

**HOUSE OF REPRESENTATIVES—Thursday, March 21, 1991**

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. HOYER).

The vote was taken by electronic device, and there were—yeas 280, nays 101, not voting 50, as follows:

[Roll No. 54]  
YEAS—280

**DESIGNATION OF SPEAKER PRO TEMPORE**

The SPEAKER pro tempore laid before the House the following communication from the Speaker.

WASHINGTON, DC,  
March 21, 1991.

I hereby designate the Honorable Steny H. Hoyer to act as Speaker pro tempore on this day.

THOMAS S. FOLEY,  
Speaker of the House of Representatives.

**PRAYER**

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

We hear all the sounds of the world about us, O God—the thunder of anger and violence and suspicion, but we also hear the songs of the angels and the words of kindness and compassion and mercy. May all people turn away from the voices of hatred that lead to destruction and hear instead Your gracious spirit that calls us to faith and to hope and to love. May Your free gifts, O God, that allow us to be the people You made us to be, be found in our hearts and minds and spirits, this day and every day. In Your name, we pray. Amen.

**THE JOURNAL**

The SPEAKER pro tempore. 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.

Mr. FRANK of Massachusetts. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Chair's approval of the Journal.

The SPEAKER pro tempore. The question is on the Chair's approval of the Journal.

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

Mr. FRANK of Massachusetts. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

- |               |               |               |
|---------------|---------------|---------------|
| Abercrombie   | Fazio         | McCurdy       |
| Ackerman      | Feighan       | McDermott     |
| Alexander     | Fish          | McEwen        |
| Anderson      | Foglietta     | McGrath       |
| Andrews (ME)  | Frank (MA)    | McMillen (MD) |
| Andrews (NJ)  | Gaydos        | McNulty       |
| Andrews (TX)  | Gejdenson     | Miller (CA)   |
| Annunzio      | Geren         | Mineta        |
| Anthony       | Gibbons       | Mink          |
| Applegate     | Gilman        | Moakley       |
| Archer        | Glickman      | Montgomery    |
| Aspin         | Gonzalez      | Moody         |
| Atkins        | Gordon        | Moran         |
| AuCoin        | Gradison      | Morella       |
| Bacchus       | Gray          | Morrison      |
| Barton        | Green         | Murtha        |
| Bateman       | Guarini       | Myers         |
| Bellenson     | Gunderson     | Nagle         |
| Bennett       | Hall (OH)     | Natcher       |
| Berman        | Hall (TX)     | Neal (MA)     |
| Bevill        | Hamilton      | Neal (NC)     |
| Borski        | Hammerschmidt | Nichols       |
| Boucher       | Hansen        | Niowak        |
| Boxer         | Harris        | Oakar         |
| Brewster      | Hatcher       | Oberstar      |
| Broomfield    | Hayes (IL)    | Obey          |
| Browder       | Hayes (LA)    | Olin          |
| Brown         | Hefner        | Ortiz         |
| Bruce         | Hertel        | Orton         |
| Bryant        | Hoagland      | Owens (NY)    |
| Byron         | Hobson        | Owens (UT)    |
| Campbell (CO) | Hochbrueckner | Oxley         |
| Cardin        | Horn          | Packard       |
| Carper        | Horton        | Pallone       |
| Carr          | Houghton      | Panetta       |
| Chapman       | Hoyer         | Parker        |
| Clement       | Hubbard       | Patterson     |
| Clinger       | Huckaby       | Payne (NJ)    |
| Coleman (TX)  | Hughes        | Payne (VA)    |
| Collins (IL)  | Hutto         | Pease         |
| Combest       | Jenkins       | Pelosi        |
| Condit        | Johnson (CT)  | Penny         |
| Conyers       | Johnson (SD)  | Perkins       |
| Cooper        | Johnston      | Peterson (FL) |
| Costello      | Jones (GA)    | Peterson (MN) |
| Cox (IL)      | Jones (NC)    | Petri         |
| Coyne         | Jontz         | Pickett       |
| Cramer        | Kanjorski     | Pickle        |
| Cunningham    | Kaptur        | Porter        |
| Darden        | Kasich        | Poshard       |
| Davis         | Kennedy       | Price         |
| de la Garza   | Kildee        | Quillen       |
| DeFazio       | Klecza        | Rahall        |
| DeLauro       | Kolter        | Ravenel       |
| Dellums       | Kopetski      | Ray           |
| Derrick       | Kostmayer     | Reed          |
| Dicks         | LaFalce       | Richardson    |
| Dingell       | Lancaster     | Rinaldo       |
| Dixon         | Lantos        | Ritter        |
| Donnelly      | LaRocco       | Roe           |
| Dooley        | Laughlin      | Roemer        |
| Dorgan (ND)   | Lehman (CA)   | Rose          |
| Dornan (CA)   | Lehman (FL)   | Rostenkowski  |
| Downey        | Levin (MI)    | Rowland       |
| Dreier        | Lewis (GA)    | Roybal        |
| Durbin        | Lipinski      | Russo         |
| Dwyer         | Livingston    | Sabo          |
| Early         | Lloyd         | Sangmeister   |
| Eckart        | Long          | Sarpalius     |
| Edwards (CA)  | Luken         | Sawyer        |
| Edwards (TX)  | Markey        | Schaefer      |
| Emerson       | Martinez      | Scheuer       |
| Engel         | Matsui        | Schiff        |
| English       | Mavroules     | Schulze       |
| Erdreich      | Mazzoli       | Schumer       |
| Espy          | McCloskey     | Sharp         |
| Evans         | McCollum      | Shaw          |
| Fawell        | McCrery       | Shuster       |

- Sisisky  
Skaggs  
Skeen  
Skelton  
Slattery  
Slaughter (NY)  
Slaughter (VA)  
Smith (IA)  
Snowe  
Solarz  
Spence  
Spratt  
Staggers  
Stark  
Stenholm  
Studds

- Swett  
Swift  
Synar  
Tallon  
Tanner  
Tauzin  
Taylor (MS)  
Thomas (GA)  
Torres  
Torricelli  
Traficant  
Traxler  
Unsoeld  
Valentine  
Vento  
Visclosky

- Volkmer  
Walsh  
Waxman  
Wheat  
Whitten  
Williams  
Wilson  
Wise  
Wolpe  
Wyden  
Wyle  
Yates  
Yatron  
Zeliff

**NAYS—101**

- Allard  
Army  
Baker  
Ballenger  
Barrett  
Bereuter  
Bilirakis  
Bliley  
Boehlert  
Boehner  
Bunning  
Burton  
Callahan  
Camp  
Campbell (CA)  
Chandler  
Clay  
Coble  
Coleman (MO)  
Coughlin  
Crane  
Dannemeyer  
DeLay  
Dickinson  
Doolittle  
Duncan  
Fields  
Franks (CT)  
Gallegly  
Gallo  
Gekas  
Gilchrest  
Gingrich  
Goodling

- Goss  
Grandy  
Hancock  
Hastert  
Hefley  
Henry  
Herger  
Holloway  
Hopkins  
Hyde  
Inhofe  
Ireland  
James  
Klug  
Kolbe  
Kyl  
Lagomarsino  
Leach  
Lewis (CA)  
Lightfoot  
Lowery (CA)  
Machtley  
Marlenee  
Martin  
McCandless  
McDade  
McMillan (NC)  
Meyers  
Michel  
Miller (WA)  
Molinari  
Moorhead  
Nussle  
Pursell

- Ramstad  
Regula  
Rhodes  
Ridge  
Riggs  
Roberts  
Rogers  
Rohrabacher  
Ros-Lehtinen  
Roth  
Roukema  
Santorum  
Saxton  
Schroeder  
Sensenbrenner  
Shays  
Sikorski  
Smith (OR)  
Smith (TX)  
Solomon  
Stearns  
Stump  
Sundquist  
Taylor (NC)  
Thomas (CA)  
Thomas (WY)  
Upton  
Walker  
Weber  
Weldon  
Wolf  
Young (FL)  
Zimmer

**NOT VOTING—50**

- Barnard  
Bentley  
Bilbray  
Bonior  
Brooks  
Bustamante  
Collins (MI)  
Cox (CA)  
Dymally  
Edwards (OK)  
Fascell  
Flake  
Ford (MI)  
Ford (TN)  
Frost  
Gephardt  
Gillmor

- Hunter  
Jacobs  
Jefferson  
Kennelly  
Lent  
Levine (CA)  
Lewis (FL)  
Lowe (NY)  
Manton  
McHugh  
Mfume  
Miller (OH)  
Mollohan  
Mrazek  
Murphy  
Paxon  
Rangel

- Sanders  
Savage  
Serrano  
Smith (FL)  
Smith (NJ)  
Stallings  
Stokes  
Thornton  
Towns  
Udall  
Vander Jagt  
Vucanovich  
Washington  
Waters  
Weiss  
Young (AK)

□ 1022

Mr. DOOLITTLE changed his vote from "yea" to "nay."

So the Journal was approved. The result of the vote was announced as above recorded.

□ 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.

## PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentlewoman from Indiana [Ms. LONG] please 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.

## MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 1281. An act making dire emergency supplemental appropriations for the consequences of Operation Desert Shield/Desert Storm, food stamps, unemployment compensation administration, veterans compensation and pensions, and other urgent needs for the fiscal year ending September 30, 1991, and for other purposes.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 1281), "An act making dire emergency supplemental appropriations for the consequences of Operation Desert Shield/Desert Storm, food stamps, unemployment compensation administration, veterans compensation and pensions, and other urgent needs for the fiscal year ending September 30, 1991, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. BYRD, Mr. INOUE, Mr. HOLLINGS, Mr. JOHNSTON, Mr. BURDICK, Mr. LEAHY, Mr. SASSER, Mr. DECONCINI, Mr. BUMPERS, Mr. LAUTENBERG, Mr. HARKIN, Ms. MIKULSKI, Mr. REID, Mr. ADAMS, Mr. FOWLER, Mr. KERREY, Mr. HATFIELD, Mr. STEVENS, Mr. GARN, Mr. COCHRAN, Mr. KASTEN, Mr. D'AMATO, Mr. RUDMAN, Mr. SPENCER, Mr. DOMENICI, Mr. NICKLES, Mr. GRAMM, Mr. BOND, and Mr. GORTON to be the conferees on the part of the Senate.

## INTRODUCTION OF THE TELEPHONE PRIVACY ACT

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

Mrs. UNSOELD. Mr. Speaker, today I'm introducing a piece of legislation of interest to every American with a telephone and a desire for peace and quiet once they reach the sanctity of their own home.

The Telephone Privacy Act would outlaw commercial solicitation by computers. No more would you be torn away from the family dinner, only to find yourself listening to a computer offering you some sweetheart deal of the century. No more would you hit the

rewind button on your phone-message machine, only to be subjected to a computer-generated spiel urging you to call some number "right now" because you, too, can be a millionaire.

Mr. Speaker, in 1986 my State of Washington passed a law banning the use of automatic dialing-announcing devices for commercial solicitation. But many of these unwanted solicitations cross State borders.

My bill is straightforward: If you are going to be subjected to a sales pitch over the telephone, it can't be by computer.

Mr. Speaker, I urge my colleagues to support their constituents' rights to peace and privacy at home by endorsing the Telephone Privacy Act of 1991.

## INTRUSIVE REGULATIONS DROWNING NATION'S ECONOMY

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

Mr. COMBEST. Mr. Speaker, this week I have kicked off my FAIR campaign to fight against intrusive regulations. I have heard from my colleagues, voters, and local associations who strongly agree on one thing: We have only touched a drop in the sea of Federal regulations which are drowning our Nation's economy.

We already know that Federal regulations cost our economy \$175 billion every year. Take the example of health care: About 22 percent of all health care dollars are spent to just keep up with Federal paperwork. The staff in a doctor's office spends almost 1 full day each week on paperwork alone. We could, and should, spend more of this time and money saving lives, not saving the bureaucracy.

There are many horror stories that each one of us could tell that demonstrates the waste of Government overregulation. The FAIR campaign provides a forum to highlight some of these burdensome problems and find a workable solution. However, the FAIR campaign is not just another meeting for you to attend and there are no dues or fees. By working together we can bring common sense back into the sometimes insane regulatory process.

Mr. Speaker, each of us has been involved in campaigns which allow us to serve in this body. I urge you to get involved today in a true campaign of service to the people, the campaign to fight against intrusive regulations. Let us bring regulatory reform and common sense back to the governmental process.

## FOREIGN DEBT FORGIVENESS

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

Mr. TRAFICANT. Mr. Speaker, first Egypt's \$7 billion debt is forgiven, now \$2 billion for Poland.

Do not get me wrong. Lech Walesa has done a great job and Poland deserves a hand, but tell me, Mr. Speaker, who is next?

This is like an American Express Card policy. The foreign countries come over, they put their little credit cards in the gooper, out pops American cash. They go back home and use the money. Then they ask for the loan to be forgiven and it is all forgiven.

Meanwhile, mom and dad in America are picking up the tab. Crazy!

America is borrowing money to give it away overseas and cutting education and housing back home.

Mr. Speaker, we need a brain transplant in Washington, DC, so help me.

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. McNULTY). Our guests in the Gallery are reminded they are not to respond to statements on the floor.

## SENIOR BILLS

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

Mr. PACKARD. Mr. Speaker, today I am introducing two pieces of legislation which will help to ease the financial burden on many of our senior citizens.

The first bill eliminates the taxation of Social Security benefits. This tax is unnecessary. The revenues generated from the unfair tax are returned to the already burgeoning coffers of the Social Security trust fund. Senior citizens have already paid taxes on their earnings. We should not be taxing their Social Security benefits as well.

The second bill repeals the earnings cap which forces many senior citizens out of the workplace.

Senior citizens are one of the most valuable resources in our society. Their experience and training are a priceless commodity which must not be wasted. Those senior citizens who wish to work beyond their retirement age should be permitted to do so without penalty.

If you are interested in helping to stop these injustices, please cosponsor my bills.

## HEALTH CARE COVERAGE—THE GREATEST DOMESTIC CRISIS

(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, lack of affordable health care for all Americans is a national disgrace that tears

at the fiber which unites this land. Unthinkably, there are too many people left out of the system.

Is it not ironic that our Nation, rich in agriculture, has farmers who cannot afford basic care? Our cities, economic centers rich in culture, have millions of unemployed and homeless families with no health care coverage, and our children, the rich future with infinite potential, are often pitted against older Americans for a limited share of health care resources. We are in danger of losing the vast potential of this next generation because their parents cannot afford adequate health care.

□ 1030

This is our greatest domestic crisis. Our health care system is on the verge of collapse. Skyrocketing health care costs are causing millions of Americans to fall through the cracks in coverage. The Government is shouldering an increasing amount of financial burden for health coverage, draining our resources and threatening our ability to compete in the global economy.

Within 5 years this Congress should commit itself to a national health care system insuring that all Americans have access to quality, affordable health care.

**REMEMBERING ARMY SPECIALIST  
JAMES R. MILLER, JR.**

(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, with hundreds of our fighting men and women returning from the Persian Gulf every day to the warm embraces of family members and friends, I rise to express my deep sorrow at the death of one service member who will not be returning.

Shortly after President Bush announced a cease-fire with Iraqi forces, Army Sp. James R. Miller, Jr., of Decatur, IN, lost his life when he stepped on a land mine while delivering supplies to troops at the front. The father of two children, Marcus and Matthew, James never had the opportunity to see Matthew's face, born only 9 days before his father's tragic accident.

James, who served with the 2d Cavalry Regiment of the Army's 7th Corps, was the second young Hoosier from my congressional district to perish during the Persian Gulf conflict. He joined the Army after his graduation from Bellmont High School in Decatur in 1989 and was stationed in Germany before being deployed to Saudi Arabia in January. Although he greatly missed his wife Susan and son Marcus, James had a strong sense of duty and believed in the importance of the Army's mission to liberate Kuwait.

Mr. Speaker, I am thankful our Nation is blessed with brave men and

women such as James, willing to give their lives to protect the United States and freedom loving people throughout the world. Although James Miller, Jr., never knew his infant son, Matthew and his older brother Marcus can grow up proud of their father's dedication and content with the knowledge that this sacrifice for our Nation will forever be remembered.

**REPRESENTATIVE HOUGHTON  
PROMOTES TOURISM IN THE  
SOUTHERN TIER**

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

Mr. HOUGHTON. Mr. Speaker, we have recently been witnessing an extraordinary outpouring of appreciation for this military victory in the Persian Gulf; well deserved, extraordinary people doing a wonderful job. There is another victory that's taking place, quite subtle, and that's the victory over terrorism. What the secret service, what the FBI, what the CIA have done has been extraordinary. It now permits people to travel in safety. Sure, there will always be some crazies. But, mostly, the Federal agencies have established a safety network around our travel system. And, if you would permit me a parochial note, I would urge people, not only to travel, but to travel to beautiful upstate New York to the southern tier, where the Finger Lakes, the Corning Museum of Glass, the wineries, the Chautauqua Institution, the Mark Twain Drama, and many other wonderful things are there to be enjoyed.

**TRIBUTE TO THE LATE JACK  
DOOLING**

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

Mr. ATKINS. Mr. Speaker, I rise today to mourn the passing last Saturday of Jack Dooling, the staff director for the Committee on Rules. Mr. Speaker, Jack Dooling was one of the best friends and defenders and students that this institution has ever had.

Mr. Speaker, for 20 years he served with the Committee on Rules and served it well. He was there in each and every instance to help and to update and to modernize our rules. He understood the history of that committee and the history and the nuances of the rules process better than anybody in the history, the modern history of this institution.

But more importantly than that, Jack was a compassionate person who was there for each and every Member of the House but also for so many people who had no defender or advocate. When Pol Pot took over in Cambodia,

Jack almost singlehandedly was there to reach out to the Cambodians fleeing the terrors of that regime, and today there are many, many successful people, Cambodians in the greater Washington area who are here because of Jack's advocacy on their behalf and his assistance through the immigration and refugee process and the resettlement process.

We all in this institution lost a great friend in Jack Dooling.

**HERE WE GO AGAIN WITH PORK-  
BARREL SPENDING**

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

Mr. HEFLEY. Mr. Speaker, roses are red, violets are blue, when it comes to pork-barrel spending Congress is going to hand the bill to you.

Mr. Speaker, I thought we had learned our lesson last fall during the budget mess. But here we are again, stuck in the old familiar rut.

As we prepare to pass the dire emergency supplemental, it seems some in this Chamber are bound and determined to dismantle any semblance of progress made last year to cut wasteful spending.

Once again Congress is here just hours before the start of a 2-week recess, logging in late hours to finish up work on a supplemental bill. The problem is that no one has a clue as to what is in that supplemental bill. At the last minute, a select few behind the scenes seek to sneak in their favorite wasteful, pork-barrel projects. Then the rest of us spend the next year trying to figure out what it is we voted on in this dire emergency supplemental.

This last-minute sneak-the-pork-in legislating has got to stop. It is not productive for the majority in this body, and it is surely not fair to the hard-working people in the Nation who get stuck paying the tab.

It is high time to quit acting like a bunch of pigs bellying up to the trough. Let us spend our taxpayers' dollars wisely or not spend them at all.

**PUT THE BRAKES ON DRUG TRAF-  
FICKING ALONG OUR NATION'S  
HIGHWAYS**

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

Mr. CLEMENT. Mr. Speaker, today I am introducing the Drug Free Truck Stop Act of 1991. This bill is designed to put the brakes on drug trafficking at truck stops and highway rest areas along our Nation's highways.

This legislation establishes, for the first time, minimum penalties and increases maximum penalties for distribution or possession with the intent

to distribute illegal drugs at, or within 1,000 feet of, a truck stop or highway rest area.

Mr. Speaker, according to the Department of Transportation, from a report last year, in an eight-State area 33 percent of the truckers were under the influence of alcohol, drugs or both at the time that they were driving their trucks on the highway.

The locations where these drugs are distributed, as I discovered during a recent undercover drug stakeout near Nashville, are truck stops and highway rest areas.

Mr. Speaker, nothing is more important than the safety of the motoring public. The Drug-Free Truck Stop Act will send a strong message to those who choose to engage in illegal drug activities, and thereby endanger all of the motoring public, that they will face stiff consequences for their actions.

I urge my colleagues to support the Drug-Free Truck Stop Act.

#### TRIBUTE TO NORMAN BARCASE AND JOHN ZIELENSKI

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

Mr. GILCREST. Mr. Speaker, we have been giving tribute these past few weeks to brave men and women who have given the ultimate sacrifice in the service of their country—their lives. These people are heroes in the purest sense of the word. We remember them in public forums and in quiet rooms. However, there is another sort of heroism which is not nearly as celebrated, but just as important. Unfortunately, it often takes a tragic accident for us to realize the stature of the people around us. I rise today in tribute to John Zielenski and Norman Barcase, two men who were killed in the line of duty far away from any battle line. Their lives, their careers, and ultimately their deaths epitomize this sort of unsung heroism.

John Zielenski is described as a devoted father, a loving husband, and a seasoned and dedicated employee of the U.S. Army. Norman Barcase, who I am told was a gregarious and fun-loving father of two, was a veteran military civil servant. Both men are excellent examples of the sort of all-American, hard-working individuals that comprise the backbone of our Nation's work force.

However, Mr. Barcase and Mr. Zielenski's jobs were far from ordinary; they were employees of a munitions testing facility at Aberdeen Proving Grounds who worked with high explosives on a regular basis. Virtually all of the ammunition which destroyed the Iraqi Army was tested in such facilities, and most of America will never realize the contribution of these men and

many like them to our Persian Gulf victory. Yet even as Norman and John were seeing the fruits of their labor succeed in the gulf, their lives were tragically cut short in a freak explosion. Their deaths in the line of duty were no less tragic than their counterparts who died in the war, and their contribution was no less critical. Accordingly, our Nation is no less indebted to these men.

Mr. Speaker, while we remember the heroism of those who have died in combat, let us also remember the "Heroes behind the heroes," the men and women in civilian clothes who serve our country every day. John Zielenski and Norman Barcase made the greatest sacrifice possible, and the loss to their community and their country is great indeed. Accordingly, I ask this assembly to join me in saluting these two men and grieving for them; perhaps by sharing in the families' grief, we can lessen their loss. John and Norman are examples of the quiet heroism that we should never forget.

□ 1040

#### DAIRY FARMERS ARE TIRED OF A NEW DAIRY PROGRAM EVERY 6 MONTHS

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

Mr. OLIN. Mr. Speaker, here we go again.

On Tuesday, the Senate amended the dire emergency supplemental appropriation to include a radical change in the dairy program. The proposal is so radical that it never came up during the entire farm bill debate last year. Not once. There have been no hearings in either body on this matter. There are so many things wrong with this plan that it would be impossible to discuss them in only 1 minute.

This amendment would increase the minimum price of fluid milk by 30 percent at a time when surplus purchases of milk are growing. Members who have been around for a while may remember in the late seventies and early eighties when the dairy industry decided that the price was too low and got Congress to raise it through statute. It took us 10 years, a \$3 drop in the price and a whole range of gimmick schemes to get things back in balance. If this amendment is enacted, we will be right back in that mess not 5 months after the passage of the farm bill.

Mr. Speaker, I represent a dairy region and my dairy farmers are tired of a new dairy program every 6 months. Of course, they don't like the current price, but they recognize that artificially raising the price by fiat at a time of surplus production will be catastrophic over the long term.

If we start rigging the market again, it will never stop. I urge the conferees on the dire emergency supplemental to reject this crazy scheme.

#### PLEASE PRAY FOR OUR HOSTAGES

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

Mr. DORNAN of California. Mr. Speaker, it looks like we will be in tomorrow and then begin our Easter break, and before every break: Christmas, Thanksgiving, Easter period, I have come to this well to ask people to please not forget the 18 hostages, 6 of them American, who are still languishing in rotten little dungeons somewhere in Beirut.

Five days after Gorbachev became the head of state in the Soviet Union seems like a long time ago. It was 5 days after that when Terry Anderson, the bureau chief of Associated Press, was taken prisoner in Beirut. That means he is now, on March 21, 5 days into his seventh, seventh year. That is phenomenal. Terry Anderson, who was to go to the University of Beirut, American University at Beirut, to teach agriculture, he begins his seventh year on June 9.

Mr. Speaker, it is appalling that the world has been unable to find the key to release these European and our six American hostages. Prayer again seems to be the last resort during this holy period coming up. Please pray for our hostages in Beirut, and may they all be out and free, as we got back all of our prisoners of war in the Kuwait-Iraq theater. May they all be free by the time the House comes back after this Easter work period.

#### THE WAR HERE ON AMERICAN SOIL

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

Mrs. COLLINS of Michigan. Mr. Speaker, a young man in Detroit was brutally shot down this week only 2 days after he returned from serving his country in the Persian Gulf. Army specialist Anthony L. Riggs, 22 years old, was killed during an apparent robbery while he and his wife were loading a truck to move into military housing.

Why is it that Anthony Riggs was safer in the Persian Gulf than he was right here at home? Why is it that some of our soldiers are returning home to neighborhoods which pose a greater threat to their well-being than did fighting on the battleground in the gulf? Why is it that a disproportionate number of our soldiers who are returning to this intercity war are African-American and other people of color.

The Department of Health and Human Services has released a study showing that a black male is 3 times more likely to die from a bullet than a disease and 11 times more likely to be shot down than a white male. The human face to this national tragedy is that of Anthony Riggs and all those other sons and daughters who have died but whose faces won't make the front pages.

I am filled with anguish that a young man, a hero, can honorably serve his country one day, return home full of hope for a bright future and then be so brutally murdered right here on American soil.

The pervasive violence and desperation in our cities has claimed more young lives than the war we just fought on foreign shores. Military officials report that 125 military personnel were killed during the war in the gulf. In Detroit alone, 128 people have been killed so far this year.

