medical capabilities of the reserve components to respond to requirements that may arise in the coming year. The Department of Defense recommends that Congress enact this proposed legislation.

COST AND BUDGET DATA

This proposed bill requires no DoD expenditures and has no federal budget impact.

Sincerely,

TERRENCE O'DONNELL.

GENERAL COUNSEL OF THE
DEPARTMENT OF DEFENSE,
Washington, DC, October 9, 1990.

HON. THOMAS S. FOLEY,
Speaker of the House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Attached is draft legislation "To amend the Soldiers' and Sailors' Civil Relief Act of 1990."

This proposal is part of the Department of Defense Legislative Program for the 101st Congress. The Office of Management and Budget advises that from the standpoint of the Administration's program there is no objection to the presentation of this proposal for consideration of the Congress.

PURPOSE OF LEGISLATION

The President's recent activation of Reserve Forces for Operation Desert Shield has demonstrated a need to clarify and update certain provisions of the Soldiers' and Sailors' Civil Relief Act of 1940 (50 U.S.C. App. section 501 et. seq.). This proposal will address three major areas of concern: problems regarding military members informal communication with the courts, inadequacies in

protection from eviction, and protection from adverse actions by creditors.

LEGAL PROCEEDINGS

Current law permits members to reopen default judgments under certain circumstances. These remedies are limited to judgments where members on active duty have not made an appearance. The Act also permits members to petition courts for a stay of civil proceedings. Where a stay is requested, it is granted unless the court finds that the member's ability to prosecute or defend an action is not materially affected by the member's military service.

The problem arises when a member receives notice of a pending action but is unable to make an appearance. Frequently, members will communicate with the court and request a stay of proceedings pursuant to the Act. Some courts have determined that the member's military service did not materially affect the member's ability to participate, and proceeded to judgment, often without the member's presence. In at least one reported case, the court considered a request for a stay of proceedings as an appearance depriving the member the opportunity to reopen the de facto default.

To resolve this problem, the proposal would amend current law to prevent an application for a stay of proceedings to be construed as an appearance for any purpose.

RENT LEVELS FOR EVICTION PROTECTION

Current law provides protection from eviction of dependents if the rent does not exceed \$150. If the rent is in excess of this amount, there is no protection. This amount was last revised in 1966 and is no longer adequate to provide meaningful protection.

This legislative proposal would increase the amount to \$750 and require the Secretaries concerned to annually promulgate adjustments after considering the Consumer Price Index-Urban for rental expenses, as promulgated by the Bureau of Labor Statistics. Seven hundred fifty dollars represents the rental expense of most enlisted members and junior officers with dependents. The current rate of Basic Allowance for Quarters (BAQ) for an E-8 with dependents (i.e., \$468.30) as increased by the average Variable Housing Allowance (VHA) paid to those with dependents (i.e., \$145.02) is \$613.32. Recognizing that these allowances are approximately 81 percent of rental expenses, the \$750 amount reflects the additional amount of rent not reimbursed by BAQ and VHA.

PROHIBITED ADVERSE ACTIONS

Current law provides protections and procedures to assist members experiencing financial difficulties as a result of their military service. Notwithstanding current law, there is concern that a creditor could adversely affect the credit rating of those members who avail themselves of the protections of the Soldiers' and Sailors' Civil Relief Act.

This legislation prevents a member's reliance on financial remedies, safeguards, and limitations from being considered adversely on a member's ability to satisfy just debts. Adverse reports to credit agencies are also prohibited.

MAXIMUM RATE OF INTEREST

This draft bill does not amend the section in current law that establishes a maximum rate of interest of 6 percent for all obligations and liabilities of a service member, as long as they were undertaken before entering military service, and as long as the service member's ability to pay a higher interest rate is materially affected by military serv-

ice. Questions have arisen concerning the 6 percent interest rate. For example, is the unpaid interest forgiven or merely postponed until after completion of military service? Whether the 6 percent interest rate is compound or simple interest is also not addressed in current law. Finally, there is some concern as to the appropriateness of a 6 percent interest rate cap, which was established in 1942, at a time when mortgage interest rates were about 4 to 5 percent and the prime lending rate was 1.5 percent. Obviously, interest rates were significantly lower than they are today.

We will study these issues to determine if the interest rate cap should be changed to provide the intended protection within the context of current market conditions, along with studying the other issues related to the 6 percent rate. We will submit legislation to address these issues.

COST AND BUDGET DATA

This proposal requires no DoD expenditures and has no impact on the federal budget.

The Department of Defense strongly recommends that Congress enact this proposed legislation.

Sincerely,

TERRENCE O'DONNELL.

□ 1330

Mr. Speaker, I yield such time as he may consume to the gentleman from Michigan [Mr. BONIOR].

Mr. BONIOR. I thank the chairman for yielding.

Mr. Speaker, I want to commend the gentleman from Arizona [Mr. STUMP] as well as the gentleman from Mississippi [Mr. MONTGOMERY] for this bill and for the previous bill, H.R. 556. As we all know, they are both so important to the veterans community.

Mr. MONTGOMERY. Mr. Speaker, I would like to say that the gentleman from Michigan [Mr. BONIOR], one of the leaders of this House, has been very active in the Vietnam veterans legislation and worked very hard on the agent orange provision.

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

Mr. STUMP. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H.R. 555, the Soldiers' and Sailors' Civil Relief Act Amendments of 1991.

H.R. 555 is a very important bill because it is for the men and women in the Reserve and Guard forces fighting in the Persian Gulf war.

The Soldiers' and Sailors' Civil Relief Act and the veterans' reemployment rights law have been on the statute books for many years and are fundamentally sound provisions of law. However, they need to be updated, clarified, and expanded to meet the legal needs of military men and women.

This bill contains a number of provisions which are immediately needed quick fixes to the act, identified as a result of the Persian Gulf crisis. The House Veterans' Affairs Committee intends to develop another comprehensive group of amendments later in the

session after the opportunity for hearings and further consideration.

An extensive consultation process for H.R. 555 has included the Department of Defense, which initially suggested several of the provisions. Our distinguished chairman, SONNY MONTGOMERY, has amply explained the provisions in the bill, so I won't discuss them more.

Mr. Speaker, Chairman MONTGOMERY has long been known as the champion of veterans and our men and women in military service, and I commend him once again for advancing highly beneficial legislation.

Also, TIM PENNY and CHRIS SMITH of the Subcommittee on Education deserve recognition for their contributions to the bill as the chairman and ranking Republican of the subcommittee. CHRIS SMITH, in particular, was instrumental in advancing section 5 of the bill on health insurance reinstatement upon reemployment.

I urge my colleagues to unanimously support H.R. 555, a bill which helps the personal legal situations of many soldiers, sailors, airmen, marines, and Coast Guardsmen participating in Operation Desert Storm.

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

Mr. MONTGOMERY. Mr. Speaker, I yield such time as she may consume to the gentleman from California [Ms. WATERS].

Ms. WATERS. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, I would like to commend the gentleman from Mississippi [Mr. MONTGOMERY], and the other members of the Committee on Veterans' Affairs for the wonderful work they are doing in expediting the bills that were left over from the 101st Congress that would take care of our veterans.

Mr. Speaker, I rise in support of the Agent Orange Act. I commend the chairman of the Veterans' Affairs Committee, Mr. MONTGOMERY, for his leadership on issues which affect the lives of veterans.

This day has been a long time coming. American involvement in the Vietnam war ended in 1973. As early as 1978, there were reports of a connection between exposure to agent orange and health risks. Thus, 18 years have passed while thousands of sick and disabled veterans—veterans with no questions about the risks of exposure—have awaited assistance. This bill takes steps to help these veterans.

This issue has been studied over and over again. Unfortunately, while the Government has haggled over jurisdiction, data, and procedure, victims have suffered. So, I hope our feelings of satisfaction today are tempered by the realization that we are late. In the future, I hope we will work out a way to protect victims while we decide what we are going to do for them.

It is certainly an odd coincidence that today we consider this type of legislation. American

force are presently engaged in conflict with an opponent who, as recently as yesterday, has warned that he will use chemical and biological agents. Eerily, our troops are once again vulnerable to the type of agent which caused such harm during the war in Vietnam.

I hope we have learned from the past. The brave men and women who have been committed to the Persian Gulf should not have to worry about how they will be treated when they return home—by the very government that has sent them into combat. We as a Congress should state clearly now, that is, before the fact, that we are prepared to assist any victims of chemical exposure at the soonest possible time, in whatever ways they need.

I appreciate the swiftness with which this legislation has been brought to the floor in this Congress. However, I would have hoped that some provision could have been contained for those Americans who are at risk in the Persian Gulf. In any case, this issue is not over. Veterans of all wars deserve prompt, compassionate treatment in compensation for the tremendous sacrifices they must endure.

Mr. MONTGOMERY. Mr. Speaker, I would make mention of the fact that the gentleman is a member of our committee also.

Mr. Speaker, I yield 3 minutes to the gentleman from Ohio [Mr. APPELEGATE].

Mr. APPELEGATE. Mr. Speaker, I thank the chairman for yielding.

Mr. Speaker, I appreciate, again, the opportunity to be up here for the second time to talk about some veterans legislation.

Mr. Speaker, I think it is a great day for this Congress and all of our veterans. First, the agent orange legislation, now the amendments to the Soldiers' and Sailors' Civil Relief Act.

Mr. Speaker, H.R. 555 will clarify, update and add to the existing protections afforded under the Soldiers' and Sailors' Relief Act of 1940 and the veterans reemployment rights law to members of our Armed Forces who are serving on active duty.

This is the first major change that we have had in this legislation since World War II. I think it is particularly important today because of the veterans who will evolve from the Persian Gulf war.

Mr. Speaker, I would note that this is another of the many veterans bills that were not enacted at the end of the last session due to the problems within the other body.

There are some slight differences, but for the most part the bill accomplishes the same goals as H.R. 5184, which passed the House on October 15 of last year.

As long as we have men and women serving their country in the Armed Forces, we must continue to recognize the difficulties that they and their loved ones face when they go off to defend this country.

□ 1340

While a great deal of attention is focused on the thousands of reservists and guardsmen who have been acti-

vated during the crisis in the Persian Gulf, it is important to note the laws we are amending today cover all active duty personnel.

Mr. Speaker, we owe all members of our Armed Forces and their families the greatest amount of support that we can muster. It is due to their sacrifices that we are here as a free nation.

I want to once again commend the gentleman from Mississippi [Mr. MONTGOMERY], the chairman of the Committee on Veterans' Affairs, and the ranking member, the gentleman from Arizona [Mr. STUMP], as well as the very distinguished chairman of the subcommittee, the gentleman from Minnesota [Mr. PENNY], for their strong leadership in getting this bill on the fast track and for their tireless efforts on behalf of our veterans and their active duty counterparts.

These measures really and truly are little enough to do for the sacrifices that American veterans have made that we, as a nation and a people, have been able to remain free. Thank God that we have them, that they have done what they have done, and I think it behooves all of us, either in the Congress or as a people throughout the United States, to support our men and women in the Armed Forces, particularly as they need this support today.

Mr. STUMP. Mr. Speaker, I yield such time as he may consume to the gentleman from Arkansas [Mr. HAMMERSCHMIDT], the ranking member on the Subcommittee on Hospitals and Health Care.

Mr. HAMMERSCHMIDT. Mr. Speaker, I join my colleagues today in strong support of H.R. 555, the Soldiers' and Sailors' Civil Relief Act Amendments of 1991 [SSCRA]. This important piece of legislation amends this act in order to clarify veterans' reemployment rights, provide for reinstatement of health insurance, and for other purposes.

The Soldiers' and Sailors' Civil Relief Act was first passed in 1940 to provide certain civil and financial protection for those called up to active duty. Once again as reservists respond to the Nation's call to duty, many are faced with a drastic pay cut as they leave their civilian jobs and responsibilities behind. While this law does not forgive any debts or other financial obligations incurred prior to being activated, it does provide reservists with certain special rights and other types of legal protection, as they honor their commitment to our Nation now that their ability to pay has been curtailed.

The SSCRA has not been amended in nearly 50 years and while it is still an appropriate piece of legislation, it is certainly not applicable to today's economy. In particular, H.R. 555 increases the maximum rental delinquency prior to eviction from \$150 to \$1,200, extends power-of-attorney protection to post-Vietnam era veterans,

and provides professional liability protection for those ordered to active duty, such as physicians and dentists.

I urge my colleagues to support H.R. 555. With the first call up of reservists and the National Guard to active duty since the Vietnam era, it is imperative that we provide for those who are leaving behind, a variety of careers and private practices to serve their country at considerable personal sacrifice.

Mr. MONTGOMERY. Mr. Speaker, I yield 2 minutes to the gentleman from Alabama [Mr. HARRIS].

Mr. HARRIS. Mr. Speaker, I rise to urge my colleagues to support an important piece of legislation that is being considered today, H.R. 555. This bill will help our future veterans, the troops in the Persian Gulf.

H.R. 555 is a bill to amend the Soldiers' and Sailors' Civil Relief Act. The measure protects today's soldiers and sailors by suspending tenant evictions, requiring automatic reinstatement of health insurance, suspending civil actions against service men and women, and protecting physicians who are serving in the Persian Gulf by suspending their medical malpractice insurance premium payments until their return to the United States. I am particularly pleased that the bill includes the provision that requires all health insurance providers to reinstate coverage without waiting periods or exclusion of coverage for a preexisting condition. If a member of a soldier's family develops a condition such as diabetes, his or her health insurance coverage should not be adversely affected by his or her service. This will protect our citizen-soldiers in the gulf who have left jobs and family on short notice to serve our Nation.

I urge my colleagues to support the passage of this measure.

Mr. STUMP. Mr. Speaker, I yield 3 minutes to the gentleman from New Jersey [Mr. SMITH], the ranking member of the Subcommittee on Education, Training and Employment.

Mr. SMITH of New Jersey. Mr. Speaker, I rise in strong support of H.R. 555, the Soldiers' and Sailors' Civil Relief Act Amendments of 1991. As the vice chairman of the Veterans' Affairs Subcommittee on Education, Training, and Employment, I believe that it is critical that we update current law in order to meet the needs of guards and reservists called to active duty in Operation Desert Storm.

Legislation I introduced last session, and again on January 24 of this year, set out to accomplish objectives similar to H.R. 555. I am pleased that H.R. 555 contains a provision which, like the earlier bill I introduced, assures selected reservists and their families that they will not lose eligibility for health insurance as a result of their service in Operation Desert Storm.

Mr. Speaker, provisions in H.R. 555 stipulate that selected reservists and

their dependents cannot be refused health care coverage upon return to their civilian jobs following active duty. In some instances, an illness developed during active duty service might be considered a preexisting illness, thereby rendering reservists or their dependents ineligible for coverage by some health insurance policies. This bill would safeguard families from loss of coverage in these cases.

Additionally, Mr. Speaker, H.R. 555 makes appropriate adjustments in current law by extending legal protections to Desert Storm reservists. The bill protects against evictions for the families of reservists renting homes up to a monthly rate of \$1,200 and stipulates that legal steps cannot be taken against reservists while they are away from home serving on active duty. The bill also provides relief for professionals—particularly physicians—who are making payments on liability insurance by requiring that coverage and the payment of premiums can be suspended upon request of the reservist called to active duty.

Mr. Speaker, H.R. 555 is a good first step in making life more manageable for the thousands of Americans directly affected by Operation Desert Storm. There remains, however, much that can be done to help our Nation's reservists and their families. I am hopeful that further portions of legislation I drafted, the Operation Desert Storm Health Care Act of 1991, will be adopted in the near future. I trust that with the leadership of Representatives SONNY MONTGOMERY and BOB STUMP, we can continue work on the committee to see that the needed changes are made.

Mr. Speaker, I encourage my colleagues to support H.R. 555 and the reservists sacrificing for our country.

Mr. MONTGOMERY. Mr. Speaker, I yield 4 minutes to the gentleman from Delaware [Mr. CARPER].

Mr. CARPER. Mr. Speaker, I thank the gentleman from Mississippi [Mr. MONTGOMERY], the chairman of the Committee on Veterans' Affairs, for yielding this time to me.

Mr. Speaker, the invasion of Kuwait triggered for thousands of Iraqi families horror and devastation. The invasion of Kuwait by the Iraqis also triggered for American families tumult, upheaval, and concern. Thousands of husbands and wives have been separated from one another, thousands of mothers and fathers have been separated from their children, and thousands of productive members of our civilian work force have been separated from their jobs and, in many cases, from their paychecks, a paycheck that is oftentimes more ample than the paycheck that they are currently receiving.

Just as our military commanders are endeavoring to limit casualties to the American men and women that are

serving in the Persian Gulf, this Congress is endeavoring, last week and this week, to limit the casualties to the American families that are affected by this war. Last week it was with the passage of tax legislation designed to ensure that those men and women serving in the Persian Gulf receive special, special dispensation in the payment of their Federal taxes, not only with regard to what they have to pay, but also with the filing, with regard to the filing of their taxes. This week the focus is a bit different, but nonetheless important.

Mr. Speaker, we are saying with the adoption of this legislation today that a person called up onto active duty will have their job protected, that that person called to active duty as a reservist will have their benefits protected. We are saying to the family whose home may be somehow threatened by virtue of the service of one or more members of their family abroad in the Persian Gulf that they do not have to worry about being evicted, they do not have to worry about becoming homeless. We are saying with this legislation, "If you're a doctor, or dentist, or other health care provider, that we're not going to make it so onerous that you lose your medical malpractice insurance, that you can go back when this fighting is over, you can go back and pick up your malpractice insurance, pick up your practice." That is what we are saying with this legislation.

Let me conclude by simply adding that, when this war is over, there are going to be certain truths we are going to face again. First, our defense budget will be coming down in the years ahead. Second, we are going to continue to rely on an all-volunteer military. Third, we are going to continue to rely more and more in the future on reserve force.

Having said that, reservists now being called up or contemplating a call to active duty—

Mr. MONTGOMERY. Mr. Speaker, will the gentleman yield?

Mr. CARPER. I yield to the gentleman from Mississippi.

Mr. MONTGOMERY. Mr. Speaker, I am just going to say to the gentleman from Delaware [Mr. CARPER], "You mentioned about the All-Volunteer Force. I think it's working so well that it should be made a matter of record."

Mr. Speaker, years back I thought we would have to have a draft, but I do not think we have to have a draft in this situation we are in now where the volunteer service is working well, for the Active Forces as well as the National Guard and Reserve.

Mr. CARPER. Mr. Speaker, reclaiming my time, the third point that I wanted to again reiterate is, when the war is over and the reservists are serving on active duty, they are going to face two choices. First, do I stay in; or, second, do I get out? With the adoption

of this legislation today, we encourage them to stay in and to continue to meet a reserve commitment in the years ahead. We also send a second important message to those that are on active duty, who maybe contemplating becoming a reservist at some point in time.

□ 1350

And the message that we send to those active duty personnel is, "If you are ever called up, we will not forget you and we will not forget your family. We will look after both you and your family during the tough days that may someday lie ahead."

The SPEAKER pro tempore. (Mr. MAZZOLI). The time of the gentleman from Delaware [Mr. CARPER] has again expired.

Mr. MONTGOMERY. Mr. Speaker, I yield 1 additional minute to the gentleman from Delaware [Mr. CARPER].

Mr. Speaker, will the gentleman yield?

Mr. CARPER. I yield to the chairman of the committee.

Mr. MONTGOMERY. Mr. Speaker, I think it is very important that we talk about this issue. When the reservists come back home, we certainly hope that if any problems have developed, we can help them solve their problems. So far the reservists and the National Guard have really done the job, from the airlift, from the tankers, from the support units, and from the callup of the Marine Corps Reserve, the Naval Reserve, and the Coast Guard Reserve, on down. They have really come through for us.

When they come back home, I hope they will take a good look at when their enlistment time runs out and they will not get out of the Reserve or the National Guard. That is going to be very, very important. This legislation that we are passing today—and we will update it some more in March and April—will make it easier for these National Guardsmen and reservists when they come home.

We hope that we might even set up some type of small business loans for them and give them additional educational benefits that would show that our country does care. It will not cost the taxpayers a lot of money to take care of these matters that I have mentioned.

Mr. CARPER. Mr. Speaker, I thank the chairman of the committee for bringing this legislation to the floor and also for bringing the Agent Orange Act to the floor. I also want to commend our friends on the Republican side, including the gentleman from New Jersey [Mr. SMITH], for their support, and especially the gentleman from Minnesota [Mr. PENNY] for his leadership on this important issue.

The SPEAKER pro tempore. The Chair wishes to state that the gentleman from Arizona [Mr. STUMP] has

17 minutes remaining and the gentleman from Mississippi [Mr. MONTGOMERY] has 4 minutes remaining.

Mr. STUMP. Mr. Speaker, I yield 4 minutes to the gentleman from Florida [Mr. BILIRAKIS], a member of the Committee on Veterans' Affairs.

Mr. BILIRAKIS. Mr. Speaker, as a cosponsor of H.R. 555, I rise in strong support of the Soldiers' and Sailors' Civil Relief Act Amendments of 1991.

Today the brave men and women of our armed services are struggling to preserve the postcold war peace. Their efforts now will save thousands of lives in the long run and make the world a safer place to live for all of us. Serving alongside our regular forces are thousands of reservists and members of the National Guard.

The families of many of these part-time soldiers are facing severe financial hardships while their loved ones are on active duty. When our forces are facing the threat of Scud missile attacks or ground force assault, the last thing these men and women need to worry about is whether or not their families will be evicted from their homes because they cannot afford the rent, or suffer loss of reemployment rights or, in the case of certain professionals, the loss of professional liability protection. Passage of H.R. 555 is one way we can assure these reservists and guardsmen that the Nation will take care of their families while they are fulfilling their responsibilities overseas.

Our Nation has nothing but tremendous pride, admiration, and deep gratitude for the men and women of our Armed Forces who are carrying out their missions with exemplary bravery. Let us support them further by passing this important legislation.

Mr. STUMP. Mr. Speaker, I ask unanimous consent to yield 5 minutes of my time to the chairman of the committee, the gentleman from Mississippi [Mr. MONTGOMERY], and that he may be permitted to yield portions of that time to other Members.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arizona?

There was no objection.

Mr. STUMP. Mr. Speaker, I yield such time as he may consume to the gentleman from Florida [Mr. GOSS].

Mr. GOSS. Mr. Speaker, I thank the gentleman for yielding this time to me, and rise in strong support of H.R. 555. I also wish to express my support for the Agent Orange Act of 1991, H.R. 556.

The SPEAKER pro tempore. The Chair wishes to state that the gentleman from Mississippi [Mr. MONTGOMERY] now has 9 minutes remaining.

Mr. MONTGOMERY. Mr. Speaker, I yield 3 minutes to the gentleman from Wisconsin [Mr. KLECZKA].

Mr. KLECZKA. Mr. Speaker, let me thank the chairman of the committee for yielding me this time. Mr. Speaker,

let me take the opportunity this afternoon to rise in strong support of not only H.R. 555 but also the bill we previously debated, H.R. 556, dealing with agent orange.

The bill before us does provide some needed changes to the Soldiers' and Sailors' Relief Act as it relates to our guardsmen and our reservists who are serving so valiantly in Desert Storm.

However, Mr. Speaker, there is another problem dealing with these two groups of proud Americans which has been brought to my attention by their families, and that is the fact that if they are not stationed in the theater defined by the Department of Defense, they do not get certain benefits. The situation I will relate to the Members is that of my former Air Guard unit, the Air Refueling Squadron, the 128th National Guard, which is based in Egypt. I am told that because they are not in the defined theater, these guardsmen do not get imminent danger pay, they cannot afford themselves of the free mailing privileges, and they do not get the tax-free military pay.

I bring this issue to the floor and to the attention of the Members today to ask the chairman of the committee, the gentleman from Mississippi [Mr. MONTGOMERY] if in fact he is aware of this situation and if he knows of any other units that are in a similar situation and if there is any relief that can be found in his committee or in the Committee on Armed Services.

Mr. MONTGOMERY. Mr. Speaker, will the gentleman yield?

Mr. KLECZKA. I yield to the chairman of the committee.

Mr. MONTGOMERY. Mr. Speaker, I might say that the gentleman from Arizona [Mr. STUMP] and I are both on the Committee on Armed Services as well as the Committee on Veterans' Affairs. Our jurisdiction overlaps, and we will be glad to look into this matter.

I appreciate the gentleman's bringing this to our attention, and if he will give me a copy of that letter he wrote to Secretary Cheney, I will see how we can help out.

This also brings up another matter. In my home State, I have an airlift unit that has been called to active duty, but they fly out of my congressional district in Mississippi and they spend 10 or 12 days on a mission. So they are on a circuit for 10 or 12 days, and then they come back. Probably they have this same problem even though they spend half their time in the combat area. I am not sure whether they are covered or not.

So we will look into the matter. The gentleman brings up an excellent point. It should be corrected, in my opinion.

Mr. KLECZKA. Mr. Speaker, let me thank the chairman of the committee.

I do intend to share this subject and this problem with Secretary Cheney,

but I will also send a copy of the letter to the committee chairmen.

Basically, the Guard unit is stationed in Egypt. It might not be Saudi Arabia, but through their air refueling missions, they do come into the Desert Storm territory, and I think this is a benefit we can afford to all our guardsmen and all our reservists who are stationed in the Middle East.

Mr. Speaker, let me thank the chairman of the committee for his help.

Mr. MONTGOMERY. Mr. Speaker, I yield 2 minutes to the gentlewoman from Tennessee [Mrs. LLOYD].

Mrs. LLOYD. Mr. Speaker, I thank the chairman of the committee for yielding me this time. I would like to commend him, as well as my colleague, the gentleman from Arizona [Mr. STUMP] for their leadership in bringing this bill to the floor.

Mr. Speaker, I do rise in support of H.R. 555, which will amend the Soldiers' and Sailors' Relief Act of 1940. This legislation is certainly needed to ease the financial burdens and uncertainties that face the brave men and women of our Armed Forces as they are called into active duty as a result of Operation Desert Storm.

Mr. Speaker, I know first hand of the need for this legislation. My home town of Chattanooga, TN, has perhaps been the hardest hit of any city in this Nation, with already over 2,000 being called up from our city. Certainly we want to honor them and give them the dignity and the respect they need at this time.

It is vital to the Guard and to our reservists, and really it is a matter of survival for so many of these families. They have been called up to active duty, and they have been forced to take dramatic pay cuts and lose so many of their important benefits, including the health care that is usually provided by their employers.

Also I have seen problems with rents, with those who are not able to make their rent payments or their mortgage payments. We need to make sure that we protect the Guard and the reservists and their families from eviction and foreclosure that might result from a loss of income associated with serving on active duty.

These men and women are serving their country unselfishly. Their dedication, their commitment, and their professionalism are the reasons that we are the best in the world. They responded patriotically to their call.

Mr. Speaker, I want to commend my colleagues for their support of this legislation. Certainly it is the least we can do.

□ 1400

Mr. STUMP. Mr. Speaker, I yield such time as he may consume to the gentleman from Oklahoma [Mr. INHOFE].

Mr. INHOFE. Mr. Speaker, there is no time in our history that we should be and are more sensitive to the needs of those who are fighting for our country. I rise in support of H.R. 555 and H.R. 556.

GENERAL LEAVE

Mr. MONTGOMERY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks, and include extraneous material, on H.R. 555, the bill presently under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

Mr. ESPY. Mr. Speaker, I rise today to express my support for H.R. 555, the Soldiers' and Sailors' Civil Relief Act Amendments. Fifty years have passed since the Soldiers' and Sailors' Civil Relief Act was initially enacted in 1940. Today's financial world, with credit cards, home equity loans, and dual-income families, is a very different one from that of 1940. Therefore, an adjustment of the provisions of this law is most appropriate, especially at a time when we have some 480,000 American men and women deployed in the Persian Gulf.

It is imperative that those men and women who already have experienced a major adjustment in their work, home, and family lives not be placed at a disadvantage in legal, personal, or financial matters because of their military status and location due to military orders. The Guard and Reserve unit members activated in the Persian Gulf will make up a part of this country's next generation of veterans. Their futures need to be accorded the benefit and protection available under the laws of this land.

The Soldiers' and Sailors' Civil Relief Act Amendments will protect service men and women from losing their home through foreclosure and from the loss of their personal possessions due to sale or repossession. Additionally, military personnel can rest assured that their family members back home will not find themselves without a roof over their head if their financial situation is a difficult one. Service members would also be protected against untimely civil court actions. Also importantly, physicians called to active duty will be able to gain some reprieve from their practice expenses back home by having their malpractice insurance suspended while they are on active duty.

Mr. Speaker, along with H.R. 555, there are several other important measures of support for our military personnel under consideration by this House, including Federal income tax exemption for those serving in a combat zone, income tax filing extensions, and protection for children of military couples and single parents assigned to the Persian Gulf. There are numerous resolutions calling for varying demonstrations of support, such as displaying the American flag, by American citizens.

H.R. 555 provides for a very basic form of support—protection of the family's homestead and economic status. I am proud to support this legislation.

Mr. ANNUNZIO. Mr. Speaker, I support this bill that is aimed at easing the burdens of our

service men and women who are now on active duty.

The current crisis in the Persian Gulf has forced many brave men and women to set aside their personal lives so they can serve their country. As a result, many must also struggle to support their families.

This bill will strengthen existing laws that protect our service personnel who are sacrificing so much for us.

For example, this bill would forbid landlords from evicting active-duty service personnel or their families if their monthly rent is \$1,200 or less.

Another provision of the bill would require insurance companies to keep up their coverage on all military personnel who are on active duty.

A third provision would delay pending lawsuits against active-duty service men and women until July 1.

Mr. Speaker, by calling up our military reservists, we have asked thousands of men and women to disrupt their lives and put their country first.

Anything we can do to ease their burdens back home merits the full support of this Congress.

Therefore, I urge my colleagues to support House Resolution 555, which amends the Soldiers' and Sailors' Relief Act.

Mr. MILLER of Ohio. Mr. Speaker, I rise in strong support of this bill—H.R. 555—as a necessary tool to improve and clarify certain provisions of the Soldiers' and Sailors' Relief Act of 1940. This measure was prompted by the current crisis in the Persian Gulf region, and I commend the House Veterans' Affairs Committee for its action on behalf of our Armed Forces in the war zone.

In summary, this important bill gives the necessary protection from certain financial obligations incurred by military service members who are now on active duty. This bill is especially important to reservists who incurred financial obligations prior to being called to duty in the Gulf and who can no longer meet those obligations because their ability to pay has been affected by their military service requirements.

The specific provisions addressed in H.R. 555 are in direct response to the situation now facing many of our reservists now on active duty in the Persian Gulf region. The bill has been drafted to get our forces through a difficult time. It gives the forces assistance and it gives their families peace of mind.

Clarifying the act in this manner is an excellent and necessary way to support those who are serving us.

Mr. MCGRATH. Mr. Speaker, it is with great pride that I rise today in strong support of H.R. 555, legislation to bring the 1940 Soldiers' and Sailors' Civil Relief Act up to date. I would like to thank Chairman MONTGOMERY and his fine committee for again bringing needed legislation to the House floor in a very timely manner. In recent days, we have seen the House Veterans' Affairs Committee act expeditiously, once again proving their commitment to America's Armed Forces and veterans.

Originally enacted before World War II, the Soldiers' and Sailors' Civil Relief Act is designed to assist military personnel and reserves who have incurred financial obligations

prior to starting active duty and can no longer meet those obligations because their ability to pay has been curtailed due to military service.

The legislation we are debating today is indeed timely due to the current situation in the Persian Gulf. Many reservists who were called to active duty were forced to give up pay and allowances greater than they are now earning on active service. H.R. 555 would protect reservists on active duty from adverse action by creditors. I believe many of my colleagues would join me in stating that no service member of the U.S. Armed Forces should be financially penalized for serving their country—many have bought homes, cars, even started families, with no way to predict the situation they are now facing in the Middle East.

Briefly, H.R. 555 will bring the Soldiers' and Sailors' Civil Relief Act up to 1991 standards. The bill amends the 1940 law to specify that persons called to active duty do not have to appear in person to file an application for a stay of proceedings. Also, the legislation increases the maximum rental delinquency permitted before eviction occurs from \$150 to \$1,200. In addition, the measure extends power-of-attorney protection to post-Vietnam era veterans.

I invite my colleagues to join me in voting for H.R. 555. It is now time to update a 50-year-old law and exhibit an additional show of support for our troops braving the conditions in the Middle East.