It is a horrifying thought, but many of us are fighting our own war right here on American soil. Our young people who struggle day in and day out to survive our domestic wars do not get medals. But we can surely give them the opportunity to receive a good education and skills that will enable them to break away from this vicious cycle.

Certainly, our young men and women who have honorably served their country in the Persian Gulf deserve to come home to a land that values their quality of life, safety, and overall well-being just as much as it values anyone else's.

Mr. Speaker, we must take control of our cities. For far too long too many of us have looked the other way. "As long as it doesn't affect my neighborhood." Well, that attitude is no longer good enough. Because one way or another the crime we are experiencing today will impact us all.

Mr. Speaker, the tragedy of this young soldier should bring home to each and every Member of this House and the other body how urgently we need to devote our leadership to ridding our streets of the drugs and crime which are part of the war here at home. All of the concern, sense of urgency, compassion, and most definitely, most definitely, the resources we used to assist the people of Kuwait regain their freedom must now be used to combat the war we are fighting right here at home.

#### THE HOUSE REPUBLICAN ENERGY BILL

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

Mr. OXLEY. Mr. Speaker, I commend President Bush for introducing the National energy strategy. This omnibus energy policy represents a fine founda-

tion upon which to build a secure future for our Nation. Today, Mr. LENT will introduce the House Republican energy package, of which I am an original cosponsor, in order to build upon this foundation. This bill is a product of the Republican Task Force on Energy.

We built a consensus and created a compromise bill that adds to the national energy strategy in the areas of conservation and production. The bill provides incentives for the use of renewable and alternative energy. It also encourages the use of clean coal technology. Simultaneously, the bill does not ignore the economic health of our Nation. It provides for natural gas exploration, exploration in the Alaskan National Wildlife Reserve, and encourages streamlining the nuclear power plant licensing process.

Mr. Speaker, the people want a national energy policy. We now have two versions from which to choose. It is now in the hands of the Congress to find the courage, foresight, and ambition to debate the necessary issues. Let us put our partisan differences aside and reach for the creation of a new energy standard for our country.

□ 1050

#### DON'T USE EXIMBANK TO FUEL A NEW ARMS RACE

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

Mr. MOODY. Mr. Speaker, there is an important editorial in today's New York Times which I urge all my colleagues to read. It starts by saying: "It is a propitious moment to curb arms sales." Indeed it is.

One of the important lessons we must learn from the gulf war is, to quote the same editorial, that "arms have a nasty way of outlasting alliances."

That is why it is so absurd for the administration to propose using the Export-Import Bank—and through it, American taxpayers dollars—to increase arms sales abroad.

But we can and must prevent this from happening. Instead of wondering who next year's Iraq might be, we must act to make sure there is no next Iraq, no Third World dictator highly armed with Western weapons to drag our country into war.

My colleagues, it is our responsibility here in Congress to provide the leadership the administration seems to lack for our country and the rest of the world to end the conventional arms race.

I and others will soon introduce legislation to keep the Export-Import Bank of the United States devoted to the things it knows how to do and does well: Finance civilian exports that

produce American jobs, not rearming dangerous tyrants.

#### AMBASSADOR TO IRAQ REFUTES HUSSEIN CHARGES

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

Mr. DREIER of California. Mr. Speaker, it came as no surprise over the past several months that a number of our colleagues made an attempt to criticize Operation Desert Shield, which became Operation Desert Storm, by utilizing some statements that had come from our Ambassador to Iraq, April Glaspie.

Many people said that she had been involved in some kind of an attempt to tell Saddam Hussein that we would stand by and take no action whatsoever if he were to move into Kuwait from Iraq.

Mr. Speaker, yesterday we got the report of this very, very fine diplomat, who explained before the Senate Foreign Relations Committee how her testimony was torn apart and fabricated by Saddam Hussein. It is apparent, Mr. Speaker, that we have a fine civil servant who represented the United States of America very well, and I hope that my colleagues on the other side of the aisle who tried to utilize her testimony in the past to oppose President Bush's action will provide her now with the support that she so well deserves.

#### DISCOUNTING WEAPONS FOR SALE—A BAD IDEA

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

Mr. DURBIN. Mr. Speaker, if there are any lessons to be learned from the Persian Gulf, they must include the need for civilized nations of the world to put an end to the senseless proliferation of military weapons.

Like it or not, our young American soldiers faced weaponry and technology sold to Iraq by the United States and its allies, and now the President of the United States has asked for \$1 billion in lending authority to sell discounted weapons around the world.

What a senseless idea, discounting the cost of new weapons of war to create tomorrow's Saddam Husseins, to arm tomorrow's madmen, who will threaten the next generation of American soldiers.

Discounted weapons? Is that how the administration intends to bring this Nation out of the recession and improve our trade balance?

### REINTRODUCTION OF THE DRUG-FREE TRUCK STOP ACT OF 1991

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

Mr. SLAUGHTER of Virginia. Mr. Speaker, today, my colleague from Tennessee, Mr. CLEMENT, is reintroducing the Drug-Free Truck Stop Act to increase penalties for the distribution of illegal drugs at truck stops and rest areas. Along with 31 Members from both sides of the aisle, I have signed on as an original cosponsor of the bill.

During the last Congress, the bill passed the Senate, and was added as an amendment to the House crime bill. Unfortunately, the conference committee considering the crime bill removed the amendment from the final version of the legislation.

The bill would help reduce the flow of illegal drugs to our schools and communities, and it would make our Nation's highways safer for everyone. I urge Members to cosponsor the Drug-Free Truck Stop Act of 1991.

### THE CRISIS IN DAIRY FARMING

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

Mr. KLUG. Mr. Speaker, dairy farmers are suffering the lowest prices for milk in 13 years, and my State of Wisconsin will lose at least 3,000 farmers this year in this dairy depression due to milk prices that have plummeted 33 percent. At the same time, I should point out that consumers have seen no corresponding decrease in prices at the store for either cheese or milk.

This year, during the 3 months flush period from April to June, when milk production rises, the average Wisconsin farmer is going to lose over \$5,000.

Mr. Speaker, this is a crisis situation. My farmer constituents are working from dawn to dusk just to survive, Mr. Speaker, not to make a profit. This, in my opinion, is an emergency situation, and I hope that the Members of this House will consider upcoming appropriation conference committee action that will stop the hemorrhaging of our dairy economy, both in Wisconsin and other States of the Midwest, and at least give Wisconsin farmers a chance until an effective supply management program is finally in place. That is the long-term solution.

Mr. Speaker, if we intend to help our family farmers and if we intend to save our rural communities across the Midwest, we must adopt emergency legislation to alleviate the situation. Thousands, at least 3,000 to 5,000 farmers in Wisconsin are counting on us.

### DELAYED ACTION RECOMMENDED ON SECOND SUPPLEMENTAL AFTER APPROVAL OF DESERT STORM

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

Mr. GINGRICH. Mr. Speaker, we must pass the Desert Storm appropriations to permit the Government to spend the money on Desert Storm. We cannot leave without passing that appropriation.

However, we can and should leave without rushing through the second supplemental. The Senate added 102 items to the second supplemental. The conferees will not be able to clean up the bill in the next 24 hours. It would be very foolish to rush through a pork-laden special interest bill which the President would veto and we would sustain. It would be far better for the appropriators to slow down, take their time during the break, and clean up the bill so we could actually have a signable supplemental bill.

Mr. Speaker, I would urge the Appropriation Committee members, if they cannot get the second bill done in time, not to keep the House in session until late Friday night trying to pass a bill whose only fate will be to be vetoed by the President. Let us pass the Desert Storm supplemental and let us go home and allow the conferees to work over a reasonable amount of time and clean up the second appropriation bill.

### RECLAMATION STATES EMERGENCY DROUGHT RELIEF ACT OF 1991

Mr. BEILENSEN. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 114 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

#### H. RES. 114

*Resolved*, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 355) to amend the Reclamation States Drought Assistance Act of 1988 to extend the period of time during which drought assistance may be provided by the Secretary of the Interior, and for other purposes, and the first reading of the bill shall be dispensed with. After general debate, which shall be confined to the bill and the amendment made in order by this resolution and which shall not exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Interior and Insular Affairs, the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider the amendment in the nature of a substitute recommended by the Committee on Interior and Insular Affairs now printed in the bill as an original bill for the purpose of amendment under the five-minute rule, said substitute shall be consid-

ered by title instead of by section and each title shall be considered as having been read, and all points of order against said substitute for failure to comply with the provisions of clause 7 of rule XVI are hereby waived. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

□ 1100

The SPEAKER pro tempore (Mr. MCNULTY). The gentleman from California [Mr. BEILENSEN] is recognized for 1 hour.

Mr. BEILENSEN. Mr. Speaker, I yield the customary 30 minutes to the gentleman from California [Mr. DREIER] pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 114 is the rule providing for consideration of H.R. 355, the Reclamation States Emergency Drought Relief Act. This is an open rule, providing for 1 hour of general debate to be equally divided and controlled by the chairman and ranking minority member of the Committee on Interior and Insular Affairs.

The rule makes in order the Interior Committee amendment in the nature of a substitute now printed in the bill as original text for purposes of amendment, and it provides that the substitute shall be considered by titles instead of sections, with each title considered as having been read. The rule also waives clause 7 of rule XVI, which prohibits nongermane amendments, against the substitute.

Finally, the rule provides one motion to recommit, with or without instructions.

Mr. Speaker, the bill for which the Rules Committee has recommended this rule, H.R. 355, would authorize the Bureau of Reclamation, on a temporary basis, to take various actions to address the drought conditions in California and other Western States. The bill would also provide permanent authority to take steps to prevent or ameliorate adverse effects of future droughts.

For the last 5 years, the western region of our Nation has suffered from one of the most severe droughts in history. California has been particularly hard hit; water storage in the major reservoirs is at a record low, necessitating substantial cutbacks in water deliveries from the State water project and the Central Valley project. Water

supplies in virtually all areas of the State are being rationed.

Some urban areas are predicting that unless alternative water supplies can be found, they will completely run out of water within the next 18 months. The Fish and Wildlife Service predicts that the drought could cause some species to become extinct and others to decline greatly. Farmers, commercial fishermen, and recreation-oriented businesses have and will continue to face economic hardship—severe hardship, in some cases—as a direct result of the drought.

H.R. 355 would provide the Secretary of the Interior with sufficient temporary authority to provide water to those areas which will suffer severe and irreplaceable losses because of the drought, including areas which do not normally receive water from Bureau projects. The Secretary would be authorized to purchase water and assist willing sellers and buyers of water, to convey and store water in Bureau of Reclamation facilities, and to participate in State water banks, such as the one established by the State of California.

The bill would also provide the Secretary with permanent authority to develop drought contingency plans in cooperation with States and other interests so that, in the future, the Federal Government will be able to act early to prevent or at least mitigate the impact that drought conditions may have on water users and natural resources.

H.R. 355 authorizes \$30 million for both the temporary and the permanent drought-relief programs. These funds were appropriated in the dire emergency supplemental appropriations bill which passed the House of Representatives on March 7.

Finally, the bill also authorizes \$12 million for the design and partial construction of facilities to control the temperature of water releases from Shasta Dam in California to improve the survival of fish downstream of the dam.

Mr. Speaker, to repeat: This is an open rule; any germane amendment is in order; and there will be 1 hour of general debate. I urge adoption of the rule so that the House can proceed to the consideration of this urgently needed legislation.

Mr. DREIER of California. Mr. Speaker, I yield myself such time as I may consume.

I would like to begin by expressing my appreciation to the distinguished ranking Member of the Committee on Rules, the gentleman from New York [Mr. SOLOMON] for giving me the opportunity to manage this rule.

Mr. Speaker, I rise in support of House Resolution 114, providing for the consideration of H.R. 355, the Reclamation States Emergency Drought Relief Act. As my friend and colleague, TONY BEILSON, explained this is an open

rule, and I want to commend the acting chairman of the Interior Committee, GEORGE MILLER, for requesting it.

I want to take this opportunity to urge my colleagues on the other side of the aisle to continue to support unrestrictive rules. Over the last decade, the trend away from open rules has been dramatic, and the 101st Congress was the first Congress in recent history where restrictive rules outnumbered open rules. This is a dangerous trend that I hope can be reversed this year.

Mr. Speaker, reclamation bills have traditionally been controversial. But the extent of the drought emergency facing the Western States, particularly California, has brought about the need for an expedited Federal response. H.R. 355 is a bipartisan product of the Interior Committee, the Bureau of Reclamation, and State of California, and it is my support. The administration does have some concerns with the bill, so I ask unanimous consent to submit the administration's policy statement into the RECORD following my remarks.

California is in the fifth year of a Statewide drought. The year 1991 is the driest year in the State's history. Water supplies are at or near all-time lows. There may not be enough fresh water in 1991 to serve all beneficial uses. Although the inland valleys, the central coast region, and most of northern California are hit hardest by the drought, southern California is also facing a crisis. Overall water supplies to southern Californians have been reduced 31 percent since the beginning of March.

Although the current drought has brought about a sense of urgency, we need to look at long-term solutions in addition to short-term fixes to the current crises. That's why I commend my colleague from Arizona, JOHN RHODES, for his work on title II of H.R. 355. It authorizes the Interior Secretary to study opportunities to conserve, augment, and make use of water supplies available to Federal reclamation projects.

We should take this one step further by working with the State of California to study ways to increase water supplies under State jurisdiction. Water supply improvement methods worth considering include wastewater recycling, brackish ground water improvement, ocean-water desalting, building water storage facilities, and improving conjunctive operations.

Finally, Mr. Speaker, I want to applaud Governor Wilson for his prompt action to mitigate the impact of the drought. The Governor's drought action plan acknowledges the need for tough decisions and cooperation if California is to survive this disaster.

#### STATEMENT OF ADMINISTRATION POLICY

The Administration shares Congress' concern over the serious impact of drought in the West. In response, the Department of the

Interior submitted legislation, introduced as H.R. 1247, which would provide the Secretary with the authority to address problems arising from temporary droughts. Although many of the same authorities are found in H.R. 355, as reported by the House Interior and Insular Affairs Committee, a number of objectionable provisions have been added. The Administration opposes H.R. 355, unless these provisions are deleted or amended.

The Administration urges the House to delete:

Section 204, which would authorize congressional committees to terminate a 60-day review period for certain drought contingency plans. This violates the separation of powers. See: *Chadha* versus *INS*, 462 U.S. 919 (1983), by subjecting Executive branch action to veto or approval by committees of Congress.

Section 307, which would require the Secretary to submit concurrently a report to Congress and the President. This violates the separation of powers by infringing on the President's authority to control the presentation of Executive branch views to Congress.

Sections 104(a) and 104(c), which would exempt temporary drought actions from the National Environmental Policy Act of 1969 (NEPA) and the Federal Paperwork Reduction Act (FPRA). Existing regulations adequately provide for expedited consideration in emergency situations. Exemption from either act is unnecessary and an undesirable precedent.

Section 304, which would authorize \$12 million to begin design and construction of a temperature control device at Shasta Dam in California. Prior to completion of a nearly 2-year-long study, construction of facilities, estimated to cost over \$50 million, cannot be justified. Water temperature is being controlled through existing management practices at the dam.

The Administration urges the House to amend:

Sections 101(a), 203(a)(1), 203(a)(3), and 305, to clarify the Secretary's authority to acquire and provide water for purposes not recognized as beneficial in some States.

Section 101(c), to better define which water-saving actions go beyond the efficiencies already required by contract, and which water is available for Secretarial purchase.

Sections 102(d) and 102(e), to require States or project beneficiaries to pay for fish and wildlife resource expenses, as if required under normal conditions.

Section 103, to clarify that cost-sharing requirements for the construction of salt water barriers in the Sacramento-San Joaquin Delta, California, must be consistent with Administration policy.

#### SCORING FOR THE PURPOSE OF PAY-AS-YOU-GO AND THE CAPS

H.R. 355 would authorize a minimum of \$42 million in additional domestic discretionary funding subject to domestic discretionary caps in the appropriation process. In addition, the Shasta temperature control device, for which the bill only authorizes \$12 million, would require an estimated \$40 million in additional authority to complete construction. H.R. 355 could slightly increase federal receipts; OMB's preliminary scoring estimates of this bill are less than \$1 million per year.

Mr. Speaker, California is clearly making enormous sacrifices, and the rest of the country will be detrimentally affected by the increased cost of

agricultural foods throughout this Nation if we do not take action now.

I recognize that California is enjoying a great deal of rain at the moment, but many have described the rain we are enjoying now as like getting your Christmas bonus, without having been paid all year long. We do face a crisis, and I believe this bill will address it and help us turn the corner on it. I urge adoption of the rule.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. BEILENSEN. Mr. Speaker, I have no further requests for time, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and on a division, demanded by Mr. DREIER of California, there were—ayes 6, noes 0.

So the resolution was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore. Pursuant to House Resolution 114 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 355.

□ 1008

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 355) to amend the Reclamation States Drought Assistance Act of 1988 to extend the period of time during which drought assistance may be provided by the Secretary of the Interior, and for other purposes, with Mr. TORRES in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from California [Mr. MILLER] will be recognized for 30 minutes, and the gentleman from Utah [Mr. HANSEN] will be recognized for 30 minutes.

The Chair recognizes the gentleman from California [Mr. MILLER].

□ 1100

Mr. MILLER of California. Mr. Chairman, I yield myself 5 minutes.

Mr. Chairman, I am pleased to bring this important bill, the Reclamation States Emergency Drought Relief Act, to the floor on an expedited basis.

I want to thank the members of the Interior Committee—on both sides of the aisle—who worked very hard to put this bill together. All of us have resisted the temptation to use this bill as a vehicle to make substantive changes in water resources policies. Instead, we've brought to you a streamlined bill

designed to help alleviate current and future drought conditions.

This bill was favorably reported with bipartisan support by the Interior Committee on March 13, 1991.

This bill will help Federal and State officials deal with the drought in the Western United States, and particularly in California.

It is ironic that it is raining and snowing in California while we are considering legislation to alleviate the impacts of 5 years of drought in that State. State officials have said that the rain has only meant that the drought conditions have gone from critical to bad.

California has taken unprecedented actions to alleviate the more severe and irreversible impacts of the drought. There is a need to provide the Interior Department with additional authority so that the Federal Government will be able to respond to the drought more effectively.

H.R. 355 has two major parts.

The first gives the Secretary temporary authority to take certain immediate drought relief actions. This authority will only last for 1 year. It is similar to the emergency drought legislation Congress enacted in 1977 and 1988. It removes selected restrictions on the Secretary's ability to move water to where it is most needed. It permits the Secretary to assist willing buyers and sellers of water to make transactions. It permits the Secretary to participate in water banks, and purchase water. It allows the Secretary to undertake limited construction activities, such as drilling wells, to make water available.

It is our intention that the Secretary will use these authorities to address the critical and urgent needs in the drought-stricken areas. We did not specify the priorities the Secretary must use when taking actions under this program, because we wanted to give the Secretary some discretion.

It is our intention and expectation, however, that the Secretary shall follow priorities, such as those being followed by the State of California. For example:

He should meet public health and safety needs;

He should take all reasonable steps to prevent irreversible losses to natural resources, including fisheries, waterfowl, and wildlife;

He should do what he can to save orchards, vineyards, and other perennial crops;

He should take steps to alleviate the economic losses suffered by those businesses and enterprises dependent on water resources. These would include the commercial fishermen, recreational interests, farmers, and others.

The second part of the bill authorizes the Secretary to develop drought contingency plans for the Western States.

This section was based on legislation introduced earlier this year by Mr. RHODES.

I share his concern that the Secretary should have permanent authority to respond to drought conditions, rather than waiting until Congress provides emergency authority. A more timely response by the Department might reduce the overall impacts of a drought. Right now, the Federal response can be best characterized as too little, too late. Drought contingency plans will improve the quality and the speed of the Federal response.

The bill contains several important California specific provisions. It authorizes the Secretary to undertake limited actions to install a temperature control device at Shasta Dam. The device is needed to provide cold water flows for fish survival below the dam. We believe that beginning construction of the device now, while the reservoirs are at all-time lows, will save the Federal Government money. Full authorization for the device and for a series of related fish-survival measures is contained in H.R. 1306, the California Fish and Wildlife Protection Act.

This bill also permits the Secretary to construct barriers or take other actions to protect the bay/delta from salt water intrusion. We took similar action during the 1977 drought.

Mr. Chairman, at the appropriate time, I will offer two amendments. One will restrict the proposed changes in the Warren Act to California. The second amendment makes minor technical amendments to the bill.

Mr. Chairman, H.R. 355 will provide the Secretary of the Interior with the flexibility he needs to respond to drought conditions in States served by Bureau of Reclamation projects. I urge my colleagues to support this bill.

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

Mr. HANSEN. Mr. Chairman, I yield myself 4 minutes.

Mr. Chairman, I stand in support of H.R. 355, legislation to provide emergency relief to States affected by drought.

While it is true that many Western States have had recent heavy rains, California, among other States, is experiencing their 5th year of severe drought. Many experts have testified that notwithstanding the recent rains, California and other Western States may face economic and environmental catastrophe if the drought continues next year.

This underscores the importance of this legislation. This bill will provide the Bureau of Reclamation the authority to:

First, undertake minor construction and drill wells to mitigate drought losses.

Second, it authorizes the Federal Government to participate in water banks set up by individual States.

Third, it allows the Department of the Interior to move water and store water currently not allowed under existing law.

Fourth, the bill authorizes the Secretary of the Interior to construct temporary barriers and take other measures to prevent salt water intrusion in the Sacramento-San Joaquin Delta.

Fifth, the bill authorizes the Secretary of the Interior to conduct studies relating to how the drought can be mitigated and how to make better use of existing water supplies generally. The bill authorizes the preparation of drought contingency plans.

Sixth, the bill authorizes \$20 million for these drought activities.

Seventh, the bill also authorizes \$12 million for the design and partial construction of facilities to control the temperature of water releases from Shasta Dam.

Eighth, the bill requires that all provisions pertaining to this act be consistent with State law.

I applaud the leadership of Chairman MILLER and the staff who have worked on this bill. The consideration of this legislation has been marked by a cooperative and bipartisan effort with input from the State of California and the Bureau of Reclamation. Congressman LEHMAN and Congressman RHODES should also be commended for their activities on this legislation.

All parties have recognized that the American people do not want our leaders to participate in partisan battles when dealing with emergency measures, much less nonurgent public policy measures. My hope is we can continue to keep the bill focused on true drought relief measures and that we will be able to move swiftly through the amendment process today.

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

Mr. MILLER of California. Mr. Chairman, I yield such time as he may consume to the gentleman from California [Mr. LEHMAN].

Mr. LEHMAN of California. Mr. Chairman, I want to begin by thanking the vice chairman of our committee and the chairman of the Subcommittee on Water and Power, the gentleman from California [Mr. MILLER], for the job he has done in bringing this bill so quickly to the floor.

Mr. Chairman, this is a modest piece of legislation, but it is sorely needed right now in California. In that regard and with an eye toward bringing this matter to a quick conclusion for the benefit of everyone in California, the gentleman from California [Mr. MILLER], myself, and other members of the committee who from time to time have disagreements about what water policy ought to be or what farming practices ought to consist of have put those differences aside and attempted to develop a consensus approach to this problem in California.

As every Member of the House will be aware of at the time we finish this debate, we are in our fifth year of drought, and as the gentleman from California [Mr. MILLER] indicated, the rains we had over the past week in California have been refreshing, they have nourished us, but they are certainly not going to mark the end of this disaster, and even with adequate rainfall for the rest of the year, it will not undo the previous 4 years we have had. The reservoirs will not be replenished anywhere near what would be substantial enough to head off a measure like this.

In cities and towns, particularly in the San Joaquin Valley but in other parts of the State as well, people have been forced to cut back consumption by as much as 90 percent. Water deliveries to agricultural users have been cut by 100 percent by the State water project and 75 percent by the Federal central valley project.

Fish and wildlife habitat has also been seriously stressed by insufficient water flows.

Allocations of water have been prioritized to protect the health and safety of the citizens, to preserve permanent agriculture crops, and to stave off further decline of our fish and wildlife habitat.

Mr. Chairman, no part of my district has been left unaffected by the drought. Ski areas that rely on adequate snowfall to provide the recreation that they do have had a very difficult time. Other recreational areas that rely on full reservoirs have been hard hit as well. Our national forests are experiencing massive tree kills due to the loss of water and bark beetle infestation, and at present dead trees are not being adequately cleared, presenting an almost certain future fire danger.

We are in serious jeopardy as far as our timber is concerned. Some estimates say that one out of every three trees is either dead or in the process of dying, and that will have long-range dire economic consequences.

The immediate catastrophe is the dry soil, the dry leaves, and dry trees giving us a potential for the most serious fire season we have ever had in our State's history.

Agriculture has been especially hard-hit, not just this year by the drought but by the worst freeze in the history of agriculture in California. Estimates are that the cost of the freeze alone will reach \$1 billion. On top of that, the fifth year of drought has brought a cut-back in water deliveries in that area, especially so in the central part of the San Joaquin Valley where we have had a billion-dollar freeze and now a shortage of water on top of it.

Agriculture is the economic backbone of the valley, and with that trend following hundreds of thousands of acres of land, it translates into second-

ary effects on all aspects of the economy and the loss of thousands of jobs.

A recent study said as many as 65,000 children in the San Joaquin Valley are likely to skip meals because their families are unable to feed them.

□ 1120

These are people who have been unemployed because of the freeze and because of the drought taking land out of production.

Two disasters in a matter of a few months, and unfortunately, to date the Federal Government has provided only limited relief. During the 1977-78 drought, the Government provided over \$1 billion in relief. During the 1989 Florida freeze, the Government provided over \$60 million in relief. President Bush, on February 11 of this year, declared 31 California counties as Federal disaster areas, but limited assistance to disaster unemployment assistance. The Secretary of Agriculture and the Administrator of the Small Business Administration independently declared the availability of the Farmers Home Administration disaster loans and small business disaster loans, but that is not sufficient. Attention has been focused away from our plight in recent months by world events, new budget rules made the assistance nearly impossible, and people are still unemployed with little relief in sight except from the State government and private agencies.

Mr. Chairman, I was prepared today to offer an amendment that would have allowed irrigators suffering severe economic hardships as the result of the drought the opportunity to defer a limited portion of that obligation. In California's central valley project, irrigation districts are required to pay for actual operation and maintenance of the project. This year that is estimated to be \$37 million, even though most of those districts will receive only one-quarter of their usual water supply. For an individual district therefore, last year's \$100,000 obligation is this year's \$100,000 obligation even though district revenues have been reduced by 75 percent. Essentially, this quadruples the cost for every acre-foot of water delivered.

In 1988, the House drought assistance bill included the ability to defer payments, but that was dropped in conference because Interior officials assured the conferees that they were able to defer some amount of an irrigator's obligation during a drought. There was some confusion about this matter as the Committee on Interior and Insular Affairs marked up the bill, and so the vice chairman, the gentleman from California [Mr. MILLER], and I wrote a letter to the Bureau to clarify my concerns. The answers they provided satisfied some of those concerns, mainly that the Bureau already had the ability to defer payments by irrigators to face

economic hardships as a result of the drought. I would like to submit that letter for the RECORD at the end of my remarks.

Given the circumstances, to paraphrase from the report of the Committee on Interior and Insular Affairs, I expect the Secretary will use maximum flexibility within existing authority on budgetary limits to defer payments on all or part of any charges owed to the United States by irrigators facing severe economic hardships as a result of the drought. The gentleman from California [Mr. MILLER] and I addressed that committee report in committee, and will continue to work together on it.

I said earlier that this is a modest measure, but it is extremely important. We need it desperately at this time. It gives Members the ability to move forward in places where Federal and State laws have not coincided in the past, and will set up a procedure to purchase water, to get it where it is needed in a short-term basis. We need the bill.

Mr. Chairman, I thank the gentleman from California [Mr. MILLER], as well as the gentleman from Arizona [Mr. RHODES] for their good work.

Letter referred to follows:

U.S. DEPARTMENT OF THE INTERIOR,  
BUREAU OF RECLAMATION,  
Washington, DC, March 19, 1991.

Hon. GEORGE MILLER,  
Vice Chairman, Committee on Interior and Insular Affairs, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your letter dated March 14, 1991, regarding H.R. 355, "An Act to provide emergency drought relief to the reclamation States. \* \* \*." Related to consideration of that bill you posed 7 questions about Reclamation's authority and policy to defer irrigation contract payments. Our response to the questions are as follows:

1. Does the Bureau have the explicit authority to defer all or a portion of a contractor's payment in the case of economic hardship, in the event of declared drought or similar natural calamity, or in any other case? If so, is that authority statutory or administrative?

Generally, reclamation contracts to deliver project water have two separate pricing components: a construction charge repayment component and an operation and maintenance (O&M) charge component. The reclamation laws make separate provisions for each of these components; construction charges are deferrable, but operation and maintenance (O&M) charges and interest charges are not. Section 17(b) of the 1939 Reclamation Project Act, 43 U.S.C. 485b-1, expressly authorizes the Secretary to defer construction charges. The authorization is broad, stating that the Secretary is authorized "to defer the time for the payment of such part of any installments of construction charges under any repayment contract or other form of obligation as he deems necessary to adjust such installments to amounts within the probable ability of the water users to pay." The language used by Congress in this section applies to both section 9(d) repayment contracts and section 9(e) water service contracts.

Certain conditions are set out in section 17(b) if the Secretary elects to grant a deferment. The Secretary is obligated, before deferring a payment, to make findings that "the installments . . . probably cannot be paid on their due date without undue burden of the water users. . . ." Also, if any deferment would affect installments to accrue more than twelve months after the action of deferment, the deferment must be effected by a formal supplemental contract. Further, if a supplemental contract is necessary, it would lengthen the repayment period for the project beyond that permitted by the laws applicable to that project, and the contract must be approved by Congress. Finally, the Secretary is under an obligation to report to the Congress all deferments granted under section 17(b).

Congress has been very clear in requiring the Secretary to collect from contracting project water users the O&M charges incurred to deliver project water for both section 9(d) and 9(e) contracts. See Reclamation Extension Act of August 13, 1914, section 5, 43 U.S.C. 492; Omnibus Adjustment Act of 1926, section 46, 43 U.S.C. 423e; Reclamation Reform Act of 1982, section 208, 43 U.S.C. 390hh. In none of these or other related statutes, however, has Congress expressly authorized a deferment of O&M charges.

There has been a de facto deferment of construction, O&M, and interest costs in the Central Valley Project. These deferments have occurred due to the terms of the existing contract. The deficits which have accrued are to be recovered between the time the contracts are renewed and year 2030. Pursuant to Public Law (PL) 99-546, accrual of such deficits on or after October 1, 1985, are subject to interest charges. Prior to passage of P.L. 99-546, the deficits were being capitalized and added to the outstanding construction costs.

2. Has the Bureau exercised such authority? When?

Yes. The following irrigation districts (ID) have taken advantage of the section 17(b) to defer construction cost payments in the years shown:

Casper-Alcova, ID, WY—1962, 1965, 1973.  
Glasgow ID, MT—1984.  
Mirage Flats ID, NE—1963, 1964.  
Almena ID, KS—1982, 1985, 1988.  
Bostwick ID, KS—1961.  
Cedar Bluff ID, KS—1982, 1983.  
Frenchman-Cambridge ID, NE—1961.  
Upper Bluff ID, SD—1967.  
Kansas-Bostwick ID, KS—1971, 1973, 1974.  
Kirwin ID, KS—1982, 1983, 1985.  
Loup Basin ID, NB—1966.  
Webster ID, KS—1973, 1975, 1979, 1983, 1986, 1987.  
Tom Green WCID, TX—1985, 1986, 1987.  
Carlsbad ID, NM—1986, 1987.  
El Paso County Water ID, TX—1955, 1956, 1957, 1964, 1965.  
Okanogan ID, WA—1966.  
Post Falls ID, WA—1978.  
Vale Oregon ID, OR—1989.  
Rosa ID, WA—1989.  
P&C Irr. Assoc. Inc., ID—1980.  
P.P.R.T. Water System, Inc., ID—1980.

3. If the Bureau can defer payments, does interest accrue on this deferment and how is it repaid? Are there penalties for failure to pay?

Section 17(b) does not authorize the inclusion of interest on deferred construction payments. In light of the Congressional intent not to charge interest on irrigation construction charges, we conclude that this intent would continue to apply to deferred charges of irrigation contractors. Reclama-

tion water service and repayment contracts all contain penalty clauses addressing delinquent payments.

As noted above, interest is charged on the CVP deficit accounts accruing on or after October 1, 1985.

4. How does this policy differ depending on the various types of contracts (Water Service, Repayment, etc.) in which the Bureau is involved?

To the best of our knowledge, the deferment authority of 17(b) has only been used on deferment of construction cost repayment obligations secured by repayment contracts. However, as indicated above, the authority is applicable to the construction cost components of water service contracts as well.

Accrual of interest and O&M charge deficits is unique to the CVP. The influence of PL 99-546 and the CVP Irrigation Ratesetting Policy should be considered in drafting payment deferment legislation.

5. Assuming adoption of proposed legislative language (see enclosure marked "Proposed Amendment"), how would those irrigators who chose, and qualify (based on hardship) for this option, be affected differently from current Bureau practice?

As an initial matter, we note that, as previously stated, the Secretary already has broad authority to defer construction charges, including for situations such as the current drought in California. This raises two concerns. First, although section 104A is written to be tied to the temporary drought authorities of the Bill, there remains the concern that dual authorities to defer construction charges would exist for the California situation if 104A remains applicable to construction charges. At a minimum, if 104A remains applicable to construction charges, the extent of the application of section 17(b) to this situation should be delineated. Second, the approach in 104A differs significantly from that taken in section 17(b) of the 1939 Act. 104A has an arbitrary repayment deadline, while 17(b) permits the Secretary, with concurrence from Congress as necessary, to adjust the repayment as needed. The Bureau prefers the approach in section 17(b). The same point is applicable to O&M charges. While section 17(b) does not apply to O&M, it does set up a framework for Secretarial discretion in determining whether it wishes to propose an alternative to 104A that uses the section 17(b) framework for O&M as well as construction charges, even if the alternative is limited to the California drought situation addressed in H.R. 355.

6. Can you please give comments on the "Proposed Amendment" and how it might be changed to provide assistance to irrigators suffering financial hardship as result of drought with minimum cost to the government?

Eligibility for deferment would be limited to drought-induced economic hardships. The recovery of the deferred payment or payments would be required in a much shorter time frame (a maximum of four years after date of enactment of H.R. 355) than is usually negotiated pursuant to section 17(b). Under that authority, the deferred payment is usually amortized over the remaining life of the contract.

Drought-impacted irrigation districts of western Idaho, and eastern Oregon operate and maintain most of the irrigation project facilities at their own expense. The water users of such districts would not be expected to benefit from the proposed legislation to any substantial degree. Central Valley Project water users have the most potential

to benefit if the bill were modified to defer the interest charges that would accrue pursuant to PL 99-546 in addition to water service charges for water delivered. See the response to the next question for elaboration on this point.

Another option, as we mentioned earlier, would be to amend section 17(b) to include O&M charges without the short repayment period requirement. We believe that would accomplish the desired result without the overlapping effect, and substantially relieve the Congress of repetitive emergency drought legislative actions for Reclamation projects.

7. Understanding that the Bureau could at this point only provide a rough estimate, how much might this change in law be expected to cost (for purposes of budget scoring the federal government in fiscal years for which it is applicable)?

Irrigation revenues for FY 1989 from the Central Valley Project amounted to about \$29.3 million. That year, related project O&M costs were about \$31.4 million leaving about \$2.2 million in deficit. As the drought has continued, the deficit condition has worsened. In FY 1990, the revenue has dropped to about \$22 million while the O&M costs have increased to \$32 million leaving \$10 million in deficit. Current estimates for FY 1991 put revenues at about \$12 million, costs at \$37 million and the deficit at \$25 million. What portion of that revenue might be deferred is difficult to judge. If \$12 million could be deferred without penalty, the water users may elect to take the deferment. That amount probably could serve as a surrogate estimate of participation for all drought-stricken areas under Reclamations jurisdiction.

Deferral of interest charges on the \$25 million deficit would be an attractive option. Some water users have been electing to pay such costs as they occur rather than accumulate additional interest bearing debt. However, the drought may prevent them from continuing this practice until after the drought is over.

Sincerely,

DENNIS B. UNDERWOOD,  
*Commissioner.*

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

Mr. LEHMAN of California. I yield to the gentleman from California.

Mr. MILLER of California. Mr. Chairman, I want to thank the gentleman for all of his work on behalf of this legislation. He comes from an area in the central valley of California that has been devastated by this drought, both in the short term and in the long term, and the help that the two gentlemen from California, Mr. CONDIT and Mr. DOOLEY, have provided the committee in terms of telling Members about the impact of the drought on your constituents has helped make this a better piece of legislation. I want to thank the gentleman for his work.

Mr. HANSEN. Mr. Chairman, I yield 5 minutes to the distinguished gentleman from Arizona [Mr. RHODES].

Mr. RHODES. Mr. Chairman, we started on the road that has led Members here today sometime early in this session in January when the gentleman from California [Mr. LEHMAN] introduced a piece of legislation that essentially dealt with the drought situation

in the West on a short-term, emergency, temporary basis. At the same time I introduced a separate bill that tended to deal with the drought situation in the West more on a long-term basis for the purpose of giving the Secretary of the Interior, through the Bureau of Reclamation, the authority on a permanent basis to enter into contingency planning for future drought with the various States in the West, and also to give him authority to work with the nonreclamation States on a cost-sharing basis, if nonreclamation States were to ask the Department to assist in planning for future droughts.

In conferring with the gentleman from California [Mr. LEHMAN] and committee staff, it seemed to be logical that we try to combine our two bills and to bring them to the floor at once, in one piece of legislation. After quite a little bit of work, and with great assistance from the gentleman from California [Mr. MILLER] and his staff, we were able to accomplish that. That is the bill we are here considering today. The contents of the bill itself have been adequately explained.

I simply want to thank the gentlemen from California, Mr. LEHMAN and Mr. MILLER, and particularly Mr. MILLER for his assistance in assuring Members and keeping this bill as clean as it is. There are great temptations, frankly, dangled in front of many Members for them to attempt to use this as a vehicle to accomplish other goals. The gentleman from California [Mr. MILLER] was greatly helpful in persuading Members that they will have another opportunity in the next several weeks when a broad reclamation reform measure will be brought to the floor where other issues of substance can be dealt with. I am sure the gentleman from California [Mr. LEHMAN] and myself both express our appreciation to Mr. MILLER and the gentleman from Utah [Mr. HANSEN] for helping to keep this bill addressed where it needs to go, where both short- and long-term drought relief and drought assistance is called for.

My colleagues who are not from California do recognize that sometimes Members of Congress from California have the feeling that California is the world. I want to assure the Members of the body that this is not a California drought relief bill, but it is a Western States drought relief bill. The drama of drought is currently in California, and no person can deny that. The California situation is dire, but the other Western States are, likewise, in an extended drought period, and if we continue the weather patterns of the last 3 or 4 years, we will find the drama being played out not just in California but in Arizona, Utah, Nevada, and in various other Western States that are, likewise, in a drought condition.

I would just like to take a moment or so to make an observation about the

weather conditions as they exist today and as they have existed in the last 3 or 4 days. The ground in the desert has gotten so dry that rainfall at this point in time is not going to run off. It is simply going to go into the ground and moisten the ground, but it will not go anywhere else. Consequently, the rainfall that we are receiving, while certainly welcome, is not to be perceived as an immediate solution to this problem of ameliorating the effects of the drought and calling into question the importance of this bill. This bill is extremely important to all Members. It is something we have worked hard to put together. We have set aside a lot of differences in accomplishing this piece of legislation. It will be very beneficial not just to California but to all of the States in the West that are now or will be facing a situation similar to this situation.

Again, I would like to express my thanks to the two gentlemen from California [Mr. LEHMAN] and [Mr. MILLER], as well as the gentleman from Utah [Mr. HANSEN] for their assistance in putting it together, and for their assistance in keeping it clean and directed to the point. We earnestly request our colleagues in the House to assist Members in passing this bill here this morning so we can send it to the Senate and get it to the President as soon as possible.

Mr. MILLER of California. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. CONDIT].

Mr. CONDIT. Mr. Chairman, I rise in support of H.R. 355, the Reclamation States Emergency Drought Relief Act of 1991. I would like to thank my colleague, GEORGE MILLER, for his cooperation on the crafting of this bill. I am pleased that the bill that is being considered today is a clean, straightforward drought relief bill and that it does not contain any of the controversial provisions that were discussed. While it is my understanding that some amendments may be offered here today that are considered controversial, Mr. MILLER has been very helpful in bringing this clean bill to the floor.

As you know, California is currently facing its most serious drought in over 10 years. In an effort to deal with the severe drought conditions, the State Department of Water Resources announced that agriculture interests would receive no water in 1991 from State water projects. This was quite a blow to many farmers throughout the State. Then U.S. Bureau of Reclamation announced that water allocations would be cut for all contract holders. Agriculture interests will receive 25 percent of their allocations and urban users will receive cuts based on individual water contracts.

Both of these decisions were made necessary because of the extremely low snowfall and rainfall in California over the past 5 years. While we in Congress

have no power to legislate rain and snow, we do have the ability to make changes in current law that would make it possible to decrease the impact of such cutbacks.

I believe that our mission should be two-tiered. First, we must address the very real emergency situation facing California this year. Some experts predict that this is merely the fifth year in a possible 7- or 8-year drought. If this is the case, we must find a way to ensure that water is available to maintain safe and healthy communities and that fairly distributes cutbacks to all water users. Second, we must confront the reality that California will face droughts in the future and that the Federal and State government need to be able to respond quickly to emergency situations.

This bill provides the Bureau of Reclamation with temporary authority to carry out measures that are vitally important to the State of California in addressing the current drought situation. The Bureau of Reclamation would be authorized to carry small construction projects to facilitate water transfers for short-term use. It would also allow the Bureau to arrange sales of water between willing sellers and willing buyers. It allows for the building of temporary barriers to prevent salt-water intrusion. All of these measures will provide much needed assistance to the water districts who are struggling to meet all of the water needs of their customers and protect their water supplies for future use.

The second title of the bill provides for a long-term solution to drought assistance. This title authorizes the Bureau of Reclamation to prepare contingency plans that will be used in future droughts. I believe that these plans may be the answer to the recurring problem of Federal drought assistance being too little, too late. I hope that the Bureau will take quick action to implement this title.

This bill goes a long way in addressing the very real threats to fish and wildlife and the serious situations faced by many cities and towns in California. It will also allow water to be transferred to farmers to save their permanent crops—trees and vines. I hope that my colleagues will support this measure so that the Federal Government can provide some assistance to the areas hard hit by drought.

□1130

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

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

Mr. MILLER of California. Mr. Chairman, let me again thank the gentleman for his help to the committee on this legislation. I know he attended the initial hearings on this that we had in the committee outlining the prob-

lem for California, and I appreciate the effort that he has made.

Mr. CONDIT. Mr. Chairman, I thank the gentleman from California.

Mr. HANSEN. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. DREIER].

Mr. DREIER of California. Mr. Chairman, when it rains, it pours. There are many people who have been over the last several hours watching this tremendous storm which we are experiencing on the west coast.

The fact of the matter is that we must recognize that this is not an overnight drought. It has been a 5-year-long drought, and one storm does not bring an end to this crisis.

We need to remember, as I said during the debate on the rule, some people have argued that this is like getting your Christmas bonus without having been paid all year long.

I would like to commend the Interior Committee. It is wonderful to have an opportunity for me to agree with the gentleman from California [Mr. MILLER] on something.

I also want to commend my friend, the gentleman from Utah [Mr. HANSEN], with whom I regularly agree on issues, for pursuing this clearly in a bipartisan way.

But Mr. Chairman, it is apparent to me that we need to look at a wide range of long-term alternatives. The Los Angeles Times not long ago did a big spread on the prospect of moving toward desalinization. We all have witnessed the plant that was in Jubayl in Saudi Arabia that was utilized, and in fact bombed by Saddam Hussein's forces.

Well, there are tremendous energy costs which are imposed by the utilization of desalinization, but it seems to me that it is something we need to look at and work on.

We also need to look at waste water recycling.

We also need to build water storage facilities and improve the conjunctive operations whereby all levels are involved in dealing with this crisis.

So Mr. Chairman, I think this is a balanced approach. It is good that we have bipartisan support for it, and I hope that we will be able to see this rain that we are enjoying now play an integral role in passage of this legislation and an end to this crisis.

We have got to remember that this is not simply a California issue, as my friend, the gentleman from Arizona said. The entire country is shouldered with the responsibility of paying for increased costs for winter fruit and other nonimported vegetables; so the California problem is clearly a nationwide problem, and I hope this brings about a solution.

Mr. MILLER of California. Mr. Chairman, I yield 3 minutes to the gentleman from California [Mr. PANETTA].

Mr. PANETTA. The exact time issues are involved when it comes to a drought. When it rains, we forget about droughts and we forget about the steps that you have to take on a continuing basis if you are concerned about dealing with issues of resources.

We need to focus on conservation and conservation needs to be a continuing policy, and hopefully we will develop that kind of continuing conservation effort in California, as well as other States.

Second, we have got to continue to focus on reclamation, on recycling, on desalinization, the development of alternative sources. That is an essential part of dealing with drought problems.

Third, you develop the resources you have, using good management and using good approaches that make maximum use of the resources that we have.

Those are the steps that we need to take when it comes to a drought on a continuing basis, and I hope in adopting the legislation today that we make the larger commitment that we are going to focus on these other issue areas, so that we can develop a more permanent solution to the continuing droughts that are going to afflict not only California but the rest of the country. This is an important first step, though, and I commend the gentlemen for doing this.

Mr. HANSEN. Mr. Chairman, I yield 2 minutes to the distinguished gentlewoman from Nevada [Mrs. VUCANOVICH].

Mrs. VUCANOVICH. Mr. Chairman, I thank the chairman for yielding me this time.

Mr. Chairman, I understand that tomorrow the House will be considering H.R. 1281, the dire emergency supplemental appropriations bill. That bill will contain the funding for the programs authorized by H.R. 355.

I would appreciate it if the gentleman from California [Mr. MILLER], the chairman of the Interior Committee and the manager of the bill, if we could engage in a colloquy.

Mr. MILLER of California. Mr. Chairman, if the gentlewoman will yield, I would be delighted to engage in a colloquy with the gentlewoman.

Mrs. VUCANOVICH. I would just like to ask if it is the intention of the chairman of the committee and the manager of the bill if the moneys that would be appropriated in H.R. 1281 shall be used to fund all of the programs authorized in H.R. 355, including the Precipitation Management Technology Transfer Program.

Mr. MILLER of California. Mr. Chairman, if the gentlewoman will continue to yield, I would say that the gentlewoman is correct.

I would agree that the precipitation management technology would be eligible for funds made available by H.R. 1281.

Mrs. VUCANOVICH. I thank the chairman.

I would like to carry on and emphasize strong support for section 206 of the Reclamation States Drought Assistance Act. This section authorizes the Secretary of the Interior, through the Bureau of Reclamation, to conduct a Precipitation Management Technology Transfer Program. In recent weeks, my home State of Nevada and our neighbor, California, have received much attention over the amount of rain and snow blanketing the region, but we must not be fooled, Mr. Chairman, Nevada and California are still in desperate need of water modification programs.

For a number of years the Desert Research Institute in Nevada has been conducting research on the effects of weather modification and the results are very encouraging, but we must be allowed to progress to the next step, developing comprehensive watershed plans that include enough sites to fully cover each watershed during a storm. This continued research is imperative to generate the water that is so greatly needed in my State.

I urge my colleagues to support section 206 of the Drought Assistance Act.

Mr. MILLER of California. Mr. Chairman, I yield 3 minutes to the gentleman from California [Mr. DOOLEY].

Mr. DOOLEY. Mr. Chairman, I rise in strong support of H.R. 355, the Reclamation States Emergency Drought Relief Act of 1991.

The purpose of the legislation is to ensure that Federal water projects are as responsive as possible to the kind of critical drought conditions now afflicting my State and all the Western States. The bill was developed through the cooperative efforts of Members representing both urban and agricultural areas, and a large portion of the legislation is designed to benefit fish and wildlife.

I commend the vice chairman of the Interior Committee, the gentleman from California [Mr. LEHMAN] and also the gentleman from Arizona [Mr. RHODES] who played an integral role in preparing this legislation.

The bill provides for both immediate and long-term responses to drought. In the near term, it gives the Bureau of Reclamation temporary authority to participate in State drought response efforts, such as water banks; to help arrange purchases of water between willing sellers and willing buyers; to use Federal facilities to move water to non-Federal users, such as cities; and to drill wells and undertake other minor construction to provide water for fish and wildlife protection and other uses.

For the long-term, the bill requires the Bureau of Reclamation to establish drought contingency plans that can be implemented in a timely manner in future droughts so that we will not have

to rush to enact this time of legislation every time there is an emergency.

Frankly, Mr. Chairman, this bill is a rather modest response to the type of emergency situation we are facing in California. The family farms and small communities in my district are in desperate need of more direct assistance. Because of the drought and a devastating crop freeze in December, unemployment rates among farm workers are as high as 50 percent in my district. Families are losing their homes; children are going hungry. We need much more help than this bill can provide. This legislation does not provide any payments or funding to farmers and farm workers hit by the drought. The \$42 million in spending authorized by the bill is aimed almost exclusively at measures to protect fish and wildlife resources. So far, that is about \$42 million more than Congress and the President have provided for the human beings who are suffering because of the drought and freeze in California. I hope we rectify that situation in the near future and show ourselves to be as compassionate toward people as we are toward fish and ducks.

I urge my colleagues to support H.R. 355.

Mr. HANSEN. Mr. Chairman, I yield 3 minutes to the gentleman from California [Mr. PACKARD].

□ 1140

Mr. PACKARD. Mr. Chairman, I rise in support of H.R. 355, the Emergency Drought Relief Act. As the Representative of California's drought-stricken 43d District, I welcome the measures undertaken in this bill to offer some sorely needed relief. Although recent rains and snowstorms have brought much needed relief to the region, water supplies are still far below normal. Residents of my district are facing their fifth continuous year of drought conditions. Statewide mandatory water conservation has cut water supplies to my district as much as 50 percent. I commend members of the Interior Committee for recognizing the urgency of this issue and getting this legislation through so quickly.

Although I welcome the relief this legislation offers, we must look to the future and act now to ensure adequate water supplies for our children. We cannot solve today's problems at the expense of future generations. That is why I have actively worked for solutions that address California's future water supplies.

Every day, enormous amounts of used water is returned to the ocean, bypassing countless potential users on its journey downstream. This water can be treated and used again by industry and agricultural users. Increasing our use of reclaimed water could prove to be a valuable and viable element of California's future water supplies. I will shortly reintroduce legislation

that will study the feasibility of a reclaimed water use system in southern California.

Again, I commend the Members involved in drafting the Emergency Drought Relief Act and urge all of us to extend our vision and look to the future as we consider legislation that affects our future water supplies.

Mr. MILLER of California. Mr. Chairman, I yield 2 minutes to the gentleman from Idaho [Mr. LAROCCO].

Mr. LAROCCO. I thank the chairman for yielding.

I would like to engage the chairman in a colloquy.

Mr. Chairman, I have a number of questions I would like to address to the chairman of the subcommittee. These questions are based on a letter I have received from the attorney general and director of the Idaho Department of Water Resources.