Ms. SLAUGHTER of New York. Mr. Speaker, I rise in strong support of the Soldiers' and Sailors' Civil Relief Act Amendments of 1991. This legislation will correct several gaps in our current policy that could leave a member of the military without health insurance benefits or their loved ones without a roof over their heads. Passage of this bill will provide a psychological and material safety net that our troops and their families deserve.

Can you imagine spending 12 long months in the desert, away from friends and family, only to discover upon your return trip home that your employer-provided or individual health insurance policy will no longer provide full coverage to you or your family? The Soldiers' and Sailors' Relief Act will remedy this dangerous oversight by providing automatic health insurance reinstatement without waiting periods or an exclusion of coverage for pre-existing conditions. In addition, this bill will prohibit landlords from evicting the families of service personnel so long as their monthly rent is less than \$1,200. Without these kinds of minimum protections our troops could find themselves in unimaginable predicaments resulting from active duty service on behalf of the United States.

It is my deepest hope that the war in the Persian Gulf will end soon. While no one knows for certain how long this crisis will last, my thoughts and prayers are with our brave troops and their loyal families. Passage of this legislation sends a strong signal of support to the people whose lives are most affected by this military deployment. For these individuals, who dedicate lives in service to our country, deserve the security of knowing that they and their families are not in jeopardy of losing basic protections.

Mr. RICHARDSON. Mr. Speaker, the Soldiers' and Sailors' Civil Rights Act amend-

ments are a critical show of support for our service members in the Persian Gulf.

As our service members risk their lives to protect our interests in Operation Desert Storm, we must protect their interests here at home.

H.R. 555 does just that: it protects the members of our Armed Forces and their families from eviction and from civil actions being filed against them. It also assists them when they return home by mandating automatic health insurance reinstatement.

We must show our great support for the efforts of the individuals in our armed services by passing H.R. 555. It will protect their families at home and make their return easier.

Mr. GEJDENSON. Mr. Speaker, during these tense days of the Persian Gulf crisis, when the eyes of all Americans are on the brave men and women in Saudi Arabia, I find it particularly appropriate that we in the Congress should be considering legislation of such importance to the veterans of past foreign conflicts.

These initiatives, the restoration of cost-of-living increases to disabled veterans, a full investigation by the National Academy of Sciences of the deleterious effects of agent orange, as well as efforts to increase the capability of the Department of Veterans Affairs to recruit and maintain doctors and dentists in the armed services are indicative of our support for our troops, past and present. In addition, H.R. 555 makes changes in the way in which persons called up for active duty are treated upon their arrival home after serving their country, including provisions to suspend certain tenant evictions, to require a smooth transition in health insurance coverage and other measures.

Mr. Speaker, I hope that these efforts to support our Nation's veterans is to be the new trend of the future. I hope that after the current war in the Persian Gulf, when the more than 400,000 courageous men and women return to this country, that we move to alleviate their problems and the unique circumstances that they face as quickly and as humanely as possible.

Mrs. KENNELLY. Mr. Speaker, I rise today in strong support for H.R. 555, the Soldiers' and Sailors' Civil Relief Act amendments. This bill seeks to clarify and improve specific protections for veterans, for those returning from active military service.

Importantly, this legislation provides for automatic reinstatement of health insurance for men and women called to active duty. This applies not only to individual health insurance policies but also for employer-provided health plans. There are no waiting periods. There is no exclusion of coverage for preexisting conditions. These and other insurance measures will make the transition to and from active military service a little easier.

This bill also raises the rent suspension limit for tenant evictions and delays civil actions pending against a servicemember until July of this year. Medical malpractice insurance premiums will also be suspended for those doctors called to service. So much is asked of those who have been called to active duty. Certain protections should be extended in the tragic occurrence of war.

Mr. Speaker, as we support our men and women called to active duty, those who are fighting over in the Persian Gulf, we must assure that their rights are protected for when they return home.

Mr. GILMAN. Mr. Speaker, I am pleased to rise in support of H.R. 555, the Soldiers' and Sailors' Civil Relief Act Amendments of 1991.

I would like to commend the distinguished chairman of the Veterans' Affairs Committee, the gentleman from Mississippi [Mr. MONTGOMERY] for introducing this important measure, and the ranking minority member, the gentleman from Arizona [Mr. STUMP] for his unceasing efforts on behalf of our Nations veterans.

H.R. 555 is designed to assist military service members on active duty who incurred financial obligations prior to starting active duty, and who can no longer meet those obligations because their ability to pay has been curtailed due to military service.

Mr. Speaker, many years ago, Congress enacted the Soldiers' and Sailors' Civil Relief Act of 1940 to protect the reservists' interests when they were called into active duty. Currently, many of our service people are experiencing financial hardships.

This important legislation will suspend professional liability insurance for those called to active duty, provide that professional liability insurance carriers may not require the payment of premiums for coverage during the period of active duty, require insurers to refund any premiums paid by those called to active duty, require reinstatement by the insurance carrier, prohibit discriminatory rate increases, and stay any civil and administrative actions for damages brought against persons serving on active duty.

Additionally, H.R. 555 provides for automatic health-insurance reinstatement for those returning from active duty, and clarifies existing reemployment rights for reservists ordered to active duty.

Mr. Speaker, under the present laws, Reservists are experiencing difficulty in meeting high rent payments. H.R. 555 protects reservists from being evicted by increasing the maximum rental delinquency from \$150 to \$1,200.

As you may know, I have introduced H.R. 102, legislation that would protect reservists who cannot make the high rent payments by placing a stay on their leases, as long as the reservist is in active duty for more than 30 days. During the period that the stay is placed upon the lease, the reservist would have to pay an amount agreed upon by the reservist and the landlord, which will correspond to the sum of any basic allowance for quarters and variable housing to which the reservist is entitled to while he or she is on active duty.

Mr. Speaker, I fully support H.R. 555, and urge my colleagues to send a clear message to our Nation's military service members that their services have not gone unnoticed, by voting in favor of this important measure.

Mr. YOUNG of Florida. Mr. Speaker, I rise in strong support of H.R. 555, legislation to ensure that Americans serving in Operation Desert Storm are able to do so free of concerns about their financial affairs here at home.

The 500,000 men and women representing the United States in the International effort to

liberate Kuwait all have volunteered to wear the uniform in the defense of freedom and have been deployed as members of active duty, Reserve, and National Guard units from throughout our Nation. The legislation we consider today sends a message to our troops that we are deeply appreciative of their service and that we are looking out for the needs of their families and businesses that they have left behind.

H.R. 555 amends the Soldiers' and Sailors' Civil Relief Act to assist service members now on active duty who incurred financial obligations prior to being deployed and who can no longer meet those obligations because their ability to pay has been curtailed due to their military service. Specifically this legislation clarifies existing reemployment rights for reservists ordered to active duty, it prevents the eviction of a service member or his family from rental housing, it provides for the automatic reinstatement of health insurance benefits for those returning from active service without waiting periods or coverage exclusion for preexisting conditions, and it provides for the appropriate suspension and reinstatement of expensive professional liability insurance coverage and premium payments during and following active duty service.

This legislation follows actions taken by the House last week to defer the Federal income tax filing deadline for active duty troops and to preclude the payment of Federal Taxes on the salaries of U.S. personnel serving in conflict.

Mr. Speaker, in the first 2 weeks of Operation Desert Storm, our troops have shown the great pride, determination, and skill instilled in them through years of training. They clearly have demonstrated the benefit of an All Volunteer Force in defending freedom throughout the world.

Poll after poll of the American people has expressed respect and the highest esteem for our forces and the support and thanks for their mission. In return, we have an obligation to care and protect the families of those serving abroad. The legislative efforts of the House last week and again today make good on that commitment. They alleviate their financial concerns, allowing our troops to concentrate on the job at hand, knowing full well that the Congress is taking care of their needs, and those of their families, at home.

Mr. LEVIN of Michigan. Mr. Speaker, I want to express my strong support for H.R. 555, the Soldiers' and Sailors' Civil Relief Act. I am pleased that the Veterans' Committee has made this legislation a priority.

The men and women who have been called up for active duty in Operation Desert Storm have earned our support. As they put their lives on the line in the Persian Gulf, they should not have to worry that their families back home are facing unwarranted financial hardship resulting from their absence.

This legislation will ease the financial burden and uncertainty facing our active duty reservists in the gulf. For example, under current law, evictions of families of active duty personnel are suspended if the rent is less than \$150. Under H.R. 555, the amount would be increased to \$1,200.

In addition, this measure delays civil actions against any active-duty reservist until July 1, 1991. It's enough that our servicemen and

women must contend with the Iraqi Armed Forces without at the same time having to grapple with their creditors 6,000 miles away.

Finally, H.R. 555 provides for automatic health insurance reinstatement for persons called to active duty. No one should have to lose their medical insurance from serving in the U.S. military Reserves. This provision will ensure that a reservist returning from active duty will continue to receive health benefits from their employer-provided and individual policies.

I believe this legislation sends the right signal that our Nation stands behind our men and women in the gulf. I am pleased to support this bill.

Mr. INHOFE. Mr. Speaker, as our soldiers and sailors prepare for yet another day of war in the Persian Gulf, we are working hard to make their return to "every-day-life" an easier one.

This bill makes numerous changes to the Soldiers' and Sailors' Relief Act [SSCRA]. It was originally designed to assist military service members on active duty who incur financial obligations prior to starting active duty, and who can no longer meet those obligations because their ability to pay has been curtailed due to military service. In this case, a war.

Those men and women are over there in the Persian Gulf risking their lives on a daily basis fighting this war. They don't have time to worry about who is going to pay their bills, and what will happen if they aren't paid. They don't want to worry about their wives and children being evicted from their homes because the rent wasn't paid on time. And, they shouldn't have to. They should feel secure in knowing that when they return home, things will be as they left them.

That is what this bill does for our service members. They are protected from any type of civil action until July 1, 1991, and our doctors that serve are protected by a suspension of medical malpractice insurance. H.R. 555 makes this clear and legally binding. We have put the minds of our soldiers at ease by passing this legislation here today.

Mr. SLATTERY. Mr. Speaker, I rise today to urge my colleagues to support H.R. 555, the Soldiers' and Sailors' Civil Relief Act amendments.

As a member of the Veterans' Affairs Committee and a Congressman from the district in Kansas that includes Fort Riley, I am very familiar with the problems and concerns faced by the members of the Armed Forces and their families.

Today, over 500,000 American men and women are involved in Operation Desert Storm. Many of their families must adjust not only to the emotional hardship of being parted from a loved one but also to the loss of significant family income, health insurance, and other employment benefits.

It is the sacrifices of our Nation's service members that enable us to remain a free nation. It is critical that we send them a message that we will stand by them when they return to civilian life. We owe it to ourselves as a country and as a people to muster every bit of support we can for these brave men and women.

H.R. 555 will go far to provide assistance for the families of persons called up for active duty by:

First, suspending tenant evictions.—Under current law, evictions of families of active duty personnel are suspended if the rent is less than \$150. H.R. 555 will increase that amount to \$1,200 and authorize power of attorney for families of post-Vietnam-era veterans, who are still missing in action;

Second, reinstating health insurance coverage.—H.R. 555 provides automatic health insurance reinstatement—without waiting periods or exclusion of coverage for preexisting conditions for persons called to active duty, both in the case of employer-provided plans and individual policies;

Third, suspending civil actions.—H.R. 555 delays civil actions pending against service members until July 1, 1991. Under the legislation, creditors and insurers are prohibited from taking any adverse action against any service member solely because the service member exercised rights available under the act;

Fourth, suspending medical malpractice insurance.—H.R. 555 requires insurers to suspend medical malpractice insurance for physicians who are called to active duty, once the doctor requests such a suspension. The measure specifies that insurance carriers may not require that premiums be paid during this suspension and that rates cannot be increased when the insurance is reinstated.

I urge my colleagues to support this legislation to ready themselves to pass whatever new legislation may be necessary to respond to our service members' needs as they return from active duty.

Ms. WATERS. Mr. Speaker, I rise in support of the Soldiers' and Sailors' Civil Relief Act. It is certainly an appropriate time to reconsider this law which has been unamended for over 20 years.

I continue to be interested in setting in place laws which will help those Americans who have served this country in wartime, past and present, but with the recognition that we will need even more services as our troops return from their engagements in the Persian Gulf. It is important, therefore, that we act now.

H.R. 555 does several things to assist our National Guard and Reserve personnel with the unplanned financial burdens that they will encounter due to the war in Iraq and their personal displacement. Among the benefits contained in this package is an increase in the maximum rental amounts from \$120 to \$1,200 for the purpose of staying eviction proceedings. Landlords of individuals who pay monthly rent up to this amount would be required to have a court's express permission to evict a tenant.

Another provision would guarantee reinstatement of health insurance for servicemembers and their families when they leave active duty and would prohibit waiting periods and exclusions for conditions which arose while the servicemember was on active duty. In addition, H.R. 555 would suspend premium payments on professional liability insurance for the thousands of doctors and health-care professionals called up to active duty. Also, the bill would prohibit creditors or insurers from taking adverse action against servicemembers who exercise their rights under the act. Finally, this legislation would require courts to stay any pending lawsuits at

the request of the servicemember until at least July 1, 1991.

As I said before, we must not waste any time in enacting the legislation before us. The House passed legislation along the lines of H.R. 555 last year. Unfortunately, it did not become law. Now, with the war already a reality, and reservists being called up every day, there is no more time to wait to see that our servicepeople and their families are attended to. I thank the Veterans' Affairs Committee and the leadership of the House for allowing such expeditious consideration of this legislation.

Mr. STUMP. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. MONTGOMERY. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MAZZOLI). The question is on the motion offered by the gentleman from Mississippi [Mr. MONTGOMERY] that the House suspend the rules and pass the bill, H.R. 555, as amended.

The question was taken.

Mr. MONTGOMERY. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to the provisions of clause 5, rule I, and the Chair's prior announcement, further proceedings on this motion will be postponed.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Debate has been concluded on all motions to suspend the rules.

Pursuant to clause 5, rule I, the Chair will now put the question on each motion to suspend the rules on which further proceedings were postponed earlier today, in the order in which that motion was entertained.

Votes will be taken in the following order:

H.R. 556 by the yeas and nays; and
H.R. 555 by the yeas and nays.

The Chair will reduce to 5 minutes the time for any electronic vote after the first such vote in this series.

AGENT ORANGE ACT OF 1991

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 556, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Mississippi [Mr. MONTGOMERY] that the House suspend the rules and pass the bill, H.R. 556, as amended, on which the yeas and nays are ordered.

This is a 15-minute vote.

The vote was taken by electronic device, and there were—yeas 412, nays 0, not voting 22, as follows:

[Roll No. 16]
YEAS—412

Abercrombie	Downey	Jontz
Ackerman	Dreier	Kanjorski
Alexander	Duncan	Kaptur
Allard	Durbin	Kasich
Anderson	Dwyer	Kennedy
Andrews (ME)	Dymally	Kennelly
Andrews (NJ)	Early	Kildee
Andrews (TX)	Eckart	Kleczka
Annunzio	Edwards (CA)	Klug
Anthony	Edwards (OK)	Kolter
Applegate	Edwards (TX)	Kopetski
Archer	Emerson	Kostmayer
Army	Engel	Kyl
Aspin	English	LaFalce
Atkins	Erdreich	Leghman (CA)
AuCoin	Espy	Lehman (FL)
Bacchus	Evans	LaRocco
Baker	Fascell	Laughlin
Ballenger	Fawell	Leach
Barrett	Fazio	Leahman (CA)
Bartlett	Feighan	Lehman (FL)
Barton	Fish	Lent
Bateman	Flake	Levin (MI)
Bellenson	Foglietta	Lewine (CA)
Bennett	Ford (MI)	Lewis (CA)
Bentley	Ford (TN)	Lewis (FL)
Bereuter	Frank (MA)	Lewis (GA)
Berman	Frost	Lightfoot
Bevill	Gallegly	Lipinski
Bilbray	Gallo	Livingston
Bilirakis	Gaydos	Lloyd
Billey	Gejdenson	Long
Boehlert	Gekas	Lowery (CA)
Bonior	Gephardt	Lowey (NY)
Borski	Geren	Luken
Boucher	Gibbons	Machtley
Boxer	Gilchrest	Madigan
Brewster	Gillmor	Manton
Brooks	Gilman	Markey
Broomfield	Gingrich	Marlenee
Browder	Glickman	Martin
Brown	Gonzalez	Martinez
Bruce	Goodling	Matsui
Bryant	Gordon	Mavroules
Bunning	Goss	Mazzoli
Burton	Gradison	McCandless
Bustamante	Grandy	McCloskey
Byron	Gray	McCollum
Callahan	Green	McCrery
Camp	Guarini	McCurdy
Campbell (CA)	Gunderson	McDade
Campbell (CO)	Hall (OH)	McDermott
Carper	Hall (TX)	McEwen
Carr	Hamilton	McGrath
Chandler	Hammerschmidt	McHugh
Chapman	Hancock	McMillan (NC)
Clay	Hansen	McMillen (MD)
Clement	Harris	McNulty
Clinger	Hastert	Meyers
Coble	Hatcher	Mfume
Coleman (MO)	Hayes (IL)	Michel
Coleman (TX)	Hayes (LA)	Miller (CA)
Collins (IL)	Hefley	Miller (OH)
Collins (MI)	Hefner	Miller (WA)
Combest	Henry	Mineta
Condit	Herger	Moakley
Conte	Hertel	Molinari
Conyers	Hoagland	Mollohan
Cooper	Hobson	Montgomery
Costello	Hochbrueckner	Moody
Coughlin	Holloway	Moorhead
Cox (CA)	Hopkins	Moran
Cox (IL)	Horn	Morella
Coyne	Horton	Morrison
Cramer	Houghton	Murphy
Crane	Hoyer	Murtha
Cunningham	Hubbard	Myers
Dannemeyer	Huckaby	Nagle
Darden	Hughes	Natcher
Davis	Hunter	Neal (MA)
de la Garza	Hutto	Neal (NC)
DeFazio	Hyde	Nichols
DeLauro	Inhofe	Nowak
DeLay	Ireland	Nussle
Dellums	Jacobs	Oakar
Derrick	James	Oberstar
Dickinson	Jefferson	Obey
Dicks	Jenkins	Olin
Dixon	Johnson (CT)	Ortiz
Donnelly	Johnson (SD)	Orton
Dooley	Johnston	Owens (NY)
Doolittle	Jones (GA)	Owens (UT)
Dorgan (ND)	Jones (NC)	Oxley

Packard	Roybal	Sundquist
Pallone	Russo	Swett
Panetta	Sabo	Swift
Parker	Sanders	Synar
Patterson	Sangmeister	Tallon
Paxon	Santorum	Tanner
Payne (NJ)	Sarpalius	Taylor (MS)
Payne (VA)	Savage	Taylor (NC)
Pease	Sawyer	Thomas (CA)
Pelosi	Saxton	Thomas (GA)
Penny	Schaefer	Thornton
Perkins	Scheuer	Torricelli
Peterson (FL)	Schiff	Towns
Peterson (MN)	Schulze	Trafiacant
Petri	Schumer	Traxler
Pickett	Sensenbrenner	Unsoeld
Pickle	Serrano	Upton
Porter	Sharp	Valentine
Poshard	Shaw	Vander Jagt
Price	Shays	Vento
Pursell	Shuster	Visclosky
Quillen	Sikorski	Volkmer
Rahall	Sisisky	Vucanovich
Ramstad	Skaggs	Walker
Rangel	Skeen	Walsh
Ravenel	Skelton	Washington
Ray	Slattery	Waters
Reed	Slaughter (NY)	Waxman
Regula	Slaughter (VA)	Weber
Rhodes	Smith (FL)	Weldon
Richardson	Smith (NJ)	Wheat
Ridge	Smith (OR)	Whitten
Riggs	Smith (TX)	Williams
Rinaldo	Solarz	Wolf
Ritter	Solomon	Wolpe
Roberts	Spence	Wyden
Roe	Spratt	Wyllie
Roemer	Staggers	Yates
Rogers	Stallings	Yatron
Rohrabacher	Stark	Young (AK)
Ros-Lehtinen	Stearns	Young (FL)
Rose	Stenholm	Zeliff
Roth	Stokes	Zimmer
Roukema	Studds	
Rowland	Stump	

NAYS—0
NOT VOTING—22

Barnard	Lantos	Thomas (WY)
Boehner	Mink	Torres
Mrazek	Mrazek	Udall
Dingell	Rostenkowski	Weiss
Dorman (CA)	Schroeder	Wilson
Fields	Smith (IA)	Wise
Franks (CT)	Snowe	
Kolbe	Tauzin	

□ 1426

So (two-thirds having voted in favor thereof), the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mrs. SCHROEDER. Mr. Speaker, I just wanted to say that my flight from Denver was canceled this morning so I was late in getting here and missed the first vote. Had I been here, I would have voted "aye." I regret that the airline schedules get more difficult every day.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. MAZZOLI). Pursuant to the provisions of clause 5 of rule I, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device may be taken on the additional motion to

suspend the rules on which the Chair has postponed further proceedings.

SOLDIERS' AND SAILORS' CIVIL RELIEF ACT AMENDMENTS OF 1991

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 555, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Mississippi [Mr. MONTGOMERY] that the House suspend the rules and pass the bill, H.R. 555, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 414, nays 0, not voting 20, as follows:

[Roll No. 17]
YEAS—414

Abercrombie	Collins (MI)	Gibbons
Ackerman	Combest	Gilchrest
Alexander	Condit	Gillmor
Allard	Conte	Gilman
Anderson	Conyers	Gingrich
Andrews (ME)	Cooper	Glickman
Andrews (NJ)	Costello	Gonzalez
Andrews (TX)	Coughlin	Goodling
Annunzio	Cox (CA)	Gordon
Anthony	Cox (IL)	Goss
Applegate	Coyne	Gradison
Archer	Cramer	Grandy
Army	Crane	Gray
Aspin	Cunningham	Green
Atkins	Dannemeyer	Guarini
AuCoin	Darden	Gunderson
Bacchus	Davis	Hall (OH)
Baker	de la Garza	Hall (TX)
Ballenger	DeFazio	Hamilton
Barrett	DeLauro	Hammerschmidt
Bartlett	DeLay	Hancock
Barton	Dellums	Hansen
Bateman	Derrick	Harris
Beilenson	Dickinson	Hastert
Bennett	Dicks	Hatcher
Bentley	Dixon	Hayes (IL)
Bereuter	Donnelly	Hayes (LA)
Berman	Dooley	Hefley
Bevill	Doolittle	Hefner
Bilbray	Dorgan (ND)	Henry
Bilirakis	Downey	Herger
Billey	Dreier	Hertel
Boehner	Duncan	Hoagland
Bonior	Durbin	Hobson
Borski	Dwyer	Hochbrueckner
Boucher	Dymally	Holloway
Boxer	Early	Hopkins
Brewster	Eckart	Horn
Brooks	Edwards (CA)	Horton
Broomfield	Edwards (OK)	Houghton
Browder	Edwards (TX)	Hoyer
Brown	Emerson	Hubbard
Bruce	Engel	Huckaby
Bryant	English	Hughes
Bunning	Erdreich	Hunter
Burton	Espy	Hutto
Bustamante	Evans	Hyde
Byron	Fascell	Inhofe
Callahan	Fawell	Ireland
Camp	Fazio	Jacobs
Campbell (CA)	Feighan	James
Campbell (CO)	Fish	Jefferson
Cardin	Flake	Jenkins
Carper	Foglietta	Johnson (CT)
Carr	Ford (MI)	Johnson (SD)
Chandler	Ford (TN)	Johnston
Chapman	Frank (MA)	Jones (GA)
Clay	Frost	Jones (NC)
Clement	Gallegly	Jontz
Clinger	Gallo	Kanjorski
Coble	Gaydos	Kaptur
Coleman (MO)	Gejdenson	Kasich
Coleman (TX)	Gekas	Kennedy
Collins (IL)	Gephardt	Kennelly
	Geren	Kildee

Klecza	Nichols	Sensenbrenner
Klug	Nowak	Serrano
Kolter	Nussle	Sharp
Kopetski	Oakar	Shaw
Kostmayer	Oberstar	Shays
Kyl	Obey	Shuster
LaFalce	Olin	Sikorski
Lagomarsino	Ortiz	Sisisky
Lancaster	Orton	Skaggs
LaRocco	Owens (NY)	Skeen
Laughlin	Owens (UT)	Skelton
Leach	Oxley	Slattery
Lehman (FL)	Packard	Slaughter (NY)
Lent	Pallone	Slaughter (VA)
Levin (MI)	Panetta	Smith (FL)
Levine (CA)	Parker	Smith (NJ)
Lewis (CA)	Patterson	Smith (OR)
Lewis (FL)	Paxon	Smith (TX)
Lewis (GA)	Payne (NJ)	Solarz
Lightfoot	Payne (VA)	Solomon
Lipinski	Pease	Spence
Livingston	Pelosi	Spratt
Lloyd	Penny	Staggers
Long	Perkins	Stallings
Lowery (CA)	Peterson (FL)	Stark
Lowey (NY)	Peterson (MN)	Stearns
Luken	Petri	Stenholm
Machtley	Pickett	Stokes
Madigan	Pickle	Studds
Manton	Porter	Stump
Markey	Poshard	Sundquist
Marlenee	Price	Swett
Martin	Pursell	Swift
Martinez	Quillen	Synar
Matsui	Rahall	Tallon
Mavroules	Ramstad	Tanner
Mazzoli	Rangel	Taylor (MS)
McCandless	Ravenel	Taylor (NC)
McCloskey	Ray	Thomas (CA)
McCollum	Reed	Thomas (GA)
McCreery	Regula	Thornton
McCurdy	Rhodes	Torricelli
McDade	Richardson	Towns
McDermott	Ridge	Trafficant
McEwen	Riggs	Traxler
McGrath	Rinaldo	Unsoeld
McHugh	Ritter	Upton
McMillan (NC)	Roberts	Valentine
McMillen (MD)	Roe	Vander Jagt
McNulty	Roemer	Vento
Meyers	Rogers	Viscosky
Mfume	Rohrabacher	Volkmer
Michel	Ros-Lehtinen	Vucanovich
Miller (CA)	Rose	Walker
Miller (OH)	Roth	Walsh
Miller (WA)	Roukema	Washington
Mineta	Rowland	Waters
Moakley	Roybal	Waxman
Molinaro	Russo	Weber
Mollohan	Sabo	Weldon
Montgomery	Sanders	Wheat
Moody	Sangmeister	Whitten
Moorhead	Santorum	Williams
Moran	Sarpalius	Wolf
Morella	Savage	Wolpe
Morrison	Sawyer	Wyden
Murphy	Saxton	Wylie
Murtha	Schaefer	Yates
Myers	Scheuer	Yatron
Nagle	Schiff	Young (AK)
Natcher	Schroeder	Young (FL)
Neal (MA)	Schulze	Zeliff
Neal (NC)	Schumer	Zimmer

NAYS—0

NOT VOTING—20

Barnard	Lehman (CA)	Thomas (WY)
Dingell	Mink	Torres
Dornan (CA)	Mrazek	Udall
FIELDS	Rostenkowski	Weiss
Franks (CT)	Smith (IA)	Wilson
Kolbe	Snowe	Wise
Lantos	Tauzin	

□ 1435

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. WISE. Mr. Speaker, I rise today to express my regret at missing rollcall votes No. 16 and No. 17. I was unable to cast my vote on these important measures because earlier today the bus I was traveling on broke down and the plane I was supposed to fly on was fogged in. Had I been present I would have voted "yea" on H.R. 556, the Agent Orange Act, a measure to provide permanent disability benefits to Vietnam veterans who were exposed to agent orange. I would also have voted "yea" on H.R. 555, the Soldiers' and Sailors' Civil Relief Act amendments. Mr. Speaker, both of these measures are important to those who put their lives on the line in Vietnam and to those who are at this minute risking their lives for our country.

PERSONAL EXPLANATION

Mr. FRANKS of Connecticut. Mr. Speaker, I was unavoidably detained in Connecticut due to medical appointment delays associated with my wife's pregnancy. I was, therefore, unable to cast my votes in favor of H.R. 556 and H.R. 555.

Had I been able, I would have voted for both of these important pieces of legislation. I fully support H.R. 556 which at long last addresses veterans' concerns regarding agent orange.

The long-awaited agent orange compromise appears acceptable to the many factions involved in this lengthy and controversial debate. I believe that the Honorable Mr. MONTGOMERY and the Honorable Mr. STUMP as well as many concerned members responsible for achieving this compromise are deserving of our heartfelt congratulations and appreciation. This measure was supported by a vote of 412 to 0.

I find the bill to be particularly worthy of support in placing the responsibility for a fair and impartial review based on science in the hands of the National Academy of Sciences.

Furthermore, I fully support and endorse H.R. 555's improvements to the Soldiers' and Sailors' Civil Relief Act. These amendments are timely and imperative to ensure that our active duty personnel can rest assured that they are protected from obligations they are unable to cover during military service.

This bill protects men and women who have answered their country's call from adverse action by creditors and will also protect their dependents from eviction.

I am particularly pleased this measure was passed by a vote of 414 to 0. I wholeheartedly support the legislative intent and goals of these two important military service-related bills.

RANKING OF MEMBERS OF COMMITTEE ON MERCHANT MARINE AND FISHERIES

Mr. HOYER. Mr. Speaker, I ask unanimous consent that in House Resolution 43, adopted by the House on January 24, 1991, electing the gentleman from Hawaii [Mr. ABERCROMBIE] to the Committee on Merchant Marine and

Fisheries, Mr. ABERCROMBIE rank ahead of the gentleman from Rhode Island [Mr. REED].

The SPEAKER pro tempore (Mr. MAZZOLI). Is there objection to the request of the gentleman from Maryland? There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair desires to make an announcement.

After consultation with the majority and minority leaders, and with their consent and approval, the Chair on behalf of the Speaker announces that tonight when the Houses meet in joint session to hear an address by the President of the United States, only the doors immediately opposite the Speaker and those on his left and right will be open.

No one will be allowed on the floor of the House who does not have the privilege of the floor of the House.

Due to the large attendance which is anticipated, the Chair feels that the rule regarding the privilege of the floor must be strictly adhered to.

Children of Members will not be permitted on the floor, and the cooperation of all Members is requested.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE RELATIVE TO SPECIAL ORDERS

The SPEAKER pro tempore. The Chair will recognize Members for special orders until 5:30 p.m., at which time the Chair will declare the House in recess.

□ 1440

DICK CHENEY'S CHESSBOARD

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

Mr. SCHEUER. Mr. Speaker, there was an article about Secretary of Defense Dick Cheney in the Sunday edition of the New York Times magazine section just 2 days ago. It left me in a state of disquietude. It indicated that on several occasions for important military roles Dick Cheney had moved around the chess players on the chessboard to move out people—and I am talking about generals, admirals, and the rest—who might have had reservations about moving into a land war, moving into conflict entirely, who were making independent, thoughtful calculations of risks and benefits, and were moving into their places people who were determined and confirmed hawks.

Now, the article mentioned a number of former Secretaries of Defense, very experienced, able men, the former Chairman of the Joint Chiefs of Staff, and I have talked to several of them. They have told me that they feel that the circle of top-quality military professionals, to whom Mr. Bush is listening, is narrowing and is squeezed and has excluded people who in statements, testimony, and remarks, have indicated a view that advocated patience, that advocated caution, and that this is not part of the mix, the diversity of views of which President Bush is availing himself.

DISTURBING EVENTS IN YUGOSLAVIA

The SPEAKER pro tempore (Mr. PICKETT). Under a previous order of the House, the gentleman from Ohio [Mr. ECKART] is recognized for 5 minutes.

Mr. ECKART. Mr. Speaker, I rise today to express my concern about another region of the world in which they are experiencing political difficulties. No, I speak not of our Baltic friends in Lithuania or Latvia, but I speak of my relatives and friends in Yugoslavia.

Events of the last several weeks have indicated to us once again that perhaps the forces and opportunities of democracy are being threatened, or at least intimidated, by those who do not respect the will of the people to choose.

Just this last spring the world witnessed elections all over Eastern Europe, including the land of my forebears, Yugoslavia. With these elections came the strong hope of democracy for them and their people. In Yugoslavia in particular, free elections in Slovenia and Croatia demonstrated the desire of those two Republics to establish a democratic society with a market economy. It demonstrated the desire of those peoples to integrate with other capitalist systems and compete in a world at large.

Today, however, a significant political and economic differences among the six Yugoslav Republics have grown more and more profound, the situation more serious.