Our first concern is with section 101(b) that authorizes the Secretary to assist willing buyers in the purchase of water. Is it your understanding that this section does not imply some greater role for the Secretary in water marketing than presently exists?

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

Mr. LAROCCO. I yield to the Chairman.

Mr. MILLER of California. I thank the gentleman for yielding. I would say to the gentleman that his interpretation is correct. This section is very limited. It does not provide the Secretary with any additional authority beyond that which he presently has.

Mr. LAROCCO. We are also concerned that section 101(d) might authorize the Secretary to set up a Federal water bank over the objections of a State. Does this section authorize a Federal water bank?

Mr. MILLER of California. This section does not explicitly authorize a Federal water bank. It does authorize the Secretary to participate in a State water bank. In addition, the Federal Government must undertake its activities in compliance with State water laws.

Mr. LAROCCO. Section 102(d) provides that the Secretary may make water from Federal reclamation projects available on a nonreimbursable basis for the purposes of protecting or restoring fish and wildlife. This section goes on to provide for the storage of nonproject water for these purposes and authorizes the use of water outside project boundaries. While the goal of providing relief to fish and wildlife is laudable, this section is inconsistent with Idaho's State water law. Storage of additional nonproject water is inconsistent with project water rights; could affect other downstream water rights; and could create significant problems for fish and wildlife in other portions of the river. Use of water outside the project boundaries

would require a change in the place of use of the project water right in most Western States absent some special provision such as a State water bank. Do we have assurance that this section does not supersede Idaho's State water laws?

Mr. MILLER of California. The gentleman's understanding is correct. This section does not supersede Idaho State water laws.

Mr. LAROCCO. I want to thank the chairman for his clarifications.

Mr. HANSEN. Mr. Chairman, I yield 3 minutes to the gentleman from California [Mr. LAGOMARSINO].

Mr. LAGOMARSINO. Mr. Chairman, I rise in strong support of H.R. 355, a bill which will provide emergency drought relief to California and other drought-impacted States in the West.

Mr. Chairman, action authorized in this bill is critical to Santa Barbara and Ventura Counties, which have been impacted about as severely as any region of the country. We have been on a water rationing program for over a year. The current rationing program is designed to achieve a 43 percent reduction below predrought usage levels.

There are a number of important sections in this bill which will and my constituents and others impacted by this drought which has now lasted for 5 years. Such activities as authorizing Federal participation in water banking, authorizing minor construction projects to get the limited water supply to where it is needed most, facilitating conveyance of water between willing sellers and buyers, and participation in long term drought response contingency planning will all prove beneficial. I am also pleased that this bill includes provisions to provide for protection of fish and wildlife values.

It is important that Members recognize the bill provides for both short-term emergency actions and implementation of appropriate permanent solutions. One such permanent fix is the amendment to the Warren Act provided for in section 306 of the bill. This section would permit the Federal Government to use its reclamation facilities to transport and store, non-Federal water used for other than irrigation purposes.

Use of Federal reclamation facilities for transport and storage of non-Federal irrigation water has been authorized for 60 years. Such use was authorized because it was recognized that Federal facilities often had excess capacity, and in order to avoid the costs and environmental impacts of constructing duplicative systems. This same logic applies to use of Federal facilities for nonirrigation water. The city of Santa Barbara, for example, proposes to use Lake Cachuma and Lake Casitas, among other Federal facilities, to store and transfer water. For these reasons, I introduced a bill which would have authorized such ac-

tivity last session. I am very pleased that the authors of this bill have agreed to include the provisions of my bill in their overall efforts on drought relief.

I would like to recognize the efforts of Mr. MILLER for taking action on this bill in an expeditious and bi-partisan manner. I would also like to thank my colleague, Mr. HANSEN, who has assisted me with ensuring that these critical amendments to the Warren Act are incorporated in this bill.

I am pleased also by the inclusion in the report of language relating to cloud seeding.

I urge my colleagues to join me in supporting H.R. 355.

Mr. MILLER of California. Mr. Chairman, I yield such time as she may consume to the gentlewoman from California [Ms. PELOSI].

Ms. PELOSI. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I would like to engage the chairman in a colloquy.

The city and county of San Francisco is in the midst of a drought crisis which is the worst in recorded history.

San Francisco serves four counties' water needs and some 2½ million customers. However, the water supply situation in San Francisco is in a very precarious situation; one which could mean disaster to the city, its customers, and the State.

Mr. MILLER of California. Mr. Chairman, if the gentlewoman will yield, will she please explain the steps San Francisco has taken to address its serious concerns about the drought?

Ms. PELOSI. To put the situation in context, this is the fifth year of drought and water conditions are equivalent to the previous drought crisis of 1977.

The city's total system storage is lower than in the spring of 1978, the worst recorded year in history.

In response to this dire water emergency, the city has taken more stringent action than any other large urban water supplier in California. San Francisco has already curtailed water deliveries by 45 percent and has imposed severe penalties and drastic restrictions on its customers.

Hetch Hetchy Reservoir, the major source of supply to the city will be required to reduce its deliveries to the San Francisco Bay Area by as much as 50 percent. Even to stay at the current strict mandatory rationing levels, Hetch Hetchy must receive 150,000 acre-feet of runoff this spring. However, it is likely that much less water will be provided from runoff. Thus, there is a deficit of approximately 100,000 acre-feet.

Is it your understanding that the legislation before us could allow the Bureau of Reclamation to assist in alleviating this type of situation?

Mr. MILLER of California. Will the gentlewoman yield.

Ms. PELOSI. I yield to the gentleman from California.

Mr. MILLER of California. The city provides water to certain customers that are also supplied by the Bureau. If the Bureau could provide additional water supply to these common customers, it would have a beneficial effect on San Francisco and other municipal suppliers having common customers with the Bureau, and, therefore, would be eligible.

Ms. PELOSI. I understand that the city and county of San Francisco would make financial arrangements for offset, to be worked out between the municipal supplier and the common customer with the concurrence of the Bureau, if this were the case.

Mr. MILLER of California. Would the water made available through the Governor of California's emergency water bank arrangements provide adequate supply to the city?

Ms. PELOSI. It is my understanding that, even with the State emergency water bank supply, there will not be adequate water to reduce the city of San Francisco's curtailment from its present 45 percent level to the 25-percent level—the level deemed to be the catalyst to emergency action conceived in the Governor's water bank proposal and in other proposals.

Even with the emergency water bank quantities, San Francisco would still be required to curtail its customers by more than 35 percent.

Mr. MILLER of California. If the gentlewoman would continue to yield, I want to say that this is correct, and I would ask, are there any other suggestions that you wish to make regarding the role of the Bureau of Reclamation?

Ms. PELOSI. Yes. I would recommend that the Bureau should take steps to ease the administrative and other burdens on water transfers in these times of extreme crisis. Creative and responsive solutions are particularly important where municipalities stand to suffer enormous financial loss and where the potential threat to health and safety is great.

Mr. MILLER of California. I thank the gentlewoman from California [Ms. PELOSI].

Ms. PELOSI. I want to thank the chairman for his time and for his excellent work in bringing to the floor a drought assistance bill to provide relief from the severe drought conditions in California and other parts of the West.

□ 1150

Mr. HANSEN. Mr. Chairman, I yield 3 minutes to the gentleman from California [Mr. THOMAS].

Mr. THOMAS of California. Mr. Chairman, I want to compliment the acting chairman of the full committee, the gentleman from California [Mr. MILLER], and the gentleman from Utah [Mr. HANSEN] for the expeditious way

in which they have moved this legislation. Oftentimes this type of legislation gets bogged down in narrow partisan bickering, and I have to compliment, as well, my colleague, the gentleman from California [Mr. LEHMAN], and my colleague and friend, the gentleman from Arizona [Mr. RHODES], for putting together, as far as it goes, a package which responds to immediate concerns.

Mr. Chairman, the real difficulty I have is that we have not addressed what I consider to be some of the fundamental underlying problems with water, and that is that this obviously is a piece of Federal legislation. At the Federal level we have a significant number of jurisdictions controlling various aspects of water. It is all the same water, but, depending on how it is used, or where it is placed, or where it was historically, we have different Federal agencies having something to say about water.

Mr. Chairman, when we introduce the Federal-State relationship, we have even a greater complication, and then we have got local municipalities as well. It seems to me that we have got to elevate our conceptual approach to this and begin to talk about not just intrastate or State-Federal, but interstate and indeed international long-term movement of water. At a time when we move our fossil fuels internationally, at a time when international commerce is the way in which we survive, we still look at, for example, the California water project as the in-State significant movement of water.

It seems to me that we do not have enough interstate and international examples to handle situations such as this drought. It is way beyond the period when apparently, as they do on the Beltway around Washington, the rule is, "Leave it where it's hit." We cannot deal with water in terms of, "Leave it where it fell." We have to talk about a new conceptual approach, integrating State, Federal and, in fact, as I said, international.

For example, in my district we have the California water project. The amount they are going to deliver this year has been designated as zero. We have the Bureau of Reclamation. Their amount is 25 percent. The Bureau of Reclamation says 25 percent. In an area which exports 70 percent of the crops produced, which is a significant producer of international currency, which puts a major dent in the balance of payments, the State project is zero. The Federal project is 25 percent. We are not talking about crops that are in surplus. We are talking crops that are in demand, not just across the Nation, but around the world.

Mr. Chairman, it seems to me that this modest proposal should pass and pass immediately but that we should set down then to begin to conceptualize

the movement of water for the 21st century, not just for people, not just for fish, not just for economic reasons, but for the reason that we look at all of the other economic and interrelated aspects of man. It is absolutely essential, it is essential for our way of life, and we should not be so provincial about the question of water, but I do want to end by commending those who moved this to the floor as rapidly as they have. It is a modest answer to a problem that needs far more thinking, inter-federal, interstate, Federal, intra-state and, in fact, underscoring internationally.

Mr. HANSEN. Mr. Chairman, I yield 3 minutes to the gentleman from Michigan [Mr. UPTON].

Mr. UPTON. Mr. Chairman, I would like to engage the vice chairman of the Committee on Interior and Insular Affairs in a brief colloquy for the purpose of clarifying the intent of language contained in the committee report accompanying this bill.

Mr. MILLER of California. Will the gentleman yield?

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

Mr. MILLER of California. I would be pleased to assist the gentleman.

Mr. UPTON. I thank the gentleman. I am sure many Members of the House share my concern over increasing Federal deficits and the need to ensure we focus our limited Federal resources on high priority needs. This bill authorizes \$12 million for fiscal year 1992 for the design and partial construction of a water temperature control project at the Shasta Dam on the Sacramento River. While I agree with the goal of protecting fish and wildlife resources, I am concerned about the funding of this project.

Section 304 on page 18 of the committee report for this bill says in part:

The committee intends that the \$12 million authorized in H.R. 355 be reimbursable in accordance with reclamation law.

My understanding of this language is that since the Shasta Dam is part of the Central Valley Project in California, users of its water and power would reimburse the Federal Government for the \$12 million authorized by H.R. 355 in accordance with reclamation law. Am I correct in my understanding of the committee's intent?

Mr. MILLER of California. The gentleman is correct. The committee does not intend the Federal taxpayer to pay the design and partial construction cost of the temperature control project authorized by H.R. 355 for fiscal year 1992. The committee indeed expects the Federal Government to be fully reimbursed for these funds in accordance with reclamation law.

Mr. UPTON. Section 304 of the committee report continues:

The committee notes, however, that legislation is pending in Congress (H.R. 1306) that would, if enacted in its present form, allow

future expenditures for the temperature control device to be cost-shared among water and power consumers and the State of California.

I understand this language to mean the remaining construction cost of the Shasta Dam project, which I understand is estimated to be \$48 million, will be funded by the State of California and the users of the water and power. Am I correct in my understanding of the report's language?

Mr. MILLER of California. The gentleman is correct in that the completion of the Shasta Dam project would be authorized by H.R. 1306 now pending before the committee. However, under H.R. 1306 as proposed, 75 percent of the costs of fish and wildlife projects authorized by the bill, including the remaining construction costs of the Shasta Dam project, would be borne by the water and power users as well as the States. The Federal Government would fund the remaining 25 percent.

Mr. UPTON. Passage today of H.R. 335 would be the first step in constructing the Shasta project. While completion of the project would require additional authorization, our action today most likely guarantees the entire project will ultimately be built. I want to ensure we are aware that today's action likely commits us to additional expenditures tomorrow. The initial \$12 million we may authorize today would ultimately be reimbursed, but under H.R. 1306, 25 percent (or \$12 million) of the completion cost would be funded by the Federal Government and not be reimbursable.

Mr. MILLER of California. The gentleman is correct.

Mr. UPTON. Personally, I am concerned about this cost allocation formula and the 25-percent Federal share, but I agree this is an issue for a later date, when a different bill, H.R. 1306, is considered.

□ 1200

Mr. MILLER of California. Mr. Chairman, I yield three minutes to the gentlewoman from California [Mrs. BOXER].

Mrs. BOXER. Mr. Chairman, I thank the acting chairman of the committee.

Mr. Chairman, I would like to say first how important this bill is and to extend my congratulations to the chairman, to the ranking member, the gentleman from California [Mr. LEHMAN], as well as the gentleman from California [Mr. CONDIT] and the gentleman from California [Mr. DOOLEY], and I would like to say that in my own home county of Marin, where people are now using 50 gallons of water per day, it is just an incredible sacrifice that people are making. I am so pleased that we are beginning to look at getting prepared for these kinds of droughts.

My colleague, the gentlewoman from California [Ms. PELOSI] has pointed out

the problems, and I associate myself with her remarks and with the remarks of all my other colleagues from California.

Mr. Chairman, on behalf of the gentleman from Michigan [Mr. CONYERS], chairman of the Committee on Government Operations, I would like to engage in a brief colloquy with the gentleman from California [Mr. MILLER].

Mr. MILLER. Mr. Chairman, I will be happy to participate in a colloquy with the gentlewoman from California, if the gentlewoman will yield.

Mrs. BOXER. Mr. Chairman, I understand that this emergency legislation required expedited consideration by the Committee on Interior and Insular Affairs and the House. Nevertheless, on behalf of the gentleman from Michigan [Mr. CONYERS], I wish to point out that section 104(c) of the bill, which provides that actions taken thereunder are not subject to the Federal Paperwork Reduction Act, should have resulted in a referral to the Committee on Government Operations which has jurisdiction over that act. Chairman MILLER has agreed to acknowledge in this colloquy that the Committee on Government Operations has jurisdiction over an exemption from the Paperwork Reduction Act and, for that reason, I will not offer an amendment to strike the provision from the bill.

Mr. MILLER of California. Mr. Chairman, if the gentlewoman will yield, I will say that the gentlewoman from California is correct. The Committee on Government Operations does have jurisdiction over the Paperwork Reduction Act.

Mrs. BOXER. Mr. Chairman, the gentleman from California also has agreed that when the bill goes to conference with the Senate, he will drop the Paperwork Reduction Act exemption from the bill.

Mr. MILLER of California. Mr. Chairman, if the gentlewoman will continue to yield, the gentlewoman from California is correct; however, I have agreed to her request with the understanding that the Paperwork Reduction Act contains procedures designed to address emergency circumstances such as those which this legislation is intended to address. Specifically, the Director of the Office of Management and Budget is authorized to waive the normal collection of information requirements upon the request of the Secretary of Interior and where adhering to the normal requirements could cause public harm.

Mrs. BOXER. Mr. Chairman, again on behalf of the Chairman of the Committee on Government Operations, let me say that the gentleman from California is correct. The Director of OMB has the discretionary authority to waive the normal procedures of the act when to do otherwise could cause public harm. I would fully expect that the circumstances in California which this

emergency bill addresses raise precisely the kind of circumstances in which the Director ought to waive such procedures.

Mr. McCANDLESS. Mr. Chairman, I rise in full support of this bill which will provide short and long term help to reclamation States in times of serious drought. The authorizing language in this bill directs the use of the \$30 million provided in H.R. 1281, the Dire Emergency Supplemental Appropriations bill that the House of Representatives is scheduled to vote upon today.

This bill essentially allows the Secretary of Interior to construct facilities, drill wells, transfer water, participate in State water banks and generally provide technical assistance for States experiencing drought. It also directs the Bureau of Reclamation to mitigate the effects of drought and to provide longer term drought contingency plans. These measures are desired by the State of California which has historically worked closely with the Bureau of Reclamation.

Despite the recent rainfalls in California, the drought continues to plague our state. Rationing measures on the part of the State and Federal Government are affecting Californians to varying degrees across the State. Some of the citrus farmers in my district may have their water cut by 90 percent. At that rate, they can't even keep the trees alive, let alone raise any kind of a crop. In Orange Cove, CA, residents have been advised to use no more than 10 gallons a day. That amount is one-tenth of an average American's normal water consumption. It is obvious that this drought is not going to go away overnight. It has been 5 years in the making—I can only pray that it will end much sooner than that.

The measures in this bill will not help to solve the immediate problems of our drought victims, they will also go far to prevent such a serious situation from occurring in the future. By directing the Bureau of Reclamation to study ways to conserve, increase and make use of Federal reclamation water, and prepare technical assistance for contingency plans across the country, future dry spells can be prepared for and avoided.

Because Riverside County is predominantly desert, I have been working on water conservation measures for many years. I have introduced legislation that will authorize a project aimed at reducing the salinity of the Salton Sea. After brines are removed from the saline water of the sea, they are used to generate electricity. Technology such as this can be used around the world to aid in desalinization procedures. In another part of my district I am working closely with local officials to formulate a comprehensive project which will reclaim wastewater and reuse brackish return flows and effluents to conserve and extend local water supplies. This procedure of recycling water as a secondary supply can free-up the scarce primary supplies of water in the area. An additional water conservation measure is taking place along the All-American Canal. Last week I witnessed this amazing technology which lines the canal with plastic and concrete. Once completed, the lining of this canal can conserve 100,000 acre-feet of water annually.

As you can see Mr. Chairman, we are attempting to conserve the precious resource of water in Southern California in many different ways. The provisions in H.R. 355 will only improve our ability to achieve this goal, and I encourage Members to support this bill.

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

The CHAIRMAN. The Chair advises the gentleman from California [Mr. MILLER] that he has 1 minute remaining.

Mr. MILLER of California. Mr. Chairman, I yield back the balance of my time.

Mr. HANSEN. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. Pursuant to the rule, the committee amendment in the nature of a substitute recommended by the Committee on Interior and Insular Affairs, printed in the reported bill, shall be considered by titles as an original bill for the purpose of amendment, and each title is considered as read.

The Clerk will designate section 1.

The text of section 1 is as follows:

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

*This Act may be cited as the "Reclamation States Emergency Drought Relief Act of 1991".*

Mr. MILLER of California. Mr. Chairman, I ask unanimous consent that the text of the remainder of the committee amendment in the nature of a substitute be printed in the RECORD and open to amendment at any point.

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

There was no objection.

The text of the remainder of the committee amendment in the nature of a substitute is as follows:

**SEC. 2. DEFINITIONS.**

*As used in this Act:*

(1) The term "Secretary" means the Secretary of the Interior.

(2) The term "Federal Reclamation laws" means the Act of June 17, 1902 (32 Stat. 388) and Acts supplementary thereto and amendatory thereof.

(3) The term "Federal Reclamation project" means any project constructed or funded under Federal Reclamation law. Such term includes projects having approved loans under the Small Reclamation Project Act of 1956 (70 Stat. 1044).

**TITLE I—TEMPORARY DROUGHT PROGRAM**

**SEC. 101. ASSISTANCE DURING DROUGHT; WATER PURCHASES.**

(a) CONSTRUCTION, MANAGEMENT, AND CONSERVATION.—Consistent with existing contractual arrangements and State law, and without further authorization, the Secretary is authorized to undertake construction, management, and conservation activities that will mitigate, or can be expected to have an effect in mitigating, losses and damages resulting from drought conditions. Any construction activities undertaken pursuant to the authority of this subsection shall be limited to temporary facilities designed to mitigate losses and damages from drought conditions and shall be completed no later than one year after the date of enactment of this Act,

except that wells drilled to mitigate losses and damages from drought conditions may be permanent facilities.

(b) **ASSISTANCE TO WILLING BUYERS AND SELLERS.**—In order to minimize losses and damages resulting from drought conditions, the Secretary may assist willing buyers in their purchase of available water supplies from willing sellers.

(c) **WATER PURCHASES BY BUREAU.**—In order to minimize losses and damages resulting from drought conditions, the Secretary may purchase water from willing sellers, including water made available by Federal Reclamation project contractors through conservation or other means through which the seller has reduced the consumption of water. The Secretary shall deliver such water pursuant to temporary contracts under section 102.

(d) **WATER BANKS.**—The Secretary is authorized to participate in water banks established by a State in an affected drought area, to respond to a drought.

**SEC. 102. AVAILABILITY OF WATER ON A TEMPORARY BASIS.**

(a) **GENERAL AUTHORITY.**—In order to mitigate losses and damages resulting from drought conditions, the Secretary may make available, by temporary contract, project and non-project water, and the use of facilities at Federal Reclamation projects for the storage or conveyance of project or non-project water, for use both within and outside an authorized project service area.

(b) **SPECIAL PROVISIONS APPLICABLE TO TEMPORARY WATER SUPPLIES PROVIDED UNDER THIS SECTION.**

(1) **TEMPORARY SUPPLIES.**—Each temporary contract for the supply of water entered into pursuant to this section shall terminate no later than one year after the date of enactment of this Act, or the termination of the temporary drought program described in section 105, whichever comes first.

(2) **OWNERSHIP AND ACREAGE LIMITATIONS.**—Lands not subject to Reclamation law that receive temporary irrigation water supplies under temporary contracts under this section shall not become subject to the ownership and acreage limitations or pricing provisions of Federal Reclamation law because of the delivery of such temporary water supplies. Lands that are subject to the ownership and acreage limitations of Federal Reclamation law shall not be exempted from those limitations because of the delivery of such temporary water supplies.

(3) **TREATMENT UNDER RECLAMATION REFORM ACT OF 1982.**—No temporary contract entered into by the Secretary under this section shall be treated as a "contract" as that term is used in sections 203(a) and 220 of the Reclamation Reform Act of 1982 (Public Law 97-293).

(4) **AMENDMENTS OF EXISTING CONTRACTS.**—Any amendment to an existing contract to allow a contractor to carry out the provisions of this section shall be a temporary amendment only, not to exceed one year from the date of enactment of this Act, or the termination of the temporary drought program described in section 105, whichever comes first. No such amendment shall be considered a new and supplemental benefit for purposes of the Reclamation Reform Act of 1982 (Public Law 97-293).

(c) **CONTRACT PRICE.**—The price for water delivered under a temporary contract entered into by the Secretary under this section shall be at least sufficient to recover all Federal operation and maintenance costs and administrative costs, and an appropriate share of capital costs, including interest on project irrigation and municipal and industrial water, except that, for project water delivered to nonproject landholdings in excess of 960 acres, the price shall be full cost (as defined in subsection 202(3) of Public Law 97-293, 96 Stat. 1263; 41 U.S.C. 390bb);

Provided, That the interest rate used for computing interest during construction and interest on the unpaid balance of the capital costs shall be at a rate to be determined by the Secretary of the Treasury based on average market yields on outstanding marketable obligations of the United States with remaining periods to maturity of one year occurring during the last month of the fiscal year preceding the date of execution of the temporary contract.

(d) **FISH AND WILDLIFE.**—The Secretary may make water from Federal Reclamation projects and nonproject water available on a nonreimbursable basis for the purposes of protecting or restoring fish and wildlife resources, including mitigation losses, that occur as a result of drought conditions. The Secretary may store and convey project and non-project water for fish and wildlife purposes, and may provide conveyance of any such water for both State and Federal wildlife refuges and for habitat held in private ownership. The Secretary may make available water for these purposes outside the authorized project service area. Use of the Federal storage and conveyance facilities for these purposes shall be on a nonreimbursable basis.

(e) **NONPROJECT WATER.**—The Secretary is authorized to store and convey nonproject water utilizing Federal Reclamation project facilities for use outside and inside the authorized project service area for municipal and industrial uses, fish and wildlife, and agricultural uses. Except in the case of water supplied for fish and wildlife, which shall be nonreimbursable, the Secretary shall charge the recipients of such water for such use of Federal Reclamation project facilities at a rate established pursuant to section 102(c) of this Act.

**SEC. 103. SALT WATER INTRUSION.**

As necessary to protect and improve water quality and to protect fishery resources in the Sacramento-San Joaquin Delta, California, the Secretary is authorized to construct such temporary barriers, and to take other cooperative actions with the State of California, as may be necessary to prevent salt water intrusion in the Delta.

**SEC. 104. EXEMPTIONS AND PRIORITIES.**

(a) **NATIONAL ENVIRONMENTAL POLICY ACT.**—Actions taken pursuant to this title are in response to emergency conditions and shall not be treated as major Federal actions significantly affecting the quality of the human environment for purposes of the National Environmental Policy Act of 1969.

(b) **ENVIRONMENTAL REPORT.**—Concurrent with implementation of drought-related activities or projects authorized pursuant to this title, the Secretary shall assess and evaluate the environmental impacts of such activities and projects and take into consideration any adverse effect an action or actions proposed to be taken pursuant to this title may have on existing lawful uses of water and on fish and wildlife resources or other instream beneficial uses. The Secretary shall provide Congress with an interim assessment of the environmental impacts no later than six months after the date of enactment of this Act. The Secretary shall provide Congress with a final report on such impacts at the conclusion of the temporary drought program. The final report shall include the Secretary's recommendations for avoiding or mitigating any adverse environmental impacts in response to future droughts.

(c) **FEDERAL PAPERWORK REDUCTION ACT.**—Actions taken pursuant to this title are in response to the temporary drought program and shall be undertaken without undue delay and therefore shall not be subject to the requirements or conditions of sections 3504 and 3507 of title 44, United States Code.

**SEC. 105. APPLICABLE PERIOD OF TEMPORARY DROUGHT PROGRAM.**

The programs and authorities established under this title shall become operative in any Reclamation State only after the Governor or Governors of the affected State or States has made a request for temporary drought assistance and the Secretary has determined that such assistance is merited. The temporary drought authorities authorized by this title shall expire one year after the date of enactment of this Act, or upon a determination by the Secretary, in consultation with the Governor or Governors of the affected State or States, that such authorities are no longer required.

**TITLE II—PERMANENT DROUGHT AUTHORITY**

**SEC. 201. IDENTIFICATION OF OPPORTUNITIES FOR WATER SUPPLY CONSERVATION, AUGMENTATION AND USE.**

The Secretary is authorized to conduct studies to identify opportunities to conserve, augment, and make use of water supplies available to Federal Reclamation projects and Indian water resource developments in order to be prepared for and better respond to drought conditions.

**SEC. 202. DROUGHT CONTINGENCY PLANS.**

The Secretary, acting pursuant to the Federal Reclamation laws, utilizing the resources of the Department of the Interior, and in consultation with other appropriate Federal and State officials, Indian tribes, public, private, and local entities, is authorized to prepare cooperative drought contingency plans (hereinafter in this title referred to as "contingency plans") for the prevention or mitigation of adverse effects of drought conditions.

**SEC. 203. PLAN ELEMENTS.**

(a) **PLAN PROVISIONS.**—Elements of the contingency plans prepared pursuant to section 202 may include any or all of the following:

(1) One or more water banks whereby the Secretary and project and nonproject water users may buy, sell, and store water consistent with State law, including participation by the Secretary in water banks established by the State.

(2) Appropriate water conservation actions.

(3) Water transfers to serve users inside or outside authorized Federal Reclamation project service areas for such purposes as the Secretary deems appropriate and which are consistent with Federal and State law.

(4) Use of Federal Reclamation project facilities to store and convey nonproject water for municipal and industrial, fish and wildlife, or other uses both inside and outside an authorized Federal Reclamation project service area.

(5) Use of water from dead or inactive reservoir storage or increased use of ground water resources for temporary water supplies.

(6) Temporary and permanent water supplies for fish and wildlife resources.

(7) Minor structural actions.

(b) **FEDERAL RECLAMATION PROJECTS.**—Each contingency plan shall identify the following two types of plan elements related to Federal Reclamation projects:

(1) those plan elements which pertain exclusively to the responsibilities and obligations of the Secretary pursuant to Federal Reclamation law and the responsibilities and obligations of the Secretary for a specific Federal Reclamation project; and

(2) those plan elements that pertain to projects, purposes, or activities not constructed, financed, or otherwise governed by the Federal Reclamation law.

(c) **DROUGHT LEVELS.**—Each contingency plan shall define levels of drought wherein specific elements of the contingency plan may be implemented. The Secretary is authorized to work with other Federal and State agencies to improve hydrologic data collection systems and water supply forecasting techniques to provide

more accurate and timely warning of potential drought conditions and drought levels that would trigger the implementation of contingency plans.

(d) **COMPLIANCE WITH LAW.**—The contingency plans and plan elements shall comply with all requirements of applicable Federal law, including the National Environmental Policy Act of 1969 (42 U.S.C. 4321) and the Fish and Wildlife Coordination Act, and shall also be in accordance with applicable State law.

(e) **REVIEW.**—The contingency plans shall include provisions for periodic review to assure the adequacy of the contingency plan to respond to current conditions, and such plans may be modified accordingly.

**SEC. 204. RECOMMENDATIONS.**

The Secretary shall submit each plan prepared pursuant to section 202 to the Congress, together with the Secretary's recommendations, including recommendations for authorizing legislation. No approval of the contingency plan by either the Secretary or the Commissioner of Reclamation shall become effective until the expiration of 60 calendar days (which 60 days, however, shall not include days on which either the House of Representatives or the Senate is not in session because of an adjournment of more than three days to a date certain) after the submission of the plan to the Committee on Energy and Natural Resources of the Senate and the Committee on Interior and Insular Affairs of the House of Representatives; except that, any such approval may become effective prior to the expiration of the 60 calendar days in any case in which each such committee approves an earlier date and notifies the Secretary in writing of such approval: Provided, That when the Congress is not in session, the Secretary's approval, if accompanied by a finding by the Secretary that substantial hardship to water users or the environment will result, shall become effective when the chairman and the ranking minority member of each such committee shall file with the Secretary their written approval of said findings.

**SEC. 205. RECLAMATION DROUGHT RESPONSE FUND.**

The Secretary shall undertake a study of the need, if any, to establish a Reclamation Drought Response Fund to be available for defraying those expenses which the Secretary determines necessary to implement plans prepared under section 202 and to make loans for non-structural and minor structural activities for the prevention or mitigation of the adverse effects of drought.

**SEC. 206. TECHNICAL ASSISTANCE AND TRANSFER OF PRECIPITATION MANAGEMENT TECHNOLOGY.**

(a) **TECHNICAL ASSISTANCE.**—The Secretary is authorized to provide technical assistance for drought contingency planning in any of the States not identified in section 1 of the Reclamation Act (Act of June 17, 1902, 32 Stat. 388), and the District of Columbia, Puerto Rico, the Republic of the Marshall Islands, the Federated States of Micronesia, the Trust Territory of the Pacific Islands, and upon termination of the Trusteeship, the Republic of Palau, the United States Virgin Islands, American Samoa, Guam, and the Commonwealth of the Northern Mariana Islands. Funds for drought contingency planning activities under this subsection shall be advanced to the Secretary.

(b) **TECHNOLOGY TRANSFER PROGRAM.**—The Secretary is authorized to conduct a Precipitation Management Technology Transfer Program to help alleviate problems caused by precipitation variability and droughts in the West, as part of a balanced long-term water resources development and management program. In consultation with State and local water, hydro-power, water quality and instream flow inter-

ests, areas shall be selected for conducting cost-shared field studies to validate and quantify the potential for appropriate precipitation management technology to augment stream flows. Validated technologies shall be transferred to non-Federal interests for operational implementation.

**TITLE III—GENERAL AND MISCELLANEOUS PROVISIONS**

**SEC. 301. AUTHORIZATION OF APPROPRIATIONS.**

Except as otherwise provided in section 304 of this Act (relating to temperature control devices at Shasta Dam, California), there is authorized to be appropriated not more than \$30,000,000.

**SEC. 302. AUTHORITY OF SECRETARY.**

The Secretary is authorized to perform any and all acts and to promulgate such regulations as may be necessary and appropriate for the purpose of implementing this Act.

**SEC. 303. EFFECT OF ACT ON OTHER LAWS.**

Nothing in this Act shall be construed as limiting or restricting the power and authority of the United States or—

(1) as expanding or diminishing Federal, tribal, or State jurisdiction, responsibility, interests, or rights in water resources development or control;

(2) as displacing, superseding, limiting, or modifying any interstate compact or the jurisdiction or responsibility of any legally established joint or common agency of two or more States or of two States and the Federal Government;

(3) as superseding, modifying, or repealing, except as specifically set forth in this Act, existing laws applicable to the various Federal agencies;

(4) as affecting in any way any law governing appropriation or use of, or Federal right to, water on Federal lands, or the right of any Indian tribe to use its water for whatever purposes it deems appropriate, including fish and wildlife purposes, or the right of a tribe to buy or sell water, or to affect any right enjoyed under license, lease, or other authorization from an Indian tribe;

(5) as affecting the water rights of any Indian tribe or tribal licensee, permittee, or lessee, or diminishing the Indian trust responsibility of the United States;

(6) as affecting in any way the applicability of the National Environmental Policy Act, except as specifically set forth in this Act, the Endangered Species Act, or the Fish and Wildlife Coordination Act, or as otherwise superseding, modifying, or repealing, except as specifically set forth in this Act, existing law applicable to the various Federal agencies;

(7) as modifying the terms of any interstate compact, or Congressional apportionment of water; or

(8) as affecting water rights of any person recognized under State law.

**SEC. 304. TEMPERATURE CONTROL AT SHASTA DAM, CENTRAL VALLEY PROJECT.**

The Secretary is authorized to commence design and construction of facilities needed to attach to Shasta Dam, Central Valley Project, California, devices for the control of the temperature of water releases from the dam. There is authorized to be appropriated to carry out the authority of this section, not more than \$12,000,000.

**SEC. 305. CONSISTENCY WITH STATE LAW.**

All provisions in this Act pertaining to the diversion, storage, use, or transfer of water shall be consistent with State law.

**SEC. 306. EXCESS STORAGE AND CARRYING CAPACITY.**

The first sentence of the first section of the Act of February 21, 1911 (43 U.S.C. 523; commonly known as the "Warren Act") is amended

(1) by striking out "lands to be irrigated under any project" and inserting in lieu thereof

"water users then entitled to the delivery of water from a Federal Reclamation project";

(2) by striking out "lands and entrymen under the project" and inserting in lieu thereof "users of the Federal Reclamation project, including fish and wildlife purposes"; and

(3) by inserting before the period, "municipal, industrial, domestic, or miscellaneous purposes, including fish and wildlife purposes".

**SEC. 307. REPORT.**

The Secretary shall submit an annual report to the President and the Congress on his expenditures and accomplishments under the Act.

AMENDMENT OFFERED BY MR. MILLER OF CALIFORNIA

Mr. MILLER of California. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. MILLER of California: On page 17, line 15, strike all of section 306 and insert in lieu thereof the following:

**"SEC. 306. EXCESS STORAGE AND CARRYING CAPACITY.**

The Secretary is authorized to enter into contracts with municipalities, public water districts and agencies, other Federal agencies, state agencies, and private entities, pursuant to the Act of February 21, 1911 (43 U.S.C. 523), for the impounding, storage, and carriage of water for domestic, municipal, fish and wildlife, industrial, and other beneficial purposes from any facilities associated with the Central Valley Project, Cachuma Project, and the Ventura River Project, California."

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

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

There was no objection.

Mr. MILLER of California. Mr. Chairman, this amendment restricts permanent changes in the Warren Act to California. The Warren Act changes in H.R. 355 give the Secretary permanent authority to use Federal storage and conveyance facilities to transport project and nonproject water and to deliver such water for a variety of uses, including municipal and industrial uses. The restriction to California was made because of concerns that water rights and ongoing litigation might be affected in other States.

Mr. HANSEN. Mr. Chairman, if the gentleman will yield, the minority has examined the gentleman's amendment, and we are pleased to accept it.

Mr. MINETA. Mr. Chairman, I rise in support of the amendment, which parallels legislation I introduced with BOB LAGOMARSINO earlier this year to help California deal with this water shortage.

Even though the Western United States has received some rain in the past few weeks, the drought continues. The Reclamation States Emergency Drought Relief Act takes concrete steps to enable us to cope with the chronic shortage of water.

The Miller amendment strengthens a provision of the bill that would amend the Warren Act of 1911 and allow the use of Federal aqueducts for the transport of municipal and

industrial water owned by States or other agencies.

Throughout California, water districts are searching for water anywhere they can find it.

But because the law governing water transfers is based on the needs of 80 years ago, water is forced to move on a roundabout system of State aqueducts.

Mr. Chairman, California water districts calculate their water supplies day to day to avoid further rationing and cutbacks. They simply cannot afford the delays that the current law forces upon them.

Frankly, Mr. Chairman, current law is out of date. The writers of the Warren Act did not foresee that Western cities would ever require emergency water. They only included irrigation water in their plans.

Recent decades have seen California's cities become some of the most dynamic in the Nation. A region like my own Silicon Valley, is a worldwide leader in technology and innovation.

Northern Californians have shown their willingness to conserve water. Our water suppliers have done their best to ensure a supply of water to the valley.

This bill will let them do their jobs more quickly and more efficiently. It will let them bring water without delay to a thirsty community.

Mr. Chairman, let us bring Federal water law into the 21st century. Let's acknowledge that people and industries are necessary beneficiaries of the benefits of our Bureau of Reclamation system.

I urge my colleagues to support the Miller amendment and to vote for final passage of the bill.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California [Mr. MILLER].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. MILLER OF CALIFORNIA

Mr. MILLER of California. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. MILLER of California: Page 2, line 23, strike the word "through," and substitute therefore the words "with respect to."

Page 4, line 8, after the words "and the" and preceding the words "use of," insert the words "may permit."

Page 6, line 5, strike the parenthetical phrase and all that follows up to and including the words "Provided, that" on page 6, line 7, and insert therefore the following: "(as defined in section 202(3) of the Reclamation Reform Act of 1982 (P.L. 97-293; 96 Stat. 1263; 43 U.S.C. 390bb)). For all contracts entered into by the Secretary under the authority of this title."

Page 9, line 12, strike the "." (period) at the end of the sentence and insert therefore the words ", whichever comes first."

Page 9, line 19, after the words "and make," insert the words "more efficient."

Page 17, line 5, after the words "is authorized" insert the following: "for fiscal year 1992".

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

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

There was no objection.

Mr. MILLER of California. Mr. Chairman, this is a very technical amendment, making the necessary word changes to make the various sections of the bill consistent with one another. The amendment has been agreed to by the minority, and there is no opposition to it.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California [Mr. MILLER].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. JONTZ

Mr. JONTZ. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. JONTZ: Page 7, strike line 21 and all that follows down through line 2 of page 8 and redesignate subsections (b) and (c) of section 104 as subsections (a) and (b) respectively.

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

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

There was no objection.

Mr. JONTZ. Mr. Chairman, I would like to engage the vice chairman of the Committee on Interior and Insular Affairs in a brief colloquy for the purpose of clarifying the purpose and intent of my amendment.

Mr. MILLER of California. Mr. Chairman, if the gentleman will yield, I would be pleased to discuss the gentleman's amendment.

Mr. JONTZ. While I completely understand that expedited procedures are needed to effectively respond to genuine drought emergencies, I am offering this amendment because I am concerned that section 104(a) of H.R. 355 would set a dangerous precedent and undermine the purposes of the National Environmental Policy Act. I also believe that procedures may already exist to address this problem. Is the gentleman aware of any such procedures for expediting NEPA reviews in emergencies?

Mr. MILLER of California. Mr. Chairman, if the gentleman will yield, let me say that the gentleman is correct. I have determined that procedures designed to address emergency circumstances have been adopted by the President's Council on Environmental Quality.

Mr. Chairman, at this point in the RECORD, I include an exchange of correspondence between myself and CEQ's general counsel, as follows:

COMMITTEE ON INTERIOR AND INSULAR AFFAIRS, HOUSE OF REPRESENTATIVES, Washington, DC, March 18, 1991.

Ms. DINAH BEAR, Executive Office of the President, Council on Environmental Quality, Washington, DC.

DEAR Ms. BEAR: On March 13, 1991, the Committee on Interior and Insular Affairs favorably reported, with an amendment, the bill H.R. 355, the Reclamation States Emergency Drought Relief Act of 1991.

Section 104(a) exempts actions taken pursuant to Title I of the bill from the provisions of the National Environmental Policy Act of 1969 (NEPA). This provision was included in the bill because of the emergency nature of the current drought in the western United States, and the need to take action without further delays. I have enclosed both the language of section 104(a) and an excerpt from the Committee Report on H.R. 355 which addresses the NEPA exemption.

The NEPA exemption issue was debated at some length during the Committee markup of H.R. 355. Questions were raised regarding the possible precedent of this provision and whether or not existing rules and regulations for implementing NEPA addressed the need for emergency actions.

I would appreciate your cooperation in providing additional guidance to the Committee regarding NEPA exemptions for emergency actions. Specifically, the Committee needs to know whether there is currently a mechanism included in the council on Environmental Quality regulations that provides for exemptions from NEPA compliance under certain emergency or urgent circumstances. If so, could you please describe the process which must be used to secure exemptions.

Because H.R. 355 will be considered by the House later this week, your prompt response, via facsimile, would be appreciated. Please fax your response to the Subcommittee on Water, Power and Offshore Energy Resources, at 225-3554.

Thank you very much for your attention to this matter.

Sincerely yours,

GEORGE MILLER, Vice Chairman.

SEC. 104. EXEMPTIONS AND PRIORITIES. (a) NATIONAL ENVIRONMENTAL POLICY ACT.—Actions taken pursuant to this title are in response to emergency conditions and shall not be treated as major Federal actions significantly affecting the quality of the human environment for purposes of the National Environmental Policy Act of 1969.

FROM COMMITTEE REPORT ON H.R. 355

The Committee notes that the Sacramento-San Joaquin Delta is a vital link in the water supply of the State. The Delta is an important source of drinking water and irrigation water and is critical habitat for fish and waterfowl. Water quality must be maintained in order to protect the important beneficial uses of the Delta. Water quality is threatened during the drought in part because of salinity intrusion into the Delta from San Francisco Bay. This intrusion occurs when freshwater outflow is decreased. Because the quantities of water needed to flush the Delta may not be available during the drought, other measures to prevent salt water intrusion, such as the temporary barriers, may be necessary.

Sec. 104. Exemptions and priorities. This section provides that actions taken pursuant to Title I of this Act are exempt from the requirements of the National Environmental Policy Act of 1969 (NEPA). The Committee

took this action reluctantly and only because the drought conditions are so severe, particularly in California. Urgent actions are necessary to prevent permanent losses of fish, wildlife, orchards, and other perennial crops, and to ensure that public health and safety needs are met. The NEPA exemption is not to be construed as a precedent for any future such exemptions or waivers of law.

The Secretary is required to conduct, concurrent with the implementation of Title I, an assessment of the environmental impact of the temporary drought program and report such findings to the Congress in six months and again at the conclusion of the temporary drought program. This concurrent assessment is required because the Committee wants to know what environmental impacts occurred as a result of the temporary drought program authorized by this Act. This information is important to provide the basis for mitigation of adverse impacts and to avoid such impacts in any future or permanent drought response programs.

Sec. 105. *Applicable period of temporary drought program.* The programs and actions authorized in Title I of this Act become operative only after the Governor of a State requests this program and the Secretary of the Interior agrees it is merited. This authority terminates one year after the date of enactment of this Act or upon a determination by the Secretary, after consultation with the Governor or Governors of the affected States, that such authority is no longer needed. The Committee recognizes that this is a change from the trigger required to activate the "Reclamation States Drought Assistance Act of 1988".

#### TITLE II—PERMANENT DROUGHT AUTHORITY

Sec. 201. *Identification of Opportunities for water supply conservation, augmentation and use.* This section authorizes the Secretary to study and identify all opportunities for water conservation, water augmentation, and use of available federal water supplies to prepare for and respond to future drought situations as they occur.

#### EXECUTIVE OFFICE OF THE PRESIDENT, COUNCIL ON ENVIRONMENTAL QUALITY, Washington, DC, March 19, 1991.

Hon. GEORGE MILLER,  
*Committee on Interior and Insular Affairs, U.S.  
House of Representatives, Washington, DC.*

DEAR CONGRESSMAN MILLER: I am writing in response to your letter of March 18, 1991, regarding the Committee on Interior and Insular Affairs' question about emergency actions under the National Environmental Policy Act (NEPA). Your letter asks whether there is currently a mechanism included in the Council on Environmental Quality's (CEQ) regulations which provides for exemptions from NEPA compliance under certain emergency or urgent circumstances, and, if so, to describe the process which must be used to secure exemptions. Your inquiry arises in the context of certain NEPA exemp-

tions currently in Section 104(a) of Title I of H.R. 355, the Reclamation States Emergency Drought Relief Act of 1991.

The CEQ regulations implementing the procedural provisions of NEPA do provide a mechanism for "emergency circumstances". Specifically, the pertinent regulation states that:

Where emergency circumstances make it necessary to take an action with significant environmental impact without observing the provisions of these regulations, the Federal agency taking the action should consult with the Council about alternative arrangements. Agencies and the Council will limit such arrangements to actions necessary to control the immediate impacts of the emergency. Other actions remain subject to NEPA review. 40 C.F.R. §1506.11.

This regulation is not, of course, a waiver of statutory requirements; rather, it provides a mechanism for adaptation of the CEQ NEPA regulations to emergency circumstances. The regulation is triggered by a request to CEQ from a federal agency facing an action prompted by what it deems to be "emergency circumstances". Alternative arrangements are arrived at through consultation with that agency, other federal and state agencies with expertise and, time permitting, outside affected and interested parties. Generally speaking, CEQ has attempted to craft alternative arrangements commensurate with the nature of the environmental impacts, the nature of the emergency and the duration of the federal action. I am enclosing a chart which summarizes the twenty-one instances in which the regulation has been utilized since its promulgation in 1979.

CEQ believes that the emergency circumstances procedure contained in our NEPA regulations is the proper mechanism for the Bureau of Reclamation to use if and when it needs to consider drought relief measures outside of the normal NEPA process. This regulation has a successful track record in dealing with federal actions taken under emergency circumstances. For this reason, the Administration has expressed its opposition to the NEPA exemption contained in section 104(a) of H.R. 355. See Statement of Administration Policy, H.R. 355, dated March 19, 1991.

Please let me know if I can be of any further assistance to the Committee.

Sincerely,

DINAH BEAR,  
General Counsel.

#### STATEMENT OF ADMINISTRATION POLICY

The Administration shares Congress' concern over the serious impact of drought in the West. In response, the Department of the Interior submitted legislation, introduced as H.R. 1247, which would provide the Secretary with the authority to address problems arising from temporary droughts. Although many of the same authorities are found in H.R. 355, as reported by the House Interior and Insular Affairs Committee, a number of objectionable provisions have been added.

The Administration opposes H.R. 355, unless these provisions are deleted or amended.

The Administration urges the House to delete:

Section 204, which would authorize congressional committees to terminate a 60-day review period for certain drought contingency plans. This violates the separation of powers. See: *Chadha v. INS*, 462 U.S. 919 (1983), by subjecting Executive branch action to veto or approval by committees of Congress.

Section 307, which would require the Secretary to submit concurrently a report to Congress and the President. This violates the separation of powers by infringing on the President's authority to control the presentation of Executive branch views to Congress.

Sections 104(a) and 104(c), which would exempt temporary drought actions from the National Environmental Policy Act of 1969 (NEPA) and the Federal Paperwork Reduction Act (FPRA). Existing regulations adequately provide for expedited consideration in emergency situations. Exemption from either act is unnecessary and an undesirable precedent.

Section 304, which would authorize \$12 million to begin design and construction of a temperature control device at Shasta Dam in California. Prior to completion of a nearly 2-year-long study, construction of facilities, estimated to cost over \$50 million, cannot be justified. Water temperature is being controlled through existing management practices at the dam.

The Administration urges the House to amend:

Sections 101(a), 203(a)(1), 203(a)(3), and 305, to clarify the Secretary's authority to acquire and provide water for purposes not recognized as beneficial in some States.

Section 101(c), to better define which water-saving actions go beyond the efficiencies already required by contract, and which water is available for secretarial purchase.

Sections 102(d) and 102(e), to require States or project beneficiaries to pay for fish and wildlife resource expenses, as if required under normal conditions.

Section 103, to clarify that cost-sharing requirements for the construction of salt water barriers in the Sacramento-San Joaquin Delta, California, must be consistent with Administration policy.

Scoring for the Purpose of Pay-as-you-go and the Caps

H.R. 355 would authorize a minimum of \$42 million in additional discretionary funding subject to domestic discretionary caps in the appropriation process. In addition, the Shasta temperature control device, for which the bill only authorizes \$12 million, would require an estimated \$40 million in additional authority to complete construction. H.R. 355 could slightly increase federal receipts; OMB's preliminary scoring estimates of this bill are less than \$1 million per year.