As we have witnessed among other nations these past 2 years, Poland, Hungary, East Germany, and others, a willingness to shed their failed economic policies of the past and to move their Communist regimes toward more and more democratic and capitalistic systems, we have witnessed the pain that comes with that change. The growing pains of these nations as they have reformed are indeed painful for us to watch; but while reform is not easy and pain is in part necessary, it is a significant and relevant act in a growingly interdependent world.

I applaud the efforts of the people of Slovenia and Croatia to speak their voice, to have their voices heard in a free, democratic society, and in mar-

ket-dominated economies. Their democratic future, their economic liberalization policies, are essential to the success not only of the peoples of these two Republics, but I believe of Yugoslavia at large.

It is important that we not allow the militaristic whims of those who seek to thwart democratic and economic reforms to prevail in that fragile, ethnically diverse country.

We need to allow, indeed even encourage, the pluralism necessary to help Yugoslavia survive and compete in a world that is becoming increasingly entrenched with economic and democratic reforms.

We have recognized those similar rights in the Baltic nations today. We are appalled at what violence has been brought to those who seek to repress the free expression of democratic choice in a freely choosing society.

It is my hope that the threat of violence being exercised by those in Yugoslavia will not thwart the free hopes and aspirations of the brave Republics of Croatia and Slovenia. We will not tolerate the use of force against innocent people, whether it be in the Baltics, the Persian Gulf, or my home country as well.

The people of Slovenia and Croatia want a market economy. They espouse freedom. They are walking the extra miles to ensure both. I think they deserve that opportunity to learn and grow.

As the world focuses on war in the Persian Gulf and the threat to those of us in our society here, we must be ever vigilant of oppressive regimes that seek to stifle dissent and to promote old ways and to oppress the new.

We must not permit these regimes of whatever stripe in whatever location to invoke their wills on others using the shadow of this war. The people around the world want freedom. They want a new world order, a democratic order. We need to give them that chance.

BIG OIL SITTING ON TOP OF AMERICAN CONSUMER

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

Mr. CONTE. Mr. Speaker, just as Saddam's oil slick sits on top of the Persian Gulf, Big Oil is sitting on top of the American Consumer.

And their dirty truths, their fourth quarter war premiums, are now becoming public.

Chevron made \$633 million, up 860 percent.

Exxon's fourth-quarter profits tripled.

Amoco made \$538 million, up 69 percent.

Mobile made \$651 million, up 46 percent.

Shell made \$446 million, up 69 percent.

And Amerada Hess made \$235.2 million, up 300 percent.

Mr. Speaker, it is a good thing that we have Patriots protecting our troops in Saudi Arabia. Now we need some to protect our consumers.

Their crisis-inspired profits go beyond outrageous. These profits should go toward funding those who have been hardest hit by higher oil prices, the low-income consumer, instead of into the greedy hands of the oil barons.

My windfall profit tax returns funds to the LIHEAP Program, the Low-Income Weatherization Program, and to the Treasury to support the war effort.

Support H.R. 295, and support the American consumer.

THE DATA PROTECTION ACT OF 1991

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from West Virginia [Mr. WISE] is recognized for 5 minutes.

Mr. WISE. Mr. Speaker, I am today introducing the Data Protection Act of 1991. This bill would establish a Federal Data Protection Board as a permanent, independent, and non-regulatory Federal agency. The legislation is virtually identical to H.R. 3669 which I introduced in the last Congress.

There are two principal reasons why data protection legislation is needed in the United States. First, Americans are greatly concerned about threats to their personal privacy resulting from the increased use of computers to collect, maintain, and manipulate personal information. Seven of ten Americans agree that consumers have lost control over how personal information about them is circulated and used by companies.

Despite the depth of these concerns, there is no agency in the Federal Government with the responsibility to consider the privacy consequences of modern life. We have agencies that address public health, consumer protection, civil rights, mine safety, battle monuments, and marine mammals. But no agency is devoted to privacy.

Second, foreign data protection activities may have a direct and significant impact on American business interests. Many other countries have passed data protection laws and created governmental institutions with responsibilities to implement and enforce national data protection standards. Nervousness about the transborder flow of personal information had led to the preparation of a draft European Community directive on the protection of individuals in relation to the processing of personal data. Adoption of this directive could make it expensive or impossible for American companies that need to transfer personal data to and from Europe to do business. The result could be a loss of jobs, profits, and business opportunities for America.

I would like to elaborate on each of these reasons.

Interest in privacy is not new in the United States. One of the most enduring American values is the right to privacy. From colonial

times to the present, Americans have sought the right to be left alone and have worried about intrusions into their personal lives, private papers, and homes. The Bill of Rights contains several protections against invasions of personal privacy by the Federal Government.

Today, these traditional concerns about privacy are still vital. Individuals still want to be left alone. Individuals still want to be able to exercise some control over how information about them is used. In the computer age, threats to privacy come not only from the Federal Government but also from the many public and private institutions that maintain records about individuals. Almost 4 out of 5 Americans today agree that privacy should be added to the list of life, liberty, and the pursuit of happiness as a fundamental right in our Declaration of Independence.

The Federal Government is not the only threat to personal privacy. Using the power of modern computers and telecommunications, many private third party recordkeepers have developed the capacity to store detailed information about people's transactions, habits, movements, purchases, and activities. Personal information is routinely maintained by banks, insurance companies, hospitals, schools, credit bureaus, cable television operators, telephone companies, credit card issuers, department stores, supermarkets, catalog merchants, marketers of all types, and others.

Some recent stories illustrate the wide range of threats to personal privacy:

A recent court case held that it was legal for the FBI to go to a photo store and order a copy of film left for developing by a consumer. The photo store employee made a duplicate set of prints for the FBI without a subpoena or warrant. The case raises the possibility that the FBI can routinely get copies of film left for developing at film stores.

Car rental companies are running background checks on drivers without notice to consumers.

Travel agents, airlines, car rental companies, and others in the travel industry are fighting over ownership of information about an individual's travel plans maintained in computer reservation systems. Travelers are not aware of the extent to which the industry is trafficking in their private travel plans.

Some hospitals are using identifiable patient information to compile mailing lists for the purpose of selling services through direct mail.

In the 100th Congress, a bill was enacted to protect the privacy of video rental records. This is popularly known as the Bork bill, named for Supreme Court nominee Robert Bork whose video rental records were published in a newspaper. But while we now have some protection for video rental records, there is no similar protection for records of other consumer transactions and behavior. There are no formal legal protections for records about the purchase of books, music, computer software, mail order merchandise of all sorts, travel services, meals, film developing, and other goods and services purchased by consumers. Companies are able to compile, use, and sell this information without restriction and without notice to consumers.

In the not too distant future, consumers face the prospect that a computer somewhere will

compile a record about everything they purchase, every place they go, and everything they do.

This information may be used by marketing companies to send targeted mail and to make telephone solicitations. If you buy a bag of potting soil, you may start getting seed catalogs in the mail. If you buy peanut butter, you may get coupons from jelly manufacturers. If you buy a pregnancy testing kit, you may get solicitations from diaper service companies. If you take a vacation at the beach, you may get travel brochures from resorts in the mountains. If you go to the hospital for a checkup, you may get an invitation to a diet seminar. If you buy a tube of Preparation H, you could get a telephone call from a proctologist. If you take film to be developed, you might get a visit from the FBI.

I am not sure that this is a vision of the future that will make most Americans feel comfortable.

We need to help consumers, businesses, and government develop policies and practices to distinguish between appropriate and inappropriate uses of personal data. That would be one of the principal functions of the Data Protection Board.

There is a reason why data protection rather than privacy is the focus of the Board's responsibility. In our complex modern world, privacy has evolved as a concept encompassing many different elements. It includes a wide range of issues about intrusive behavior, including wiretapping, surreptitious physical surveillance, and mail interception. The concept of privacy has also been cited in connection with matters as disparate as contraception and confidentiality of bank records. As the need to protect privacy has become more pressing, some aspects of its protection have become more focused. One concept that has emerged since 1970 is data protection, which applies to the control of the collection, use, and dissemination of personal information.

The Data Protection Board that I propose would be an institutional representative for privacy issues relating to the use and misuse of personal information. The Board would be a resource, a consultant, a watchdog, and a facilitator. The Board would not be a regulator. The Board would not be a data protection registrar. European requirements for registration of personal data banks maintained by the private sector have, at best, met with mixed results. In any event, Federal registration of private data banks in the United States is not a goal of my legislation.

We need a Data Protection Board principally because there is no voice in government that represents and articulates data protection concerns on an ongoing basis. In the balancing of interests that shape government policies and actions, data protection needs are frequently ignored because there is no institutional spokesman to represent them. There is no existing organization that accumulates knowledge and experience in the increasingly complicated balancing of privacy interests.

A Data Protection Board could help government and industry do a better job of protecting personal information. A Data Protection Board could, with the cooperation of business, support voluntary data protection codes. A Data Protection Board could help Congress and the

States shape legislation or find alternatives to legislation.

A very recent event underscores how a Data Protection Board might help business and consumers to address privacy concerns in a constructive way. Equifax, a credit company, and Lotus, a computer company, just announced the cancellation of Lotus Marketplace, a planned product that would have distributed names, address, and marketing information on 120 million consumers using CD-ROM disks. The product had come under heavy criticism from privacy advocates. In announcing the cancellation, the companies said that the product resulted in an "emotional firestorm of public concern about consumer privacy."

Equifax and Lotus had invested considerable sums to develop this product. This investment was lost because of high levels of consumer privacy concerns. This is where a Data Protection Board could serve a valuable role that assists both consumers and businesses. A company planning a new information product could ask the Data Protection Board to help identify and address privacy issues before risking millions of dollars that could be lost in a consumer backlash. Businesses benefit by having an opportunity to obtain an independent assessment of the potential impact of new products. Consumers benefit by having suitable privacy protections considered and included as new technologies are used. A Data Protection Board can limit the risks to all.

The need for an independent entity with responsibility for data protection policies has long been recognized. Such an organization was originally proposed during congressional consideration of the Privacy Act of 1974. The Privacy Protection Study Commission recommended in 1977 that such an entity be established to monitor and evaluate privacy laws; to continue research; to issue interpretive rules for the Privacy Act of 1974; and to provide advice to the President, the Congress, and the States. My proposal is a direct descendant of that Privacy Commission recommendation.

Most other Western industrialized nations have already established national data protection agencies. Canada established a privacy commissioner in 1978. Great Britain established a data protection registrar in 1984. The Federal Republic of Germany, 1977; Austria, 1978; France, 1978; Sweden, 1973; Norway, 1978; Isle of Man, 1986; Netherlands, 1988; Australia, 1988; and Ireland, 1988 also have permanent data protection agencies. Many other countries have passed data protection legislation in the last few years.

This brings me back to the second set of reasons supporting the creation of a Data Protection Board. Data protection agencies have been established elsewhere in the world because people everywhere are concerned about how personal information is being used. By 1993, all nations of the European Community are expected to adopt data protection laws. These laws will be supplemented by a European Community directive that will establish more uniform policies for data protection. Uniformity is viewed as essential to the completion of an internal European market that permits the unrestricted transfer of personal

information throughout the European Community.

The proposed directive concerning data protection will establish an equivalent, high level of protection in all European Community member states. This will serve to remove obstacles to data exchanges that are necessary for an internal market to function. Among other things, the directive calls for strict controls over the private use of personal information; restrictions on transfer of personal information to third parties; informed consent as a required element of data collection; rights of access for data subjects; sectoral codes of practice for industries; and the establishment of data protection authority in each member state.

The directive will also have a direct effect on the transfer of personal information to—and perhaps from—the United States. The current draft provides:

That personal data can only be transferred to a third party country if that country guarantees an adequate level of protection for the data;

For notice of and involvement by the European Commission when personal data is transferred to third party countries that do not have adequate protection; and

For exceptions to the strict limitations on export of personal data only after all members of the European Community have been given the opportunity to object.

American companies will be directly affected by European data protection rules in several ways. First, American subsidiaries operating in Europe will be directly subject to the same strict data protection rules that apply to European businesses. Second, corporations in the United States may be required to comply with European data protection standards as a condition of being permitted to transfer personal data from their European subsidiaries. Third, any American company that needs personal data from a source in Europe may be subject to the European requirements for transborder data flow.

American companies that could be affected include banks, insurance companies, credit grantors, computer service bureaus, direct marketers, pharmaceutical companies, and manufacturers. Any company whose business involves the transfer of any type of personal data could become subject to European regulation. Even the simple transfer of internal personnel records from a subsidiary to an American parent company would be regulated.

The United States must prepare for the implementation of the new European data protection rules. Otherwise, American companies face the prospect of having their domestic records management practices reviewed by European bureaucrats and their legal liabilities determined by European courts. As an alternative to a regulatory apparatus controlled in Brussels, we need to formalize the American system of data protection. This could be done through a combination of new industry codes, existing legislation, and participation by a non-regulatory Data Protection Board.

I do not believe that there can be any doubt that the Europeans are serious about data protection. Some restrictions have already been imposed. Recently, the French Data Protection Commission prevented Fiat in France

from transferring information about its employees to Fiat in Italy because Italy has yet to adopt a data protection law. There are rumors that some limitations on the transfer of personal information to the United States may be imposed soon.

I want everyone to understand that the European Community data protection directive is still a draft. Parts of it are unclear, and other parts may be unreasonable or unworkable. We do not know what the final directive will look like or how strong it will be. It seems certain, however, that there will be a directive and that it will have some impact on American business operations.

Further, it remains uncertain how the American system of privacy regulation will be viewed under the new European standards. Many of the modern principles of privacy now being implemented in Europe were actually developed in the United States 20 years ago. These principles have been implemented here in a uniquely American way. The American system is hard to compare directly to more recent data protection laws because we rely on a combination of Federal, State, and local legislation; constitutional protections; and common law. Some of our privacy protections surpass anything found elsewhere in the world. In other areas, the American approach to privacy protection is less formalistic and less bureaucratic than the European approach, but not necessarily less effective. A Data Protection Board could bring a clear message about the American system directly to Europe in a credible way.

At the very least, the U.S. Government needs to do a better job in representing American business interests. This is an immediate need. To date, the Federal Government's response to data protection activities in Europe has been almost nonexistent. For example, there has been no official American representative at the annual meetings of Data Protection Commissioners.

Only the Office of Consumer Affairs has paid much attention to data protection. As welcome as that attention has been, I am not sure that the Office of Consumer Affairs is the best Federal representative for complex international matters with serious implications for American business, trade, and economic interests. The State Department, Commerce Department, and U.S. Trade Representative should be more actively representing American interests.

While I hope that these agencies will become more active soon, it is apparent that the lack of a central data protection authority in the United States has left American industry unrepresented when decisions are made about how multinational companies can use data for transborder purposes. At the very least, we need an American Federal agency to represent American interests in ongoing consultations with other national data protection agencies. The historical record demonstrates that data protection will not receive sufficient attention at any existing agency. The lack of an independent data protection authority also leaves American consumers without a spokesman for their fears about privacy.

A Data Protection Board is the right response to both domestic privacy concerns and international data protection threats to Ameri-

can business. The time has come to take a step that does more than respond to specific problems. We need to look to the future. We need to learn how to identify problems presented by new technology and new business methods before it is too late to react. We need to work together with recordkeepers and with record subjects to find ways to protect legitimate data protection concerns while allowing government and industry to function.

MFN STATUS FOR BULGARIA AND ROMANIA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Connecticut [Mrs. KENNELLY] is recognized for 5 minutes.

Mrs. KENNELLY. Mr. Speaker, I rise today to introduce legislation which would grant most-favored-nation status to Bulgaria and Romania.

Mr. Speaker, I stood here a year ago and introduced legislation to grant most-favored-nation status to four nations: Bulgaria, Romania, East Germany, and Czechoslovakia. As you may know, President Bush announced, shortly after meeting with President Havel of Czechoslovakia, that he would grant that nation MFN status. And the question of MFN for East Germany is now a moot question as a result of German reunification. Czechoslovakia and a unified Germany can now begin the long process of sorting through the economic challenges they face.

But what about Bulgaria and Romania? Obviously progress toward true democracy and economic reform in these two nations has not been as rapid as we might like. It is my understanding, however, that the administration is considering granting Bulgaria MFN status in the coming months in light of their progress. I hope that this is the case and that necessary economic and political reforms in that nation can continue so as to make this possible.

That leaves Romania. Without a doubt, Romania lags behind these other three nations on the road to democracy, but one must remember the very real reason why this is so; there was only one Ceausescu. It is my hope that my bill and the promise of MFN when conditions warrant can help affect change in that nation. Should progress toward democracy and economic reform be made, there is no question that MFN would provide vital assistance in rebuilding the Romanian economy.

THE BANK ACCOUNT SAFETY AND SOUNDNESS ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois [Mr. ANNUNZIO] is recognized for 5 minutes.

Mr. ANNUNZIO. Mr. Speaker, George Santayana's wisdom that, "those who cannot remember the past are condemned to repeat it," is becoming increasingly applicable in the field of Federal deposit insurance.

On December 17, 1990, the House Subcommittee on Financial Institutions Supervision, Regulation and Insurance held hearings on a report from three prominent economists which concluded that the fund which insures the bank deposits of millions of Ameri-

cans—the Bank Insurance Fund [BIF] of the Federal Deposit Insurance Corporation [FDIC]—is currently teetering on the edge of insolvency. As if that is not enough, the report concludes that BIF could be facing up to \$65 billion in additional losses over the next 3 years.

At these very same hearings, FDIC Chairman William Seidman testified that he expected BIF to lose \$4 billion in 1990, reducing the fund's reserves to \$9.2 billion for a historically low reserve ratio of only 0.47 percent. By the end of 1991, Chairman Seidman predicts—and I should note that his long-term predictions usually prove to be extremely optimistic—that BIF will have only \$4.2 billion in reserves for a reserve ratio of only 0.21 percent.

On September 1990, the General Accounting Office and the Congressional Budget Office reported to Congress that BIF's reserves—which have been dwindling at a rapid pace since 1986—could easily be depleted by any number of plausible events, such as a nationwide recession or one failure of a major bank.

Mr. Speaker, unless quick action is taken, it is becoming increasingly likely that FDIC's Bank Insurance Fund will become insolvent, resulting in another taxpayer bailout of a Federal deposit insurance fund. Without action, history will repeat itself.

Mr. Speaker, the time has come for Congress to take bold yet responsible action in this area. BIF cannot be permitted to become insolvent; the cost of its recapitalization cannot and should not be passed on to the American taxpayers, who have already paid for a similar bailout of FSLIC.

That is why I have reintroduced legislation entitled the Bank Account Safety and Soundness Act—H.R. 31—to recapitalize the Bank Insurance Fund and to address its major flaws.

For some time now, I have been deeply concerned with the deteriorating condition of the Bank Insurance Fund, and have been criticized by banking industry spokesmen and other experts for expressing these concerns. The facts, however, speak for themselves.

Since 1986, the strength of FDIC's Bank Insurance Fund has declined by almost 60 percent. It has lost over \$9 billion in the last 3 years alone, declining from \$18 billion. Today, the fund would have to increase by 250 percent to reach its historic operating level of \$1.25 in reserves for every \$100 in insured accounts.

The Bank Account Safety and Soundness Act addresses not only BIF's funding needs, but its structural failings as well.

Foremost among the fund's flaws is that—like its S&L counterpart—the FDIC's sole safety net is the American taxpayer. If the fund fails, it has nowhere to turn but the U.S. Treasury, which in turn send us the bill.

I believe that the burden of potential bank failures should be lifted from the shoulders of the American taxpayer, and placed it where it belongs—on banks and their shareholders who stand to reap the benefits that deposit insurance provides. My legislation corrects this flaw by requiring federally insured banks to back up the fund themselves.

Just as shareholders are required to subscribe to stock if they choose to reap the benefits of corporate ownership, the Bank Account Safety and Soundness Act would require insured banks to pay into the Bank Insurance Fund an amount equal to 1 percent of their total deposits, which would be adjusted annually. If the FDIC needed to use any of these funds to cover industry losses, banks would be required to replenish their 1-percent deposit—their stock in the fund—up to this 1-percent level. Additionally, the fund would retain all interest earned from these funds, while retaining its current authority to assess annual premiums.

Not only would the Bank Account Safety and Soundness Act result in an immediate inflow of \$25 billion of much needed capital into the fund, but it would make the banking industry itself—not the taxpayer—the first and probably only line of defense to insurance fund losses. Furthermore, since banks would be required to replenish their stock if it is expended to cover losses, this automatic refill feature would never allow the fund's reserves-to-insured deposit ratio to drop below a level of 1 percent, considerably above its current ratio which is hovering at 0.47 percent.

Another flaw in the current system of deposit insurance for banks, nearly all observers agree, is the absence of market discipline. In addition to shifting the taxpayers' burdens to industry and refinancing the Bank Insurance Fund, the Bank Account Safety and Soundness Act would also go far to address the issue of market discipline.

Because the banking industry's money—not the taxpayers'—would be on the line if regulation is not adequate, insured institutions would share the interest of Government in minimizing industry losses if H.R. 31 were enacted. This results in industry self-policing, conservative lending and investment practices, and industry-wide cooperation with regulators.

My legislation would also result in a deposit insurance fund that grows at the same rate as the institutions that it insures. In the early part of the last decade, deposits at the Nation's savings and loans grew more rapidly than the FSLIC, which insured those deposits.

The Bank Account Safety and Soundness Act addresses this problem as well, since banks would be required to maintain their deposit in the fund at a level equal to 1 percent of deposits. Thus, each year a bank would have to place in the fund an amount equal to 1 percent of its deposit growth, and faster growing banks would have to pay more for deposit insurance than their slower growing, more conservative counterparts.

Lastly, but perhaps most importantly, the \$25 billion in new capital which would flow into the fund as a result of my legislation would more than triple its size at a time when it is needed most. This would restore the Bank Insurance Fund to its historic operating level of 1.25 percent by next year, and provide it with the cushion that will be needed to cover anticipated losses in the months and years ahead.

The Bank Account Safety and Soundness Act has one more thing that almost every other deposit insurance reform proposal lacks: it has been successfully tried and tested against real, not theoretical, market pressures. For over half a decade, the system which the

Bank Account Safety and Soundness Act would establish for commercial banks has been working quite successfully for the National Credit Union share insurance fund, the Federal fund insuring accounts at 14,000 of the Nation's credit unions.

Never again should the American taxpayer be required to bail out a deposit insurance fund. The savings and loan crisis has shown the weakness of the current deposit insurance system. The taxpayers have already been called upon to do too much; I believe they should not be asked to do more.

The Bank Account Safety and Soundness Act would restore America's confidence in the American deposit insurance system by providing the fund with the money it needs to do its job. If enacted, it would also restore America's confidence in Congress by showing one and all that we have learned the lessons of the not-too-distant past.

THE MEDICARE REIMBURSEMENT ACT OF 1991

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. STARK] is recognized for 5 minutes.

Mr. STARK. Mr. Speaker, the tobacco industry has enjoyed a life of civil immunity in a world of products liability. For 25 years our Surgeon Generals have been advising us of the health consequences of smoking cigarettes. As a Congress we have paid too little heed to the costs to our Nation in lives lost and dollars spent because of the special status we have allowed this industry.

In the past, the tobacco industry has shaped public health and smoking policies. How long can we let this continue? I say we should stop, and stop now. It is time for the Federal Government to counterbalance the tobacco industry's heavy input and take the lead in establishing new national policy directed toward relief of tobacco induced disease and deaths and the economic burden which accompanies them.

Therefore, Mr. Speaker, today Representatives ANDREWS of Texas, LEHMAN of Florida, COLLINS of Illinois, PELOSI, LIPINSKI, and I are introducing the Medicare Reimbursement Act of 1991 which assigns part of the health related costs of smoking to the tobacco industry where it rightfully belongs. My proposal will permit the Secretary of Health and Human Services to recover funds expended in the care and treatment of Medicare patients with tobacco induced cancer, tobacco induced cardiovascular disease and tobacco induced lung disease.

Mr. Speaker, it is time for the Congress to stand with the Secretary, the Surgeon General and the thousands of people who developed and endorsed the goals of Healthy People 2000. We must exhibit the leadership necessary to show the American people we mean business about reducing the tragedies of smoking induced disease and the heavy burden the taxpayer is carrying in health care costs for an industry that has shown no compassion or remorse for the death and destruction it has created.

Congress has granted specific exemptions that protect tobacco from several regulatory

acts, including the Consumer Product Safety Act, the Federal Hazardous Substances Act, and the Fair Packaging and Labeling Act. In addition, the Food and Drug Administration has refused to exercise control over this disease producing industry. We have left ourselves, the Congressmen and Congresswomen of the United States as the sole regulators of the tobacco industry. We cannot afford to shirk that responsibility.

Each year there are nearly 400,000 smoking related deaths in the United States. Cancer due to smoking is the greatest cause of these deaths, accounting for approximately 140,000 lives lost annually. Cigarette smoking causes 90 percent of all lung cancer cases in men, 79 percent in women. Lung cancer has surpassed breast cancer as the main cancer killer of women.

Cardiovascular disease, our No. 1 killer nationwide, is the second most prevalent cause of smoking related mortality in the United States accounting for 115,000 deaths annually. Smokers have more than twice the risk of heart attack as nonsmokers. Cigarette smoking causes up to 90 percent of all cases of chronic obstructive lung disease.

Mr. Speaker, smoking has been identified as the chief avoidable cause of death in the United States. The good news is that smoking prevalence is decreasing. The bad news is that the tobacco industry is working hard to recruit our young people as new smokers to replace those who are quitting or who die. The health care costs to our Nation caused by smoking induced disease will unfortunately be around for a long time, and it is a cost we can ill afford. In addition we are likely to see these expenditures grow rather than decrease because of increased longevity of the population.

The American people are overwhelmingly in favor of protecting our children and youth from the addictive habit of smoking and in preventing persons of all ages from suffering the health consequences of smoking which are preventable. I urge my colleagues to listen to the majority and act now to place the responsibility for the consequences of smoking squarely where it belongs.

The tobacco companies argue that people voluntarily choose to smoke, knowing its risks as stated on the required warning labels. What they fail to mention is that those risks cannot be reasonably calculated even by Government experts, because the ingredients and the composition of smoking tobacco are held as trade secrets by the tobacco companies. We know that cigarettes contain active carcinogens, but we don't know how much and in what form. With no way to calculate the real risk of tobacco smoking, it is impossible for any person to make an informed choice.

Worse yet is the fact that over 90 percent of regular tobacco users begin while teenagers or younger, 70 percent by age 15 and 50 percent by age 13. Eleven years old is considered a routine starting age for smoking addiction. This is not informed choice. Nor does the established fact that smoking is addicting give credence to the tobacco industry's denial of responsibility for smoking induced disease.

The bill I am introducing today, Mr. Speaker, will be only a start at recovering the estimated \$22 billion annual direct cost of health care for smoking induced disease and the \$43 billion

in annual lost productivity. But it is time to make that start, and the Medicare Reimbursable Act of 1991 can do it.

The OTA has estimated that the Medicare Program alone is spending over \$3.5 billion annually on smoking induced diseases. This bill directs the Secretary to assess each tobacco company on the basis of its annual sales the proportional amount of its corporate responsibility for these health care costs. In times of critical cost containment it is more important than ever to see that each responsible party pays his or her fair share of that cost.

The Medicare Reimbursement Act of 1991 will provide for the recovery of economic loss to the people of the United States which was caused by corporate activity directed at the production of a product which can be lethal when used according to directions. Although Congress cannot recover the health loss, it is surely within our power to recover the economic loss. Let's do it.

The text of the bill follows:

H.R. —

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 "Medicare Reimbursement Act of 1991".

SEC. 2. IMPOSITION OF ADDITIONAL TAX ON MANUFACTURERS AND IMPORTERS OF CIGARETTES.

(a) IN GENERAL.—Subchapter D of chapter 52 of the Internal Revenue Code of 1986 (relating to tobacco occupational tax) is amended by adding at the end the following new section:

"SEC. 5732. ADDITIONAL TAX ON MANUFACTURERS AND IMPORTERS OF CIGARETTES.

"(a) GENERAL RULE.—There is hereby imposed, for each calendar year, on each person engaged in business as a manufacturer or importer of cigarettes during the preceding calendar year, a tax equal to—

"(a) the amount of smoking-related medical costs (as determined under subsection (b)), multiplied by

"(2) the percentage (as determined by the Secretary) of the total amount of cigarettes sold during the preceding year for consumption in the United States which were manufactured or imported by such person.

"(b) SMOKING-RELATED MEDICAL COSTS.—

"(1) PERIOD BEGINNING AFTER DECEMBER 31, 1991.—With respect to the 3-year period beginning after December 31, 1991, the smoking-related medical costs shall be \$3,500,000,000 for each year in such period.

"(2) PERIOD BEGINNING AFTER DECEMBER 31, 1994.—With respect to each 3-year period beginning after December 31, 1994, the smoking-related medical costs for each year in any such period shall be the amount determined by the Secretary, after consultation with the Secretary of Health and Human Services, to be equal to the average annual amount estimated to have been expended for the care and treatment of smoking-related cancers, circulatory system diseases, and respiratory diseases under parts A and B of title XVIII of the Social Security Act (42 U.S.C. 1395c et seq.) during the 3 years preceding the period for which the determination is being made under this paragraph.

"(c) PAYMENT OF TAX.—The tax imposed under this section shall be paid in 4 equal installments on the following dates:

"(1) April 15 of the calendar year for which the tax is imposed.

"(2) June 15 of the calendar year for which the tax is imposed.

"(3) September 15 of the calendar year for which the tax is imposed.

"(4) December 15 of the calendar year for which the tax is imposed.

"(d) ACCELERATION OF PAYMENTS.—If the taxpayer does not pay any installment under this section on or before the date prescribed for its payment, the whole of the unpaid tax shall be paid upon notice and demand from the Secretary.

"(e) ADDITIONAL TAX.—The tax imposed under this section shall be in addition to any other tax imposed under this chapter."

"(b) CLERICAL AMENDMENT.—The table of sections for subchapter D of chapter 52 of such Code is amended by adding at the end the following new item:

"Sec. 5732. Additional tax on manufacturers and importers of cigarettes."

"(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 1, 1992.

SEC. 3. APPLICATION OF INCREASED CIGARETTE TAX REVENUES TO MEDICARE PROGRAMS.

"(a) PORTION OF INCREASE IN REVENUES TO FEDERAL HOSPITAL INSURANCE TRUST FUND.—Section 1817 of the Social Security Act (42 U.S.C. 1395i(a)) is amended by adding at the end the following new subsection:

"(k)(1) There are hereby appropriated to the Trust Fund for each calendar year beginning with calendar year 1992, out of any moneys in the Treasury not otherwise appropriated, amounts equivalent to—

"(A) in the case of calendar years 1992, 1993, and 1994, \$2,100,000,000 for each such year; and

"(B) in the case of calendar year 1995 and each calendar year thereafter, a percentage (as determined by the Secretary) of the taxes imposed for each such year by section 5732 of the Internal Revenue Code of 1986 which represents the percentage of the total smoking-related medical costs (as determined under subsection (b)(2) of such section) which are allocable to the Federal Hospital Insurance Trust Fund.

"(2) The amounts appropriated by the preceding sentence shall be transferred from time to time from the general fund of the Treasury to the Trust Fund, such amounts to be determined on the basis of estimates by the Secretary of the Treasury of the taxes, specified in the preceding sentence, paid to or deposited into the Treasury. Proper adjustments shall be made in amounts subsequently transferred to the extent prior estimates were in excess of or were less than the taxes specified in the preceding sentence."

"(b) PORTION OF INCREASE IN REVENUES TO FEDERAL SUPPLEMENTARY MEDICAL INSURANCE TRUST FUND.—Section 1844 of the Social Security Act (42 U.S.C. 1395w) is amended by adding at the end the following new subsection:

"(c)(1) There are hereby appropriated to the Federal Supplementary Medical Insurance Trust Fund for each calendar year beginning with calendar year 1992, out of any moneys in the Treasury not otherwise appropriated, amounts equivalent to—

"(A) in the case of calendar years 1992, 1993, and 1994, \$1,400,000,000 for each such year; and

"(B) in the case of calendar year 1995 and each calendar year thereafter, a percentage (as determined by the Secretary) of the taxes imposed for each such year by section 5732 of the Internal Revenue Code of 1986 which represents the percentage of the total smoking-related medical costs (as determined under subsection (b)(2) of such section) which are

allocable to the Federal Supplementary Medical Insurance Trust Fund.

"(2) The amounts appropriated by paragraph (1) shall be transferred from time to time from the general fund of the Treasury to the Trust Fund, such amounts to be determined on the basis of estimates by the Secretary of the Treasury of the taxes, specified in paragraph (1), paid to or deposited into the Treasury. Proper adjustments shall be made in amounts subsequently transferred to the extent prior estimates were in excess of or were less than the taxes specified in paragraph (1)."