#### ALTERNATIVE ARRANGEMENTS PURSUANT TO 40 CFR 1506.11—EMERGENCIES

| Nature of proposed action   | Nature of emergency  | Requesting agency   | Date CEQ contacted | Resolution of request  |
|---|--|---|--------------------|--|
| 1. Initiate land acquisition, relocation, site clearing and demolition activities prior to completion of EIS process.     | City of Detroit in such an economic crisis that the governor had declared state of emergency and GM threatened to build new plant elsewhere outside the city unless a cleared site was delivered by May, 1981. | City of Detroit, Michigan, under Section 104(h) of Community Development and Housing Act of 1974. | Sept. 19, 1980     | CEQ concurred in alternative arrangements proffered by City which included substantial mitigation and notification efforts, and no demolition prior to discussion with Advisory Council on Historic Preservation. Upheld in <i>Crosby v. Young</i> , 512 F.Supp. 1363 (E.D. Mich. 1981). |
| 2. Construct an emergency regulating pond to stop sewage flowing from Tijuana, Mexico into U.S. prior to preparing an EA. | Uncontrolled sewage flowing into US would pose health risks and foul beaches.  | International Boundary and Water Commission   | Mar. 8, 1983       | Approval given after environmental memorandum, and prior to EA (action qualified as a categorically excluded environmental emergency under IBWC's NEPA procedures).  |

ALTERNATIVE ARRANGEMENTS PURSUANT TO 40 CFR 1506.11—EMERGENCIES—Continued

| Nature of proposed action  | Nature of emergency   | Requesting agency  | Date CEQ contacted | Resolution of request  |
|--|---|--|--------------------|--|
| 3. Establish boundary to effect an immediate separation between the stone crab fishery and shrimp fishery without first preparing EA.  | Resolve conflict which had escalated into physical violence between the two fisheries.  | DOC/NOAA   | Mar. 9, 1983       | CEQ concurred, noting that fishery season would terminate May 15 and boundary issue would be fully addressed in two 1983-84 fishery management plans.  |
| 4. Spray for mosquitos with pesticides without first preparing an EIS.   | Stop outbreak of encephalitis in Yuma Proving Grounds, Arizona.   | DOD/U.S. Army  | Aug. 8, 1983       | Permission granted to meet clear and present threat to human and animal health, although EA or EIS might be necessary if long-term spraying were required.   |
| 5. OSHA published an emergency temporary standard on asbestos without doing an EIS.  | Remove harmful material   | DOL/OSHA   | Dec. 16, 1983      | OSHA advised assessment would be done on environmental effects prior to permanent standard hearings.   |
| 6. Begin aerial spraying of malathion pesticide in Idaho.  | Combat infestations of migratory grasshoppers on Idaho cropland.  | USDA/APHIS   | Aug. 3, 1984       | APHIS notified CEQ of the action, advising that 1979 Programmatic EIS found no adverse environmental effects.  |
| 7. Stabilize the structural elements of a historic building prior to completion of EIS process on the renovation.  | Prevent collapse of structure, and remove hazardous asbestos.   | Albany, NY Urban renewal Agency, under the Urban Development Action Grant program. | Oct. 16, 1984      | CEQ agreed with action as it would not cause environmental harm, and asbestos removal qualified as emergency circumstance.   |
| 8. Clean up herbicide-contaminated material prior to the preparation of environmental documentation.   | Herbicide-contaminated materials discovered at Fort A.P. Hill, Virginia (site of 1981 National Boy Scout Jamboree).   | DOD/U.S. Army  | Nov. 21, 1984      | CEQ was notified that environmental documents would be done concurrently with testing and clean-up at the site.  |
| 9. Issue a right-of-way grant and allow State of Utah to begin construction of Great Salt Lake West Desert pumping project prior to projected filing of FEIS with EPA in July, 1986. | Combat rising lake levels which would result in extensive damage to surrounding industries, wildlife habitats, recreation areas, transportation systems, and personal and private property. | DOV/BLM  | Feb. 27, 1985      | CEQ approved in May 1986, (after Utah legislature authorized construction funds), provided that BLM complete the NEPA process, discuss environmental impacts due to changes from original EIS, and that state mitigate impacts as agreed to through EIS process. |
| 10. Issue a permit to capture the 6 remaining California condors and remove them from the wild.  | Precipitous decline of species and likely extinction without enhancement of propagation.  | FWS/DOI  | Dec. 20, 1985      | CEQ agreed to issuance of permit, noting 9/85 EA, 10/85 FONSI, and that efforts were directed toward reentry of species in the wild. Upheld in National Audubon Society v. Hester, 801 F.2d 405 (D.C. Cir. 1986).  |
| 11. Destroy 1.3 million steelhead trout at Coleman National Fish Hatchery, California.   | Stop spread of incurable whirling disease, classified as emergency by FWS.  | FWS/DOI  | Jan. 31, 1986      | CEQ approved on basis of January, 1986 EA.   |
| 12. Begin aerial spraying of pesticide malathion prior to signing of ROD.  | Grasshopper infestation on rangeland in Arizona   | USDA/APHIS   | Apr. 25, 1986      | CEQ approval limited to acreage originally specified in request.   |
| 13. Destroy 5 million juvenile upright bright fall chinook salmon at Little White Salmon National Fish Hatchery, Washington.   | Stop outbreak of untreatable viral Infectious Hematopoietic Necrosis (IHN).   | DOV/FWS  | May 19, 1987       | CEQ approved destruction, noting EA evaluated impacts and alternatives to proposed action.   |
| 14. Remove unexploded ordnance near Martha's Vineyard in Massachusetts prior to completion of EA.  | Ordnance only recently exposed by natural wave process and is hazard to beach users unaware of it.  | DOD/Army   | Aug. 29, 1988      | Consultation was concurrent with action and prior to completion of EA.   |
| 15. License a hydroelectric facility at Milner Dam in Idaho prior to FEIS completion.  | Money needed for immediate repairs to prevent dam failure due to seepage or earthquake.   | FERC   | Oct. 25, 1988      | CEQ approved based on FERC's commitment to impose license conditions to mitigate adverse impacts.  |
| 16. Destroy 3.42 million Pacific salmon and steelhead eggs and fish at Makah National Fish Hatchery in Washington.   | Stop spread of untreatable Viral Hemorrhagic Septicemia (VHS).  | DOV/FWS  | Mar. 4, 1989       | CEQ approved after review of February 1989 EA.   |
| 17. Lower the water level behind the Clear Creek Dam and Reservoir in Yakima, Washington to 2970 feet prior to NEPA process.   | Avoid dam failure resulting in loss of life and property.   | DOV/BLM  | Jan. 3, 1990       | CEQ approved with understanding that the repairs or reconstructions thereafter would be conducted in compliance with NEPA.   |
| 18. Begin aerial spraying of pesticide malathion over residential areas in Los Angeles, California prior to NEPA process.  | Eradicate threatened outbreak of Mediterranean fruit fly infestation resulting in economic loss of over \$800 million to California agricultural industry.                                  | USDA/APHIS   | Jan. 19, 1990      | CEQ approved with 5 conditions (strict adherence to EPA quarantine exemption on malathion; vigorously pursue NEPA process; monitor program; monthly status reports to CEQ; and publish notice in affected countries).  |
| 19. Issue right-of-way for construction of Upper Flamingo Wash Detention Basin in Las Vegas, Nevada to begin prior to EIS completion.  | Avoid frequent flooding that previously resulted in loss of life and millions of dollars in damages.  | DOI/BLM  | Dec. 4, 1990       | CEQ concurred with understanding BLM would complete NEPA process for remainder of project.   |
| 20. Allow night flights into, and an increase in the overall number of flights from, Westover Air Force Base in Massachusetts.   | Troops and military supplies had to be transported for use in Persian Gulf military operations (Operation Desert Shield).   | DOD/Air Force  | Nov. 21, 1990      | CEQ agreed to the flights in view of the military action occurring in the Persian Gulf.  |
| 21. Test aerial deactivation of land mines from the air at Tonopah Test Range in Nevada.   | Preparation for war in the Persian Gulf (Operation Desert Shield/Storm).  | DOD/Air Force  | Jan. 16, 1991      | CEQ agreed, due to the relatively short time needed for testing (approximately 2 days), in view of the military action occurring in the Persian Gulf and the service's prior consultation with DOVFS.  |

Mr. Chairman, the CEQ has advised me that their regulations for implementing the procedural provisions of NEPA do provide a mechanism for emergency circumstances. This is triggered by a request to CEQ from a Federal agency faced with the need to respond to emergency circumstances. CEQ's letter also states that the Council believes that this regulation is the proper mechanism for the Bureau of Reclamation to use if and when it needs to consider drought relief measures outside of the normal NEPA process.

My interpretation of CEQ's letter and their regulations has convinced me that the NEPA exemption in section 104(a) of the bill is not needed. I am prepared to accept the gentleman's amendment.

Mr. JONTZ. Mr. Chairman, I thank the gentleman.

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

Mr. JONTZ. I yield to the gentleman from Utah.

Mr. HANSEN. Mr. Chairman, I would like to add my support to the amendment offered by the gentleman from Indiana. I have also received assurances from the administration and the Council on Environmental Quality that existing CEQ regulations adequately address the need for special NEPA procedures when emergency circumstances exist. I am also prepared to accept the gentleman's amendment on behalf of the minority.

Mr. JONTZ. Mr. Chairman, I thank the gentleman from Utah.

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

Mr. JONTZ. I am pleased to yield to the gentleman from California.

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Mr. LEHMAN of California. I thank the gentleman for yielding. I rise in support of this amendment to remove the National Environmental Protec-

tion Act exemption from title I of H.R. 355, but I would like to address a few concerns. I will address them to the gentleman from California [Mr. MILLER].

It is my understanding in reading section 105 of H.R. 355 that the temporary provisions of this bill are triggered when the Governor of a drought-affected State requests assistance and the Secretary of the Interior concurs that such assistance is merited. Is this correct?

Mr. MILLER of California. The gentleman is correct.

Mr. LEHMAN of California. It is also my understanding that the Secretary is then responsible for obtaining approval from the Council on Environmental Quality for each measure performed by the Bureau of Reclamation that may have an environmental impact, and that the Secretary must confirm in his request that the measure is in response to an emergency condition, in this case the drought, and that the

measures are a direct attempt to mitigate the impact of the drought.

Mr. MILLER of California. The gentleman is correct.

Mr. LEHMAN of California. Mr. Chairman, I would hope then that the Secretary would make every effort to work closely with the Council on Environmental Quality, and that he stress the importance and emergency necessity of those most essential activities, such as well drilling, water transfers, and construction of temporary salt water intrusion barriers.

Wherever possible, I also hope that the Secretary and the center work in tandem to plan activities that may require an exemption in order to reduce the time necessary to accomplish that exemption. I believe that all parties involved, the Secretary of the Interior, the Bureau of Reclamation, the Congress, and the President must do our utmost to expedite the Federal response to the drought.

I thank the gentleman from Indiana [Mr. JONTZ] for yielding, and I endorse his amendment.

Mr. JONTZ. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Indiana [Mr. JONTZ].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. GEJDENSON

Mr. GEJDENSON. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. GEJDENSON: Page 18, after line 9 (at the end of title III), add the following:

**SEC. 308. FULL COST PRICING OF WATER FOR SURPLUS CROPS.**

Notwithstanding section 102(c) of this Act, the price for water made available under title I of this Act, and the price for water made available through the implementation of any drought contingency plan under title II of this Act, shall be full cost (as defined in section 202(3) of the Reclamation Reform Act of 1982 (P.L. 97-293; 96 Stat. 1263; 43 U.S.C. 390bb)) if such water is used in the production of any crop of an agricultural commodity for which an acreage reduction program, or acreage limitation program, is in effect under the provisions of the Agricultural Act of 1949 (7 U.S.C. 1421 and following), unless the Secretary of Agriculture determines, and notifies the Committees on Agriculture and Interior and Insular Affairs of the House of Representatives and the Committees on Agriculture, Nutrition, and Forestry and Energy and Natural Resources of the Senate of such determination, that the stocks of such commodity in Commodity Corporation Credit storage are inadequate to provide for a reserve of such commodity that can reasonably be expected to meet a shortage of such commodity caused by drought, natural disaster, or other disruption in the supply of such commodity.

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

The CHAIRMAN. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

Mr. GEJDENSON. Mr. Chairman, we are here at a very ironic moment. The rains have started and replenished some of the drought. But we still have a crisis in California. Apparently Santa Barbara has water police driving around the city to make sure the citizens of Santa Barbara are not squandering a precious natural resource. We are in the fifth year of a drought. We are not in the first 6 months of a problem, we are in the fifth year of a drought.

For the previous 5 years, as I and some Members tried to address a process that irrationally used water to grow crops in surplus, we did nothing. So for 4 years, as a precious natural resource was depleted, and as we came here to the floor of the House time and time again and reached out to some Members and said, let us find a way to rationalize this process, let us not have the Federal taxpayers subsidizing crops that are in surplus, and then spending billions of dollars bringing water to grow more of those same crops.

If this was a welfare mother getting 50 cents more in food stamps, we would have three-quarters of the Members of Congress in the well of the House outraged that we were not watching the taxpayers' dollars. If this was a child on the WIC Program, we would come down here and say that we have some kids that deserve it that are not going to get it, because we are in a fiscal crisis, and, therefore, children who need the WIC Program are not going to get it because we cannot afford it.

If this was a Head Start Program, we would say look, we can only afford to provide for 25 percent of the kids in the Head Start Program, even though we know the program works, and even though we know there is a lot greater need than we are providing for.

But this water was going to million-acre farmers, so the political process chugged along. We subsidized the price of cotton, and then we bring in 3 million dollars' worth of water to one farmer to make sure he ends up with a \$7 million profit, not a \$4 million profit.

I am going to withdraw today's amendment because of the narrow focus of this issue today dealing with the drought. But I think that this Congress has to come to grips with the policy that is wasting Federal tax dollars, wasting a natural resource, and is going to force citizens to spend billions of dollars to bring in new water supplies.

Mr. Chairman, I have worked with the chairman of the committee, the gentleman from California [Mr. MILLER], on this issue before, and I know he is supportive. But to some other Members, I grew up on a dairy farm and my family still lives on one in Connecticut. I do not want to pull the rug out from under farmers in the midst of

a bad year. But I do want us to develop a system that will have us use this precious resource in some rational manner, and that we do not squander taxpayer dollars subsidizing multimillion-acre farmers.

I think the administration may have taken a courageous step forward. They said there ought to be a needs test for these programs. If one makes more than \$125,000, they should not get another subsidy. Whatever the approach is, we need to address that as the reclamation bill comes in the regular order.

Mr. Chairman, I rise today to offer my support for H.R. 355, the Reclamation Emergency Drought Relief Act of 1991. This bill provides some much-needed relief for many of our friends in California and the West. It will facilitate the needed transfer of water to fish and wildlife and allows willing sellers to sell their surplus water. I would also like to commend the vice chairman, Mr. MILLER, and others who have worked hard to craft this bill.

For the past 4 years of this drought, considered to be the worst in 50 years, California's water distribution system has been able to supplement the lack of rainfall for agricultural uses with other sources, including ground water pumping and the California State water project. As a result, until this year irrigators have seen little or no reduction in their supply of irrigation water.

This year, however, we have come to realize that water is a very limited resource. There is no longer an unlimited supply. As a result of this drought, we have come to understand that by providing water to one user we deprive another. By providing a farmer with federally subsidized water to grow "monsoon-climate crops" like rice or cotton, we are depriving other users.

Unfortunately, as a result of this worsening drought, some dramatic steps have been taken in California. For example, the State water project announced cutbacks to municipal and industrial users by 90 percent of their normal allocation. The State water project suspended all deliveries to agricultural users, except for what is necessary to keep perennial crops alive. And the Bureau of Reclamation has reduced its water allocation to agricultural irrigators by 75 percent. With such steps and the dire need for drought relief, how can we subsidize that relief water to irrigate surplus crops?

My amendment to this legislation would ensure that water provided by this drought measure will not be subsidized to irrigate unneeded surplus crops. This in hopes that it will be used for other, more necessary purposes.

Mr. Chairman, by providing this precious water resource at a subsidized rate for the irrigation of surplus crops, we are depriving farmers of perennial crops like orchards and vineyards, who are already hurting from the December 1990 freeze.

We would deprive fish and wildlife of this precious water. Many species of fish and waterfowl throughout the region are already considered to be threatened as a result of this drought. If more water is not provided to some of these species they may become endangered and thus federally protected under the

Endangered Species Act, one of the strictest Federal statutes on the books. If this is the case, water districts throughout the West will face incredibly strict restrictions on water allocation and prohibitions on construction.

The Fish and Wildlife Service estimates that the Central Valley salmon and steelhead streams have less than 40 percent of their required flow. Last year only 441 adult Sacramento River winter chinook salmon returned to spawn, compared with a normal run of 2,000-3,000.

Additionally, fall chinook salmon in the San Joaquin River System have dropped from a high of 70,000 spawning salmon in 1985 to 600 in 1990.

Finally, providing subsidized drought relief water to support the irrigation of unneeded surplus crops will deprive already water-starved municipal and industrial users.

Residents of urban areas throughout California and the West are facing severe water rationing. The city of Santa Monica has adopted a plan to cut back water delivery by more than 25 percent from 1990 levels.

Water police in Santa Barbara patrol the streets enforcing a ban of the watering of lawns and gardens. Some urban dwellers use "gray water" or household wastewater from washing machines, showers, tubs, and bathrooms to water lawns, shrubs, and plants. This despite warnings from health officials of the possible dangers of the spread of disease by this untreated wastewater.

Additionally, computer chip companies in the silicon valley are faced with severe water rationing which threatens their ability to produce computer chips. Industry officials are worried that because of the potential for cuts in water allocation of more than 35 percent since 1987, they will face production cuts and layoffs. Some are reevaluating expansion plans for the area while others are considering relocating out of the State. This could mean the potential loss of more than 300,000 highly skilled jobs to this region and the State.

What this drought has taught us more than anything is that water is a limited resource. We must allocate it rationally in times of plenty and even more importantly during times of drought. We are now, and have for the past 4 years, been faced with a terrible drought. How can we now justify providing federally subsidized water to produce surplus crops while depriving perennial crop producers, fish and wildlife, urban areas, and industrial users of this essential fluid?

With that said, I rise today to offer an amendment. My amendment will ensure that especially during this time of drought emergency, every ounce of water is allocated for its most urgent use and that we have a rational policy of distributing this very limited resource. My amendment will ensure that water provided for drought relief from the Bureau of Reclamation will not be subsidized for the irrigation of surplus crops.

The amendment that I am offering today is fair. It does not prohibit irrigators from buying water with their own money on the free market. Nor does it take away any farmer's or any water district's right to water already provided under an existing contract. This amendment will allow any farmers or water district to ob-

tain as much water as they are able if they are willing to pay at least full cost for it.

What it does is simply ensure that any additional or supplemental water provided by virtue of this drought relief measure or by future contingency plans developed by the Department of the Interior for future droughts is used for the production of surplus crops, will not be subsidized. This means that water provided by special drought purchases by the Secretary of the Interior or by special sales to districts that are outside of normal reclamation service areas will not be provided at a subsidized rate for the irrigation of surplus agricultural commodities. These users must pay full cost.

This amendment will ensure that other agricultural, municipal, industrial, and environmental users may have an opportunity to compete for this water on the open market, and it will, by the nature of its cost, encourage producers of unneeded surplus crops to simply use less.

In past Congresses, I have offered an amendment to reform the Reclamation Program under normal circumstances and plan to do so again. There is a clear contradiction between the Federal Reclamation Programs which provide subsidized water to encourage farmers to grow surplus crops at the same time as the agriculture programs pay farmers to participate in set-asides and other production limitation programs. Though I plan to pursue this, that is not what my amendment is about today. My amendment today deals with water provided during critical emergencies.

If I had my choice, we would prohibit all provisions of water provided for the production of surplus crops under this act simply because we do not have enough of it. This amendment does not do that. This amendment simply says that we will not subsidize water provided by the drought relief bill for the production of surplus crops.

This issue, though not as broad, is all the more serious. The Western States are in a critical drought emergency and I believe we have a responsibility to help them. However, while helping to provide relief, that assistance must come in a rational way. We cannot subsidize farmers to irrigate unneeded crops with supplemental water that we are providing because of a drought emergency. This amendment provides the guidance that is necessary to allocate this resource more rationally.

Urban dwellers are not allowed to shower; why should we bathe unneeded crops in that water; nor should we subsidize it.

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

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

Mr. MILLER of California. Mr. Chairman, I want to thank the gentleman from Connecticut [Mr. GEJDENSON] for agreeing to withdraw his amendment. I agree with his amendment. I think that his amendment raises one of the very fundamental issues that not only those Members in Congress must address with respect to the allocation of taxpayer dollars, but those of us in California clearly must address with respect to the allocation of water within our State.

I think that as the gentleman from Connecticut [Mr. GEJDENSON] has crafted his amendment, to have it be triggered in a critical dry year, to have that change the use and priorities of not only taxpayer dollars but of the water, is an important step forward in rational resource use. But I would say that this bill addresses the very narrow focus of people in very serious trouble as a result of the drought and trying to provide the efficiencies and the flexibilities so that the Secretary of the Interior can join with the State of California in moving what little water we have to the people that need it the most.

Given the fact that they have already made a decision, the State of California and the bureau, to make dramatic cutbacks in water delivery this year, and I agree, it is too late, but this year, I would hope that the gentleman from Connecticut [Mr. GEJDENSON] would withdraw his amendment, and then certainly agree to protect his rights, as the gentleman knows in the committee we will be addressing reclamation reform. I would hope that the gentleman would then offer his amendment. I would expect to support that amendment. As the gentleman saw last year on the floor of Congress, I think that the Congress is very, very receptive to that type of change in the administration of this program and our resources.

The CHAIRMAN. The time of the gentleman from Connecticut [Mr. GEJDENSON] has expired.

(At the request of Mr. MILLER of California and by unanimous consent, Mr. GEJDENSON was allowed to proceed for 2 additional minutes.)

Mr. GEJDENSON. Mr. Chairman, I yield to the gentleman from California [Mr. MILLER].

Mr. MILLER of California. Mr. Chairman, I thank the gentleman from Connecticut [Mr. GEJDENSON] for cooperating. We have very different agendas on the Committee on Interior about water use in the West and how it should be used and under what means. But this is a time to set those differences aside, because none of us can change the fact that we are in the fifth year of a drought, and that there are serious impacts, both in the agricultural community and in the urban community and within the environment and the economics of our State and other areas of the West. So I appreciate the consideration that the gentleman is showing for the other members of this committee and for the people who are in serious trouble as a result of this drought.

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

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

Mr. LEHMAN of California. Mr. Chairman, I too want to express my appreciation to the gentleman from Connecticut [Mr. GEJDENSON] for agreeing to withdraw this amendment. I cer-

tainly appreciate his sincerity in this regard and the strength with which he holds his opinion.

As the gentleman from California [Mr. MILLER] just said though, to bring it up at this time I think would create a controversy where we really do not need one in the situation we are in, and we do not need to have this committee and this floor deeply divided over this matter of policy.

Mr. Chairman, I would say I have talked to the gentleman from Connecticut [Mr. GEJDENSON] over the past couple of days, and I hope over the next couple of weeks perhaps a few Members on all sides of this issue can get together and try to bring it to some type of conclusion to the greatest degree possible that would satisfy everyone. I appreciate the response of the gentleman here.

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

Mr. GEJDENSON. I yield to the gentleman from Utah.

Mr. HANSEN. Mr. Chairman, I appreciate the gentleman from Connecticut yielding. I also appreciate his withdrawing the amendment at this time. I am sure we can look into it at another time.

Mr. Chairman, I include for the RECORD a letter from the U.S. Department of the Interior, from Dennis B. Underwood, Commissioner of Reclamation. I think it will shed a little light on it from the other side.

U.S. DEPARTMENT OF  
THE INTERIOR,

Washington, DC, March 21, 1991.

Hon. JAMES V. HANSEN,  
Ranking Minority Member, Subcommittee on  
Water, Power, and Offshore Energy Resources,  
Washington, DC.

DEAR CONGRESSMAN HANSEN: This letter is in response to a telephone inquiry by a James C. Barker, Minority Counsel for the Water, Power, and Offshore Energy Resources Subcommittee, concerning the impact of the pending Gejdenson amendment to H.R. 355, the "Reclamation States Emergency Drought Relief Act of 1991."

It is my understanding that Congressman Gejdenson intends to offer an amendment, the text of which is attached, when H.R. 355, as amended, is considered by the full House on Thursday, March 21, 1991.

On a preliminary analysis, it is not clear that the scope of the amendment would be limited to additional, temporary water contracts entered into under the provisions of Title I or Title II. The amendment, as currently worded, could potentially affect existing water contracts.

As I stated above, this is a preliminary analysis of the amendment which is being done at the request of Subcommittee staff. This letter does not represent the position of the Department of the Interior regarding the Gejdenson amendment.

Sincerely,

DENNIS B. UNDERWOOD,  
Commissioner of Reclamation.

H.R. 355

Amendment to H.R. 355, as reported, offered by Mr. GEJDENSON

Page \_\_\_\_\_, after line \_\_\_\_\_ (at the end of title III), add the following:

SEC. 308. FULL COST PRICING OF WATER FOR SURPLUS CROPS.

Notwithstanding section 102(c) of this Act or any other provision of law, the price for water made available under title I of this Act, and the price for water made available through the implementation of any drought contingency plan under title II of this Act, shall be full cost (as defined in section 202(3) of the Reclamation Reform Act of 1982 (P.L. 97-293; 96 Stat. 1263; 43 U.S.C. 390bb)) if such water is used in the production of any crop of an agricultural commodity for which an acreage reduction program, or acreage limitation program, is in effect under the provisions of the Agricultural Act of 1949 (7 U.S.C. 1421 and following).

COLLOQUY ON FUNDING OF THE SHASTA DAM PROJECT (H.R. 355)

Mr. UPTON. I would like to engage the Vice Chairman of the Committee on Interior and Insular Affairs in a brief colloquy for the purpose of clarifying the intent of language contained in the Committee Report accompanying this bill.

Mr. MILLER. I would be pleased to assist the gentleman.

Mr. UPTON. Thank you. I am sure many members of the House share my concern over increasing federal deficits and the need to ensure we focus our limited federal resources on high priority needs. This bill authorizes \$12 million for Fiscal Year 1992 for the design and partial construction of a water temperature control project at the Shasta Dam on the Sacramento River. While I agree with the goal of protecting fish and wildlife resources, I am concerned about the funding of this project.

Section 304 on page 18 of the Committee report for this bill says in part:

The Committee intends that the \$12 million authorized in H.R. 355 be reimbursable in accordance with Reclamation law.

My understanding of this language is that since the Shasta Dam is part of the Central Valley Project in California, users of its water and power would reimburse the federal government for the \$12 million authorized by H.R. 355 in accordance with Reclamation law. Am I correct in my understanding of the Committee's intent?

Mr. MILLER. The gentleman is correct. The Committee does not intend the federal taxpayer to pay the design and partial construction cost of the temperature control project authorized by H.R. 355 for Fiscal Year 1992. The Committee indeed expects the federal government to be fully reimbursed for these funds in accordance with Reclamation law.

Mr. UPTON. Section 304 of the Committee report continues:

The Committee notes, however, that legislation is pending in Congress (H.R. 1306) that would, if enacted in its present form, allow future expenditures for the temperature control device to be cost-shared among water and power consumers and the State of California.

I understand this language to mean the remaining construction cost of the Shasta Dam project, which I understand is estimated to be \$48 million, will be funded by the State of California and the users of the water and power. Am I correct in my understanding of the Report's language?

□ 1220

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

Mr. GEJDENSON. I yield to the gentleman from Arizona.

Mr. RHODES. Mr. Chairman, I want to echo the comments made by the gentlemen from California, Mr. LEHMAN and Mr. MILLER, and express my gratitude to the gentleman from Connecticut for allowing this bill to proceed forward unimpeded.

I just want to make an observation. As the gentleman will recall, when he first presented his proposition last year he and I were able to work together on perfecting his amendment to the point where I was not in opposition to it, and I hope the gentleman understands the difference between not being in opposition and supporting. But I need to observe that the amendment the gentleman was going to offer here today is not the same as the amendment which we worked on last year, and it is not in a form where I could not be opposed to it now, and I would hope in the interim that we could work together to get it back into shape.

The CHAIRMAN. The time of the gentleman from Connecticut [Mr. GEJDENSON] has again expired.

(On request of Mr. RHODES and by unanimous consent Mr. GEJDENSON was allowed to proceed for 1 additional minute.)

Mr. RHODES. If the gentleman will continue to yield, I would hope that we can work together to get back in a position similar to last year.

Mr. GEJDENSON. I certainly hope so.

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

Mr. GEJDENSON. I yield to the gentleman from Wisconsin.

Mr. ROTH. Mr. Chairman, I rise in support of the Gejdenson amendment to H.R. 355, the Reclamation Emergency Drought Relief Act of 1991.

Mr. GEJDENSON has presented a good argument on the adverse effects that continued Government-subsidized irrigation would have on fish and wildlife. We should not be supporting water subsidies to farmers who will only add to existing commodity surpluses. It is important for us to protect our fragile natural resources.

People are interested in wildlife and endangered species. More specifically, I want to elaborate on how government water subsidies have helped the California dairy industry to expand and contribute to overproduction and low milk prices.

The price for milk has plummeted over \$4 since September. The support price is at \$10 per hundredweight, more than a dollar less than the cost of production.

Between January 1990 and January 1991, the number of dairy cows dropped in four of the top five dairy States by as much as 3½ percent. Wisconsin, New York, Pennsylvania, and Minnesota all registered declines. But California increased its number of cows by 3 percent

and its total milk production by 5½ percent.

Government subsidized irrigation has permitted California dairy farmers to get up to four more cuts of alfalfa each year than the dairy farmers in Wisconsin and other areas of the country who rely on Mother Nature. Government water subsidies to California have led to more alfalfa, more cows and a surplus of dairy products. As a result, farmers in America's Dairyland are being driven to the brink of bankruptcy.

Wisconsin dairy farmers produce the best dairy products in the world. They work their land as it is given to them and they produce feed with what Mother Nature hands out. Now they are facing tough times because the Government has been dumping money into water for our western neighbor, making it easy for California dairymen to increase production and overproduce.

I support this amendment not only on its environmental merits which the gentleman from Connecticut has expressed, but because it will help to hold back the overproduction of California's dairy industry. By ending Government subsidies for irrigation of alfalfa, I am hopeful that we can stem the flow of surplus cheese, butter, and powder from California.

If the surplus is brought under control then milk prices will begin to rise.

Dairy farmers in Wisconsin produce with what they get from Mother Nature, not the American taxpayer. California farmers should too.

Mr. GEJDENSON. Reclaiming my time, I appreciate the remarks of my friend from Wisconsin. To see us using Government-subsidized water to grow grass, to grow fodder at a time when urban dwellers are using gray water and recovery systems for their own sanitary needs, it does not seem to make a lot of sense. But in an effort to try to resolve the broader issues that are before us, I will withdraw the amendment.

The CHAIRMAN. The time of the gentleman from Connecticut [Mr. GEJDENSON] has again expired.

(On request of Mr. PETRI and by unanimous consent Mr. GEJDENSON was allowed to proceed for 1 additional minute.)

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

Mr. GEJDENSON. I yield to the gentleman from Wisconsin.

Mr. PETRI. Mr. Chairman, I thank the gentleman for yielding. I would just like to commend him for this amendment. It is a serious amendment and it addresses a serious problem.

Mr. Chairman, I rise in support of this amendment. When a resource is scarce it makes common sense to allocate that resource for the highest priority uses. Water in the west is a scarce resource even in ordinary times, but now it is dangerously scarce.

While we are considering \$42 million in drought relief, it would seem logical to make sure that this scarce resource is used for the highest priorities.

A key to this drought relief legislation is to give the Bureau of Reclamation powers to ease the effects of the drought, by providing greater flexibility to move water where it is needed most. This amendment strengthens that purpose by making sure that water is not wasted to grow surplus crops.

One provision of this bill authorizes the bureau to assist willing buyers and sellers to exchange water. By not providing subsidized water for the purpose of growing surplus crops we are allowing other users to compete for this precious resource, thereby, increasing the chances that it will be used for the highest priorities.

Now, it is my opinion that using subsidized water to grow surplus crops never makes any sense. However, when we are providing emergency drought relief it seems almost criminal to allow even one penny of this \$42 million to be used to subsidize farmers growing unneeded crops.

This amendment does not take existing water rights or contracts from farmers. Nor does it stop them from growing surplus crops.

It merely requires that if they want to get more water to grow these crops, they pay at least full cost for it, and compete for it fairly with other buyers.

I urge my colleagues to support this amendment to make sure when we provide water for drought relief, that we actually provide relief to the areas that need it most. I think we all would agree our relief effort would be severely undermined by allowing the use of extra subsidized water for the production of unneeded surplus crops during a time of drought.

Mr. DE LA GARZA. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I was prepared to offer an amendment to the gentleman's amendment that would have made it conform to the compromise on this issue that we arrived at and was adopted by the House last year. I will not do this at this time for the simple reason that our distinguished friend has advised us that he will not finally offer the amendment. Instead, I will commit to work with the gentleman and the distinguished acting chairman of the Committee on Interior and Insular Affairs to develop a workable and equitable compromise to address the gentleman's concerns.

Beyond that, let me say that we do not want to put the issue off to the side and forget it. It needs to be addressed, and there will be a proper time to address it.

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

Mr. DE LA GARZA. I am happy to yield to my friend, the gentleman from Connecticut.

Mr. GEJDENSON. Mr. Chairman, I would just like to thank the chairman of the Agriculture Committee for coming down, and I look forward to working with him. He is a very tough nego-

tiator. But I think the chairman senses that there is a problem here that needs to be dealt with and that there is a majority, at least in this Chamber at this point who want to address the issue.

So I look forward to working with my friend, the chairman of the Agriculture Committee, in trying to resolve this, and I thank him for his comments.

Mr. DE LA GARZA. I thank the gentleman and we too look forward to working with the distinguished members of the Interior and Insular Affairs Committee, their acting chairman and every Member of good will that is willing to work with us.

Let me just say as an aside, now that the issue has at this time been resolved so that we may look at it later, we are still the best fed people in the world, in the history of the world for the least amount of disposable income per family of any of the major industrialized countries in the world. That is a fact.

The greater part of American producers, because we do not want to paint with too wide a brush, the greater part of American producers do not receive, do not receive a subsidy or assistance from the Government. More often than not they get harassment from the Government.

In my area in Texas, which is fruit and vegetables, we get nothing from the Government. They go to the open market with supply and demand.

There have been abuses through the years, one here, one there. Those we have addressed directly by the Agriculture Committee. No one will again get their \$1 million like happened at one time.

Water is an issue that is not going to leave us. The world is in a water deficit situation. We hear and see on the 10 o'clock news or the 6 o'clock news when there is a flood someplace, but for every flood there are nine areas that are now deficient in normal precipitation, and that is what we have to address, not that a farmer got a double subsidy here or something like that. What we have to address is the conservation, the proper utilization, but for the specific reason that it is needed for the sustenance and the national security of this country of ours and our people, not because some farmer got a little money from the Government. That should not be the issue. The issue should be that we as a people need to use our concerted efforts and expertise to see that we learn how to conserve the water or the rain that the good Lord gives us, which more often than not in recent years has not been sufficient to keep us the best fed nation in the world for the least amount of disposable income.

I did not bring my chart, but I will just graphically describe it. We have this red line about 6 inches high, and that is the total budget, \$1 trillion plus. Then at the very bottom, like on

the margin where you cannot really see the line in black, that is what we spend from the budget for agriculture; six-tenths of 1 percent of the total budget goes for agriculture.

I wanted to put that in perspective before ending and saying that we will be very happy to work with the distinguished gentleman from California, the acting chairman of the committee, and with our friend from Connecticut and any other Member who is interested in the preservation and conservation of the waters of this great country of ours for the sustenance and for the production of that which we all need, which is nourishment.

#### PARLIAMENTARY INQUIRY

Mr. MILLER of California. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. MILLER of California. Mr. Chairman, I believe that the Gejdenson amendment is still before us?

The CHAIRMAN. The gentleman is correct.

Mr. MILLER of California. And I believe we have other speakers who desire to speak on the amendment. I know the gentleman from Michigan [Mr. WOLPE] wishes to speak on the amendment.

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

Mr. Chairman, I understand that the gentleman from Connecticut [Mr. GEJDENSON] will be withdrawing his amendment which would require that farmers growing surplus crops with subsidized water pay full cost for this water. I am encouraged, however, by the commitment that has been made that this issue will be addressed in the reclamation legislation that will be before the House shortly.

There is no question that this drought assistance legislation is virtually needed for California and other parts of the West. As California suffers through the second longest drought of the century, we must do all we can to provide essential water resources to growers and water-starved cities. However, in providing this emergency assistance we must be absolutely certain that we allocate precious water resources in a wise and fair manner. We need to insure that our important water resources are not wasted and are provided to those who need them most.

Mr. Chairman, providing drought relief water for the production of surplus crops is a blatant waste of water resources. Let me underscore some important facts about California's water situation:

In 1988 irrigated agriculture diverted about 83 percent of all the developed water in the State. By the most generous measure, agriculture represents 10 percent of the \$735 billion State economy.

About 35 percent of California's surface water supply is sold to farmers by the Bureau of Reclamation at subsidized rates.

In 1988, 4 of every 10 acres of irrigated California cropland were planted in four relatively low-value, water intensive crops: Alfalfa, pasture, cotton, and rice. Based on calculable rates, the 3.8 million acres raising these four crops as recently as 1988 consumed 13.5 million acre-feet of water. In an urban setting that would be more than enough for a population twice as large as California's.

In this time of crisis we must be certain to use our water resources efficiently. Mark Reisner, a water policy expert, writes this about California's water management system:

California has enough existing developed water supply for as many people and as much worthwhile agriculture as we should rationally want \* \* \* the whole system, in other words, should be managed more efficiently and conservatively before we get into another EPIC north-south water war. Some improvements in the distribution infrastructure may be needed, particularly in the Delta region, but the top priority by far is to stretch the existing supply. In retrospect, it will seem folly that during the first 4 years of a worsening drought virtually all agricultural water customers received their normal State and Federal allocations.

Mr. Chairman, the issue we are faced with is whether or not we should be building more expensive water projects amid huge budget deficits and very weary taxpayers, or whether we should be working to construct a more rational, effective, and fair distribution of our diminishing water supplies. I hope we will be able to resolve this issue when the legislation comes to the floor shortly dealing with the broader question of reclamation policy.

□ 1203

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

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

Mr. HANSEN. I am happy to yield to the gentleman from California.

Mr. HERGER. Mr. Chairman, I rise in strong opposition to this amendment. The last thing we need to do in responding to one of the worst droughts in California's history is to single out small segments of our rural communities to bear a disproportionate amount of pain. The precedent that this amendment would set would do exactly that.

The gentleman from Connecticut bases his argument on what I feel are misleading, false statements. He has stated that "the Bureau of Reclamation has continued to provide full water allocations to farmers producing surplus crops" during the drought. This is incorrect. In 1990, Federal allocations to California farmers were cut by 50 percent. This year, the Bureau has

reduced water supplies to these same farmers by 75 percent.

The gentleman stated that "city dwellers have faced water rationing" over the past 4 years due to the drought. This is misleading. In fact, a recent California Department of Water Resources report on statewide conservation activities stated that "there is a higher ratio of mandatory to voluntary programs in the agricultural industry than in municipalities."

The gentleman also argues that "we don't need" so-called surplus crops. Again, the facts have been obscured. Due to the success of the 1985 farm bill, supplies of cotton and rice are at historically low levels. Thus the term surplus crop is a complete misnomer. Moreover, planted acreage of rice and cotton in California is expected to be reduced by at least one-third due the drought. This will undoubtedly result in tighter supplies nationwide.

This legislation is aimed at providing drought relief for all Californians through a variety of means. This amendment, however, would set a precedent for singling out farmers of certain crops to bear a disproportionate share of the burden. Farmers are already facing a substantial threat to their livelihoods because of the 75-percent cut in their water supplies. Any further reduction in farm activity will result in even more unemployment and hardship for our rural communities.

This amendment is also misguided for economic reasons, as it would begin to dismantle the most productive agriculture in the world. California farmers contribute \$18 billion to our economy. It is estimated that one of every three jobs in the State are related to agriculture. Moreover, our trade deficit is reduced by \$4 billion every year because of California agricultural exports.

This measure is terribly inequitable and bad policy.

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

Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Connecticut.

The gentleman argues that there is something inherently wrong about farmers receiving reclamation water and being enrolled in farm price support programs, particularly when we are in the midst of the fifth year of a drought. I will not deny the fact that the West has a severe drought problem, in fact, where I live we have two kinds of weather. It is either dry or in a drought. But the gentleman is just flat wrong when he says these producers are a part of the drought problem and that we are squandering water to farmers who grow surplus crops.

Cutting the rug from underneath the family farmer is not going to solve the drought problem. In the Pacific Northwest region, particularly Oregon, you

cannot make a link between reducing agricultural subsidies and more water for cities. In Oregon, the population centers are on the west side of the State, which usually receives an abundance of water. The farmers involved in the reclamation program are on the east side, separated by a mountain range that will not allow for the transfer of water.

This amendment will not aid water-starved cities nor wildlife, but it may dry up 148,000 farms—53,000 of them in the Northwest—that could be impacted by this proposal. Keep in mind that reclamation projects generate almost \$20 million in economic activity and 800,000 jobs each year, which, of course, benefits the Federal Government.

I will submit that the gentleman is not as interested in providing more water for urban areas in the west as he is in doing away with the reclamation program. Let us not kid ourselves. What the gentleman does not like about reclamation is that his State or district do not get any of the benefits.

If it is the gentleman from Connecticut's intention to highlight excessive Government spending—he might look in his own backyard. Connecticut gets 34 times more Department of Defense procurement contracts than the State of Oregon. So I might suggest that when it comes to sopping up Federal dollars, Connecticut is doing very well for itself.

It is my understanding that it has been raining in Connecticut this week, and that their reservoirs are full, and they have adequate ground water. So perhaps the gentleman is not as sensitive to the problems out west as those of us who live there.

I suggest if the gentleman wants to change agricultural policy, he should do it before the Agriculture Committee, instead of forestalling victory for a bill that is essential to California. I urge my colleagues to oppose the amendment offered by the gentleman from Connecticut.

Mr. SHARP. Mr. Chairman, I rise in support of the Gejdenson amendment, which will establish fair priorities and promote free market principles in the allocation of the West's most precious natural resource: water.

Like the drought my State of Indiana and others in the Midwest endured a few years ago, this latest western drought has already inflicted its harsh damage on crops, and on families whose livelihood depends on a good harvest. In 1988, Congress widely determined to help the farmers in my district and the districts of many other Members of this body, and Federal drought relief is no less necessary and justified for the West's farmers now.

Yet it is imperative that any relief should be driven by reason and the setting of basic priorities. A few years ago, farmers in my State had to make some tough but necessary choices—such as taking some land out of production—despite the Congress' emergency drought measures. These choices temporarily decreased my farmers' incomes. Insisting the

western farmers make similar tough but necessary choices regarding the drought assistance we are debating today is exactly what the Gejdenson amendment is all about.

The Gejdenson amendment is simple and straightforward: farmers who make the choice to grow crops that are in surplus will not be able to stand at the head of the spigot for scarce additional supplies of water that may be provided under this bill—water whose cost is borne largely by the American taxpayer. This drought relief bill also gives Congress an opportunity to tell those who have quenched their thirst at the Federal money spigot that the Federal Government's tap is bone dry as well. Setting reasonable priorities for the use of the taxpayer's money is another goal the Gejdenson amendment achieves.

This is not an attempt to further punish farmers who have been hit hard by the forces of nature. The drought already has dictated that the volume of Federal irrigation water delivered to farmers in Western States be reduced. That is a fact, and adoption of the Gejdenson amendment will not alter reductions already made necessary by the drought.

Make no mistake: those voluntarily growing surplus crops will continue to benefit from commodity price supports administered by the Department of Agriculture. If they want, they can even choose to continue to grow crops that are in surplus. But when western irrigators make such free market choices to get drought-relief water, they will have to pay free market prices for that water.

The Gejdenson amendment sets some very commonsense priorities during this emergency for the use of federally subsidized water. Given the many competing pressures for this scarce resource—from family households, vital municipal services, agriculture, and industry—such priorities simply must be set. Because the Federal Government has long been in the business of developing sources of water for the West, we in Congress have an obligation to establish some fair priorities when water resources cannot adequately satisfy all legitimate users.

Setting some minimum priorities for federally subsidized water is the first step the Congress must take in reforming the way water is developed, delivered, and allocated in the Western States. Despite the welcome rains and snowfall that have recently drenched California, the legislation we consider today is not a boon-doggle for the West. Even if this week's rains continue, reservoirs and aquifers and snowpacks are still far below adequate levels. This drought may soon be over—but others will surely follow. In the meantime, population and development pressures will continue, and the legitimate needs for water will increase.

Even with conservation, the economic future of the West will depend upon setting priorities for the use of water. We can take a small but significant step in the right direction today. I urge my colleagues to vote in favor of the Gejdenson amendment.

Mr. GEJDENSON. Mr. Chairman, I ask unanimous consent to withdraw my amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

#### AMENDMENTS OFFERED BY MR. DE FAZIO

Mr. DEFAZIO. Mr. Chairman, I offer three amendments, and I ask unanimous consent that they be considered en bloc.

The CHAIRMAN. Is there objection to the request of the gentleman from Oregon?

There was no objection.

The CHAIRMAN. The Clerk will report the amendments.

The Clerk read as follows:

Amendments offered by Mr. DEFAZIO: Page 9, line 3, insert "(a) IN GENERAL.—" before "The programs".

Page 9, after line 12, insert:

(b) COORDINATION WITH BPA.—If a Governor referred to in subsection (a) if the Governor of the State of Washington, Oregon, Idaho, or Montana, the Governor shall coordinate with the Administrator of the Bonneville Power Administration before making a request under subsection (a).

Page 12, line 6, after "(42 U.S.C. 4321)" insert ", section 715(a) of the Water Resource Development Act of 1986 (33 U.S.C. 2265(a)),".

Page 12, line 14, insert "(a) APPROVAL.—" before "The Secretary".

Page 13, after line 11, insert:

(b) PACIFIC NORTHWEST REGION.—A contingency plan under subsection (a) for the State of Washington, Oregon, Idaho, or Montana, may be approved by the Secretary only at the request of the Governor of the affected State in coordination with the other States in the region and the Administrator of the Bonneville Power Administration.

Page 16, line 19, before "or the Fish and Wildlife" insert "section 715(a) of the Water Resource Development Act of 1986 (33 U.S.C. 2265(a))."

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

The CHAIRMAN. Is there objection to the request of the gentleman from Oregon?

There was no objection.

Mr. DEFAZIO. Mr. Chairman, as our colleagues know, the Pacific Northwest has some particular issues with regard to this legislation, because our region has some unique problems in dealing with water allocation and our own drought problems in the Pacific Northwest. Although not as highly publicized as those in California, we are suffering from a drought.

The chairman of the committee and the staff have been very cooperative in working with us to address these particular concerns. In the Northwest, we are attempting to deal with the potential listing of five salmon runs as threatened or endangered in the Columbia Basin.

The Governors of three States along with the National Marine Fisheries Service, the Corps of Engineers, Indian tribes, irrigation and fishing interests and other user groups are working to reach a consensus on how the region can best deal with this problem and we can manage our water.

Mr. Chairman, we want to ensure that nothing jeopardizes this process. Our States also share a river, and

through cooperation and understanding, we have been able to avoid major conflicts.

This amendment being offered by myself and the gentleman from Idaho [Mr. LAROCO] affects only the Pacific Northwest and would address some of our region's unique concerns.

The BPA [the Bonneville Power Administration] provides electricity to customers in Oregon, Washington, Idaho, and western Montana. The BPA markets power from 30 Corps of Engineers and Bureau projects and has been able to manage the system with great efficiency.

Our amendment states that the Governors of Northwest States must coordinate with the Administrator of the Bonneville Power Administration before making a request for emergency assistance under this legislation that might affect that system.

Second, this legislation gives the Secretary permanent authority to prepare drought contingency plans so the regions are better able to deal with serious droughts like that being experienced in California and other parts of the West.

Our amendment states that the Secretary could implement one of these plans only upon the request of the Governor of the affected State and in coordination with the other Governors in the region and the BPA Administrator.

Last, our amendment clarifies that this legislation in no way modifies, supersedes, or affects the 1986 Water Resources Development Act. That act precludes the study of the transfer of water from the Pacific Northwest to California. Anytime that California gets a little bit thirsty and starts looking for water, we get a little bit nervous in the Pacific Northwest.

Contrary to what some people in southern California and other areas might think, we do not have any surplus water in the Pacific Northwest, and we must protect the resources, precious resources, we do have and use it better in the future.

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

Mr. DEFAZIO. I am happy to yield to the gentleman from Idaho.

Mr. LAROCO. Mr. Chairman, I rise in support of the DeFazio-LaRocco Amendment. Because we share the Columbia River drainage, our water problems in the Northwest are interdependent. We feel we need involvement and cooperation of all Governors. As we have experienced through the recent Salmon summit, by pulling one thread, we could, essentially, unravel the whole network. Our concern is about overlaying a bill designed to solve California's problems on top of the effort to sort out the water problems in the Northwest. Mr. Chairman, we offer this amendment to give the Northwest Governors, with their intimate knowledge of the regions water problems and

users, a chance to participate in the decision to develop and implement a water plan for their State and to trigger the drought relief measures sought in this bill.

In Idaho, water is our life blood. We, like California, are going into our fifth year of drought and, so, are empathetic to emergency action for relief.

Water is not only important for agriculture in the southern part of our State, but is a limiting factor for the recovery of several important species of anadromous fish, including fall chinook and sockeye salmon. As Mr. DEFAZIO said, we are well into a complicated effort to develop a solid regional solution to our water problems—a cooperative solution developed by a broad array of interest groups across the Northwest including Bonneville Power Association and the Corps of Engineers, not under the authority of the Interior Department. And, if the salmon are listed, we will be working closely with the National Marine and Fisheries Service [NMFS], which is under the jurisdiction of the Department of Commerce to restore salmon.

□ 1240

Mr. DEFAZIO. Mr. Chairman, I yield to the gentleman from Oregon [Mr. SMITH].

Mr. SMITH of Oregon. Mr. Chairman, I rise in support of this amendment. As has been pointed out, the Pacific Northwest region is indeed unique. We share one river, several States do, and we are very dependent on that river, of course, for power generation, for agriculture, for fisheries.

This amendment calls for all the Governors of all the States affected on the Columbia River, to become involved in the request to the Secretary of Interior, should there be need to displace, move, or transfer water of any sort. That puts Members at ease simply because the bill, as it came from the Committee on Interior and Insular Affairs, of course, would only refer to one Governor.

Now, all the Governors affected are within it, and we think that is a protection which we absolutely need. It is so true that when we begin discussing water transfers between basins in the West, all people in the West become very nervous. We all know that California is dry. We also ought to know that Oregon is dry as well as part of Idaho, the upper reaches of the Columbia. We want inside the umbrella of this legislation, but we also want the protection that we are not going to allow transfers of water between Oregon and any other State unless our Governor is involved. That goes, of course, to say that other States will involve their Governors. I believe this gives ample protection.

I thank the gentleman from Oregon and the gentleman from Nevada for initiating this amendment. I think it fur-

ther clarifies and protects water resources in our State. I want to support the original bill to assist California in this drought-stricken situation, as well as other States in the Pacific Northwest.

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

Mr. DEFAZIO. I yield to the gentleman from Washington.

Mr. MORRISON. Mr. Chairman, I thank the gentleman from Oregon for yielding, and also for working with all the Members of the Northwest delegation in perfecting this.

(By unanimous consent, Mr. DEFAZIO was allowed to proceed for 2 additional minutes.)

Mr. DEFAZIO. I yield to the gentleman from Washington.

Mr. MORRISON. I thank the gentleman for his efforts to coordinate this with a number of Members who have concern. We want to keep our friends from California, yet at the same time we need a degree of insulation as far as the Northwest is concerned. I thank him, and thank a number of staff people who have been very instrumental in putting these particular words on paper. I hope that we will have full support of the House in this amendment.

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

Mr. DEFAZIO. I yield to the gentleman from Utah.

Mr. HANSEN. The minority has had an opportunity to examine the gentleman's amendment, and they are happy to accept the amendment.

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

Mr. DEFAZIO. I yield to the gentleman from Arizona.

Mr. RHODES. Mr. Chairman, Mr. Hansen has basically stated our position. I personally think the language in the bill, as written, takes care of the situation that we are concerned about, but I understand the gentleman's nervousness when California is thirsty. We share a river between Arizona and California. When they are nervous, we are downright paranoid.

If this clarifies the situation, a little bit better, we will accept your amendment.

Mr. MILLER of California. Mr. Chairman, we have had an opportunity to look at the amendment. We have worked with the gentleman from Oregon [Mr. DEFAZIO] as well as the gentleman from Idaho [Mr. LAROCO] on this amendment. It has been considered by the minority, and as I think we have heard on a bipartisan basis, there is no objection to this amendment to quell the nerves of our neighbors. I would accept the amendment.

The CHAIRMAN. The question is on the amendments offered by the gentleman from Oregon [Mr. DEFAZIO].

The amendments were agreed to.