ORDER OF BUSINESS

Mr. OWENS of New York. Mr. Speaker, I ask unanimous consent that I may be able to exchange my place in the special orders with the gentleman from Utah [Mr. OWENS].

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

PRESS FREEDOM AND THE GULF WAR

The SPEAKER pro tempore. Under a previous order of the House the gentleman from Utah [Mr. OWENS] is recognized for 60 minutes.

Mr. OWENS of Utah. Mr. Speaker, I have asked for this special order this afternoon, along with others of my colleagues, to discuss a very delicate and sensitive issue, but one of great importance in the war effort which we are now leading in the Persian Gulf. I refer to the so-called ground rules for release of information relating to Operation Desert Storm.

We have witnessed from the very outset of this operation a Defense Department policy to control the news of our war efforts in Kuwait and Iraq, a policy which is vastly different from, and much more restrictive than, news dissemination policies of our past wars.

To begin, I cite the observations of Alexis de Tocqueville, who wrote:

I admit that I do not feel toward freedom of the press that complete and instantaneous love which one accords to things by their nature supremely good. I love it more from considering the evils it prevents, than on account of the good it does.

No one really believes that the open access policy for news reporters which existed during the Vietnam war dented the effectiveness of U.S. efforts or endangered our troops. But, for reasons which are not readily apparent, that open policy has been changed in the Persian Gulf to restrict access to American military personnel for interviews to those whom the Defense Department public relations officials designate. Pools of reporters are organized and taken to locations chosen by the Defense Department. Access to battle is denied, content of interviews is restricted, as is the transmission of photographs and television images.

Mr. Speaker, no one questions the overriding rule that journalists may not reveal information which could endanger allied troops safety or which betray future military plans. No one wants to make life more dangerous for American or allied forces in the Persian Gulf. And no responsible news reporter would release information about future operations.

But, there were also ground rules in existence during the Vietnam war effort. They were honored by newsmen, whose competitive drive to provide the world with reliable reports of the successes and the failures of the war did not, in any example offered by anyone in this debate over the last week, adversely impact on either American troops or American actions. Those ground rules worked in Vietnam, and they endangered no one.

Mr. Speaker, I voted to continue reliance upon sanctions 2 weeks ago in this Chamber, and not to go to war at this time. But since a majority vote authorized the President to use offensive force, I have risen twice in this body and countless other times elsewhere, to pledge my unreserved support for the Commander in Chief and American troops fighting in the gulf. With almost all Members of this body 10 days ago, I voted to reassure the President and our troops of such support. To those men and women who are risking their lives in Operation Desert Storm, and to their families here at home, I reiterate that we will not waiver in our support for their efforts. They will have both our moral and our material support.

There is an unquestionable interest in restricting sensitive information about military plans, capabilities, and vulnerabilities that could jeopardize the outcome of an operation or the safety of allied forces. The press is properly restricted from divulging such information, as well as from reporting casualties before the next of kin can be notified. These rules have long been recognized as necessary in times of war, even in a society which cherishes a free press as a pillar of its democracy. I am not suggesting that they be changed.

I am alarmed, rather, by additional rules that extend beyond the security requirements of the war effort; rules that enable the Government to spin the news, to create false impressions, to distort the truth, and prejudice the judgment of an informed public.

I will insert into the RECORD a story in yesterday's Washington Post by reporter Bob Woodward which sets forth a story of the successes, or lack thereof, of some of our bombing in Kuwait and Iraq. In a call to the Post this afternoon, my staff learned that the Defense Department has not contested the material in the report, although the story represents a significant difference from news releases and general information previously released by De-

fense Department public information officials.

In Operation Desert Storm, I speak specifically of the restrictive manner in which press pools are operated, prohibitions on independent reporting, the constant presence of Government officials at every interview in the field, and the suppression of information for political benefit. These restrictions extend far beyond those which were fairly and effectively employed in every recent American conflict. In the past, journalists were given ground rules which they were expected to obey. These guidelines were self-enforced, and with very rare exception, enabled responsible, objective, and accurate reporting without risk to allied operations or lives.

The guidelines in force for Operation Desert Storm were crafted in the aftermath of the Vietnam war, and are apparently designed to sanitize the news and shape the reactions of the American people; to make us believe that the war effort is going better than perhaps it is, to assure us that Government officials are running things better than perhaps they are, to convince us that the war is more painless and bloodless than perhaps it is. I submit, Mr. Speaker, that such a policy does not serve the true interest of Americans whose sons and daughters are risking their lives in the Persian Gulf. It will not lead us on a quicker or more painless road to victory. It will do precisely the opposite by sowing the seeds of distrust and resentment in the public, and it will steadily but ultimately erode support for the war efforts.

Why, for example, have reporters been forbidden interviews with B-52 pilots, but allowed to speak with all other pilots? What is it about these airplanes, the pilots, or the mission that threatens the war effort? Could it be that B-52s, which unload thousands upon thousands of pounds of ordinance, don't conform to the pinpoint precision image of this war? Why are reporters prevented from interviewing chaplains in the gulf? Why was news of the successful bombing of nuclear targets in Iraq delayed for later release at a Pentagon press conference? How was it that we were led to believe that the Republican Guard had been decimated in the first days of bombing? Or that we had destroyed all of Iraq's fixed Scud missile launchers, when in fact, we are now told that only 8 out of 30 had been disabled?

A successful allied war effort in the Persian Gulf will be served by an equitable balance between the ability of Americans and our allies to know the truth about what is actually happening in the war effort, and protecting members of the Armed Forces and their future plans. These twin objectives of war reporting are not mutually exclusive. Vietnam proved that reporters will avoid compromising the safety or

operations of the Armed Forces, and the Army's own history of the Vietnam war so affirmed.

From last Sunday's Washington Post op-ed piece by Robert G. Kaiser, currently the Post's deputy managing editor who covered the Vietnam war as a reporter from 1969 to 1970, comes the following point of major importance:

The American people are shrewd; they have an excellent record over the years in giving support to policies that deserve it and withholding it from those that don't. They can be trusted. If things start to go badly in Kuwait, the Government ought to realize that it needs to convey that news to home quickly and in detail. The most credible messenger to carry such news is the American press, for all its warts and imperfections. Any attempts to withhold bad news, or put a false shine on it will diminish the public support the military wants and needs. If reporters are hobbled by "security reviews" and lack of access to the front, Americans—who are used to getting the full story—will become suspicious. They will spread rumors. And some of them will never believe subsequent government accounts, because there will be no independent witnesses to confirm them.

Some have foolishly alleged that it was the press which lost the Vietnam war. To that allegation, I cite the Army's own history of the war. Army historian William L. Hammond wrote:

What alienated the American public, in both the Korean and Vietnam wars, was not news coverage but casualties, it is undeniable that press reports were * * * often more accurate than the public statements of the administration in portraying the situation in Vietnam. In the end, President Johnson and his advisers put too much faith in public relations.

And to that, I would add this comment—"too little faith in the ability of the American people to perceive and accept truth."

Mr. Speaker, history indicates that the military should allow the press to operate independently in the theater at their own risk, without oversight, without censorship, and without unnecessary delays, subject only to the ground rules which will protect the safety of the troops and the secrecy of future military plans.

This means that reporters not be restricted at all times to pools, that they be allowed to speak freely with service men and women who are not hand-picked by unit commanders, and that they be permitted to conduct interviews outside the earshot of a public affairs officer. At present, under the current guidelines, these are not possible. Consequently, bad news may be withheld from the public for political reasons, and good news may be delayed for packaged release by the Pentagon. It deprives the general public of credible information that it expects and deserves, even in times of war.

It is not only the public at home that suffers from press censorship. American soldiers in Saudi Arabia complain that news programming on Armed

Forces Radio has been curtailed, and this, according to one Army captain, "makes you start to wonder what they are keeping from us." In interviews provided to one pool of reporters, soldiers said that they suspected the Pentagon was cutting back on news for fear that bad news might undermine morale. These soldiers said that this only heightened their anxiety.

The military is an invaluable, and for the most part, trustworthy source of information. But the military is not capable of striking an equitable balance between the public's right to know, and the need for operational security and safety.

For this we depend, as an informed public, on independently gathered news unfettered by Government interference. We demand that it be responsible, and we demand that it not place at risk the brave men and women who are serving our country.

Articles referred to follow:

OPERATION DESERT SHIELD GROUND RULES

The following information should not be reported because its publication or broadcast could jeopardize operations and endanger lives:

(1) For U.S. or coalition units, specific numerical information on troop strength, aircraft, weapons systems, on-hand equipment, or supplies (e.g., artillery, tanks, radars, missiles, trucks, water), including amounts of ammunition or fuel moved by or on hand in support of combat units. Unit size may be described in general terms such as "company-size," "multibattalion," "multidivision," "naval task force," and "carrier battle group." Number or amount of equipment and supplies may be described in general terms such as "large," "small," or "many."

(2) Any information that reveals details of future plans, operations, or strikes, including postponed or cancelled operations.

(3) Information, photography, and imagery that would reveal the specific location of military forces or show the level of security at military installations or encampments. Locations may be described as follows: all Navy embark stories can identify the ship upon which embarked as a dateline and will state the report is coming from the "Persian Gulf," "Red Sea," or "North Arabian Sea." Stories written in Saudi Arabia may be datelined "Eastern Saudi Arabia," "Near the Kuwaiti border," etc. For specific countries outside Saudi Arabia, stories will state that the report is coming from the Persian Gulf region unless that country has acknowledged its participation.

(4) Rules of engagement details.

(5) Information on intelligence collection activities, including targets, methods, and results.

(6) During an operation, specific information on friendly force troop movements, tactical deployments, and dispositions that would jeopardize operational security or lives. This would include unit designations, names of operations, and size of friendly forces involved, until released by CENTCOM.

(7) Identification of mission aircraft points of origin, other than as land- or carrier-based.

(8) Information on the effectiveness or ineffectiveness of enemy camouflage, cover, deception, targeting, direct and indirect fire, intelligence collection, or security measures.

(9) Specific identifying information on missing or downed aircraft or ships while search and rescue operations are planned or underway.

(10) Special operations forces' methods, unique equipment or tactics.

(11) Specific operating methods and tactics, (e.g., air angles of attack or speeds, or naval tactics and evasive maneuvers). General terms such as "low" or "fast" may be used.

(12) Information on operational or support vulnerabilities that could be used against U.S. forces, such as details of major battle damage or major personnel losses of specific U.S. or coalition units, until that information no longer provides tactical advantage to the enemy and is, therefore, released by CENTCOM. Damage and casualties may be described as "light," "moderate," or "heavy."

GUIDELINES FOR NEWS MEDIA

News media personnel must carry and support any personal and professional gear they take with them, including protective cases for professional equipment, batteries, cables, converters, etc.

Night Operations—Light discipline restrictions will be followed. The only approved light source is a flashlight with a red lens. No visible light source, including flash or television lights, will be used when operating with forces at night unless specifically approved by the on-scene commander.

Because of host-national requirements, you must stay with your public affairs escort while on Saudi bases. At other U.S. tactical or field locations and encampments, a public affairs escort may be required because of security, safety, and mission requirements as determined by the host commander.

Casualty information, because of concern of the notification of the next of kin, is extremely sensitive. By executive directive, next of kin of all military fatalities must be notified in person by a uniformed member of the appropriate service. There have been instances in which the next of kin have first learned of the death or wounding of a loved one through the news media. The problem is particularly difficult for visual media. Casualty photographs showing a recognizable face, name tag, or other identifying feature or item should not be used before the next of kin have been notified. The anguish that sudden recognition at home can cause far outweighs the news value of the photograph, film or videotape. News coverage of casualties in medical centers will be in strict compliance with the instructions of doctors and medical officials.

To the extent that individuals in the news media seek access to the U.S. area of operation, the following rule applies: Prior to or upon commencement of hostilities, media pools will be established to provide initial combat coverage of U.S. forces. U.S. news media personnel present in Saudi Arabia will be given the opportunity to join CENTCOM media pools, providing they agree to pool their products. News media personnel who are not members of the official CENTCOM media pools will not be permitted into forward areas. Reporters are strongly discouraged from attempting to link up on their own with combat units. U.S. commanders will maintain extremely tight security throughout the operational area and will exclude from the area of operation all unauthorized individuals.

For news media personnel participating in designated CENTCOM Media Pools:

(1) Upon registering with the JIB, news media should contact their respective pool

coordinator for an explanation of pool operations.

(2) In the event of hostilities, pool products will be the subject to review before release to determine if they contain sensitive information about military plans, capabilities, operations, or vulnerabilities (see attached ground rules) that would jeopardize the outcome of an operation or the safety of U.S. or coalition forces. Material will be examined solely for its conformance to the attached ground rules, not for its potential to express criticism or cause embarrassment. The public affairs escort officer on scene will review pool reports, discuss ground rule problems with the reporter, and in the limited circumstances when no agreement can be reached with a reporter about disputed materials, immediately send the disputed materials to JIB Dhahran for review by the JIB Director and the appropriate news media representative. If no agreement can be reached, the issue will be immediately forwarded to OASD(PA) for review with the appropriate bureau chief. The ultimate decision on publication will be made by the originating reporter's news organization.

(3) Correspondents may not carry a personal weapon.

More examples:

In one dispatch describing American pilots, a military editor changed the word "giddy" to "proud".

A report describing a tank named "Arnold the Battle Pig" was censored so as not to offend muslim sensibilities.

Cristiane Amanpour, a CNN correspondent, described Public Affairs Officers signaling to servicemen during interviews.

Video footage showing bullet holes from anti-aircraft batteries was delayed for hours, and then released.

Pentagon has withheld information on estimated Iraqi casualties, both civilian and military.

[From the Washington Post, Jan. 27, 1991]

TRUST ME

(By Robert G. Kaiser)

Here we go again. The country has been at war for 10 days, and already the government and the press are arguing about censorship, access to the front and the general flow of information about the fighting. The Bush administration has imposed the strictest rules in modern times on reporters on the scene, and the briefers in Saudi Arabia and Washington are putting out what seem to be sketchy accounts of the action to increasingly restive press corps in both places.

The government's position probably strikes most people as reasonable on its face. The Pentagon must control information to avoid helping the enemy; reporters often get in the way in wartime and must be kept in check; briefings have to be sketchy both to avoid helping the enemy, and because in wartime information is difficult to confirm. Those are the arguments made openly.

Behind these arguments—each of which has some merit—is a deep suspicion of the news media in the American armed services. Any reporter covering the Pentagon or the war has encountered some version of this suspicion; the media lost Vietnam, and we won't let them lose another one for us. That attitude is also understandable. Vietnam became an unpopular war, and the men who fought it were systematically mistreated on the home front. Some media accounts of the war were openly hostile to the military mission. More important, the media brought the news home that made the war so unpopular, and all of us in the news business know what

happens to the messenger bearing bad tidings.

Gen. Colin Powell, a Vietnam veteran who is now chairman of the Joint Chiefs of Staff, summed up the government's position at his Pentagon briefing for the media Wednesday in just two words; "Trust me." Then he flashed a winning grin, and the reporters laughed, but they were not persuaded. Partly this is because it is our job not simply to trust government officials—the essence of a journalist's obligation is to be skeptical. And partly it is history. However unfairly, Powell and George Bush carry a burden in this war that Lyndon B. Johnson and William C. Westmoreland (among many others) put on their shoulders. This generation of journalists has been misled before about grave matters of war and peace; we'd be fools to think it could never happen again.

Already there have been hints that this administration wants to put a rosy cast on events in the Gulf. Powell himself said that 80 percent of the bomber attacks on the first day of the war had been "effective." That meant that 80 percent of the pilots reached what they thought was their targets and dropped their bombs—there was no information on whether the bombs hit anything. Fair-minded outsiders might think the military is exaggerating the size of its air campaign by speaking of 2,000 sorties a day, when any flight by any airplane—a refueling craft, an escort plane that carries no bombs, etc.—counts as a sortie.

But so far the system of providing information on the war has worked reasonably well. The air war is a hard thing to report; cloud cover did make it difficult to assess damage; we know we can't go to Iraq to see the damage, and most of us don't want to. We are not going to make a big issue about the government's information policy in the first 10 days of the war. It is what will come if and when a ground war begins that worries the news media.

Under the Pentagon's latest rules, no reporter will be allowed to the front except in a government-sponsored pool and accompanied by a military officer. All dispatches will be subject to "security review," which means they must be read at least once and possibly by several layers of public information officers before becoming available to news organizations in this country. One such report from a Post reporter with the Marines in the north of Saudi Arabia on the first day's fighting was delayed 24 hours, and thus was useless when it reached us. Another took eight hours to reach Dhahran, because the Army insisted on driving the dispatch many hours across the desert instead of allowing reporters to file from a telephone just an hour from their location. And these dispatches were routine.

If ground fighting begins and Americans begin to die in large numbers, how much news of such events will reach the home front? How will Americans know what is happening to their soldiers in Kuwait? And what will the impact be on the military and the Bush administration if Americans are being killed in the dark—without the news media providing full and speedy accounts of the action?

That is the key point. The American people are shrewd; they have an excellent record over the years in giving support to policies that deserve it and withholding it from those that don't. They can be trusted. If things start to go badly in Kuwait the government ought to realize that it needs to convey that news to home quickly and in detail. The most credible messenger to carry such news

is the American press, for all its warts and imperfections. Any attempt to withhold bad news, or put a false shine on it will diminish the public support the military wants and needs. If reporters are hobbled by "security reviews" and lack of access to the front, Americans—who are used to getting the full story—will become suspicious. They will spread rumors, and some of them will never believe subsequent government accounts, because there will be no independent witnesses to confirm them.

Reporters do not want to report information that will endanger American lives or help Saddam Hussein. In Vietnam the military prepared a sensible list of topics that reporters could not write about—precise locations of bases, future troop movements and the like. Any reporter who broke the rules lost his or her accreditation. It was a simple procedure, and it worked. Reporters were otherwise free to cover the war any way they could.

The media did not cause the public to withdraw its support from the Vietnam war; the government did. Johnson and Westmoreland kept saying how splendidly the war was going, but the Viet Cong refused to cooperate. The Tet offensive undermined the government's credibility.

You need not take a newspaper editor's word for this. The Army's own official history of Vietnam includes a volume on the news media that came to the same conclusion. "What alienated the American public, in both the Korean and Vietnam wars, was not news coverage but casualties," wrote Army historian William L. Hammond. "It is undeniable," he added, "that press reports were . . . often more accurate than the public statements of the administration in portraying the situation in Vietnam."

"In the end," Hammond wrote, "President Johnson and his advisers put too much faith in public relations." Precisely. Americans may like a funny Diet Pepsi commercial, but on matters as serious as war, they are most unlikely to be conned by clever public relations. They want the facts, and if the government's restrictive information policy prevents them from getting the facts quickly from independent, tough-minded reporters, it's the government and its policy that will ultimately pay the price.

[From the Washington Post, Jan. 28, 1991]

KEY IRAQI ASSETS SAID TO SURVIVE 10-DAY AIR WAR

(By Bob Woodward)

Initial U.S. assessments of damage done by the first 10 days of allied bombing attacks against Iraq and Kuwait indicate that despite many successes, important parts of Saddam Hussein's war machine have not yet been significantly hurt, according to well-placed officials.

The Pentagon is not releasing details of these damage assessments because officials consider them "soft" and subject to daily changes, and because they are concerned that the first assessments might suggest incorrectly that the air campaign is not going well. But these details were being given to senior government officials in briefings during the last three days:

About 65 percent of the Iraqi airfields are still operational, though last week the Pentagon said 100 percent had been "neutralized" by air strikes or because U.S. air superiority was keeping the Iraqi planes on the ground.

Nearly all of Iraq's air defense radar was taken out in the first week of the war, but about 20 percent of it is now back in oper-

ation. The Iraqis are now using mobile radar units and have taken old radars out of storage.

As of Friday only eight of Iraq's 30 fixed Scud missile launchers had been damaged enough to fully disable them.

Officials believe some of the mobile Scud missile launchers also have been hit, but U.S. intelligence has not produced proof of that. "There is not one picture of the carcass of a mobile Scud launcher," one official said.

Pentagon officials repeatedly have said the Scuds are militarily insignificant but that Saddam is using them as a temporarily effective terror weapon. Almost daily synchronized Scud attacks on Israel and Saudi Arabia launched from different locations in Iraq are one demonstration of Saddam's ability to maintain control among his military units, officials said.

Saddam has been able to maintain communication with his forces through a sophisticated network of command posts, some of them mobile, that use remotely placed antennas located far from his physical location so he cannot be pinpointed. "It turns out he has one of the most robust and redundant and modern communications systems in the world," said one official.

A senior official said yesterday the air attacks on the Iraqi communications systems are forcing Saddam to use less reliable means of communication, and that the attack plan directed at Saddam's command network is going according to schedule.

Iraq's capability to develop and produce nuclear weapons has been destroyed; about 50 percent of the country's capacity to manufacture new chemical and biological weapons has been destroyed.

Most Iraqi supply lines have been largely unaffected by the bombing so far, allowing food and ammunition to reach troops in the field. Supply lines have not yet been a top-priority target. "The simple fact is we do not have that many airplanes when targets are divided into the half-dozen major target groups," one official said.

The Iraqis have demonstrated an unexpected skill at restoring the runways at their 66 major airfields, most of which have been put out of action at one point or another since the war began. Specially trained crews have been able to fix most damaged runways, though continued bombing from U.S. and coalition forces is planned. U.S. officials said that specific airfields can be rendered unusable at any time and noted that the Iraqi air force has been reluctant to emerge from well-protected bunkers to try to take off.

"The significant fact is that we have air superiority," one senior official said yesterday. "Not that many airfields could be used, because if he tried, we would eliminate his planes. . . . It is an abstract capability that does not worry us."

About 50 Iraqi air force planes are confirmed destroyed, and at least 39 have escaped to Iran; some 70 planes remain. Most of them are believed to be hidden in concrete and steel bunkers that were built to NATO standards by European contractors. The bunkers and their planes can be destroyed only by a direct hit from a laser-guided 2,000-pound bomb. Iraq is believed to have enough of these bunkers hidden and dispersed to shelter its entire air force. One senior official said, "At the end of the war, he [Saddam] may have a sizable air force."

Iraq's 8,000 to 9,000 pieces of high grade (20mm and above) antiaircraft artillery has been largely unaffected by the allied coalition air campaign so far. Iraqi antiaircraft

artillery fire has brought down some U.S. planes, and this artillery fire has a definite psychological impact on allied pilots, officials said.

Eleven of Iraq's 12 major petrochemical facilities, including three refineries, have received moderate damage. It is not yet clear if the damaged facilities can function or whether they can be repaired.

Baghdad's normal electrical generating capacity has been destroyed.

Heavy cloud cover, particularly over Kuwait, has hampered some assessments of the damage to date. Officials also said it is very difficult, perhaps impossible, to measure the impact of the air attacks on the dug-in and heavily entrenched 545,000 ground troops that Iraq has deployed in and near occupied Kuwait.

Officials said it was particularly hard to assess the damage done to the entrenched elite Republican Guard divisions in a 4,000-square-mile area of Kuwait and Iraq—a high-priority target. There are scattered, anecdotal reports of ammunition storage dumps exploding and other damage. Two to three dozen of the Guard's 800 tanks have been destroyed, officials said.

Military officials point out that the full force of the U.S. air campaign has not yet been directed at the 110,000-member Guard, the mainstay of the Iraqi army. Some U.S. officials had hoped the initial bombing would cause the Guard to break and move.

Gen. H. Norman Schwarzkopf, head of U.S. Central Command, told reporters in Saudi Arabia yesterday: "I would declare our campaign against the Republican Guard as highly successful, just based upon the delivery methods and the volume that we've been able to put on them. Being an infantryman, I certainly wouldn't want to be under that type of attack right now." He gave no specifics.

These and other findings from bomb damage assessments (BDA's in military jargon) have convinced officials that the air campaign should continue for weeks, and that ground forces will ultimately have to be used to oust Iraqi troops from Kuwait. The initial hope—held strongly in the Air Force and by some civilian officials—that air bombardment might do most or even all of the job has been tempered by the results of 10 days of bombing, officials indicated.

Publicly, U.S. officials have declined to characterize the findings of bomb damage assessments. Asked about the effectiveness of the air war yesterday, Schwarzkopf replied, "I would say it varies."

Schwarzkopf said yesterday that the U.S. command will be "deliberately conservative" in reporting bomb damage. "We don't want to mislead anybody," he said. "We don't want to tell you we've done something we haven't done. . . . When we announce something to you that, you know, something's happened, you can take it to the bank."

Mr. Speaker, I yield to the gentleman from California [Mr. EDWARDS].

Mr. EDWARDS of California. Mr. Speaker, our thoughts are with the American fighting men and women in the Persian Gulf. We stand united in our admiration for their courage and skill, and we wish them swift success with a minimum loss of life.

I rise today to discuss an aspect of this war which I believe the brave men and women in the military would not want us to forget, and that is the need to preserve our constitutional rights

here at home. In particular, we are concerned today with the damage that is being done to the first amendment by the Pentagon's attempt to control the news from the gulf.

The Defense Department has established guidelines for press coverage of this war that, in their combined effect, go beyond anything we had in earlier wars. The press restrictions are depriving the American public of the objective information needed to make informed judgments on this conflict. We are getting instantaneous coverage of this war, but we are not getting very much information.

Mr. Speaker, no one here today is questioning the Pentagon's decisions on war strategy. No one is criticizing the performance of our soldiers, sailors, and pilots. And no one is disputing the Government's legitimate need to withhold certain information to protect the troops and the military operations.

What brings us to the floor today is our concern that some of the controls imposed by the Pentagon go well beyond protecting security. Of particular concern are the overbroad use of censorship, the restrictive pool requirements, and the requirement for constant military escorts.

First, the Pentagon guidelines require that all press reports from the Persian Gulf must be cleared by U.S. military censors. There was no such censorship in Vietnam and the press acted very responsibly. They were critical of course, and they published embarrassing information, but there were very few if any cases in which the press published information that was militarily harmful.

In the gulf, censorship is being used to put the Pentagon's spin on the news. For example, in one instance, military censors changed a reporter's story to delete the word "giddy" and insert in its place the word "proud." Now there was no security purpose there. The Pentagon apparently felt it was unseemly to describe pilots just back from a bombing raid as being "giddy."

In another instance, reporters in the gulf learned that the military had launched air strikes against Iraqi nuclear laboratories, which was certainly no secret to Iraq, but the reporters were forbidden from reporting that information. Later, American military commanders released detailed information on those very attacks in their press briefing. The Pentagon was clearly eager to be the first to report the information itself, again to put the proper spin on it.

Second, the guidelines require reporters to cover the war only from approved press pools. Pools have their place, for example, when an invasion is being launched. But the Pentagon seems determined to use the pools throughout the war. That is unprecedented; as far as I can tell, it goes be-

yond anything imposed even in World War II.

Some of the problems encountered by the pools are comical, but they illustrate the limitations of the pool concept. One pool recently was led by a military escort who had no maps and no compass. The pool spent 6 hours in the desert, finally stumbling on an American military base. However, the pool reporters could not get into the base to find out their location because the escort did not know the proper password.

Third, reporters on military bases must be accompanied by military escort at all times. This means that the Pentagon even selects which soldiers will be interviewed and a military information officer stands by while the interview is being conducted.

What we are seeing in the Persian Gulf is a highly refined version of rules that were used in the Grenada and Panama invasions to keep from the American public important information that was not militarily sensitive. For example, during the Panama invasion, the Pentagon flatly denied that there were any casualties during a parachute drop. It was not until a month later that the Army admitted that 86 paratroopers had been hurt in the air drop. The military also kept from reporters information on civilian casualties, so that even today we do not know how many civilians died in Panama as a result of the invasion.

I am afraid that the current Pentagon leadership does not accept the role of the media in a free society. In fact, according to former Reagan defense official Fred Hoffman, Secretary of Defense Richard Cheney personally hamstrung media coverage of the Panama invasion by refusing to activate the press pool until it was too late for the press to get any reports about the initial invasion. Not a single photograph, strip of film, or eyewitness account was ever published about the combat in Panama.

The American people are financially supporting the military deployment and many have sons and daughters, husbands and wives serving in the Persian Gulf. The people at home and the troops in the gulf have a right to an objective accounting of the hostilities, not a version controlled by the Pentagon.

There may be some who argue that censorship is necessary to maintain the morale of the troops. I believe that just the opposite is true. One of the most disturbing aspects of the Pentagon's censorship program is the negative effect it is having upon the morale of our own troops in the gulf. As an Army captain stationed in the gulf observed, "it's the lack of news that gets people anxious * * *. You start to wonder what they are keeping from us."

The Pentagon may feel that the public will turn against the war if failures

are reported. To the contrary, Mr. Speaker, public support for the war is going to disappear if the public gets the impression that it is being given only the good news. The public will rapidly grow suspicious and stop believing anything. In the long run, a censorship program will damage the Nation's trust in the wisdom of the war and the competence of the military.

By creating an atmosphere of unreal optimism, the Pentagon is actually magnifying the future effects on the public of even a small military reverse. We have already seen this happen. The Pentagon initially contended that Allied air sorties were enjoying an 80-percent success rate. Officials later admitted that sorties included many noncombat air missions wholly within Saudi Arabia, including transport and refueling missions. This disclosure led to doubts about the air war's effectiveness, doubts that would have been less serious had the military not overinflated expectations in the first place.

Mr. Speaker, concern about the press restrictions is not a partisan issue. It is not a question of liberals versus conservatives. A former Pentagon official in the Reagan and Bush administration, Fred S. Hoffman, said earlier this month that the security review was not justified. He said it "is censorship by the Government and could be abused to protect the military from criticism or embarrassment." David Gergen, White House communications director under Presidents Ford and Reagan, also noted, "there is too strong a tendency—in the Pentagon—to lean toward less coverage."

In a democracy, it is precisely in matters of the gravest national importance, such as war, when the freedom of the press is most important. I urge the Pentagon to revise these press restrictions and allow the American public a fuller picture of this war.

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Mr. OWENS of Utah. Mr. Speaker, I thank the gentleman from California [Mr. EDWARDS], and at this point I am pleased to yield to the gentleman from Minnesota [Mr. VENTO] who organized and wrote a very excellent letter outlining the problem and our disagreement with many Members of the House with current policy which was signed by many Members of the House and forwarded recently to the Secretary of Defense.

Mr. VENTO. Mr. Speaker, I thank the gentleman from Utah [Mr. OWENS], and commend him and associate myself with his initial remarks and those of the distinguished gentleman from California [Mr. EDWARDS] who preceded me.

Mr. Speaker, there are days when many of us here in this Chamber would like to avoid the searing hypercritical analysis of the press—prevent them from scathing treatment of Congress,

control the press to write positively, fairly about our work and wonderful membership.

But we resist that temptation and for a good reason—the American public has a right to uncensored information and opinion both that which is positive and negative. Such right, such freedom of expression is so central to our democracy that it is protected by the first amendment to our Constitution, perhaps the most important provision in our basic document.

Today that right is being undermined and challenged at an especially critical time in our Nation's history with a war in the Persian Gulf. The American public is being denied complete, timely, objective, and accurate information on the war in the Persian Gulf and the administration is hoping that the American public will not notice. But many Americans do recognize the fatal flaw and the danger of such action and are taking note.

One Minnesotan wrote to me:

We, the American public are going to pay for that war in lives and dollars, and have a right to know what is happening.

We all understand why the temptation to control the press becomes greater during the time of war but we must also realize the increased importance of accurately informing the public. The American news media serve as the eyes and ears of the American people. This role becomes even more essential in time of war when the public relies almost solely on the media to provide objective information about daily events in remote areas of the globe. Without such objective information, the public cannot make informed judgments about the status and conduct of the war.

There is a legitimate need for withholding certain information for national security purposes, but the prior restraint and information control the Defense Department is enforcing goes well beyond national security and protecting the well-being of U.S. service men and women.

For example: One correspondent reported that military censors objected to his use of the word "giddy" to describe the mood of fighter pilots returning from a bombing mission. The censors changed the word "giddy" to "proud." It is easy to see that the motive for changing that word had more to do with political security rather than national security.

In fact, the military is so obsessed with control of the news that it has canceled the public honors ceremonies at Dover Air Force Base for those service men and women who lose their lives in the Persian Gulf war. This appears to be a thin-veiled attempt to shield the American people from the human face of war—to present this war as painless and without sacrifice. It is unconscionable that the Pentagon has taken its public relations efforts so far

as to deny the honor and recognition traditionally provided to those who sacrifice their lives for their country.

There is no place in a free society for this "see no evil, hear no evil, speak no evil" Pentagon policy. We cannot tolerate the Pentagon dictating the words and images the public is allowed to receive. The Pentagon must stop trying to spoon feed us sanitized sound bites and start allowing information to flow freely.

The Pentagon, Congress, and the administration simply must trust the people, that's right, Mr. Speaker, I said "trust" the American people with the objective information about the Persian Gulf war. Such trust, such objective flow of information, is the basic tenet, the foundation, of our Nation and our democracy. An informed electorate depends upon the news media for information. The administration is not entitled to prior restraint, censorship, sanitization, or spin control of the news. When all aspects of the information and news become issues of national security and absolute control is employed, then the basic trust and support for our National Government will crumble.

The Armed Forces should be allowed to concentrate on the military campaign rather than this overzealous public relations control campaign. The destructive weapon of censorship the Pentagon is employing to control the press is rapidly chiseling away at our democratic rights. If this dangerous public relations campaign is not stopped, truth could end up as another casualty of the Persian Gulf war.

I insert the following two letters in the CONGRESSIONAL RECORD:

HOUSE OF REPRESENTATIVES,
Washington, DC, January 16, 1991.

Secretary DICK CHENEY,
Department of Defense,
The Pentagon, Washington, DC

DEAR MR. SECRETARY: The Defense Department guidelines you have established for the press coverage of the Persian Gulf crisis seriously undermine First Amendment rights and may well prevent the American public from receiving accurate and objective information on this international crisis.

The American people are financially supporting the military deployment and many have sons and daughters serving in the Persian Gulf. They have a right to an objective accounting of the hostilities, not a version controlled by the Pentagon.

Ironically, subjecting the media to prior review, you are in effect abridging the democratic rights and values we are pledged to preserve in this region of the world. We cannot tolerate the Pentagon dictating the words and images the public is allowed to receive.

The American news media serves as the eyes and ears of the American people. This role increases in importance in time of war when the public relies almost solely on the media to provide objective information about daily events in remote areas of the globe. Without such objective information, the public would be denied the opportunity to make informed judgments about the status and conduct of the military deployment.

We understand the legitimate need for withholding certain information for national security purposes and to protect our troops, but the prior restraint and information control you are enforcing goes well beyond that protection and could result in outright censorship. We urge you to immediately re-evaluate the guidelines in a manner that recognizes the legitimate military security concerns but does not infringe on our free society's right to have timely accurate and uncensored reporting concerning any Persian Gulf activities.

Sincerely,

[From the Peoples Press, Owatonna, MN,
Jan. 19, 1991]

VENTO SUPPORT

This is to offer some comments on a letter which Bruce Vento is planning to send to other legislators and which he hopes will carry other significant signatures along with his own—it is a letter protesting the possible curtailment of journalistic freedom in the theater of the Persian Gulf War, should there be one.

Like millions of others throughout our country and over the world, I share the deep and dreadful concern for the lives of our young men and women who have rallied to the nation's call. There is a real probability that the casualty list will be staggering and proportionately beyond any figure that we have ever known in conflict. However, this may be, there is the possibility of another horrendous casualty which is receiving little or no attention and in fact is being promoted—that is the casualty of truth which would surely come to pass if the rules for wartime journalism are changed by imposing limitations on freedom of the press unknown in World War I, World War II, the Korean Conflict or the Vietnam War.

I am not writing this letter as one who has any vested interest in the news business—nor have I ever made one cent as a writer, as the quality of this letter would aptly prove. What is more, I am not unaware of the shortcomings and weaknesses of reporters; i.e., bad taste, biased presentations, unfair reporting, meddling with certain events best left alone and a host of violations of decency and sensitivity. It may even be that on the Day of Judgment that reporters and journalists will be the last to enter—if they do.

Having said all this, and no matter how I may be angered or offended by the treatment of news, I recognize the absolute need of a free press to a free society. A muzzled press in Nazi Germany prevented its general populace from ever knowing about the death camps and from ever knowing that their nation was being swept down the current to destruction. To realize the extent to which truth can be twisted at the expense of many lives when it is kept out of the public forum and denied to the general public, one only has to read that well documented little book in the public library, 'Chernobyl, The End of the Nuclear Dream,' by an award-winning team of investigative, scientific, environmental writers. In that book, international scientists of great repute predict that over the next 30 years one simple accident in the Soviet Union is going to cost more lives than were lost in the entire Vietnam War. The nuclear barons have tightly controlled the news of 169 accidents which have taken place in American nuclear plants, of which there are 93. Any one of those accidents could have become another Chernobyl, which has been described as the greatest and the most disastrous accident in all of industrial history.

We need a free press even with all of its weaknesses and shortcomings to expose the corruption of government and industry and the press has done just that on more than one occasion. It was the press which brought down Sen. Joe McCarthy; it was the press which brought to light the Watergate and Iran Contra affairs and ended the secret shady career of Ollie North. The press, not the government, exposed the S&L swindle and the HUD crime and the Pentagon's generous payment of taxpayers' funds to the manufacturers of toilet seats and washers. It is the press alerting us to the possibility of financial failure in banking, insurance and investment industries. It was the press which put out of business a string of crooked TV evangelists who had actually succeeded in deceiving millions of people.

There is nothing on record that would even remotely suggest that we ever lost a war because of journalistic irresponsibility, but there is plenty of evidence that a free press in a free society and other news media have resulted in a growing number of people opposed to war. It is a lot easier to sanction war when its horrors are never made known or visible.

I only wish that I were a significant somebody to add my signature to Vento's plea, but at least I can give all my blessing and prayers to his effort to preserve my right as a citizen in a free society to know what is happening through out the course of the Persian Gulf conflict. We, the American public, are going to pay for that war in lives and dollars, and have a right to know what is happening.—Gerald E. Huff.

MILITARY FAMILIES SUPPORT

NETWORK IN MINNESOTA,

Minneapolis, MN, January 24, 1991.

Representative BRUCE VENTO,
Rayburn Office Building, Washington, DC.

DEAR REPRESENTATIVE VENTO: As the chair of the Military Families Support Network in Minnesota, I would like to extend a note of thanks to you for your recent efforts to call for more truth and less censorship in the news coverage of the war. The Military Families Support Network in Minnesota is wholeheartedly supportive of our troops and hopes that their courageous efforts will soon result in an end to the war. We will also, however, continue to ask questions about the President's policy (unlike some other support groups) and to hold our elected Government accountable for all its decisions. We are, consequently, very aware of the extensive censorship and the disturbing paucity of true information about the war.

Your political courage in this matter has not gone unnoticed with us, here in Minnesota. Thanks again!

Sincerely,

NICHOLAS P. GRANATH,
Cochair.

Mr. OWENS of Utah. Mr. Speaker, I thank the gentleman from Minnesota [Mr. VENTO] for his excellent remarks and at this time yield to the gentleman from Florida [Mr. BACCHUS].

Mr. BACCHUS. Mr. Speaker, I voted on January 12 to authorize the use of force in the Persian Gulf because I believe some of our most cherished principles are at stake there.

I rise today out of a deep concern that in waging this war, we not violate another cherished principle—that of a free and independent press.

Nearly 20 years ago I sat in the Press Gallery above us as a young journalist.

It is with that perspective that I speak today—with a commitment to the first amendment and with a passion for true freedom of the press.

Is the media being insensitive or even unpatriotic by bringing the harsh realities of war to our living rooms and breakfast tables? I say no. War is harsh. War is real. We don't just need the good news. We need all the news, good and bad.

Of course the media has an obligation to act responsibly. And of course the Pentagon should not be expected to reveal battle plans or other information that would endanger our troops. But in my view the Pentagon has taken steps that go well beyond these basic security needs.

Why must reporters be restricted to tightly controlled pools that see and hear only what Government officials choose? Why must Government review panels go so far as to tinker with individual words within press dispatches? Is this protecting security or engaging in unwarranted censorship?

If the administration is truly convinced of the rightness of this cause, as I am, then it has nothing to fear from open press coverage. I trust the American people to make informed judgments. We all must understand that sometimes we must pay a terrible price to defend the values we hold dear.

Undue restrictions of the press pose a far greater threat to long-term public support for this war than does accurate and objective reporting. The American people will have more faith in our elected officials and more confidence in our military leaders if they believe they are receiving credible information about the war's consequences, no matter how disturbing that information may be.

A sanitized, overly optimistic version of the hostilities can only lead to disillusionment when the realities of war become apparent later. And surely they will, especially if we have to wage a ground campaign to achieve our aims.

Our best refuge is the truth. And maintaining our historical and constitutional allegiance to freedom of the press is by far the best way to assure that we know the truth.

Thomas Jefferson once said:

Were it left to me to decide whether we should have a government without newspapers or newspapers without a government, I should not hesitate a moment to prefer the latter.

I would make the same choice as Jefferson. For, like Jefferson, I know that without a free press we would not have a free government.

□ 1510

Mr. OWENS of Utah. Mr. Speaker, I thank the gentleman from Florida [Mr. BACCHUS] for his excellent remarks.

Mrs. BOXER. Mr. Speaker, will the gentleman yield?

Mr. OWENS of Utah. I yield to the gentleman from California.

Mrs. BOXER. Mr. Speaker, I want to thank the gentleman from Utah [Mr. OWENS] for providing us this opportunity to talk about something very serious, with tremendous implications for this Nation, and I hope that America will listen to this discussion and will set aside our passions about other issues surrounding this war and concentrate on the very fundamental freedoms that we cherish and that in fact we really are willing to die for in this country, the fundamental freedoms of speech and press.

We are going through a very difficult time in our land as we worry day after day about the safety of our men and women in the Persian Gulf, and we pray for them to come home safely.

Before this war we were told by this administration that it would not be wise for us to debate whether or not this country should go to war. The assumption was made that if somehow we wanted to discuss and debate this issue, we were not being patriotic, that the President as Commander in Chief did not have to come to this Congress and that there did not need to be any debate and we should just move forward. But there were many of us on both sides of the aisle, no matter how we felt about this issue, who believed that it was the proper role of Congress to debate this war that is unfolding day, after day, after long day. We debated it here in this Chamber, and I believe that debate made us stronger as a country.

When I am in California and I listen to my constituents, they say, "Barbara, I watched that entire debate, and however I felt about the issue, I was proud that in this great Nation we could look at an issue so honestly and openly and dissect it and discuss it and decide what was best for our country."

I think that debate made us stronger as a nation, not weaker. They do not debate in Iraq. Iraq is ruled by fear. If we took a poll in this country today and we asked people, "What makes this the greatest Nation in the world?" I believe they would say, "Our Constitution," I believe they would say, "Our freedoms," I believe they would say, "Our free press."

I was a journalist in the 1970's myself, and I must say that my best stories and the ones that informed the most—and, yes, maybe they were controversial—were the ones where I interviewed someone 1 on 1 and got their feelings and got their emotions and got their opinions. If I had someone sitting next to that person, as our military is now, requiring an escort, I could say that you would not have that relationship that develops between a reporter and the person you are interviewing, that you would not get the real story, that you would not get the real emotion, and that you would not get the

real words. Yet that is what our Pentagon is doing. Not only do they have a military security review panel that reads the copy of these reporters, as my good friend and colleague, the gentleman from California [Mr. EDWARDS], has pointed out, there is a military escort next to our young men and women who listens to everything they are saying.

This has nothing to do with security. I say to my friends, nothing at all, because the copy is submitted to the censors after that. I think it is some type of intimidation, some type of prior restraint, and we cannot let that stand. If we stand for anything in this Congress, it is to preserve and protect the Constitution and the freedoms we hold dear.

I have a resolution, House Resolution 37, and it calls on the Pentagon to do two things: One is to expand the number of press pools allowed at the front. Right now there are only two pools of 18 reporters each, but there are more than 250 reporters in Saudi Arabia. These are brave Americans, these reporters. They are not afraid to die. They are patriotic. Many of them served in wars themselves. They are not going to give anything away to the enemy.

Mr. VENTO. Mr. Speaker, will the gentleman yield?

Mr. OWENS of Utah. I yield to the gentleman from Minnesota.

Mr. VENTO. Mr. Speaker, I am sure that there are many on this floor and others who are looking at this and saying, "Wait a minute, how much more news coverage do you want?" You get 24 hours a day on this famous CNN channel, and you had hours and hours a day in the first few days of the conflict from hotel balconies in both Riyadh and Baghdad. It looks like for all intents and purposes it was just a fireworks show that was going on and not the human face that belongs in this.

All of us recognize these points, but I would just suggest that the reporters in Baghdad, Peter Arnett and others that were there, including Bernard Shaw from CNN, someone we are all familiar with, I think, and others, including Mr. Simon who was just recently in Riyadh and who we understand is in Kuwait City now, they are there in spite of those rules. They are there reporting, not because the Pentagon wanted them to. We would not have that information if they followed the types of rules that exist. We would have that much less information.

I think that the American people are better off to have that information, censored as it may be, limited as it may be. But that is the way we are getting information on this conflict, through unauthorized sources, unless we think that getting the information from a hotel balcony in Riyadh or Dhahran or someplace else is adequate. I think it is not. I think my constitu-

ents and the people in this country have a right to know far more than that.

We watch a lot of television, we see a lot of news on television, and it does not necessarily add up to the facts of the news. I would just point that out because many, I am sure, say that we are inundated and we have so much information. But what we are concerned about is that we should let the system work that has stood for over 200 years and made this country what it is today. I say, let that system work, Mr. Cheney, let that system work, President Bush, let that system work, the U.S. Congress, the House and the Senate. We want it to work.

Mr. Speaker, I want to commend the gentlewoman from California [Mrs. BOXER] for her resolution and for her efforts in this matter.

Mrs. BOXER. Mr. Speaker, I thank the gentleman so much for his contribution. This is an emotional subject because there we have our young men and women in imminent danger of losing their lives, and they are there defending freedom and stopping aggression. That is why they are there, and yet this country through the Pentagon is not even allowing their words to be given to the people here.

□ 1520

They are restricting these pools, and in addition to restricting these pools, having military escorts standing next to them. There is something very, very wrong with that.

Mrs. BENTLEY. Mr. Speaker, would the gentlewoman yield?

Mrs. BOXER. I am happy to yield to my friend, the gentlewoman from Maryland.

Mrs. BENTLEY. Mr. Speaker, I have not heard the gentlewoman's whole discussion. I just heard a bit of it. But I was a newspaper woman for 25 years. I also covered the war in Vietnam. So I was there. I was on the scene.

Let me say, the one thing the press does have is a responsibility as well. I am getting lots of calls from constituents who are complaining that our press is giving out too much information that is endangering the lives of those young people over there. I have that opinion also. That is one of the reasons why the Pentagon has been a little tough on it. They want to protect those people. The press can go too far.

Mrs. BOXER. Mr. Speaker, reclaiming my time, may I say to the gentlewoman from Maryland [Mrs. BENTLEY] that if there is any information endangering anyone, the Pentagon approved it, because there is no information going out from the scene that does not get submitted to the censors.

I would also like to say to the gentlewoman that this has been in effect since the war started. The gentlewoman from Maryland [Mrs. BENTLEY] as a former reporter is at odds with the

American Society of Newspaper Editors who are very distressed and disturbed at this, and who have helped me work on my resolution. As a former reporter myself, and I was only one for a few years, and I was a radio talk show host as well, I feel it is outrageous that when a reporter, and American patriotic reporter, is interviewing someone in the military, that there needs to be an escort standing next to that individual, and in addition the words have to be submitted to a censor.

If the gentlewoman from Maryland [Mrs. BENTLEY] supports that approach as a former reporter, I am truly very surprised. But I do respect her point of view, if she feels there needs to be an escort standing next to our young men and women. If they can be sent to the front line to die, they ought to be able to express how they feel without having somebody standing over them and giving them an intimidating look. I do not think that is the right thing to do.

Mrs. BENTLEY. Mr. Speaker, will the gentlewoman yield?

Mrs. BOXER. I yield further to the gentlewoman from Maryland.

Mrs. BENTLEY. Mr. Speaker, I thank the gentleman for giving me this time. I do not believe in intimidation. I do think that escorts were also provided in part because of the dangers of the press going out on their own. In fact, we have three missing who went out on their own. CBS is very disturbed that their reporters are missing, but they decided to go without the escort. I think they do like to protect even the press over there.

Mrs. BOXER. Mr. Speaker, I would say to the gentlewoman from Maryland [Mrs. BENTLEY] that absolutely they want to protect the press. But I would point out to the gentlewoman that any time a military individual is interviewed, it is my understanding, whether they are in a danger zone or not, there is an escort next to that individual. So I think that argument is not valid in each and every case.

Mr. Speaker, we can always make excuses as to why we should limit freedom. It is real easy to do it. But one day you wake up and you find out life just is not the same. I think it is very important that the gentleman from Utah [Mr. OWENS] has taken this special order, and I want to commend him for it.

Mr. Speaker, I would like to put into the RECORD specific instances that we have from Scripps-Howard, the Detroit Free Press, and a number of others, who are very upset at what is going on.

The military blocked a New York Times report on how allied bombing had destroyed most of Iraq's nuclear capability. The Pentagon later disclosed the same information in Washington. The Pentagon wants to manipulate the good news.

The military delayed a Scripps-Howard reporter's interview with Saudi pilots for more than two days.

The military censor changed a Detroit Free Press reporter's word in a story from "giddy" to "proud" to describe U.S. pilots' emotions after a raid.

Mr. Speaker, these people are very upset at what is going on, when the things they wrote, which had absolutely nothing to do with the security of our operation, nothing to do at all with the safety of the individuals, and yet they were censored. It took them days to appeal this to the Pentagon in Washington.

For God's sake, if we stand for anything, it has got to be for freedom. Let us not allow Saddam Hussein to intimidate us from carrying out our Constitution, our freedom. Because, if we do, we have made a grave, grave error.

Mr. Speaker, I again want to thank the gentleman from Utah [Mr. OWENS] for taking this time.

Mr. OWENS of Utah. Mr. Speaker, I commend the gentlewoman for her contribution today and her resolution, as well as her leadership in this vital issue.

Mr. Speaker, I am pleased to yield to the distinguished gentleman from Ohio [Mr. STOKES].

Mr. STOKES. Mr. Speaker, I want to commend my colleagues, Mr. OWENS, for reserving time to discuss this important issue, and Mr. EDWARDS, who has always been at the forefront of issues regarding infringement on the rights of American citizens.

Mr. Speaker, I am deeply distressed regarding Department of Defense censorship of news from the battlefields of the Persian Gulf. Press coverage of the return to the United States of the bodies of our brave men and women who have lost their lives in combat is prohibited, and, the Department of Defense has now also prohibited the long-standing solemn arrival ceremonies at Dover Air Force Base for combat victims. These restrictions infringe upon the rights of reporters to obtain and provide news coverage, and the rights of American families who have loved ones on the front lines of battle to accurate, timely information regarding casualties.

The Defense Department has published guidelines for media coverage of the war in the gulf. Media reports will be censored, as will pictures of combat. Reporters may accompany military units only in approved media pools. Reporters would then be required to submit reports to military public affairs officers for security review before transmission. Information about the casualties of war will also be managed by the Defense Department. For example, the term "body bag" has reportedly been stricken from the official vocabulary at the Pentagon. Instead, Defense officials prefer the more euphemistic term "human remains pouches." In another case of Pentagon censorship, in a reporter's dispatch describing pilots returning from a bombing mis-

sion, the reporter described how pilots returned "giddy." Pentagon censors reportedly changed the word "giddy" to "proud."

The Defense Department maintains that its media guidelines are not intended to hinder reporting. In fact, Mr. Speaker, the media guidelines do restrain the press and will ultimately create a special hardship for families who must depend on media reports.

Since the Revolutionary War, and not without considerable risks to their lives, reporters have been at or near the front lines of battle, providing full reports for the American people of what was happening to our soldiers at war. Reporters have historically played a vital role by providing the public independent accounts of military action, distinct from reports issued by Government officials.

The ability of the media to report about military operations has not been without challenge. For example, the civilian press was not permitted to join the invasion force in Grenada in 1983. Thus, the history of open press access to U.S. military conflicts came to a screeching halt. After the invasion, what we heard were numerous reports that military authorities withheld significant facts, impeded the efforts of journalists to verify information regarding casualties, and disseminated inaccurate information about the invasion. Subsequent, revealing media accounts about the invasion created a public uproar, underscoring the critical role of the media.

After the Grenada invasion, the Defense Department established a system of selecting a pool of reporters who would cover the early stages of a military operation and share the information with other news organizations. When Panama was invaded, the media pool system was first tested. Reportedly, the pool failed to reach Panama until 4 hours after the fighting began, and journalists were unable to file their reports until 6 hours after that. The media pool system failed miserably. Yet, the Defense Department insists on using media pools to cover the Persian Gulf.

Mr. Speaker, freedom of the press is not absolute. I concede that the right to know is outweighed by the need to protect classified information and information about military operations which might endanger the lives and security of American forces. I am well aware of this, as former chairman of the House Intelligence Committee. I also know that members of the media appreciate the need for security. However, the Defense Department media guidelines go substantially beyond the limitations required for the protection of national and operational security. For example, information on the most important question on the minds of American families—the number of casualties anticipated from the war—is

not classified, nor does it jeopardize operational security.

The media have a constitutional right to access to information regarding the war in the Persian Gulf. For this reason, I have introduced a concurrent resolution, House Concurrent Resolution 38 that states the sense of the Congress that the Defense Department guidelines should be revised. Furthermore, the resolution states that the media should have timely access, in as complete a manner as possible, to all unclassified information and activities, other than information and activities that, if disclosed, would endanger the lives or security of U.S. forces. Upon issuing revised guidelines, the Secretary of Defense should issue a statement explaining the rationale for restrictions imposed on news media coverage of military activities in the Persian Gulf.

In August of last year, shortly after the conflict in the Persian Gulf erupted and United States troops were being mobilized to Saudi Arabia, Secretary Dick Cheney told reporters at a news conference that he felt it was "important that we have an adequate flow of information * * * about what our young men and women—in the Persian Gulf—are doing." Secretary Cheney promised to arrange this. We must hold the Secretary to this commitment to the American people.

Mr. Speaker, a free press is a necessity in a free society. As James Madison once said:

A popular government, without popular information, or the means of acquiring it, is but a prologue to a farce or a tragedy, or, perhaps both.

This is a very difficult time for all Americans. We can only hope that when we wake up in the morning, we will rise to a world at peace and American troops on their way home from the gulf. Until that day actually comes, we must stand behind our heroes and heroines fighting courageously for peace and also support the rights of the families at home awaiting their arrival.

□ 1530

Mr. VENTO. Mr. Speaker, will the gentleman yield?

Mr. OWENS of Utah. I yield to the gentleman from Minnesota.

Mr. VENTO. Mr. Speaker, I would like to commend the gentleman from California for his resolution, which I have cosponsored.

I just want to call my colleagues' attention to a letter that just has been handed to me from the Minnesota Military Families Support Network in Minnesota, and they said they wanted to thank me for my work with regards to providing for less censorship in the news coverage of the war. These are the military families who support wholeheartedly our troops in their courageous efforts, which they hope will

soon result in an end to the war. It goes on to say that they are questioning some of the policies, but these are the military families. They want the information, and I think that is one of the problems.

I guess for some people, in a democracy, that is the right that we uphold that is so important. That is fundamentally one of our differences in our society, but I think it is a strength, not a weakness, and I thank the gentleman for his support.

Mr. STOKES. I thank the gentleman for his comments.

Mr. OWENS of Utah. I thank the gentleman from Ohio for his leadership and for his comments. It is clear that the task that we are about this afternoon is not a popular task at this point in time.

Yesterday at noon I did a live television interview in Salt Lake City and I spoke of this issue. As I returned from lunch, I learned that I had 20 calls, all in opposition to my position.

I think 2½ weeks ago when we debated this issue and voted on it, I think that was cathartic to the American people, and I sense there is a greater degree of unity now, though it is not unanimous, behind the war such that the American people are afraid that the goals of that war might be compromised if we allow unfettered access to the troops in terms of reportage by the journalists who are there, and that simply is misperception, and the gentleman from Ohio has pointed that out very lucidly. Nobody wants anything released which would compromise the safety and lives of the troops or the effectiveness of our war effort. That outweighs the need to know. What we are criticizing here is the policy which in a very clumsy manner in essence errs very far on the side of security and compromises the ability of the right to know those materials and that information, record of successes and failures, which will tell us at home, we who are entitled to the truth in the Congress as well as in the public at large, what is actually going on, but which does not compromise the troops or the effectiveness of future actions.

I thank the gentleman for his leadership.

Mr. STOKES. I might just say in terms of the gentleman's comment with reference to the timeliness of our taking this special order and speaking out on this subject, and the fact that at this particular time it may not be the most popular subject in the country, about a week ago when I first filed my concurrent resolution with the House, several newspaper reporters called me and discussed my resolution with me. I raised a question with them, since they were part of the media, why they were not themselves speaking out more forcefully on this issue, and in each case they indicated to me that, "Well,

we feel like you do about this thing, but it's just not timely," they said.

Then I noticed a few days later the news media itself beginning to get a little more courage to speak out on this issue, and now we have seen several night programs on it, Ted Koppel and others who have begun to speak out on this issue, and I think we are doing the country a favor, frankly, here in the Congress, where we do have the responsibility to stand up on issues and to call attention to discussions and debate in our country, to take the position we have taken to bring this matter to the floor and begin an earnest discussion of it so that the American people, through us, begin to have a voice on this very sensitive and important issue affecting their families.

Mr. OWENS of Utah. I thank the gentleman from Ohio.

I am delighted to yield at this point to the distinguished gentleman from Washington [Mr. McDERMOTT].

Mr. McDERMOTT. Mr. Speaker, I want to commend my colleagues for calling this special order and I want to express my support for their efforts.

War is an extraordinary act, and for a nation it becomes an extraordinary test of its character and strength. We have not yet learned how to prevent wars, but we have learned more about how to conduct them. Some lessons, however, must be painfully relearned.

One lesson I believe our country is learning is that civil liberties may not be suspended in the name of national security. We found out the hard way how easy it is to let our fears overrule our principles. We cannot round up citizens arbitrarily, as we did with the internment of Japanese-Americans during World War II. We cannot harass and abuse protesters as the FBI did during the 1960's. And we cannot deceive the American people with false propaganda as the Government did during the Vietnam war.

I believe the President when he says this will not be Vietnam. I am sure he will not knowingly and willfully mislead Congress and the American people on the progress of this war. Yet he has surely learned another lesson of Vietnam—that bringing the reality of war home to Americans through television and other sources forces them to confront the cost and pain of real war. People may then question whether, in fact, the price is worth it.

It appears to me that this administration and the last may have learned this lesson too well, for both demonstrated a disturbing pattern of press censorship during previous conflicts. Where were the press during Grenada? Where were the press during Panama? Was the public adequately informed about these operations?

We all understand that some restrictions must be imposed on military information. The press understands this as well. We understand also the dif-

ficulty of feeding an insatiable press appetite for conflict and controversy, for instant news and analysis. Thus far, it would appear that most officials have offered remarkably sober and cautious assessments of this war.

Yet recent reports indicate that the administration is falling into the same traps others have suffered. There are reports that it is holding up timely news dispatches for no good reason, flatout censoring some news that is neither classified nor sensitive, attempting to soften negative perceptions, releasing information that is contradictory or inadequate, and not providing sufficient documentation for some of its claims. I would like to submit for the RECORD an article from the Washington Post this weekend that examines some of these claims.

The article follows:

[From the Washington Post, Jan. 26, 1991]

CORRESPONDENTS CHAFE OVER CURBS ON NEWS—RULES MEANT TO PROTECT TROOPS, OFFICIALS SAY

(By Howard Kurtz)

Carol Morello, a Philadelphia Inquirer reporter, was aboard a U.S. aircraft carrier when it was announced over a loudspeaker that the Persian Gulf War had begun. Pilots on board started cheering and giving each other high-fives. But Morello said she and other reporters were quickly subdued below by their U.S. military escort.

"He rounded us up in this little room for that first crucial hour," Morello said. "I tried begging, I tried arguing, I tried banging my head against the wall. I said, 'History is being made.' By the time we got out, that initial euphoria had died down."

Journalists and military officials in the gulf have engaged in a series of low-level skirmishes over the Defense Department's restrictions on media coverage. Reporters in combat pools must submit stories for "security review," and military escorts must accompany all reporters in the region.

Some reporters say the censors have limited their access, changed phrases, deleted facts and refused to approve dispatches until they were old news. For example:

New York Times reporter Malcolm W. Browne said officers told him that U.S. air strikes had destroyed much of Iraq's nuclear capability but that a unit commander blocked his pool report, saying it would aid Iraqi intelligence. Defense officials later disclosed the same information at a press news briefing. "The Pentagon is clearly eager to be the first to report the most newsworthy information," Browne wrote.

Peter Copeland, a Scripps-Howard reporter, said military officials delayed his reporting with Saudi pilots for 53 hours. "The worst nightmare for a journalist is to have a great story and not be able to tell it," he told Knight-Ridder Newspapers.

Frank Bruni of the Detroit Free Press said he filed a story describing returning pilots as "giddy" but that a military censor changed the word to "proud."

Pilots aboard the aircraft carrier USS John F. Kennedy told an Associated Press reporter that they had been watching pornographic movies before flying bombing missions, according to Morello. She said the censor deleted the information, saying it "would be too embarrassing" and also excused one pilot's use of an obscenity.

A New York Times pool dispatch reported "stealth" bombers striking Baghdad on the war's first day, but military officials referred the article to "stealth" headquarters in Nevada for review. The news was stale by the time it was cleared a day later.

Defense Department spokesman Pete Williams has maintained that the rules are meant to protect U.S. forces. In any event, he said, news organizations make the final decision on what to publish or broadcast. But news executives say the process is so cumbersome that important news is delayed and note that the department can revoke the credentials of offending reporters.

A senior military official said some reporters had inadvertently disclosed sensitive information. One television report, he said, described how a French unit was moving parallel to an American unit. "It tells the battle guys on the other side how we're lining up," he said.

Public sympathy for the media's complaints appears limited. Many people complain that aggressive reporting is harming the war effort. "I don't know why you're so intent on proving massive failures of some kind," White House spokesman Marlin Fitzwater told reporters Wednesday.

A survey by Frank Magid Associates found that 24 percent of those polled believe that the media has too much freedom, 17 percent said the restrictions should be eased and 54 percent said the rules were about right.

Thirteen publications and writers, including the Village Voice, the Nation, Harper's and authors William Styron and E.L. Doctorow, have sued the Defense Department, charging that the rules are unconstitutional. Fifteen members of Congress, led by Rep. Bruce F. Vento (D-Minn.), criticized the restrictions in a letter to Defense Secretary Richard B. Cheney.

Correspondents also must contend with Saudi and Israeli censorship. After an Iraqi missile attack yesterday, Cable News Network's Gary Striker said from Tel Aviv, "We're awaiting word from the censors on what we can say."

Some reporters are pleased with the U.S. pool arrangements, saying military officials have cleared more than 200 pool reports with few incidents. "Most of us are amazed by how much they're letting get through," said Molly Moore, a Washington Post staff writer in Saudi Arabia.

But Morello said that, on the USS Kennedy, her stories were subjected to "a triple review" by her military escort, the ship's public affairs officer and the commanding officer. "The only way you can appeal is to hold up your story for days if not weeks," she said.

"This is a total, complete news blackout," said Ron Nessen, vice president of Mutual Broadcasting System and a former White House press secretary. "We've seen airplanes taking off and airplanes landing, and occasionally they bring a pilot out to talk about his adventures."

Nessen, a former NBC correspondent in Vietnam, said military officials believe that negative coverage of the Vietnam War undermined public support at home, and "they've just decided they're not going to let that happen again."

Newsday reporter Patrick Sloyan said he would not join a military pool because he did not want "a flack hanging over my back intimidating the guy I'm talking to. I think the pools are a trap. They'll take you only where they want to go, let you see what, they want you to see."

Ultimately, the American people must evaluate the information they receive on this war, and it will be they—not the President or the generals—who must judge the progress and success of our mission. They will need as much information as is practical to do this.

They say the first casualty of war is the truth. Because of the extraordinary sacrifice of human lives during war, it becomes imperative that we not sacrifice the truth as well. We learned in Vietnam that you cannot deceive the American people. Eventually, the truth will come out. I trust the American people to make their own judgments, as democracy demands, when they have the best information available.

Sometimes that truth will be painful, ugly, and disturbing. I believe, as Patrick Henry said:

It is natural to man to indulge in the illusions of hope * * * [but] for my part, whatever anguish of spirit it might cost, I am willing to know the whole truth; to know the worst, and to provide for it.

□ 1540

Mr. OWENS of Utah. Mr. Speaker, I thank my colleague, the gentleman from Washington, for those excellent remarks.

Mr. Speaker, I yield to my friend and cousin, the gentleman from New York [Mr. OWENS].

Mr. OWENS of New York. Mr. Speaker, I thank the gentleman from Utah and congratulate him on the presentation of this special order on censorship.

I think it is important to note what the meaning of censorship is. Overwhelmingly, the American people, according to recent polls, support censorship. They say, "We need more censorship instead of less." I think the American people conceive of censorship as being a control of information in order to protect our troops in the field, in order to protect our pilots who are flying, in order to protect our naval vessels, that the control of information is to protect them and if that information were not tightly controlled they would, in some way, be in danger.

A few days ago there was a television forum, and the reporter, Syd Schanberg, who distinguished himself in reporting on the war in Vietnam and the war in Cambodia, Syd Schanberg, stated that in no instance in Vietnam was any reporter, any journalist ever accused of releasing information that jeopardized the safety of the troops and the war effort. He also said that in World War II and in Korea no journalist was ever accused of releasing information that endangered the war effort, that endangered the troops in the field. They are not guilty; American journalists are not guilty of releasing information that jeopardizes our troops.

So why do we need the censorship? Why do we need the control? They understand very well, and their conduct in the past has demonstrated that they

will abide by a code which says that they will do nothing to jeopardize the safety of our troops.

I do not think that the rules that have been imposed are for the purpose of protecting the safety of our troops. The rules that have been imposed are for the purpose of controlling what Americans in this country receive and controlling the way we think about the war, and in the process of trying to make that kind of control or maintain that kind of control, we have situations which have already backfired on us, because the tendency, the temptation of the military if they have full control is to exaggerate and to distort. And the reporting of what happened during the first few days of the war was exaggerated and distorted in ways which forced certain Americans who were less experienced with this kind of situation to experience a bit of trauma when they suddenly discovered that the euphoria of the first few days of the war, when it appeared that we had soundly destroyed the enemy, that Iraq was at a point where it could not rise from the ashes and it was only a matter of days before it would all be over, that is the kind of reporting we got as a result of total control by the military. The military did not bother to tell us about the inadequacies or the limitations of their own capacity to assess the damage that they had done. They have told us about that now, many days later; they tell us, "Well, we have a limited capacity to assess the damage," but the first few days the damage was done according to them. "We have destroyed the command-and-control potential of Iraq." It was all done. The military did not bother to tell us about decoys and the way decoys may deceive the people who are dropping the bombs and who are in the air.

Nevertheless, a few days ago I read an article which showed that American military officers had been in Italy interviewing some of the people who specialized in making decoys, and one of the places that they went to was a place which made decoys of any kind of armaments from anywhere in the world, and Iraq had purchased a large number of decoys from this place. Our military had been there. They knew about this place. They knew about the possibility of decoys deceiving American pilots and, yet, they never mentioned this in the first few days of the war. It only comes out later. It is a deliberate withholding of certain information.

I do not mind a delay in information if the military concedes that that delay is going to safeguard the well-being of our troops, but delays of information merely to create an atmosphere and a kind of sense of victory is a distortion which will backfire eventually, and even the American people who now overwhelmingly vote for more censor-

ship will come to distrust their own Government, distrust all the reporting and, in the final analysis, they will lose faith in our effort, our war effort.

What we have is a situation where the quantity of information, the quantity of what is coming over the television stations and the radio stations is certainly sufficient. The problem is not quantity. The problem is diversity and quality, selectivity. We can see the same canned interviews on every station two or three times a day, and in the process of canning interviews, the military does a very bad job of it. It looks like a canned interview. It looks like a rehearsal. It looks like we have degraded this war to theater, third-class theater, where they are showing us how good a certain weapon is or they are showing us how the troops are training and how they are preparing themselves, and it looks so canned, because they have set it up in such a rigid way that an air of unreality takes over, and we have a situation where we are getting plenty of information. We are watching a war in our living rooms on television, but the whole thing is very unreal.

How do the American people make decisions in an unreal situation like this when they are given an unreal picture of the developments as they take place? It is important not only for the Congress, people who make vital decisions, the Government officials to have the right information, but since in this democracy public opinion drives so much of what we decide and do at this level, so much of what our Government decides to do, we should not, you know, set that public opinion up by giving it the wrong information. We should not distort what is being fed to the public so that we get a result and a reaction which is based on false assumptions.

We should not set all of us up for situations where the truth, when it comes out, makes it appear that the enemy has some kind of unusual, exceptional, supernatural powers. The enemy that was supposed to have been destroyed in the first few days of the war suddenly arises, and they have all kinds of tricks. It appears that they are stronger and more clever than they are. We were supposed to have destroyed the Scud missile launchers and, yet, they bounced back. We now admit that we have no way of knowing that we have destroyed the stationary Scud missile launchers, and they did not tell us about the mobile ones until later. So now there are mobile ones and stationary ones, and we think that we have destroyed almost none of the mobile ones, while we might have destroyed quite a number of the stationary Scud launchers. Why could we not have the same information at the beginning?

The enemy appears to be more competent, far more clever than he really is as a result of distortions of information.

I hope this war is ended soon. I hope that we do not have a bloodbath as the land war is forced to take place. I hope that we can find some solution which will minimize the number of casualties.

But, in the meantime, let us not be driven by the kind of hysteria that tells us that everything the military does is correct and that the military, when they censor the press and they block us from receiving information from a diverse number of sources, they are doing the right thing to protect our troops. They are not protecting our troops. They are distorting the truth. They are distorting the view of the war that we get. They are placing this democracy in greater jeopardy than it needs to be placed in.

Mr. OWENS of Utah. Mr. Speaker, I thank the gentleman from New York for his excellent remarks.

Mr. Speaker, I yield to the gentleman from Pennsylvania [Mr. KOSTMAYER].

Mr. KOSTMAYER. Mr. Speaker, I want to thank my brother from Utah, my good friend, for taking this time so that we can come over here and talk about something that I think a relatively small number of us are concerned about in the Congress and the country.

□ 1550

That is, the efforts of the Pentagon and the White House to politicize this war and to make it look a whole lot better than it is, and to make it appear as if it is going a whole lot better than it is. That troubles me very deeply, not only because it is wrong in the case of this war but because it goes to the very heart of our democratic system, and what this country is all about.

While I do not generally regard myself as somebody who does not trust the Government, and I am not in the camp of those people who are antipolitical or antigovernment or anti-Washington, when it comes to this subject, I do not trust the Government. I do not think the Government is going to give Members information which will make the Government look bad. That is why we have a free press in this country, so that we can get an accurate picture of what is going on.

To the extent that the Pentagon and the White House has succeeded in diminishing that capability on the part of the American press, they have done a tremendous disservice to our country, and I think they have done a disservice to the military, and they have done a disservice to themselves.

Very briefly, there are really three rules that trouble me. The first is the pool rule, which says that the press cannot travel around the country individually to get news. They have to go in a pool. It is a rotating pool. It is anywhere between 12 and 15 people. Sometimes it is not that large. Of course, generally the big networks get

picked up and the big papers in the big cities get picked up, and the wire services get picked up, and some of the small magazines, those very small magazines that have filed suit against this procedure do not get picked up. So the coverage really is slanted.

Of course, it prevents people from digging around and finding out what they want to find out, and rooting around and asking questions which the Government does not want asked. Of course, that is what being a reporter is all about. That is the job. That is what we ought to be doing.

Second, all of the print media, all of the film, all of the voice, is censored. Most of it is allowed to come back to this country. It has not proven to be a big problem, but I cannot figure out why the U.S. Government should have the right to censor the news that we are putting in the American newspapers or on television or on the radio, with the obvious exception of giving away information which would jeopardize our troops. That is not at issue here. Of course, that is what people always say, "Well, aren't you worried about giving Saddam Hussein some information that is going to jeopardize our troops?" Of course we are, and of course, we do not want that to happen.

Ms. OAKAR. Mr. Speaker, 75 years ago, Senator Hiram Johnson observed, "The first casualty when war comes is truth." I do not wish to see that metaphor become fact during the current war in the Persian Gulf because war managers in the Pentagon have appointed themselves news managers as well.

What is the truth? We don't know. That is what we expect print and broadcast journalists to ferret out. We do know it is not some managed dog-and-pony show orchestrated by vested interests—whether it is some Pentagon public affairs officer looking over the shoulder of journalists or shocking television pictures of battered American pilots being paraded before the world by a despot.

Journalists are every much patriots as the audiences who anxiously await their reports. Journalists understand and, for the most part, will play by the rules of responsible restraint. Let us not wait for later to demand why we did not find our sooner.

Joint Chiefs of Staff Chairman Colin Powell says, "Trust me." I do. But I also trust the media. We have unleashed the "dog of war," as Jefferson put it. Let us also take the muzzle off the free press.

Mr. OWENS of Utah. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the subject of my special order.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Utah?

There was no objection.

AGENT ORANGE COMPROMISE

Mr. BURTON of Indiana. Mr. Speaker, today we are considering two bills of vital importance

to the veterans' community. The first bill, H.R. 556, directs the Secretary of Veterans Affairs to obtain an independent scientific review of the available scientific evidence regarding associations between diseases and exposure to dioxin and other chemical compounds in herbicides.

Mr. Speaker, H.R. 556 is an important step in ending the long and divisive battle over the agent orange issue. For the last decade, a battle has raged between the Federal Government and our Vietnam veterans. Unfortunately, the same battle has been fought among our Nation's veterans' service organizations.

The legislation we are now considering is a compromise. It is a compromise between those groups who want compensation for various disabilities and those groups who believe that more time is needed to assess the scientific evidence surrounding the agent orange issue. I believe this bill has the potential to quell some of the bitterness that divides these two groups.

Mr. Speaker, it is important to note that H.R. 556 enjoys the support of the Secretary of Veteran Affairs, Edward Derwinski, the House Veterans' Affairs Committee, and a combination of Members of Congress who in the past have fought each other tooth and nail over this issue. It reflects a sincere and realistic attempt to determine whether exposure to herbicides in Vietnam has caused any of the various disabilities now present in the veterans' community.

Specifically, this legislation codifies a prior administrative decision by Secretary Derwinski to deem three conditions service-connected for compensation purposes. It will also ask the National Academy of Sciences to conduct a comprehensive review of all the available and future evidence on the long-term health effects of exposure to various herbicides. Based on the conclusions of this review, the Secretary of Veterans Affairs will be expected to decide whether any further presumptions for any disease should be granted.

The debate on whether compensation should be provided for illness related to the exposure to agent orange has gone on far too long. It's time to settle the issue, so we can move on to other serious problems that now plague our veterans. I believe that H.R. 556 goes a long way toward achieving this goal, and I urge all of my colleagues to support this important legislation.

Mr. Speaker, before I conclude my remarks I want to express my support for a second bill we will be voting on here today. That bill is H.R. 555. This legislation amends the Soldiers' and Sailors' Relief Act of 1940 to improve and clarify the protections provided to our soldiers under the act.

Mr. Speaker, during the 101st Congress, the House Veterans' Affairs Committee held hearings to determine what adjustments were needed to the Soldiers' and Sailors' Relief Act in order to meet the needs of the service people called to active duty as a result of Operation Desert Storm. I believe that H.R. 555 goes a long way toward alleviating most of the domestic concerns of those men and women now serving in the gulf.

Specifically, this bill suspends premium payments on professional liability insurance to assist those doctors who have been called to ac-

tive duty. It also guarantees the reinstatement of private health insurance for service members and their families upon their return from active duty. This provision will ensure that service members do not lose their health insurance as a result of their service.

Furthermore, H.R. 555 will increase the protection against possible eviction for families paying rent from \$400 to \$1,200 per month. This adjustment reflects the dramatic increase in housing costs over since the inception of the Soldiers' and Sailors' Relief Act in 1940. Finally, this bill protects service people from pending legal proceedings while they are in the gulf.

Mr. Speaker, I urge my colleagues to support H.R. 555. It's simply the least we can do for those brave young men and women who are now risking their lives in the Persian Gulf.

CONTINUATION OF SPECIAL ORDER

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York [Mr. OWENS] is recognized for 60 minutes.

Mr. OWENS of New York. Mr. Speaker, I yield to the gentleman from Pennsylvania [Mr. KOSTMAYER] so he may continue the special order on the subject of reporting the war.

Mr. KOSTMAYER. Finally, the rule that a reporter cannot interview a GI alone, they have to have somebody from the military along while they are interviewing a GI. If a reporter wants to ask him if the food is any good, they cannot interview any GI alone. No GI will be perfectly candid with the reporter when somebody who is their superior is there while he is being questioned.

A person on my staff finally spoke yesterday to a fellow named Barry Zoratian, who from 1964 to 1968 was the chief press officer in Vietnam for military. He said that then there were about 650 reporters in the area. Now there are about 750 reporters in the area. That is 100 more. This is not a matter of logistics. There was a voluntary list. It worked in Vietnam. He says there were he believes about 6 disclosures all totally inadvertent.

This is an effort to make this war look better than it is, not an effort to protect the troops or to protect this country. This is an effort of the White House, of the President, and by the Pentagon to influence, I think very favorably, the coverage of the war in the Persian Gulf. It is wrong. The Congress ought to be a good deal more outraged about it than we are. The country ought to be more outraged about it than we are, and I am delighted there were a few Members here in the House, especially the gentleman from Utah [Mr. OWENS] who remember why the people in our district sent each member here, and to ask others in the country, and especially in the press, that rolled over and played dead in the

whole issue, while we are not asking some tough questions.

Mr. OWENS of New York. Mr. Speaker, I yield to the gentleman from Utah [Mr. OWENS].

Mr. OWENS of Utah. Mr. Speaker, I thank all those who have participated in this special order. It is interesting to note, in conclusion, Mr. Speaker, that there were those people who really believe, apparently, that the war in Vietnam was lost because of the press. To that allegation, I cite the Army's own history of the Vietnam war:

What alienated the American public in both the Korean and Vietnam wars was not news coverage but casualties.

Wrote Army historian William L. Hammond. He said:

It is undeniable that press reports were more often accurate than the public statements or the administration in portraying the situation in Vietnam. In the end, President Johnson and his advisers put too much faith in public relations.

To that, Mr. Speaker, I add this val-edictory: Too little faith in the ability of the American people to recognize and accept truth.

LESSON 2: WAR AND OIL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio [Ms. KAPTUR] is recognized for 60 minutes.

Ms. KAPTUR. Mr. Speaker, as the war in the Persian Gulf enters its third week, two fundamental issues confront the American people.

The first is how we Americans conduct ourselves toward one another as this war continues. On the homefront, this is a time for brotherhood and sisterhood in America. War breeds strong emotions. It engages our attention; and as we know during the Vietnam war, war can be divisive. But this is not a time for people to lash out in anger at fellow citizens who, in their own way, are expressing their views on this war. I have seen anger where there should be tolerance; I have seen prejudice, where there should be understanding. There is much we can do to be helpful, rather than hurtful, at this time when national unity demands the finest that is in us all. As our sons and daughters stand poised for battle, mutual respect must rule the day here at home.

As this war continues, people's emotions and opinions about the war are only going to get stronger. It is, therefore, imperative for all Americans to remind ourselves that the definition of patriotism cannot be limited—that who is patriotic and who is not—cannot be defined or limited by any self-appointed group of Americans.

A second issue. It is imperative that the American people come to understand the causes for this war. That they know why brave men and women are in battle. We need to fully understand the patterns of economic power,

the institutional arrangements, and the power of the multinational oil companies—a private power axis largely hidden from public view. These have helped to shape our policy in the Middle East in the course of the last three decades. We need to know the lessons of history so once this war is over, we will never again have to send our troops in harm's way for barrels of oil.

Let me speak to each of these issues.

First, protecting the right of dissent in times of war. Dissent is not disloyalty. The Constitution upholds the right of all Americans, regardless of their views on this war, to be heard in the public forum.

The Bill of Rights, as we all know, does not define who is a patriot and who is not. The Bill of Rights defines our right to be patriotic. It does not define what is patriotic. Nor does it limit the ability of any American to express those rights in a time of war.

□ 1600

That is what makes America unique. Free speech, including the right to approve as well as dissent is at the very core of our constitutional principles. It goes to the very heart of who we are as a people.

Let me reiterate, there is a strong distinction between dissent and disloyalty, and as one of my constituents has said, "A patriot is more than a missile."

It is, therefore, unacceptable to question the patriotism of any American, and it is not acceptable to assert that Americans who dissent in any way, directly or indirectly, are helping Saddam Hussein prolong this war. Long after Saddam Hussein has come and gone, the Bill of Rights will remain. It will remain because it is a document of breadth and vision and it will remain only if all Americans, regardless of their views on this war, subscribe to the principles encapsulated in it.

I therefore applaud President Bush for his recent remarks on the rights of all Americans to dissent, even against a policy that he believes is the right course.

This is a time for Americans to treat one another with dignity, respect and tolerance. There remains an enormous disquietude in America about the "why" of this war. Every pollster knows it. That disquiet and sense of unease is just under the very big numbers supporting the President. Those Americans who articulate that disquiet are no less patriotic than any Member of this House. All Members, regardless of their views, on the "why" of this war recognize the sacrifices our troops are making in the gulf. Supporting our troops is not the issue. All Americans support our troops.

The issue is America's long-term role in the Middle East.

Last week I spoke at some length about the power of oil in shaping and

defining the American experience in the Middle East. I said that this war, an economic war, had been a long time in coming. The American people need to know the lessons of history to understand why at this particular juncture in time America is fighting its first oil war. This crisis is just one of a series of oil shocks in the last three decades that have brought the United States and its allies to the edge of war.

This war is not an aberration, Mr. Speaker, not an aberration at all. It is a continuation of an economic struggle that has engaged American policy-makers since World War II.

Saddam Hussein lit the fuse for this war when he invaded Kuwait on August 2, make no mistake about it.

Saddam Hussein is brutal and calculating and a dictator who seems to think only of his own ambition, but this war is not just a war to drop a bomb on Saddam Hussein's ego or to deflate his megalomania; no, nor is it in truth a war to end brutality in Kuwait, for America has on more than one occasion turned its back on people in other lands who were under the thumb of very brutal dictators. If brutality alone was the sole rationale for intervention, the United States long ago would have gone after the dozens of brutal dictators and killers who have denied the very humanity of their own people in our 20th century; but as we know all too well, the mass killings of an Idi Amin in Uganda or a Pol Pot in Cambodia did not provoke us into war. No, Mr. Speaker, this is an economic war, a war for oil security. It is a war to protect the wellhead and our continued access to the long-term proven oil reserves under the sands of the Middle East. It is a struggle to gain access to a secure source of oil from a region of the world that has historically been unstable, a region that at times has been hostile to American interests and is becoming more so.

It is a struggle, Mr. Speaker, that has demanded the attention of every American President, Democrat and Republican, since the end of World War II. At times this struggle has been simply economic. At times it has led to war; but make no mistake about it, this is an oil war, an economic war.

From the "Politics of Oil," a book written by Robert Engler back in the late 1960's or early 1970's, we learned, "Oil has long been the key reason for western intervention in the Middle East."

In the summer of 1958, a military-led and middle-class dominated coup overthrew a pro-western reactionary dictatorship in Iraq. The one Arab country in the Baghdad pact, this oil-rich country had been a center of British influence in the Middle East and a recipient of considerable American military aid.

Then American Marines landed in Lebanon and British paratroopers descended upon Jordan in an effort to

contain the revolt and to bolster the collapsing western design for the Middle East.

The United States explained that its action was taken to protect American lives and prevent the indirect aggression of assassins in plainclothes seeking to place Lebanon under the domination of Nassir's United Arab Republic. During this time, a New York Times dispatch from Beirut reported a highly experienced military analyst as guessing that the job of smashing the headquarters of the opposition to the government might be done with two tanks alone.

Meanwhile, the Soviet Union delegate told the United Nations that he detected an acute smell of oil underlying the troop movements, and the New York Times further reported a series of conferences at which President Eisenhower, Secretary of State Dulles and Foreign Secretary Selwin Lloyd of Britain had agreed to limit their military action in the Middle East for the time being to Lebanon and Jordan, quoting, "As long as intervention will not be extended to Iraq, as long as the revolutionary government in Iraq respects western oil interests," said the front page dispatch.

This gunboat diplomacy was clearly in line with the State Department's commitment to pipelines and oil profits.

Mr. Speaker, I am speaking about the power of oil for the second week in a row because the people of the United States need to know why we are fighting this war. They want to know. They deserve the facts. Their children are going to die. Their sons and daughters are on the front lines as we speak.

So this is my way to help this understanding, to remind Americans about the lessons of history, those we learned and those we did not learn, so that once this war is over we will never ever have to send our troops again into battle for oil.

We need to fully understand the patterns of economic power, the institutional arrangements and the power of the multi-national oil giants in shaping our policy in the Middle East over the last three decades.

Last week I spoke at some length about how the power of oil dominated the economic history of the 20th century. I quoted Churchill who best embodied the quest for oil where it has been said, "Mastery itself was the prize of the venture."

I went on to read into the RECORD the prologue of Daniel Yergin's important new book entitled "The Prize, the Epic Quest for Oil, Money and Power," the book that defines the 20th century as the century of oil, a book with three great themes: The power of oil in the rise and development of capitalism in modern business, the power of oil as a commodity intimately intertwined with national strategies and global pol-

itics and power, and third, the power of oil to shape and define our society to such an extent that man and woman, himself and herself, could aptly be defined in the language of anthropologists as hydrocarbon man and woman.

I also spoke about the many crises that have preceded the war that now currently demands our attention.

I spoke about the Suez crisis of 1956, of how Kuwait and Iraq, then allies, cut off our oil supplies in 1967 because of our support for Israel in the Six-Day War.

I described how the Arab nations began to nationalize western oil companies, to demand a re-definition of established rules of oil pricing and who got the profits.

The American people need to hear more about the role of Gulf Oil Corp. and British Petroleum in Kuwait. Our people need to hear more about the role of Exxon and Mobil in Iraq, and we need to learn more about Aramco, the Saudi Arabian oil company with historic ties to Exxon, Chevron, Texaco, and Mobil.

It does not surprise me at all that the new Texaco ads on television attempt to spruce up Texaco's image, or that Mobil has taken out big newspaper ads even in our congressional newsletter called Roll Call, explaining how puny their profits really are.

□ 1610

The profits of the big multinational oil companies have been skyrocketing since Iraq invaded Kuwait. Some companies are making big profits on this war.

Chevron's earnings rose by 860 percent in 1990. Chevron earned \$633 million in the fourth quarter compared with a loss higher than that in the fourth quarter of 1989.

Exxon's earnings in 1990 rose about 8 percent. But if the expenses from the 1989 cleanup of the Valdez oil spill and a one-time accounting change are included, earnings rose 43 percent.

Mobil has stated that its profits rose 7 percent in 1990, led by a sharp increase in fourth-quarter results caused by rising oil prices. But in the fourth quarter of last year Mobil earned \$651 million, which is up 46 percent from its profits a year ago.

Texaco, not to be outdone, reported a 35 percent increase in profits for the fourth quarter of \$388 million.

Now, let me cite an example: Texaco and the Saudi Arabian oil company, Aramco, have a relationship that is extremely vertically integrated. Texaco has agreed to buy something along the order of 600,000 barrels of oil per day from Aramco at predetermined prices. This assures Aramco access to the market controlled by Texaco at stable prices and, in turn, gives Texaco assured access to that oil.

The relationship is cemented by the joint venture company of Star Enterprises.

These relationships, once developed, can be very exclusive.

As evidence of this, Texaco's profits have risen dramatically while Ashland Corp.'s profits, which does not have access to crude oil, have been tumbling.

Some smaller oil-producing countries with less oil to move may outright buy refining capabilities and market access.

Kuwait is a good example of this, as they bought out Santa Fe International in our own country for this purpose.

Thus these countries become even more representative of monopolies of old, having fully integrated the process from production to selling it at the gas pumps that our citizens go to every week.

The relationship between oil-producing countries and their governments and oil corporations is relatively simple in design but exceedingly complex in organization. In short, they have covered their bases well.

After this war ends, there will be a real movement toward direct investment by these oil companies in the Gulf States. Having been closed to direct foreign investment for some time now, this will represent a marked change in policy and an increasingly influential role in the area for oil corporations that can afford to invest the capital.

In actuality, it will be a reversal back to the past.

So the war we are in today has everything to do with who and which countries and companies control the enormous profits, and I mean enormous, involved in the sale of Middle East oil.

Last week I talked about the rise of OPEC, the Middle Eastern consortium of those nations and their companies, and how that new cartel and its oil card was played against the American consumer in our country back in 1973.

It is no secret how our economy went into an economic tailspin resulting from higher oil prices when the oil-producing nations, whose populations were and are largely poor, organized together to ask more money for a barrel of oil.

Let me give you some figures: In 1973 the price of a barrel of light crude oil went from \$3.12 a barrel to \$4.90 a barrel in October 1973. In December, then, prices rose again from \$5.11 to \$11.65. So that was a rise of almost quadrupling from \$3.12 up to \$11.65 a barrel.

Prior to that, in nations like Kuwait this is what it cost the oil companies to lift a barrel of oil. So let us look at what they made in profits on a barrel. It cost Western-owned oil companies 8 cents a barrel, 8 cents per barrel, to lift a barrel of oil. That oil was then marketed internationally, most of it to the United States, for \$2.48 a barrel. Half of

that profit, \$1.24 of it, went as royalties to the kings or emirs of those nations, thus the name "royalty."

For every royalty, for every penny of royalty paid to a king, the U.S. company striking that deal got, and gets until today, an enormous U.S. tax break in the form of a straight and full deduction from taxes owed to the U.S. Government on all of its revenues paid as royalties. That is a very important word, "royalties," very special treatment in our tax laws.

America has never fully recovered as a result of the 1973 recession, and every day the taxpayers of our country are subsidizing through the tax system the payment of these royalties to the kings and emirs of the Middle East.

The defining year is 1973, the very break point in the economic history of the United States following World War II.

Prior to 1973 it could be said that the United States was indeed a nation that reigned supreme economically. Despite the cold war, the Vietnam war and all the political turbulence of the post-World War II era, the United States prior to 1973 was a country that remained above the economic turbulence of the rest of the world. But as we all know and know all too well, that time has come and gone.

The oil shock of 1973 is the oil shock that changed America. Today, over half of the U.S. trade deficit with the rest of the world is due to what we have to pay for imported oil, fully 55 percent of our national trade deficit falls in the category of imported oil.

Mr. Speaker, is it not time America took stock of itself and moved in a new direction toward energy independence from foreign supplies?

Mr. Speaker, 1973 seems a very long time ago, but even then the threat of war, the linkage between our energy situation and the Palestinian question was ever on the minds of far-sighted experts.

Last week David Warsh, a columnist for the Boston Globe, wrote an insightful column in the business section of the Washington Post entitled "Oil Remains the Driving Force of the Persian Gulf War."

The text of the article referred to is as follows:

[From the Washington Post, Jan. 23, 1991]

OIL REMAINS THE DRIVING FORCE OF THE
PERSIAN GULF WAR

(By David Warsh)

Twenty years, three oil shocks, three global recessions: The Persian Gulf War that began last week may have been about borders. It may have been about civility. But deep down, its purpose is to take away the "oil weapon" from the nations that have exercised it since 1971.

Though not officially stated in such terms, the idea involves eliminating the government that has reached for the weapon most recently and intimidating the others. But President Bush had little to say the night war broke out in describing his war aims re-

garding the slow growth and the cycles of boom and bust that have plagued the international order since the Organization of Petroleum Exporting Countries gained control of prices.

Instead, the president repeatedly stressed the brutality of the Iraqi invasion of Kuwait. Only obliquely did he refer to the stakes (that could ultimately make the war worthwhile).

"While the world waited, while Saddam stalled, more damage was being done to the fragile economies of the Third World, the emerging democracies of Eastern Europe, to the entire world, including to our own economy," the president said. That brief mention notwithstanding, when the history books are written, the period of instability that began with the "oil embargo" of 1973 is likely to form the core of the story of the Gulf war.

How might this war help the world economy free itself from the periodic stranglehold on oil that has been exercised by the oil-rich nations? It helps to go back to one of the basic economic stories of the last 20 years. Few technical issues are more susceptible to argument than the provision and distribution of energy in the world economy. But the broad outlines of a story acceptable to most experts was related by energy economist M.A. Adelman of the Massachusetts Institute of Technology in congressional testimony last autumn.

For most of a century after its discovery in 1859, Adelman said, oil's world price was held well above the cost of finding new reserves by the multinational oil companies. Then, in the years after World War II, oil's inflation-adjusted price fell by 80 percent. It hit bottom in 1970. It was then that the cartel of sovereign governments known as OPEC discovered it could exercise control of the price of oil through a combination of output cuts, threats and the shrewd manufacture of crises.

There is reason to believe, Adelman said, that the OPEC nations were abetted in their early efforts by the Nixon administration, which was anxious at the time to arm the nations of the Middle East—Iran in particular—against the Soviet Union.

Slowly at first, then in a series of sharp increases, the cartel of nations raised the price of oil 15-fold, adjusted for inflation, between 1970 and 1971, to markups far beyond those ever contemplated by the companies that had administered the oil market. The result of this governmental gouging was, as Adelman said, worldwide suffering on a grand scale. Among the consequences he noted:

Industrial nations tumbled into steep recessions twice, in 1974 and 1981. The latter slowdown in Europe turned into a six-year depression. The lost output cost the world hundreds of billions of dollars. Declining productivity growth translated into stagnant living standards that strained normally confident societies.

Less-developed countries devastated their forests for fuel. They ran up staggering debts in a vain attempt to outrun the oil shocks—debts whose ultimate uncollectability shut down new lending for worthy purposes and ultimately threatened the banking system of the West.

Arab nations invested huge portions of their oil revenues in armaments. Petrodollars financed the eight-year Iraq-Iran war, for example, with 1 million dead and 3 million casualties and refugees.

The third oil shock, which began last summer, was no different from the earlier two, Adelman argued. Last June, oil was selling

for about \$13 a barrel and the market verged on the brink of a further steep decline. Two months later, when Iraq invaded Kuwait, prices skyrocketed toward \$40 a barrel. Over-ripe after eight years of debt-financed expansion, the United States paused momentarily on the brink, then tumbled into recession. Sales fell, unemployment rose sharply, the budget deficit soared, the banking system threatened to collapse.

Although Federal Reserve Board Chairman Alan Greenspan has said that he thought the recession just might have bottomed out, much depends on the price of oil—and so on the outcome of the war.

Just how, then, might a successful gulf war stabilize the price of oil? And at what level? With no one in the Bush administration talking much about war aims other than "the liberation of Kuwait," it is difficult to say.

But the very unanimity with which the United Nations reached its votes, and with which 28 nations assembled their military mission in the gulf suggests the extent to which a stable world economic order is desired. Predictable oil prices would form a significant part of such a world—and precisely those nations threatened by Saddam Hussein's August invasion, Kuwait and Saudi Arabia, are thought to be most deeply committed to a policy of stable prices.

It's not gas-guzzling cars and fast boats that are the issue. Nations are free to tax the use of energy as heavily as they see fit. Indeed, they can confidently be expected to do so if an environmental crisis looms. Rather, it is the freedom from sudden and disruptive shocks arising from cartel shenanigans that is desired by Bush and the leaders of the 27 nations that joined him.

On the morning after the war began, oil prices plummeted a long way toward what the markets figure might be their long-term price of \$15 or less, and the possibility arose that the war might be more or less self-financing, through stronger-than-expected economic growth. So why, then, did Bush have so little to say about the economic basis of the war? Well, for one thing, the state of economic understanding of the processes of growth and development is hardly such that he could firmly base moral claims of life and death upon it. It is much better to base your policy on the promise that it will stop the torture of children than on your hope that it will enhance industrial and agricultural productivity.

Moreover, the gulf war offers no quick fix for slow global growth. Even if the war goes well for the coalition, much remains to be done to stitch together the new world order of which the president spoke.

Then, too, questions having to do with energy consumption are highly charged emotionally. For many people, economic growth means the greenhouse effect and nothing more.

Finally, it can hardly be said that all of America's problems—nor those of any of the other industrial nations—stem from gyrations of the price of oil, important as that strut of the story has been.

But barring a disaster, the likelihood is that the institutional arrangements of the post-Cold War world are being laid in the ashes of the war against Iraq. Not since the end of World War II has there been so much to gain from a possible victory.

Mr. Speaker, I wanted to include this column because it defines again in the most clear terms why oil is the reason that we are involved in the current war in the Middle East.

Whether America should have gone to war over imported oil is for historians to contemplate years hence. Our task today, however, is not to ignore but to recognize the reason that we are at war.

The core of the problem of why America is at war is that the United States, as a nation, believes itself to be desperately dependent upon oil, and foreign sources of it, for its continued well-being.

This shared premise began as an artificially created notion through the efforts of private interests, largely oil companies.

Now, we consume a lot of oil, and certain sectors of our economy are overly dependent on it. But let me ask why, why do we depend on imported oil so very much when the technology and natural resources, the alternatives available in this country abound?

Coal alone, we have more coal under the ground in America, more Btu's, British thermal units, under the ground in America in recoverable coal than the Middle East has Btu's, British thermal units, underground in oil.

□ 1620

Mr. Speaker, I ask my colleagues, "Why haven't we developed that resource and cleaned up coal where we know we can do it? Why haven't we used our fields and farms to produce new alcohol and agriculturally related fuels?"

Mr. Speaker, we are the most productive Nation on Earth. Our farmers have corn and all types of products rotting in storage bins across this country, so I ask, "Why haven't we, as a country, begun to develop this tremendous resource? Or solar power, where we have learned so much through NASA? Or photovoltaics? Why haven't we perfected that technology, or hydrogen power, or hydroelectric power in those areas where we front on waterways? Why have we been so slow to develop these technologies? Could it be perhaps that those cartels that have created this dependence that America now finds herself wed to foreign sources of supply have found it more profitable in the short run to seek higher profits for those companies than to invest here in America for the betterment of the good old U.S. of A.? Why do we continue to use inefficient practices and machines like the internal combustion engine without inventing a new generation of engines for motor vehicles for the 21st century? Do you mean to tell me a nation that landed a man on the moon in 10 years couldn't completely redo our form of motor transportation?"

Mr. Speaker, it is very possible. In fact, it is achievable.

I ask, "Why haven't we had the will to do that, and why is it the public is continually expected to swallow arguments for such an inefficient system

when access to all the facts are not forthcoming?"

Back in 1975, former Secretary of State Henry Kissinger produced something he called his strangulation theory. He said then that oil is worth fighting for because it is the lifeblood of our economy and our way of life, and yet, as he strongly advocated that very position, at the very same time, in 1975, a joint Senate committee was denied information by the Under Secretary of the Interior at that time, Hollis Dole, on how much natural gas actually underlies the public lands in the United States.

Mr. Speaker, let me end by saying that a military strategy is no replacement for an energy strategy. It can very well serve as the impetus to overcome objections by vested interests, largely our oil corporations, to enable a national energy policy to come into being. But what a price to pay for 20 and 30 years of neglect. The public should be able to expect not to have to go to war again so America can heat her homes, so that we can operate our automobiles, and that we can run our factories.

Mr. Speaker, I ask my colleagues, "Why should we have to go to war to get the fuel to do that?" Energy self-sufficiency made right here at home by developing our own resources should be our top priority agenda as we move toward the 21st century. Once the shooting stops, that must be our No. 1 priority.

TECHNOLOGY SAVES LIVES

The SPEAKER pro tempore (Mr. PICKETT). Under a previous order of the House, the gentleman from Utah [Mr. HANSEN] is recognized for 5 minutes.

Mr. HANSEN. Mr. Speaker, one of this Nation's greatest current challenges is the determination of how, in the wake of our new relationship with the Soviet Union and the current war with Iraq, we should spend our money to defend this Nation.

Not long ago, many in Congress were caught up in the euphoria of the Soviet Union's new openness and restructuring and in our new, less threatening relationship with them. To many it seemed that because the cold war was apparently over, we could feel free to tear down our military piece by piece. To them, not only were we free from the major military threat to our national security, but we were free from almost any military threat.

Shouts for massive defense cuts and "peace dividends" were vibrating off Capitol walls. Calls for the systematic dismantling of our military and wholesale elimination of new weapon systems were the battle cries in many political campaigns.

Then, amidst the euphoria came an unnerving shock: Iraq invaded Kuwait.

In August, as some Congressmen and congressional candidates instantly became military experts, many of them espoused theories about how we had sacrificed our conventional warfare capabilities by concentrating on the development and production of high technology weapons for a potential conflict with the Soviet Union. The strategic defense initiative [SDI] was among the first targets of antidefense rhetoric. Claims were made that defending against incoming missiles was a thing of the past, and that the money could be better used elsewhere.

As recently as last November, people have blamed me and others for participating in House Armed Services Committee decisions to spend money on sophisticated weaponry such as SDI, cruise missiles, and stealth technology. Our critics claimed that there was a misguided emphasis on high technology which evolved during the Reagan administration and that we should have learned from our lessons in Vietnam that high-tech air power cannot defeat an enemy force on its home terrain.

But on January 16, 1991, reality impinged upon political rhetoric and theory, and fact met fiction.

Since the early stages of the campaign to drive Saddam from Kuwait, sophisticated high-tech weapons and aircraft have performed brilliantly. Navy Tomahawk cruise missiles launched from warships in the Persian Gulf strike with amazing accuracy at military targets in downtown Baghdad. Laser guided missiles shot from F117A Stealth fighter bombers have been precisely directed down narrow buildings and directly through doors.

High technology weapons give our Armed Forces the ability to make surgical strikes, eliminating much of the death and destruction among civilians and their property near the targets. This is in stark comparison to Iraq's hopelessly inaccurate Scud missile which is fired in the general direction of crowded cities in hope of killing civilians for the sole purpose of terrorism.

Not only does this precise accuracy reduce collateral damage at the target, but it ultimately saves the lives of our airmen and soldiers by allowing us to destroy targets with few missions and by dramatically reducing Saddam's ability to wage war long before we send in ground troops. The cost of these weapons may be significant, but what is the price of saving U.S. lives and protecting our freedom?

Even after January 16, many still suggest that the strategic defense initiative is an enormous waste of money. To them, I would suggest a talk with those in Saudi Arabia and Israel who were spared facing an exploding Scud missile because a U.S. Patriot missile destroyed it in the air. The develop-

ment of the Patriot is the same theory as SDI.

To those who suggest that we learn lessons from Vietnam, I submit that while they and others were standing on the sidelines, we did learn valuable lessons from that conflict.

We learned that we must support our troops with the best technology and the best logistical support and power we can muster. We learned that high technology can save lives of our American servicemen and women. And we learned that we must not only provide them with the best weapons, but that we must show strength, and hence our ability to defend this great Nation, lies not only in our technology and in our people, but in our willingness to support both.

But there are lessons still to be learned by many. There are too few in Congress who recognize that the Soviet Union is not the only threat to this Nation's security. We can no longer ignore the likes of a Saddam Hussein, a Mu'ammar Qadhafi and other dictators known and unknown as potential threats to the security of this Nation. Just one nuclear warhead and one intercontinental ballistic missile in their hands could prove devastating to our homes without a means to defend against it.

"Peace through strength" is much more than a hollow platitude. It has been a guiding principle during much of this Nation's history since George Washington said that the best way to keep the peace is to be prepared for war.

President Reagan understood this concept when he took office in 1980. He grabbed the reins of a dated, demoralized, and underfunded military, and steered it back to a position of strength. He realized that technology could be the answer to keeping the peace, and so we began investing heavily in it.

The results speak for themselves. The Soviet Union found that it faced a determined opponent in the United States whose technology would ever outpace its own. The Soviets recognized strength, and knew that they could no longer spend the sums necessary to keep up. And now, through the Iraqi crisis, we can see the wisdom of Reagan's—and Bush's—vision that the path to peace is truly through strength.

Let this sobering event teach us that we must not tear down our military capability in the face of a lessened threat from the Soviet Union. Instead we should carefully and prudently build down while continually developing our technological capabilities, so that we are never caught without a defense adequate to defend our Nation against any threat.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Ms. SNOWE (at the request of Mr. MICHEL) for today, on account of a death in the family.

Ms. WEISS (at the request of Mr. GEPHARDT) for today, on account of medical 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 Members (at the request of Mr. CAMP) to revise and extend their remarks and include extraneous material:)

Mr. MORRISON, for 5 minutes, each day on February 5 and 6.

Mr. HANSEN, for 5 minutes, today.

Mr. BEREUTER, for 5 minutes, on January 30.

(The following Members (at the request of Mr. MCDERMOTT) to revise and extend their remarks and include extraneous material:)

Mr. ECKART, for 5 minutes, today.

Mr. WISE, for 5 minutes, today.

Mr. KENNELLY, for 5 minutes, today.

Mr. COYNE, for 5 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mr. NOWAK, for 5 minutes, today.

Mr. STARK, for 5 minutes, today.

Mr. MOODY, for 60 minutes, on January 30.

Mr. RANGEL, for 60 minutes, on February 5.

Mr. ANNUNZIO, for 60 minutes, on February 20.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. CAMP) and to include extraneous matter:)

Mr. CONTE.

Mr. SHAYS.

Mr. DOOLITTLE.

Mr. BEREUTER.

Mr. HYDE.

Mr. GINGRICH.

Mr. GALLO.

(The following Members (at the request of Mr. MCDERMOTT) and to include extraneous matter:)

Mr. TRAFICANT in two instances.

Mr. ACKERMAN in two instances.

Mr. ROE.

Mr. MAZZOLI.

Mr. MILLER of California.

Mr. MATSUI.

Ms. SLAUGHTER.

Mr. KLECKA.

Mr. DWYER of New Jersey.

Mr. STARK.

Mrs. KENNELLY.

Mr. KOLTER.

Mr. RAHALL in three instances.

Mr. SLATTERY.

ENROLLED BILLS SIGNED

[Omitted from the Congressional Record of Monday, January 28, 1991]

Mr. ROSS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 3. An act to amend title 38, United States Code, to revise, effective as of January 1, 1991, the rates of disability compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for survivors of such veterans, and

H.R. 4. An act to extend the time for performing certain acts under the internal revenue laws for individuals performing services as part of the Desert Shield Operation.

BILLS PRESENTED TO THE PRESIDENT

[Omitted from the Congressional Record of Monday, January 28, 1991]

Mr. ROSS, from the Committee on House Administration, reported that that committee did on the following day present to the President, for his approval, bills of the House of the following titles:

On January 25, 1991:

H.R. 3. An act to amend title 38, United States Code, to revise, effective as of January 1, 1991, the rates of disability compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for survivors of such veterans, and

H.R. 4. An act to extend the time for performing certain acts under the internal revenue laws for individuals performing services as part of the Desert Shield Operation.

□ 1630

RECESS

The SPEAKER pro tempore (Mr. PICKETT). Pursuant to the order of the House of January 24, 1991, the House will stand in recess until approximately 8:40 p.m.

Accordingly (at 4 o'clock and 31 minutes p.m.) the House stood in recess until approximately 8:40 p.m.

AFTER RECESS

The recess having expired, the House was called to order by the Speaker at 8 o'clock and 44 minutes p.m.

JOINT SESSION OF THE HOUSE AND SENATE HELD PURSUANT TO THE PROVISIONS OF HOUSE CONCURRENT RESOLUTION 46 TO HEAR AN ADDRESS BY THE PRESIDENT OF THE UNITED STATES

The SPEAKER of the House presided.

The Doorkeeper, the Honorable James T. Molloy, announced the Vice President and Members of the U.S. Senate, who entered the Hall of the House of Representatives, the Vice President taking the chair at the right of the Speaker, and the Members of the Senate the seats reserved for them.

The SPEAKER. The Chair appoints as members of the committee on the part of the House to escort the President of the United States into the Chamber:

The gentleman from Missouri [Mr. GEPHARDT];

The gentleman from Pennsylvania [Mr. GRAY];

The gentleman from Maryland [Mr. HOYER];

The gentleman from Michigan [Mr. BONIOR];

The gentleman from California [Mr. FAZIO];

The gentleman from Texas [Mr. BROOKS];

The gentleman from Illinois [Mr. MICHEL];

The gentleman from Georgia [Mr. GINGRICH];

The gentleman from California [Mr. LEWIS];

The gentleman from Oklahoma [Mr. EDWARDS];

The gentleman from Michigan [Mr. VANDER JAGT]; and

The gentleman from Texas [Mr. FIELDS].

The VICE PRESIDENT. The President of the Senate, at the direction of that body, appoints the following Senators as members of the committee on the part of the Senate to escort the President of the United States into the House Chamber:

The Senator from Maine [Mr. MITCHELL];

The Senator from Kentucky [Mr. FORD];

The Senator from Arkansas [Mr. PRYOR];

The Senator from Hawaii [Mr. INOUE];

The Senator from Illinois [Mr. DIXON];

The Senator from Kansas [Mr. DOLE];

The Senator from Wyoming [Mr. SIMPSON];

The Senator from Mississippi [Mr. COCHRAN];

The Senator from Oklahoma [Mr. NICKLES];

The Senator from Wisconsin [Mr. KASTEN];

The Senator from Texas [Mr. GRAMM]; and

The Senator from South Carolina [Mr. THURMOND].

The Doorkeeper announced the ambassadors, ministers, and charges d'affaires of foreign governments.

The ambassadors, ministers, and charges d'affaires of foreign governments entered the Hall of the House of Representatives and took the seats reserved for them.

The Doorkeeper announced the Associate Justices of the Supreme Court.

The Associate Justices of the Supreme Court entered the Hall of the House of Representatives and took the seats reserved for them in front of the Speaker's rostrum.

The Doorkeeper announced the Cabinet of the President of the United States.

The members of the Cabinet of the President of the United States entered the Hall of the House of Representatives and took the seats reserved for them in front of the Speaker's rostrum.

At 9 o'clock and 5 minutes p.m., the Doorkeeper announced the President of the United States.

The President of the United States, escorted by the committee of Senators and Representatives, entered the Hall of the House of Representatives, and stood at the Clerk's desk.

[Applause, the Members rising.]

The SPEAKER. Members of the Congress, I have the high privilege and the distinct honor of presenting to you the President of the United States.

[Applause, the Members rising.]

THE STATE OF THE UNION—ADDRESS BY THE PRESIDENT OF THE UNITED STATES

The PRESIDENT. Mr. President, Mr. Speaker, Members of the United States Congress. I come to this House of the people, to speak to you and to all Americans, certain that we stand at a defining hour.

Halfway around the world, we are engaged in a great struggle in the skies and on the seas and sands. We know why we're there. We are Americans: part of something larger than ourselves.

For two centuries, we've done the hard work of freedom. And tonight, we lead the world in facing down a threat to decency and humanity.

What is at stake is more than one small country; it is a big idea: a new world order—where diverse nations are drawn together in common cause, to achieve the universal aspirations of mankind: peace and security, freedom, and the rule of law. Such is a world worthy of our struggle and worthy of our children's future.

The community of nations has resolutely gathered to condemn and repel lawless aggression. Saddam Hussein's unprovoked invasion—his ruthless, systematic rape of a peaceful neighbor—violated everything the community of nations holds dear. The world has said this aggression would not stand—and it will not stand.

Together, we have resisted the trap of appeasement, cynicism, and isolation that gives temptation to tyrants. The world has answered Saddam's invasion with 12 United Nations resolutions, starting with a demand for Iraq's immediate and unconditional with-

drawal—and backed up by forces from 28 countries of six continents. With few exceptions, the world now stands as one.

The end of the Cold War has been a victory for all humanity. A year and a half ago, in Germany, I said that our goal was a Europe whole and free. Tonight, Germany is united. Europe has become whole and free—and America's leadership was instrumental in making it possible.

Our relationship to the Soviet Union is important, not only to us, but to the world. That relationship has helped to shape these and other historic changes. But like many other nations, we have been deeply concerned by the violence in the Baltics, and we have communicated that concern to the Soviet leadership.

The principle that has guided us is simple: our objective is to help the Baltic peoples achieve their aspirations, not to punish the Soviet Union. In our recent discussions with the Soviet leadership, we have been given representations, which, if fulfilled, would result in the withdrawal of some Soviet forces, a reopening of dialogue with the Republics, and a move away from violence.

We will watch carefully as the situation develops. And we will maintain our contact with the Soviet leadership to encourage continued commitment to democratization and reform.

If it is possible, I want to continue to build a lasting basis for U.S.-Soviet cooperation, for a more peaceful future for all mankind.

The triumph of democratic ideas in Eastern Europe and Latin America—and the continuing struggle for freedom elsewhere all around the world—all confirm the wisdom of our Nation's founders.

Tonight, we work to achieve another victory—a victory over tyranny, and savage aggression.

We in this Union enter the last decade of the 20th century thankful for our blessings, steadfast in our purpose, aware of our difficulties, and responsive to our duties at home and around the world.

For two centuries, America has served the world as an inspiring example of freedom and democracy. For generations, America has led the struggle to preserve and extend the blessings of liberty. And today, in a rapidly changing world, American leadership is indispensable. Americans know that leadership brings burdens and sacrifice.

But we also know why the hopes of humanity turn to us.

We are Americans: we have a unique responsibility to do the hard work of freedom. And when we do—freedom works.

The conviction and courage we see in the Persian Gulf today is simply the American character in action. The indomitable spirit that is contributing to

this victory for world peace and justice is the same spirit that gives us the power and the potential to meet our toughest challenges at home.

We are the resolute and resourceful. If we can selflessly confront the evil for the sake of good in a land so far away, then surely we can make this land all that it should be.

If anyone tells you that America's best days are behind her, they're looking the wrong way.

Tonight, I come before this House, and the American people, with an appeal for renewal. This is not merely a call for new government initiatives, it is a call for new initiative in government, in our communities, and from every American—to prepare for the next American century.

America has always led by example. So who among us will set the example? Which of our citizens will lead us in this next American century? Everyone who steps forward today, to get one addict off drugs. To convince one troubled teenager not to give up on life . . . to comfort one AIDS patient . . . to help one hungry child.

We have within our reach the promise of a renewed America. We can find meaning and reward by serving some purpose higher than ourselves—a shining purpose, the illumination of a thousand points of light. And it is expressed by all who know the irresistible force of a child's hand, of a friend who stands by you and stays there—a volunteer's generous gesture, an idea that is simply right.

The problems before us may be different, but the key to solving them remains the same: it is the individual—the individual who steps forward. And the state of our Union is the union of each of us, one to the other: the sum of our friendships, marriages, families, and communities.

We all have something to give. So if you know how to read, find someone who can't. If you've got a hammer, find a nail. If you're not hungry, not lonely, not in trouble—seek out someone who is.

Join the community of conscience. Do the hard work of freedom and that will define the state of our Union.

Since the birth of our Nation, "We the people" has been the source of our strength. What government can do alone is limited—but the potential of the American people knows no limits.

We are a Nation of rock-solid realism and clear-eyed idealism. We are Americans: We are the Nation that believes in the future. We are the Nation that can shape the future.

And we've begun to do just that—by strengthening the power and choice of individuals and families.

Together, these last two years, we've put dollars for child care directly in the hands of parents, instead of bureaucrats. Unshackled the potential of Americans with disabilities. Applied

the creativity of the marketplace in the service of the environment, for clean air. And made homeownership possible for more Americans.

The strength of a democracy is not in bureaucracy. It is in the people and their communities. In everything we do, let us unleash the potential of our most precious resource—our citizens. We must return to families, communities, counties, cities, states, and institutions of every kind the power to chart their own destiny, and the freedom and opportunity provided by strong economic growth and that's what America is all about.

I know, that tonight, in some regions of our country, people are in genuine economic distress and I hear them.

Earlier this month, Kathy Blackwell of Massachusetts wrote me about what can happen when the economy slows down, saying "My heart is aching, and I think that you should know—your people out here are hurting badly."

I understand. And I'm not unrealistic about the future. But there are reasons to be optimistic about our economy.

First, we don't have to fight double-digit inflation. Second, most industries won't have to make big cuts in production, because they don't have big inventories piled up. And third, our exports are running solid and strong. In fact, American businesses are exporting at a record rate.

So let's put these times in perspective. Together, since 1981, we've created almost 20 million jobs, cut inflation in half, and cut interest rates in half.

And yes, the largest peacetime economic expansion in history has been temporarily interrupted. But our economy is still over twice as large as our closest competitor.

We will get this recession behind us, and return to growth—soon. We will get on our way to a new record of expansion and achieve the competitive strength that will carry us into the next American century.

We should focus our efforts today on encouraging economic growth, investing in the future, and giving power and opportunity to the individual.

We must begin with control of Federal spending and that's why I'm submitting a budget that holds the growth in spending to less than the rate of inflation. And that's why, amid all the sound and fury of last year's budget debate, we put into law new, enforceable spending caps—so that future spending debates will mean a battle of ideas, not a bidding war.

Though controversial, the budget agreement finally put the Federal government on a pay-as-you-go plan—and cut the growth of debt by nearly 500 billion dollars. And that frees funds for saving and job-creating investment.

Now, let's do more. My budget again includes tax-free family savings accounts; penalty-free withdrawals from

I.R.A.'s for first-time home-buyers; and, to increase jobs and growth, a reduced tax for long-term capital gains.

I know there are differences among us about the impact and the effects of a capital gains incentive. So tonight, I am asking the congressional leaders and the Federal Reserve to cooperate with us in a study—led by Chairman Alan Greenspan—to sort out our technical differences so that we can avoid a return to unproductive partisan bickering.

But just as our efforts will bring economic growth now, and in the future, they must also be matched by long-term investments for the next American century.

That requires a forward-looking plan of action—and that's exactly what we will be sending to the Congress. We have prepared a detailed series of proposals that include:

A Budget that promotes investment in America's future—in children, education, infrastructure, space, and high technology.

Legislation to achieve excellence in education—building on the partnership forged with the 50 governors at the Education Summit—enabling parents to choose their children's schools—and helping to make America No. 1 in math and science.

A blueprint for a new National Highway System—a critical investment in our transportation infrastructure.

A research and development agenda that includes record levels of Federal investment and a permanent tax credit to strengthen private R&D and to create jobs.

A comprehensive National Energy Strategy that calls for energy conservation and efficiency, increased development, and greater use of alternative fuels.

A banking reform plan to bring America's financial system into the 21st century—so that our banks remain safe and secure and can continue to make job-creating loans for our factories, our businesses and home-buyers. You know I do think there has been too much pessimism. Sound banks should be making more sound loans, now—and interest rates should be lower, now.

In addition to these proposals, we must recognize that our economic strength depends on being competitive in world markets. We must continue to expand American exports. A successful Uruguay Round of world trade negotiations will create more real jobs and more real growth—for all nations. And you and I know that if the playing field is level, America's workers and farmers can out-work, out-produce anyone, anytime, anywhere.

And with a Mexican Free Trade Agreement, and our Enterprise for the Americas Initiative, we can help our partners strengthen their economies and move toward a free trade zone throughout this entire hemisphere.

The budget also includes a plan of action right here at home to put more power and opportunity in the hands of the individual and that means new incentives to create jobs in our inner cities, by encouraging investment through enterprise zones. It also means tenant control and ownership of public housing. Freedom and the power to choose should not be the privilege of wealth. They are the birthright of every American.

Civil rights are also crucial to protecting equal opportunity. Every one of us has a responsibility to speak out against racism, bigotry, and hate. We will continue our vigorous enforcement of existing statutes, and I will once again press the Congress to strengthen the laws against employment discrimination without resorting to the use of unfair preferences.

We're determined to protect another fundamental civil right—freedom from crime and the fear that stalks our cities. The Attorney General will soon convene a Crime Summit of our Nation's law enforcement officials. And to help us support them, we need tough crime control legislation, and we need it now.

And as we fight crime, we will fully implement our National Strategy for Combatting Drug Abuse. Recent data show that we are making progress, but much remains to be done. We will not rest until the day of the dealer is over, forever.

Good health care is every American's right and every American's responsibility. And so we are proposing an aggressive program of new prevention initiatives—for infants, for children, for adults, and for the elderly—to promote a healthier America and to help keep costs from spiraling.

It's time to give people more choice in government, by reviving the ideal of the citizen politician who comes not to stay, but to serve. And one of the reasons that there is so much support for term limitations is that the American people are increasingly concerned about big-money influence in politics. So we must look beyond the next election, to the next generation. And the time has come to put the national interest above the special interest—and to totally eliminate Political Action Committees.

That would truly put more competition in elections, and more power in the hands of individuals. And where power cannot be put directly in the hands of the individual, it should be moved closer to the people—away from Washington.

The Federal government too often treats government programs as if they are of Washington, by Washington, and for Washington. Once established, Federal programs seem to become immortal.

It's time for a more dynamic program life cycle: Some programs should

increase. Some should decrease. Some should be terminated. And some should be consolidated and turned over to the States.

My budget includes a list of programs for potential turn-over totalling more than \$20 billion. Working with Congress and the Governors, I propose we select at least \$15 billion in such programs and turn them over to the States in a single consolidated grant—fully funded—for flexible management by the States.

The value of this turn-over approach is straightforward. It allows the Federal government to reduce overhead. It allows States to manage more flexibly and more efficiently. It moves power and decision-making closer to the people. And it reinforces a theme of this Administration: appreciation and encouragement of the innovative powers of "States as Laboratories."

This Nation was founded by leaders who understood that power belongs in the hands of people. And they planned for the future. And so must we—here and all around the world.

As Americans, we know that there are times when we must step forward and accept our responsibility to lead the world away from the dark chaos of dictators, toward the brighter promise of a better day.

Almost 50 years ago we began a long struggle against aggressive totalitarianism. Now we face another defining hour for America and for the world.

There is no one more devoted, more committed to the hard work of freedom, than every soldier and sailor, every Marine, airman, and Coast-guardian—every man and woman now serving in the Persian Gulf. [Applause.] Oh, how they deserve it. What a fitting tribute to them. You see, what a wonderful fitting tribute to them.

Each of them has volunteered to provide for this Nation's defense—and now they bravely struggle, to earn for America, for the world, and for future generations, a just and lasting peace.

Our commitment to them must be the equal to their commitment to their country. They are truly America's finest.

The war in the Gulf is not a war we wanted. We worked hard to avoid war. For more than five months we, along with the Arab League, the European Community, the United Nations, tried every diplomatic avenue. U.N. Secretary General Perez de Cuellar; Presidents Gorbachev, Mitterrand, Ozal, Mubarak, and Bendjedid; Kings Fahd and Hassan; Prime Ministers Major and Andreotti—just to name a few—all worked for a solution. But time and again, Saddam Hussein flatly rejected the path of diplomacy and peace.

The world well knows how this conflict began and when: It began on August 2nd, when Saddam invaded and sacked a small, defenseless neighbor.

And I am certain of how it will end. So that peace can prevail, we will prevail. Thank you.

Tonight, I am pleased to report that we are on course. Iraq's capacity to sustain war is being destroyed. Our investment, our training, our planning—all are paying off. Time will not be Saddam's salvation.

Our purpose in the Persian Gulf remains constant: to drive Iraq out of Kuwait, to restore Kuwait's legitimate government, and to ensure the stability and security of this critical region.

Let me make clear what I mean by the region's stability and security. We do not seek the destruction of Iraq, its culture, or its people. Rather, we seek an Iraq that uses its great resources, not to destroy, not to serve the ambitions of a tyrant, but to build a better life for itself and its neighbors. We seek a Persian Gulf where conflict is no longer the rule, where the strong are neither tempted nor able to intimidate the weak.

Most Americans know instinctively why we are in the Gulf. They know we had to stop Saddam now, not later. They know that this brutal dictator will do anything; will use any weapon; will commit any outrage, no matter how many innocents suffer.

They know we must make sure that control of the world's oil resources does not fall into his hands, only to finance further aggression. They know that we need to build a new, enduring peace—based not on arms races and confrontation, but on shared principles and the rule of law.

And we all realize that our responsibility to be the catalyst for peace in the region does not end with the successful conclusion of this war.

Democracy brings the undeniable value of thoughtful dissent—and we have heard some dissenting voices here at home—some, handful, reckless, most responsible. But the fact that all voices have the right to speak out is one of the reasons we've been united in purpose and principle for 200 years.

Our progress in this great struggle is the result of years of vigilance, and a steadfast commitment to a strong defense. Now, with remarkable technological advances like the Patriot missile, we can defend against ballistic missile attacks aimed at innocent civilians.

Looking forward, I have directed that the SDI program be refocused on providing protection from limited ballistic missile strikes—whatever their source. Let us pursue an SDI program that can deal with any future threat to the United States, to our forces overseas, and to our friends and allies.

The quality of American technology, thanks to the American worker, has enabled us to successfully deal with difficult military conditions and help minimize loss of precious life. We have

given our men and women the very best. And they deserve it.

We all have a special place in our hearts for the families of our men and women serving in the Gulf. They are represented here tonight by Mrs. Norman Schwarzkopf. We are very grateful to General Schwarzkopf and to all those serving with him. I might also recognize one who came with Mrs. Schwarzkopf, Alma Powell, wife of the distinguished Chairman of the Joint Chiefs. And to the families, let me say our forces in the Gulf will not stay there one day longer than is necessary to complete their mission.

The courage and the success of the RAF pilots—of the Kuwaiti, Saudi, French, the Canadians, Italians, the pilots of Qatar and Bahrain—all are proof that for the first time since World War II, the international community is united. The leadership of the United Nations, once only a hoped-for ideal, is now confirming its founders' vision.

I am heartened that we are not being asked to bear alone the financial burdens of this struggle. Last year, our friends and allies provided the bulk of the economic costs of Desert Shield, and now having received commitments of over \$40 billion for the first three months of 1991, I am confident they will do no less as we move through Desert Storm.

But the world has to wonder what the dictator of Iraq is thinking. If he thinks that by targeting innocent civilians in Israel and Saudi Arabia, that he will gain advantage—he is dead wrong. And if he thinks that he will advance his cause through tragic and despicable environmental terrorism—he is dead wrong. And if he thinks that by abusing the coalition prisoners of war, he will benefit—he is dead wrong.

We will succeed in the Gulf. And when we do, the world community will have sent an enduring warning to any dictator or despot, present or future, who contemplates outlaw aggression.

The world can therefore seize this opportunity to fulfill the long-held promise of a new world order—where brutality will go unrewarded, and aggression will meet collective resistance.

Yes, the United States bears a major share of leadership in this effort. Among the nations of the world, only the United States of America has both the moral standing, and the means to back it up. We are the only Nation on this earth that could assemble the forces of peace.

This is the burden of leadership—and the strength that has made America the beacon of freedom in a searching world.

This Nation has never found glory in war. Our people have never wanted to abandon the blessings of home and work, for distant lands and deadly conflict. If we fight in anger, it is only because we have to fight at all. And all of

us yearn for a world where we will never have to fight again.

Each of us will measure, within ourselves, the value of this great struggle. Any cost in lives any cost is beyond our power to measure. But the cost of closing our eyes to aggression is beyond mankind's power to imagine.

This we do know: Our cause is just. Our cause is moral. Our cause is right. Let future generations understand the burden and blessings of freedom. Let them say, we stood where duty required us to stand.

Let them know that together, we affirmed America, and the world, as a community of conscience.

The winds of change are with us now. The forces of freedom are together united and we move toward the next century, more confident than ever that we have the will at home and abroad to do what must be done—the hard work of freedom.

May God bless the United States of America.

Thank you very, very much.

[Applause, the Members rising.]

At 9 o'clock and 56 minutes p.m., the President of the United States, accompanied by the committee of escort, retired from the Hall of the House of Representatives.

The Doorkeeper escorted the invited guests from the Chamber in the following order:

The members of the President's Cabinet.

The Associate Justices of the Supreme Court.

The ambassadors, ministers, and charges d'affaires of foreign governments.

JOINT SESSION DISSOLVED

The SPEAKER. The Chair declares the joint session of the two Houses now dissolved.

Accordingly, at 10 o'clock and 4 minutes p.m., the joint session of the two Houses was dissolved.

The Members of the Senate retired to their Chamber.

MESSAGE OF THE PRESIDENT REFERRED TO THE COMMITTEE OF THE WHOLE HOUSE ON THE STATE OF THE UNION

Mr. BENNETT. Mr. Speaker, I move that the message of the President be referred to the Committee of the Whole House on the State of the Union and ordered to be printed.

The motion was agreed to.

ADJOURNMENT

Mr. BENNETT. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 5 minutes p.m.) the House adjourned until tomorrow, Wednesday, January 30, 1991, at 2 p.m.

EXECUTIVE COMMUNICATIONS,
ETC.

526. Under clause 2 of rule XXIV, a letter from the Secretary of Health and Human Services, transmitting a report of surplus real property transferred or leased for public health purposes in fiscal year 1990, pursuant to 40 U.S.C. 484(o), was taken from the Speakers table and referred to the Committee on Government Operations.

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. CLAY:

H.R. 678. A bill to guarantee the right of law enforcement officers to organize and bargain collectively; jointly, to the Committee on Education and Labor and Post Office and Civil Service.

By Mr. CONTE (for himself, Mr. SHAYS, Mr. IRELAND, and Mr. VANDER JAGT):

H.R. 679. A bill to amend the Federal Deposit Insurance Act and the Federal Credit Union Act to establish a limit of \$100,000 on the amount of deposit insurance which may be paid to any person during any 36-month period; to the Committee on Banking, Finance and Urban Affairs.

By Mr. COUGHLIN:

H.R. 680. A bill to amend the Public Health Service Act to establish in the program of block grants regarding drug abuse and mental health a requirement regarding the approval of statewide drug treatment plans, and for other purposes; to the Committee on Energy and Commerce.

H.R. 681. A bill to amend title 18, United States Code, to establish criminal penalties for failure to obey an order to land an aircraft issued by a Federal law enforcement officer enforcing controlled substances laws, and for other purposes; jointly, to the Committee on the Judiciary, Public Works and Transportation, Merchant Marine and Fisheries, and Ways and Means.

By Mr. HUNTER:

H.R. 682. A bill to amend the Internal Revenue Code of 1986 to impose a minimum tax of 5 percent of gross income on foreign and foreign-owned corporations which do not provide sufficient information to accurately determine their taxable income; to the Committee on Ways and Means.

By Mr. SOLOMON:

H.R. 683. A bill to increase the maximum reward for information concerning acts of international terrorism against the United States; jointly, to the Committees on Foreign Affairs and the Judiciary.

By Mr. SOLOMON (for himself and Ms. MOLINARI):

H.R. 684. A bill to terminate most-favored-nation treatment for the products of Iraq; to the Committee on Ways and Means.

By Mr. WISE:

H.R. 685. A bill to establish a Data Protection Board, and for other purposes; to the Committee on Government Operations.

By Mr. DICKINSON:

H.R. 686. A bill to amend the Internal Revenue Code of 1986 to meet the growing challenge of America's infrastructure needs; to the Committee on Ways and Means.

By Mr. DORNAN of California (for himself and Mr. SHAYS):

H.R. 687. A bill to amend the Impoundment Control Act of 1974 to provide that any re-

scission of budget authority proposed by the President take effect unless specifically disapproved by the adoption of a joint resolution; jointly, to the Committee on Government Operations and Rules.

By Mr. GALLO (for himself, Mr. HORTON, Mr. NEAL of North Carolina, Ms. MOLINARI, Mr. LEWIS of Georgia, and Mr. DWYER of New Jersey):

H.R. 688. A bill to amend the Federal Water Pollution Control Act and the Safe Drinking Water Act to provide protection for sole source aquifers; jointly, to the Committee on Energy and Commerce and Public Works and Transportation.

By Mrs. KENNELLY:

H.R. 689. A bill to extend nondiscriminatory treatment to the products of Bulgaria and Romania for 3 years; to the Committee on Ways and Means.

By Mr. LEWIS of Georgia (for himself, Mr. MILLER of California, Mr. VENTO, Mr. DE LUGO, Mr. AUCCOIN, Mr. FUSTER, Mr. FLAKE, Mr. RANGEL, Mr. MFUME, Mrs. COLLINS of Illinois, Mr. OWENS of New York, Mr. DELLUMS, Mr. ESPY, Mr. STOKES, Mr. TOWNS, Mr. DEFazio, Mr. RICHARDSON, Mr. MURPHY, Mr. LEHMAN of Florida, Mr. JONTZ, Mr. FASCELL, Mr. PARKER, Ms. PELOSI, Mr. STUDDS, Mr. DURBIN, Mr. FROST, Mr. BERMAN, Mr. FALCOMA, Mr. WALSH, Mr. GORDON, Mr. SERRANO, and Mr. HATCHER):

H.R. 690. A bill to authorize the National Park Service to acquire and manage the Mary McLeod Bethune Council House National Historic Site, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. MACHTLEY (for himself and Mr. REED):

H.R. 691. A bill to amend the Small Business Act to provide disaster loan eligibility to small business concerns located in States in which one-third or more of the depository institutions have been simultaneously closed for a period of at least 5 days; to the Committee on Small Business.

By Mr. RAHALL:

H.R. 692. A bill to provide for the preservation, restoration, and interpretation of the historical, cultural, and architectural values of the town of Bramwell, WV, for the educational inspirational benefit of present and future generations; to the Committee on Interior and Insular Affairs.

H.R. 693. A bill to amend the Mineral Leasing Act to provide for public interest improvements in the management of Federal coal resources, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. RAHALL (for himself, Mr. MCCLOSKEY, Mr. BOUCHER, Mr. PERKINS, and Mr. WISE):

H.R. 694. A bill to amend the Black Lung Benefits Act to provide special procedures for certain claims due to pneumoconiosis, and for other purposes; to the Committee on Education and Labor.

By Mr. SANDERS (for himself, Mr. ABERCROMBIE, Ms. WATERS, and Mr. ANDREWS of Maine):

H.R. 695. A bill to amend title 37, United States Code, to alleviate the loss of earnings of a member of a Reserve component of the Armed Forces who is called or ordered to active duty in connection with operations in the Persian Gulf region; to the Committee on Armed Services.

By Mr. STAGGERS:

H.R. 696. A bill to provide an exclusion from gross income for certain military pay, and automatic extensions of time, for mem-

bers of the Armed Forces of the United States serving in connection with Operation Desert Shield; to the Committee on Ways and Means.

By Mr. STARK:

H.R. 697. A bill to amend the International Banking Act of 1978 and the Securities Exchange Act of 1934 to provide for fair trade in financial services; jointly to the Committees on Banking, Finance and Urban Affairs and Energy and Commerce.

H.R. 698. A bill to amend the Internal Revenue Code of 1986 to impose an additional occupational tax on manufacturers and importers of cigarettes and to provide that the amounts collected under this tax be used to reimburse the Medicaid Program for providing care and treatment for smoking-related cancers, circulatory system diseases, and respiratory system diseases; jointly, to the Committees on Ways and Means and Energy and Commerce.

By Mr. STARK (for himself, Mr. LEHMAN of California, Mr. ANDREWS of Texas, Mrs. COLLINS of Illinois, Mr. LIPINSKI, and Ms. PELOSI):

H.R. 699. A bill to amend the Internal Revenue Code of 1986 to impose an additional occupational tax on manufacturers and importers of cigarettes and to provide that the amounts collected under this tax be used to reimburse the Medicare Program for providing care and treatment for smoking-related cancers, circulatory system diseases, and respiratory system diseases; jointly, to the Committees on Ways and Means and Energy and Commerce.

By Mr. STEARNS:

H.R. 700. A bill to defer congressional pay adjustments until the first March 1 following the beginning of the Congress next following the Congress during which certain actions with respect to pay rates are taken, to provide that appropriations of funds for congressional pay be considered separately from appropriations for other purposes, to require a recorded vote in each House on such appropriations, and for other purposes; jointly, to the Committees on Post Office and Civil Service, Rules, and House Administration.

By Mr. THOMAS of California (for himself and Mr. LAGOMARSINO):

H.R. 701. A bill to authorize the President to lease Naval Petroleum Reserve Numbered 1 and thereby assure the efficient production of oil, natural gas, and other hydrocarbon resources at that property; to ensure the Federal Government receives fair market value for leasing that property; to upgrade the Nation's energy security assets by establishing a defense petroleum inventory; and to provide for the equitable sharing with the State of California of revenues from Naval Petroleum Reserve Numbered 1; jointly, to the Committees on Energy and Commerce and Armed Services.

By Mr. SLAUGHTER of Virginia (for himself, Mr. CRANE, Mr. DREIER of California, Mr. BLILEY, Mr. RITTER, Mr. DANEMEYER, Mr. ARMEY, Mr. DORNAN of California, Mr. EMERSON, Mr. LAGOMARSINO, Mr. IRELAND, Mr. BAKER, Mr. DELAY, Mr. HUNTER, Mr. WEBER, Mr. MCCOLLUM, Mr. PACKARD, and Mrs. VUCANOVICH):

H.R. 702. A bill to amend the Internal Revenue Code of 1986 to allow individuals a credit against income tax for amounts contributed to a health care savings account and to amend title XVIII of the Social Security Act to provide for a high deductible and protection against catastrophic medical care expenses for individuals who have established such accounts; jointly, to the Committees on Energy and Commerce and Ways and Means.

By Mr. SLAUGHTER of Virginia:

H.R. 703. A bill to amend the Internal Revenue Code of 1986 to exclude from gross income amounts otherwise includable on the surrender or cancellation of any life insurance policy which are used to pay long-term care insurance premiums; to the Committee on Ways and Means.

H.R. 704. A bill to amend the Internal Revenue Code of 1986 to exclude from gross income amounts withdrawn from individual retirement plans for payments of long-term care insurance premiums; to the Committee on Ways and Means.

H.R. 705. A bill to make long-term care insurance available to civilian Federal employees, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. ANDREWS of Texas:

H.R. 706. A bill to amend the Internal Revenue Code of 1986 to impose a fee on imported petroleum products and derivatives, to provide incentives for oil and natural gas exploration, and for other purposes; to the Committee on Ways and Means.

By Mr. ENGLISH (for himself, Mr. DE LA GARZA, and Mr. COLEMAN of Missouri):

H.R. 707. A bill to improve the regulation of futures trading, authorize appropriations for the Commodity Futures Trading Commission, and for other purposes; to the Committee on Agriculture.

By Mr. GAYDOS:

H.R. 708. A bill to amend title II of the Social Security Act so as to remove the limitation upon the amount of outside income which an individual may earn while receiving benefits thereunder; to the Committee on Ways and Means.

By Mr. SHAW (for himself, Mr. PENNY, Mr. FRANK of Massachusetts, Mr. POSHARD, Ms. ROS-LEHTINEN, Mr. PAXON, Mr. SKEEN, Mr. HORTON, Mr. MORAN, Mr. STEARNS, Mr. TOWNS, Mr. ROE, Mr. DORGAN of North Dakota, Mr. FALEOMAVAEGA, Mr. WOLPE, Mr. MACHTLEY, Mr. PORTER, Mrs. COLLINS of Illinois, Mr. GALLEGLY, Mr. GEJENSON, Mr. LIPINSKI, Mr. LAGOMARSINO, Ms. SLAUGHTER of New York, Mr. JOHNSTON of Florida, Mr. CHAPMAN, Mr. SMITH of Florida, Mr. WALSH, Mr. PALLONE, Mr. WASHINGTON, Mrs. SCHROEDER, Mr. KOSTMAYER, and Mrs. MEYERS of Kansas):

H.R. 709. A bill to amend the Higher Education Act of 1965 to provide reduced rates of interest under the Guaranteed Student Loan Program to individuals who enter the teaching profession; to the Committee on Education and Labor.

By Mr. ANTHONY:

H.R. 710. A bill to amend the Internal Revenue Code of 1986 to increase the amount of bonds eligible for certain small issuer exceptions, and for other purposes; to the Committee on Ways and Means.

By Mr. MCDADE (for himself, Mr. ANDERSON, Mr. ANNUNZIO, Mr. BATEMAN, Mr. BENNETT, Mr. BEVILL, Mr. BILLEY, Mr. COLEMAN of Texas, Mr. DE LUGO, Mr. EMERSON, Mr. ESPY, Mr. FAZIO, Mr. FOGLETTA, Mr. FUSTER, Mr. GUARINI, Mr. HARRIS, Mr. HORTON, Mr. KANJORSKI, Mr. LAFALCE, Mr. LAGOMARSINO, Mr. LEHMAN of Florida, Ms. LONG, Mr. MCCOLLUM, Mr. MANTON, Mr. MATSUI, Mr. MINETA, Mr. NATCHER, Mr. NEAL of Massachusetts, Mr. OWENS of Utah, Mr. PARKER, Mr. RAHALL, Mr. RAVENEL, Mr. REGULA, Mr. ROE, Mr. SCHULZE, Mr. SERRANO, Ms. SLAUGHTER of New

York, Mr. SMITH of Iowa, Mr. TOWNS, Mr. VANDER JAGT, Mr. VENTO, Mr. WELDON, Mr. WILSON, and Mr. WOLF):

H.J. Res. 95. Joint resolution to designate the week of September 15, 1991, through September 21, 1991, as "National Rehabilitation Week"; to the Committee on Post Office and Civil Service.

By Mr. LEWIS of Georgia (for himself and Mr. WHEAT):

H.J. Res. 96. Joint resolution to designate June 12 through June 19, 1991, as "Negro Baseball Leagues Recognition Week"; to the Committee on Post Office and Civil Service.

By Ms. OAKAR:

H.J. Res. 97. Joint resolution to designate the week beginning March 4, 1991, as "Federal Employees Recognition Week"; to the Committee on Post Office and Civil Service.

By Mr. SOLOMON:

H. Con. Res. 54. Concurrent resolution expressing the sense of the Congress that Fort Crailo in Rensselaer, NY, should be designated as the home of "Yankee Doodle"; to the Committee on Post Office and Civil Service.

By Mr. LAGOMARSINO (for himself, Mr. ANDERSON, Mr. GOSS, Mr. BROOMFIELD, Mr. YOUNG of Alaska, Ms. ROS-LEHTINEN, Mr. GALLEGLY, Mr. DREIER of California, Mr. GILMAN, and Mr. VENTO):

H. Con. Res. 55. Concurrent resolution condemning Iraq's ecoterrorism in the Persian Gulf; to the Committee on Foreign Affairs.

By Mr. DYMALLY (for himself, Mr. ANDREWS of Maine, Mr. BONIOR, Mr. DELLUMS, Mr. FRANK of Massachusetts, Ms. NORTON, Mr. HAYES of Illinois, Mr. MORAN, Ms. OAKAR, Mr. RAHALL, Mr. TOWNS, and Mr. TRAFICANT):

H. Con. Res. 56. Concurrent resolution expressing the sense of the Congress that Federal agencies should not engage in discrimination that threatens the civil liberties of Arab Americans and should assist in protecting Arab Americans from hate crimes and related discrimination; to the Committee on the Judiciary.

By Mr. GOSS (for himself and Mr. LAGOMARSINO):

H. Con. Res. 57. Concurrent resolution deploring the release of millions of gallons of oil into the Persian Gulf and declaring that Saddam Hussein and Iraq should be held legally, morally, and financially accountable for this cruel act against the environment; to the Committee on Foreign Affairs.

By Mr. JACOBS:

H. Res. 47. Resolution providing for enclosing the galleries of the House of Representatives with a transparent and substantial material; to the Committee on House Administration.

By Mr. PICKETT:

H. Res. 48. Resolution condemning Iraq for violations of internationally recognized human rights and the law of nations; to the Committee on Foreign Affairs.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

8. By the SPEAKER: Memorial of the Legislature of the State of North Dakota, relative to support for the United States troops in the Persian Gulf, condemning the Iraqi invasion of Kuwait, and urging the President to achieve a peaceful solution to the Persian

Gulf crisis; to the Committee on Foreign Affairs.

9. Memorial of the House of Representatives of the Commonwealth of Massachusetts, relative to support of negotiations to end the Persian Gulf crisis without war; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. DOOLITTLE:

H.R. 711. A bill to validate conveyances of certain lands in the State of California that form part of the right-of-way granted by the United States to the Central Pacific Railway Co.; to the Committee on Interior and Insular Affairs.

By Mr. SHAW:

H.R. 712. A bill for the relief of Patricia A. McNamara; 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. 8: Mr. MARTINEZ.
 H.R. 51: Mr. PAYNE of Virginia.
 H.R. 53: Mrs. MORELLA, Mr. DWYER of New Jersey, Mr. MARTINEZ, Mr. LAGOMARSINO, Mr. DELLUMS, Mr. JOHNSON of South Dakota, and Mr. JONES of North Carolina.
 H.R. 68: Mr. BAKER, Mr. BARTON of Texas, Mrs. BENTLEY, Mr. BILIRAKIS, Mr. CAMPBELL of California, Mr. CAMPBELL of Colorado, Mrs. COLLINS of Illinois, Mr. CLINGER, Mr. DICKS, Mr. DREIER of California, Mr. LENT, Mr. MCHUGH, Mr. PENNY, Mr. VALENTINE, Mr. WALSH, Mr. MARTIN of New York, Mrs. VUCANOVICH, Mr. KYL, Mr. FIELDS, Mrs. JOHNSON of Connecticut, Mr. GLICKMAN, Mrs. MEYERS of Kansas, and Mr. SANTORUM.
 H.R. 86: Mr. SCHEUER, Mr. INHOFE, and Mr. COX of California.
 H.R. 113: Mr. STOKES.
 H.R. 123: Mr. BARRETT.
 H.R. 135: Mr. PALLONE, Mr. APPLIGATE, Mr. COX of California, Mr. WEBER, Mr. COYNE, Mr. SCHIFF, Mr. DEFazio, Mr. DERRICK, Mr. RAVENEL, Mr. WOLF, Mr. KOPETSKI, Mr. HORTON, Mr. STUDDS, and Mr. GOSS.
 H.R. 179: Mrs. MORELLA, Mr. McMILLEN of Maryland, Mr. OWENS of Utah, and Mr. STAGGERS.
 H.R. 193: Mrs. BOXER, Mr. ROE, Mr. HORTON, Mr. WISE, Mr. LENT, and Mr. RITTER.
 H.R. 217: Mr. ROGERS, Mr. HORTON, Mr. LIVINGSTON, Mr. DANNEMEYER, and Mr. RITTER.
 H.R. 233: Mr. GUARINI, Mr. LEWIS of Georgia, Mr. APPLIGATE, and Mr. HUGHES.
 H.R. 252: Mr. BORSKI and Mr. SCHUMER.
 H.R. 300: Ms. KAPTUR, Mr. BUSTAMANTE, Mr. ACKERMAN, and Mr. WILSON.
 H.R. 317: Mr. KILDEE, Mr. JEFFERSON, Mrs. LOWEY of New York, Mr. RITTER, Mr. SCHEUER, and Mr. SERRANO.
 H.R. 318: Mr. GOODLING.
 H.R. 325: Mr. FLAKE, Mrs. BOXER, Mr. GORDON, Mr. SLATTERY, Mr. JOHNSON of South Dakota, Mr. MRAZEK, Ms. LONG, Mr. VENTO, Mr. KOLBE, and Mr. TOWNS.
 H.R. 327: Mr. RAVENEL, Mr. OLIN, Mr. NAGLE, and Mr. GUARINI.
 H.R. 328: Mr. DANNEMEYER and Mr. BEREUTER.
 H.R. 329: Mr. YATES, Mr. PEASE, and Mr. ABERCROMBIE.

H.R. 357: Mr. EVANS, Mr. DELLUMS, Mr. DWYER of New Jersey, Mrs. BOXER, Mr. JONES of Georgia, Mr. OWENS of Utah, Mr. McMILLEN of Maryland, Mr. SHARP, Mr. NEAL of North Carolina, Mr. HOCHBRUECKNER, Mr. KENNEDY, Mr. BROWN of California, Mr. LEVINE of California, Mr. BE-REUTER, Mr. LIPINSKI, Mr. LANCASTER, Ms. KAPTUR, Mr. VENTO, and Mr. HORTON.

H.R. 381: Mr. STEARNS, Mr. ECKART, Mr. SANGMEISTER, Mr. EVANS, Mrs. UNSOELD, Mr. BROWN of California, Mr. JOHNSTON of Florida, Mr. MINETA, and Ms. SLAUGHTER of New York.

H.R. 382: Mr. ABERCROMBIE.

H.R. 384: Mrs. MORELLA, Mr. ROYBAL, Mr. STOKES, Mr. BILBRAY, Mr. EVANS, Mr. JOHN-SON of South Dakota, Mr. WALSH, and Mr. SERRANO.

H.R. 385: Mr. EVANS, Mr. RICHARDSON, Mr. DELLUMS, Mr. DWYER of New Jersey, Mrs. LOWEY of New York, Mrs. BOXER, Mr. SCHEUER, and Mr. KOLTER.

H.R. 392: Mr. GLICKMAN, Mr. ANDREWS of Texas, Mr. JOHNSTON of Florida, Mr. ABER- CROMBIE, Mr. BERMAN, Mr. CONYERS, Mr. DELLUMS, Mr. DICKS, Mr. DYMALLY, Mr. ED- WARDS of California, Mr. EVANS, Mr. FAZIO, Mr. FOGLIETTA, Mr. HORTON, Mr. HUGHES, Mrs. JOHNSON of Connecticut, Mr. JONES of Georgia, Mr. OLIN, Mr. PAYNE of New Jersey, Mr. ROSE, Mr. ROYBAL, Mr. SABO, Mr. SO- LARZ, Ms. SLAUGHTER of New York, and Mr. TOWNS.

H.R. 394: Mr. BLILEY, Mrs. BOXER, Mr. BRY- ANT, Mr. COLEMAN of Texas, Mrs. COLLINS of Illinois, Mr. DARDEN, Mr. DeFAZIO, Mr. EN- GLISH, Mr. ESPY, Mr. FRANK of Massachusetts, Mr. GORDON, Mr. HEFNER, Mr. HUGHES, Mr. JONES of North Carolina, Mr. JONTZ, Mr. LA- GOMARSINO, Mr. LEVINE of California, Mr. LEWIS of Georgia, Mr. LEWIS of Florida, Mr. LIPINSKI, Mrs. LOWEY of New York, Mr. NEAL of North Carolina, Mr. OLIN, Mr. OWENS of Utah, Mrs. PATTERSON, Mr. PENNY, Mr. RAVENEL, Mr. RHODES, Mr. ROE, Mrs. ROU- KEMA, Mrs. SCHROEDER, Ms. SLAUGHTER of New York, Mr. SMITH of Florida, Mr. STAG- GERS, Mr. STEARNS, Mr. STUDDS, Mr. TORRES, Mr. VALENTINE, Mr. WALSH, Mr. WILSON, Mr. WISE, Mr. WYDEN, Mr. EMERSON, Mr. DWYER of New Jersey, and Mr. FORD of Michigan.

H.R. 415: Mr. ZIMMER and Mr. SKEEN.

H.R. 426: Mr. WASHINGTON, Mrs. VUCANO- VICH, Mr. COSTELLO, Mr. SKEEN, Mr. INHOFE, Mr. OXLEY, and Mr. SCHEUER.

H.R. 431: Mr. MILLER of Washington, Mr. WOLF, Mr. BATEMAN, Mr. HANCOCK, and Mrs. UNSOELD.

H.R. 447: Mr. ECKART, Mr. STUDDS, Mr. BUSTAMANTE, Mr. MOODY, Mr. COSTELLO, Mr. MINETA, and Mr. VENTO.

H.R. 460: Mr. JOHNSON of South Dakota, Mr. DURBIN, Mr. RAVENEL, and Mr. RANGEL.

H.R. 473: Mr. ALLARD, Mr. DELAY, Mr. PENNY, Mr. WILSON, Mr. ARMEY, Mr. YOUNG of Alaska, and Mr. SKEEN.

H.R. 474: Mrs. BYRON, Mr. DORNAN of Cali- fornia, and Mr. KOLBE.

H.R. 482: Ms. NORTON, Mr. SERRANO, Mr. PAYNE of New Jersey, Mr. ACKERMAN, and Mr. LENT.

H.R. 519: Mr. BEREUTER.

H.R. 538: Mr. HORTON, Mr. COLEMAN of Texas, Mr. KYL, Mr. RAVENEL, Mr. SERRANO, Mr. BARNARD, and Mr. FROST.

H.R. 555: Mr. STEARNS, Mrs. PATTERSON, Mr. SMITH of New Jersey, Mr. SLATTERY, Mr. RIDGE, Mr. PICKETT, Mr. EVANS, Mr. GEREN of Texas, Mr. BILIRAKIS, Mr. HAMMER- SCHMIDT, Mr. EDWARDS of California, Mr. PAXON, Mr. APPELATE, Mr. GOSS, Mr. JONES of Georgia, Mr. FALEOMAVAEGA, Mr. BREW- STER, Mr. DE LUGO, Mr. PALLONE, and Mr. RITTER.

H.R. 556: Mr. OBEY, Mr. JOHNSTON of Flor- ida, Mr. PICKETT, Mr. PRICE, Mr. GOSS, Mr. HALL of Ohio, Mr. FALEOMAVAEGA, Mr. DE LUGO, Mr. BREWSTER, Mr. MACHTLEY, Mr. WELDON, and Mr. KLECZKA.

H.R. 560: Mr. LaFALCE, Mr. BUSTAMANTE, Mr. PETERSON of Minnesota, Mr. LEHMAN of Florida, Mr. PENNY, Mr. KLECZKA, Mr. EVANS, Mr. SHAYS, Mrs. UNSOELD, and Mr. SPRATT.

H.R. 574: Mr. RAVENEL and Mr. PAYNE of Virginia.

H.R. 585: Mr. MRAZEK, Mr. OWENS of Utah, Mrs. BOXER, Mr. SMITH of Florida, Mr. DEL- LUMS, Mr. HUCKABY, Mr. EVANS, Mr. BRUCE, Mr. FAZIO, Mr. LEACH of Iowa, and Mr. BEN- NETT.

H.R. 596: Mr. RAVENEL, Mr. COX of Califor- nia, and Mr. THOMAS of Wyoming.

H.R. 598: Mr. APPELATE, Mr. PAXON, Mr. EDWARDS of California, Mr. BILIRAKIS, Mr. GEREN of Texas, Mr. EVANS, Mr. PICKETT, Mr. RIDGE, Mr. SMITH of New Jersey, Mr. SLAT- TERY, Mrs. PATTERSON, Mr. PENNY, Mr. JONES of Georgia, Mr. FALEOMAVAEGA, Mr. HARRIS, Mr. DE LUGO, and Mr. SANGMEISTER.

H.R. 601: Mr. APPELATE, Mr. PORTER, Mr. McDADE, Mr. HENRY, Mr. COX of California, Mr. RITTER, Mr. MRAZEK, Mr. DONNELLY, Mr. McMILLEN of Maryland, Mr. LIPINSKI, Mr. ESPY, Mr. SANTORUM, and Mr. FRANK of Mas- sachusetts.

H.R. 602: Mr. BAKER, Mr. BATEMAN, Mr. CHAPMAN, Mr. GALLO, Mr. HATCHER, Mr. JOHNSON of South Dakota, Mr. MACHTLEY, Mrs. MINK, Mr. MONTGOMERY, and Mr. VAL- ENTINE.

H.R. 611: Mr. YOUNG of Alaska, Mr. SKEEN, Mr. KYL, Mr. LIVINGSTON, Mr. HERGER, and Mr. ARMEY.

H.R. 614: Mr. WILSON, Mr. DELLUMS, Mrs. LOWEY of New York, Mr. HORTON, and Mr. TOWNS.

H.R. 643: Mr. IRELAND and Mr. HANCOCK.

H.R. 644: Mr. McDERMOTT, Mr. HUNTER, Mr. SOLOMON, Mr. McNULTY, Mr. FRANK of Mas- sachusetts, Mr. GORDON, Mrs. COLLINS of Illi- nois, Mr. McCLOSKEY, Mr. HORTON, Mr. DE LUGO, Mr. COOPER, Mr. VALENTINE, and Mr. TANNER.

H.R. 652: Mr. LEWIS of Georgia, Mr. JONES of Georgia, and Mr. RANGEL.

H.J. Res. 2: Mr. CAMP and Mr. STUMP.

H.J. Res. 30: Mrs. BENTLEY, Mr. BLILEY, Mr. CHANDLER, Mr. DE LUGO, Mr. DICKS, Mr. HOCHBRUECKNER, Mr. SMITH of Texas, Mr. OWENS of New York, Mr. OWENS of Utah, Mr. DONNELLY, Ms. PELOSI, Mr. ENGEL, Mr. GON- ZALEZ, Mr. QUILLEN, Mr. RITTER, Mr. HATCH-

ER, Mr. HEFNER, Mr. HORTON, Mr. INHOFE, Mr. ESPY, Mr. SAVAGE, Ms. SLAUGHTER of New York, Mr. HAMMERSCHMIDT, Mr. FRANK of Massachusetts, Mr. FAWELL, Mr. HUBBARD, Mr. DOOLEY, Mr. RANGEL, Mr. BILBRAY, Mr. KASICH, Mr. SCHEUER, Mr. SLAUGHTER of Vir- ginia, Mr. SMITH of Florida, Mrs. PATTERSON, Mr. LANCASTER, Mr. LEHMAN of Florida, Mr. HENRY, Mrs. KENNELLY, Mr. TALLON, Mr. WEISS, Mr. CLAY, Mr. GILMAN, Mr. McDERMOTT, Mr. MOODY, Ms. KAPTUR, Mr. YATRON, Ms. OAKAR, Mr. MINETA, Mr. DeFAZIO, Mr. CONYERS, Mr. DWYER of New Jersey, Mr. WALSH, Mr. SLATTERY, Mr. MFUME, Mr. MONTGOMERY, Mr. MAZZOLI, Mr. MARTINEZ, Mrs. MEYERS of Kansas, Mr. VOLKMEI, Mr. CONTE, Mr. WILSON, Mr. JONTZ, Mr. APPELATE, Mr. BEVILL, Mr. ROBERTS, Mr. PRICE, Mr. CARR, Mr. JONES of Georgia, Mr. DORGAN of North Dakota, Mr. GINGRICH, Mr. GRANDY, Mr. DOWNEY, Mr. GUNDERSON, Mr. HYDE, Mr. HOYER, Mr. JOHNSON of South Dakota, Mr. HAMILTON, Mr. McCLOSKEY, Mr. VENTO, Mr. LEVIN of Michigan, Mr. MARTIN, Mr. McDADE, Mr. McHUGH, Mr. NEAL of North Carolina, Mr. McEWEN, Mr. PAYNE of New Jersey, Mr. PURSELL, Mr. BENNETT, Mr. REGULA, Mr. SOLOMON, Mr. SAXTON, Mr. STOKES, and Mrs. VUCANOVICH.

H.J. Res. 92: Mr. BONIOR.

H. Con. Res. 8: Mr. ANNUNZIO, Mr. BALLENGER, Mr. BONIOR, Mr. BUSTAMANTE, Mrs. BYRON, Mr. CLINGER, Mrs. COLLINS of Illi- nois, Mr. DAVIS, Mr. DORNAN of California, Mr. FASCELL, Mr. FIELDS, Mr. GALLEGLY, Mr. GORDON, Mr. GOSS, Mr. HUNTER, Mr. LENT, Mr. LEWIS of California, Mr. LIGHTFOOT, Mr. LIPINSKI, Mrs. LLOYD, Mr. MAZZOLI, Mr. McCANDLESS, Mr. McNULTY, Mr. NOWAK, Mr. MARTIN of New York, Mr. PALLONE, Mr. PAXON, Mr. PETRI, Mr. QUILLEN, Mr. RHODES, Mr. ROBERTS, Mr. ROE, Mr. SLATTERY, Mr. SMITH of Florida, Mr. STEARNS, Mrs. VUCANO- VICH, Mr. WALSH, Mr. WOLF, Mr. EMERSON, Mr. MARTINEZ, Mr. PORTER, Mr. LEWIS of Florida, Mr. GLICKMAN, Mr. KANJORSKI, Mr. GALLO, Mr. SKEEN, Mr. MACHTLEY, Mrs. MORELLA, Mr. MOODY, Mr. ROHRBACHER, Mr. RITTER, Mr. BARTLETT, Mr. GILLMOR, and Mr. REGULA.

H. Con. Res. 23: Mr. EVANS, Mr. LIPINSKI, Mrs. PATTERSON, Mr. ERDREICH, Mr. DE LUGO, Mr. LANCASTER, Mr. FROST, and Mr. HUTTO.

H. Res. 14: Mr. KYL, Mr. VISCLOSKEY, Mr. ESPY, Mr. PRICE, Mr. GORDON, Mr. RAVENEL, Mr. SOLARZ, Mr. WILSON, Mr. SCHUMER, Mr. RAMSTAD, Mr. DE LUGO, Mr. LEWIS, of Cali- fornia, Mr. BLILEY, Mr. BREWSTER, Mr. BRY- ANT, Mr. McDERMOTT, Mr. BROWN, Mr. LAGO- MARSINO, and Ms. PELOSI.

H. Res. 36: Mrs. SCHROEDER.

PETITIONS, ETC.

Under clause 1 of rule XXII,

20. The SPEAKER presented petition of 90 different disciplines at various German uni- versities, the Federal Republic of Germany, relative to the Persian Gulf crisis, which was referred to the Committee on Foreign Af- fairs.