AMENDMENT OFFERED BY MR. PANETTA

Mr. PANETTA. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. PANETTA: Page 9, after the period in line 22 (at the end of section 201) add the following: "The Secretary is authorized to provide technical assistance to States and to local government entities to assist in the development, construction, and operation of water desalination projects, including technical assistance for purposes of assessing the technical and economic feasibility of such projects."

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

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

There was no objection.

Mr. PANETTA. Mr. Chairman, I rise to offer this amendment to this legislation that would authorize the Secretary of Interior to provide technical assistance to State and local governments who are constructing desalination plants.

Obviously, I want to commend, again, both the chairman and ranking member for the fine work that they have done on this important piece of legislation. The problem we have is that obviously a Bureau of Reclamation of Water does not serve all of the communities that are impacted by the drought, particularly the coastal communities. We have a number of coastal communities now that, as a consequence of the severe drought, are looking at the possibility of constructing desalination plants to try to augment dwindling supplies.

As I said, when we deal with the drought, we are obviously not only trying to conserve water, but looking to other alternatives to develop water supplies, reclamation, recycling, and for the coastal communities, desalination is a real possibility.

One of the problems we have right now, however, is there really is a lack of technical assistance of coordination of the information that is needed to try to develop desalination projects. So what this amendment would do, essentially, is provide the Secretary of Interior the authority to provide that technical assistance to State and to local government entities, to assist in the development, construction, and operation of water desalination projects, including technical assistance for purposes of assessing the technical and economic feasibility of such projects.

There was a time, obviously, when these kinds of projects were considered prohibitively expensive, and indeed, there are still some concerns about the costs of these projects, but there has been advancement in desalination technologies, and there is obviously growing concern that this could be a possible alternative for many of the coastal communities.

Therefore, with so many of the communities seeking this out right now, and I have several in my district that are currently looking at the possibility of desalination, I know Santa Barbara and other communities are also looking at that possibility, what we really need is a coordinating mechanism, and the Federal Government needs to play that kind of coordinating role. For that reason, I would urge that this amendment be part of this package to provide the kind of comprehensive help that is so important to our communities.

Mr. Chairman, I rise to offer an amendment to H.R. 355, the Reclamation States Emergency Drought Relief Act of 1991, that would authorize the Secretary of the Interior to provide technical assistance to States and local governments who are constructing desalination plants.

I would like to first take this opportunity to commend Acting Chairman MILLER and the members of the Interior and Insular Affairs Committee for their fine work on this critical piece of legislation. I am sure that I speak for the millions of residents of drought-stricken States when I say that your efforts are much appreciated.

While a modest provision, the amendment I am offering will provide significant assistance to coastal communities who are constructing desalination plants to augment dwindling water supplies. It would provide the Secretary of the Interior with the authority to provide technical assistance to States and to local government entities to assist in the development, construction, and operation of water desalination projects, including technical assistance for purposes of assessing the technical and economic feasibility of such projects.

Previously thought of as being a prohibitively expensive source of water in the United States, advancements in desalination technologies and growing concerns with water supplies have made desalination a viable water resource option for many coastal communities in California and particularly in my own congressional district. Yet with no technical guidance from the Federal Government, many of these communities are operating in the dark.

With so many communities actively pursuing desalination it makes sense for the Federal Government to play a coordinating role in providing technical assistance to local entities to ensure that research efforts are not wastefully duplicated on the local level. It is my understanding that the Bureau of Reclamation has extensive knowledge on desalination technologies and would be readily able to provide local communities with the assistance needed.

I would also note, Mr. Chairman, that it is my understanding that Acting Chairman MILLER and the ranking Republican of the subcommittee, Mr. HANSEN, have no objections to this amendment.

Mr. Chairman, the gravity of the situation facing the drought-stricken States demands that Congress and the States not only pursue temporary relief measures but also pursue long-term projects, like desalination, which will help us to avoid crippling water shortages

in the future. I urge my colleagues to join me in this effort by supporting this amendment.

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

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

Mr. MILLER of California. Mr. Chairman, I want to commend the gentleman for offering this amendment. I think he points out a fact that many people are not aware of, that while the Bureau of Reclamation may not be able to physically deliver water to his area of the State of California, clearly the Bureau does have expertise and long-time experience in looking at desalination as an alternative, and is engaged in a pilot project down in Arizona. I think the extent to which this amendment will allow the Secretary to bring an expertise and resources to the coastal communities of the State of California will be very, very helpful. I would accept the amendment.

I believe that the minority has no problem with the amendment. We would be happy to accept it, and I thank the gentleman for offering it.

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

Mr. PANETTA. I yield to the gentleman from Utah.

Mr. HANSEN. Mr. Chairman, the minority has no objection. We think it is a good amendment. I commend the gentleman from California [Mr. PANETTA].

Mr. PANETTA. Mr. Chairman, I thank the chairman and the ranking member, and I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California [Mr. PANETTA].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. TRAFICANT

Mr. TRAFICANT. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. TRAFICANT: Insert the following new section at the end of title III:

**SEC. 308. BUY-AMERICAN REQUIREMENT.**

(a) DETERMINATION BY THE SECRETARY.—If the Secretary, with the concurrence of the United States Trade Representative and the Secretary of Commerce, determines that the public interest so desires, the Secretary shall award to a domestic firm a contract that, under the use of competitive procedures, would be awarded to a foreign firm, if—

(1) the final product of the domestic firm will be completely assembled in the United States;

(2) when completely assembled, not less than 51 percent of the final product of the domestic firm will be domestically produced; and

(3) the difference between the bids submitted by the foreign and domestic firms is not more than 6 percent.

In determining under this subsection whether the public interest so requires, the Secretary shall take into account United States international obligations and trade relations.

(b) LIMITED APPLICATION.—This section shall not apply to the extent to which—

(1) such applicability would not be in the public interest;

(2) compelling national security considerations require otherwise; or

(3) the United States Trade Representative determines that such an award would be in violation of the General Agreement on Tariffs and Trade or an international agreement to which the United States is a party.

(c) LIMITATION.—This section shall apply only to contracts for which—

(1) amounts are authorized by this act (including the amendments made by this act) to be made available; and

(2) solicitation for bids are issued after the date of the enactment of this Act.

(d) REPORT TO CONGRESS.—The Secretary shall report to the Congress on contracts covered under this section and entered into with foreign entities for fiscal year 1991 and shall report to the Congress on the number of Contracts that meet the requirements of subsection (a) but which are determined by the United States Trade Representative to be in violation of the General Agreement or an international agreement to which the United States is a party. The Secretary shall also report to the Congress on the number of contracts covered under this Act (including the amendments made by this Act) and awarded based upon the parameters of this section.

(e) DEFINITIONS.—For purposes of this section—

(1) SECRETARY.—The term "Secretary" means the Secretary of the Department of the Interior.

(2) DOMESTIC FIRM.—The term "domestic firm" means a business entity that is incorporated in the United States and that conducts business operations in the United States.

(3) FOREIGN FIRM.—The term "foreign firm" means a business entity not described in paragraph (2).

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

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. TRAFICANT. Mr. Chairman, I am very glad to see that the drought-stricken California community will get some help. I would like to suggest that they get an extra \$13 million by taking the \$15 million going to Jordan, and giving them to the farmers in the drought-stricken communities of California, and save everyone some money, and perhaps do something better for the community.

I have a couple of things to mention. It seems ironic in certain parts of the country we are paying for drought problems, and certainly parts of our country up in the Great Lakes, we paid for erosion control and flood control in the Great Lakes. I am starting to wonder, as I question industrial policy and energy policy, and I am starting to wonder what America's water policy is. I think there might be a way to help California out in addition to this. One thing is for sure, I want to say this before I go on, every person left in the Midwest, and all the old steel towns and those communities that made a lot

of products before, I think people recognize that they could not eat a Toyota, and it is pretty expensive drinking Perrier all the time, why not come back and look at our communities? The land costs are relatively favorable.

□ 1250

There are all kinds of utilities and infrastructure, and it would be very good for you. We would like to welcome you back.

My amendment is specific and to the point. It gives a little weighted advantage in this act so that American companies may get in fact the awards for these contracts.

The only thing I would like to say is that the American people are not asking for much. I think they are asking for an opportunity for a job, and we as a Congress have got to start figuring in the policies around here, unemployment compensation costs, welfare costs, food stamp costs, job training costs; so I think it is a reasonable amendment. It speaks to the point, and I would appreciate the support of the committee.

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

Mr. TRAFICANT. I am glad to yield to the gentleman from Ohio, my neighbor in Ohio.

Mr. APPELEGATE. Mr. Chairman, I thank my colleague from just to the north of me. I want to commend him for offering this amendment. I think it makes eminent good sense that if we are going to let contracts for work to be done to help our friends and neighbors in California or any other part of the United States, that we have Americans do the work.

I think as was pointed out by the gentleman from Ohio [Mr. TRAFICANT] that here we are, we are sticking \$55 million more back in to give to a country and a leader of a country that has betrayed us, has called us various and sundry names, and here we are, the President of the United States is going to go ahead and forgive Poland and forgive Egypt the billions of dollars that they owe us. They want to ask to forgive billions of dollars that Israel owes us, and we are continuing to send our jobs overseas.

We are sending all our jobs overseas because we have such an inequity in our trade policies.

How are we going to do anything about a \$3½ trillion deficit if we do not have people in the United States who are working and paying taxes into the coffers to help?

And what about American productivity and American jobs?

Now they want to take money out of the Export-Import Bank and send it over to help build Kuwait and Iraq. That does not make sense.

I will say this, that if we do not have some kind of a mandate on these things when they go and send these

jobs overseas, is Bechtel going to hire Americans? Are they going to take Americans over there? No, they are not going to. They are going to go over there and hire them themselves.

The gentleman from Ohio [Mr. TRAFICANT] did put in an amendment, a sense of Congress, to say that American jobs be used if American companies are going to be contracted to do that overseas. They are not going to pay any attention to it.

I think what is going to be very important is that the Traficant amendment stay in the bill and that it not be stripped out in a conference committee. American jobs should remain American and take care of American problems. I think it makes eminent good sense.

I would ask that you support this from now all the way through the Senate and through the conference committee.

Mr. TRAFICANT. Mr. Chairman, I would just like to ask the committee for their support. It is a good amendment and I ask if they would support it and keep it in the conference.

Mr. MILLER of California. Mr. Chairman, I move to strike the last word.

I want to say that we have had an opportunity to examine this amendment. We have no real problem with it. It is consistent with the efforts that the gentleman from Ohio has been trying to make in terms of making sure that American jobs and manufacturing processes are considered and protected. We have no problem with the amendment at this time.

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

Mr. MILLER of California. I yield to the gentleman from Utah.

Mr. HANSEN. Mr. Chairman, the minority associates itself with the statement of the majority. We feel the same way. We have no problem with the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio [Mr. TRAFICANT].

The amendment was agreed to.

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

Mr. Chairman, at this time I would like to engage in a colloquy on behalf of Congressman DOOLEY, Congressman CONDIT and myself, with Chairman DE LA GARZA of the Agriculture Committee, for some clarification.

Mr. Chairman, I have heard concern from some program crop participants that if they must idle their land due to reduced water deliveries because of the drought, their crop acreage base for the farm programs may be reduced. What is the gentleman's understanding of the effect that reduced water deliveries may have on farm program participants?

Mr. DE LA GARZA. Mr. Chairman, if the gentleman will yield, it is my understanding that producers have a

number of options under these circumstances. For example, they may elect to enter 0/92 or 50/92 program thus protecting their crop acreage base. A producer could also elect not to plant a program crop and to protect his or her base by zero certifying with their local ASCS office. Finally, it is my understanding that the Department of Agriculture has pledged to address these issues administratively, in recognition of the severe drought situation, and I know that they are.

The Committee on Agriculture is committed to monitoring this matter and to work with the Department and interested Members to ensure that these producers are treated fairly and equitably.

Mr. FAZIO. Mr. Chairman, I thank the gentleman for his comments, and I certainly think they will go a long way toward encouraging the participation of farmers in the central valley of California and the Sacramento Valley to participate to the best of their ability in programs that would share our scarce water resources around the State.

Mr. Chairman, I rise in strong support of H.R. 355, the Reclamation States Emergency Drought Relief Act of 1991.

This is an important bill, Mr. Chairman, and I urge my colleagues to support it.

The recent rainfall has done little to reduce the need for this critical measure. We are in the midst of the fifth consecutive year of drought. Despite the recent rains, the storage levels in California's reservoirs are just slightly higher than they were in 1977—the driest year of record and when the State of California had 7 million fewer residents. And, while 1991 will not be the driest year of record and when the State of California had 7 million fewer residents. And, while 1991 will not be the driest year of record, it will be one of the driest the State has experienced—perhaps, the fourth driest year of record, based on current estimates. That's positive, but our State is still facing a drought emergency.

Since the end of February, before the latest wave of winter storms, total storage within the central valley project has increased just 5 percent, from 49 percent of average storage levels to 54 percent. This is far less than the increase in precipitation, which has increased from 25 percent to 57 percent of average levels. Most of the precipitation has been in the coastal regions and in the south, rather than in the northern part of the State where most of our storage facilities are located and which supplies most of the water needs for California. For example, storage in the San Joaquin River systems is up to nearly 65 percent of the average levels, but storage in the Sacramento system is just barely more than half the average annual storage levels and far less

than the storage levels reached last year. Storage in the Sacramento system is at 1.8 million acre feet, compared to a 3.3 million acre feet average and 2.7 million acre feet last year.

And, despite the recent rains, deliveries from the State and Federal water projects for agricultural and municipal and industrial purposes have been severely cut back. Deliveries to the State's farmers have been cut by as much as 75 percent.

Clearly, this measure is a critically needed piece of legislation. It will help integrate water storage and transfer facilities throughout the State so that we can make the most of our limited, existing supply. The bill will also help assist willing buyers and sellers to exchange water, and authorize the Bureau to participate in water banks established by the States.

Very importantly, the bill also directs the Bureau to establish drought contingency plans so that we can be better prepared to respond to future drought situations.

Mr. Chairman, I commend Chairman MILLER, Congressman LEHMAN and Congressman RHODES for their leadership on this issue. Again, this is a good bill, it is essential to an effective response to the dire drought conditions now facing California and several other States in the West. And, it is essential to the effective use of funds that I am advocating that we add to the supplemental appropriations bill for emergency drought relief activities by the Bureau of Reclamation.

Mr. LOWERY of California. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in support of H.R. 355, which substantially incorporates the provisions of the Interior Department supported measure I introduced, H.R. 1247.

The measure is important to California because it would provide the bureau greater flexibility to move water where it is needed; would authorize participation in a State water bank; and, would allow the U.S. Department of the Interior to develop drought contingency plans—before we find ourselves 5 years into a drought.

Mr. Chairman, San Diego is at the end of the water pipeline in California. We are the cul-de-sac. Less than 5 percent of San Diego's water is obtained locally, while more than 95 percent must be imported from as far as 600 miles.

Imported water costs San Diego farmers anywhere from \$300 to \$500 per acre foot due to high delivery costs and pumping. San Diego farmers have become very efficient using drip irrigation methods and efficient sprinkler systems. We are investigating more methods of reclamation and even desalination.

This bill goes a long way in helping to ensure water can be moved and man-

aged more efficiently. The measure will remove the legal plugs in the plumbing system throughout the State. San Diegans and Californians are living with severe water restrictions. They are willing to bite the bullet and conserve but they need help. The recent rain and snow are making a difference but we are still at only 50 percent of the normal snowpack we need.

This bill has had bipartisan crafting and bipartisan support. It could mean the difference of California becoming the dust bowl of the 1990's, or of California continuing to be America's No. 1 agricultural State.

Mr. Chairman, I want to commend my California colleagues, Representatives MILLER, LEHMAN, and LAGOMARSINO, and Representatives DON YOUNG, JIM HANSEN, and JOHN RHODES for their diligence in crafting this measure. While there may be differences in approach, this measure deserves our support.

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

Mr. Chairman, I rise in support of this important piece of legislation. I commend the author for meeting quickly the needs of California's drought-stricken citizens.

I think this bill does provide the appropriate temporary assistance, and it makes a start at providing and putting in place long-term measures to assist the citizens of California and other western states when conditions of drought are present.

I rise also, Mr. Chairman, to observe that California is a State in need of more water storage. That became quite evident to me in a hearing that was held where it was revealed that we are purchasing or negotiating to purchase about a million acre-feet of water from the Colorado River system.

□ 1300

They also are in drought, as are we, but they are capable still of having surplus water. One of the realities is that in Colorado they have in that river system an average runoff of about 15 million acre-feet per year. In the Sacramento Valley system we have an average runoff of just about the same, 15 million acre-feet per year. However, in the Colorado River system, they have 60 million acre-feet of storage. So when they are in a drought year, they can go for a while and still meet their water needs. The Sacramento Valley, by way of contrast, has no more than 11 million to 12 million acre-feet of storage.

The solution is quite clear; it is more water storage. One component of that solution is something that many of us have fought for for a long time, and that is the completion of the multipurpose Auburn Dam.

This is a solution for which the funding is becoming available which would meet all the water needs of California,

because we are a State which ultimately faces flood and drought. Indeed, the great flood of 1986 occurred in a drought year when the unusual effect of El Niño manifested itself, and the snow was melted in just a few days time.

I will be working together with other colleagues in the House trying to meet the water needs of California both temporarily by supporting this bill and for the long term by fighting for the completion of the multi-purpose Auburn Dam.

I appreciate this opportunity to address the Members.

Mr. THOMAS of Wyoming. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the bill but, more specifically, to thank the Chairman for the work that he has done on the bill and specifically his amendment on excess storage and carrying capacity. It addresses a serious problem for Wyoming, and I appreciate his cooperation in working with us.

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

Mr. Chairman, I rise to thank the chairman of the Committee on Interior and Insular Affairs for the help he rendered through this bill to a very important and critical part of my constituency, and that is the commercial fishermen of the California north coast and our Indian tribes that also rely on the fishery resource for their very livelihood.

This bill will, through its authorizing language, contain important direction to the Secretary of the Interior and the Bureau of Reclamation asking that flows in the Trinity River be increased and maintained at a sufficient level to sustain that fishery for those fishermen.

This is but a first effort to benefit those groups on the north coast which are a very, very important part of the proud heritage, very important part of our lineage of resource industries on the California north coast.

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

Mr. RIGGS. I yield to the chairman of the committee.

Mr. MILLER of California. I thank the gentleman for yielding.

Mr. Chairman, I want to thank the gentleman for his support of this legislation and certainly will tell him that we share his concern, as does the committee.

Mr. Chairman, the gentleman referred to the report language in the report on this legislation, where we make it very clear that we are deeply concerned about the impact of the drought on the Trinity River and the responsibilities of the Secretary to meet the Federal trust responsibilities for the Hoppa Valley Indian tribes and also recognizing the importance of these rivers with respect to commercial fishermen and commercial fish assets off

the coast of northern California. It was our expectation that the Secretary will make every reasonable effort to provide in-stream fishery releases to the Trinity River of not less than 340,000 acre-feet of water during the 1991 drought year and that he would continue to make those efforts to release that water through 1996.

I think the gentleman raises a very important point that the drought has many, many impacts. In a State as large as California, they are very, very diverse.

But the Trinity River has been under an incredible degree of stress for a whole host of reasons even before the drought occurred, and we share the gentleman's concerns about the maintenance and preservation of the Trinity, its fisheries, our trust responsibilities to the tribes.

I thank the gentleman for his support.

Mr. RIGGS. I thank the chairman for his comments and support, and look forward to working with him to continue to provide for the maintenance of these critical fisheries on the California north coast, and would look forward to collaborating with him in further legislative efforts if that proves necessary.

Mr. Chairman, I strongly support H.R. 355 because of the language included in the report that acknowledges the drastic need for increased water flows in the Trinity River. Several Indian tribes, commercial, and recreational fishermen have suffered tremendously as a result of water diversion to the Central Valley Project.

I wish to thank Chairman MILLER, and the Committee on Interior and Insular Affairs for recognizing the obligation that Congress has to fulfill Federal trust responsibilities to provide adequate streamflows and water quality to the Trinity River. Despite Federal obligations and congressional mandates (Public Law 98-541), that call for restoration of the Trinity "to a level approximating that which existed immediately before the start of the construction of the Trinity River division," the Bureau of Reclamation has persistently managed the Trinity River Division in a manner that thwarts the restoration and maintenance of natural fish populations.

The time is now to begin restoring our fisheries and honoring our obligations to the people whose lives depend on this dwindling resource. I thank the committee for taking this positive first step by introducing this legislation.

The CHAIRMAN. Are there further amendments?

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

Mr. Chairman, earlier in the debate the gentleman from California placed a letter in the record from the Commissioner concerning payment of operation and maintenance expenses. I want to make it clear that I do not share the gentleman's interpretation of the authority of such policy.

The letter, however, does raise a number of questions and, to be somewhat candid, is rather confusing about exactly what is or is not the authority of the Bureau with respect to O&M payments.

It is my intent to seek answers to the questions raised by this letter over the next few weeks and I hope to have this issue resolved before this legislation is enacted.

The CHAIRMAN. Are there further amendments to the bill?

If not, the question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. DE LA GARZA) having assumed the chair, Mr. TORRES, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 355) to amend the Reclamation States Drought Assistance Act of 1988 to extend the period of time during which drought assistance may be provided by the Secretary of the Interior, and for other purposes, pursuant to House Resolution 114, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

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

The question is on the amendment.

The amendment was agreed to.

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

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

The SPEAKER pro tempore. The question is on the passage of the bill.

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

Mr. RUSSO. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device and there were—yeas 387, nays 23, not voting 21, as follows:

[Roll No. 55]

YEAS—387

|              |          |           |
|--------------|----------|-----------|
| Abercrombie  | Aspin    | Bateman   |
| Alexander    | Atkins   | Beilenson |
| Allard       | AuCoin   | Bennett   |
| Anderson     | Bacchus  | Bentley   |
| Andrews (ME) | Baker    | Bereuter  |
| Andrews (TX) | Balleger | Berman    |
| Annunzio     | Barnard  | Bevill    |
| Anthony      | Barrett  | Billbray  |
| Applegate    | Barton   | Billrakis |

Bliley  
Boehler  
Boehner  
Bonior  
Borski  
Boucher  
Boxer  
Brewster  
Brooks  
Broomfield  
Browder  
Brown  
Bruce  
Bryant  
Bunning  
Burton  
Byron  
Camp  
Campbell (CA)  
Campbell (CO)  
Cardin  
Carper  
Carr  
Chandler  
Chapman  
Clay  
Clement  
Clinger  
Coble  
Coleman (MO)  
Coleman (TX)  
Collins (IL)  
Collins (MI)  
Combust  
Condit  
Cooper  
Costello  
Coughlin  
Cox (CA)  
Cox (IL)  
Coyne  
Cramer  
Cunningham  
Dannemeyer  
Darden  
Davis  
de la Garza  
DeFazio  
DeLauro  
Dellums  
Derrick  
Dickinson  
Dicks  
Dingell  
Dixon  
Donnelly  
Dooley  
Doolittle  
Dorgan (ND)  
Dornan (CA)  
Downey  
Dreier  
Durbin  
Dwyer  
Dymally  
Early  
Eckart  
Edwards (CA)  
Edwards (TX)  
Emerson  
Engel  
English  
Erdreich  
Espy  
Evans  
Fascell  
Fazio  
Felghan  
Fish  
Foglietta  
Ford (MI)  
Ford (TN)  
Frank (MA)  
Franks (CT)  
Frost  
Gallegly  
Gallo  
Gaydos  
Gejdenson  
Gekas  
Gephardt  
Geren  
Gibbons  
Gilchrist  
Gillmor  
Gilman

Gingrich  
Glickman  
Gonzalez  
Gordon  
Goss  
Gradison  
Grandy  
Green  
Gunderson  
Hall (OH)  
Hall (TX)  
Hamilton  
Hammerschmidt  
Hansen  
Harris  
Hastert  
Hatcher  
Hayes (IL)  
Hayes (LA)  
Hefley  
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Herger  
Hertel  
Hoagland  
Hobson  
Hochbrueckner  
Holloway  
Hopkins  
Horn  
Horton  
Houghton  
Hoyer  
Hubbard  
Huckaby  
Hughes  
Hunter  
Hutto  
Hyde  
Inhofe  
Ireland  
James  
Jenkins  
Johnson (CT)  
Johnson (SD)  
Johnston  
Jones (GA)  
Jones (NC)  
Jontz  
Kanjorski  
Kaptur  
Kasich  
Kennedy  
Kennelly  
Kildee  
Kleczka  
Klug  
Kolbe  
Kolter  
Kopetski  
Kostmayer  
Kyl  
LaFalce  
Lagomarsino  
Lancaster  
Lantos  
LaRocco  
Laughlin  
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Lehman (CA)  
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Lewis (CA)  
Lewis (GA)  
Lightfoot  
Lipinski  
Livingston  
Long  
Lowery (CA)  
Lowey (NY)  
Luken  
Machtley  
Markey  
Marleene  
Martin  
Martinez  
Matsui  
Mavroules  
Mazzoli  
McCandless  
McCloskey  
McCollum  
McCrery  
McCurdy  
McDade  
McDermott

McEwen  
McGrath  
McHugh  
McMillan (NC)  
McMillen (MD)  
McNulty  
Meyers  
Mfume  
Michel  
Miller (CA)  
Mineta  
Mink  
Moakley  
Mollinari  
Mollohan  
Montgomery  
Moody  
Moorhead  
Moran  
Morella  
Morrison  
Mrazek  
Murphy  
Murtha  
Myers  
Nagle  
Natcher  
Neal (MA)  
Neal (NC)  
Nichols  
Nowak  
Oakar  
Oberstar  
Obey  
Olin  
Ortiz  
Orton  
Owens (NY)  
Owens (UT)  
Oxley  
Packard  
Pallone  
Panetta  
Parker  
Paxon  
Payne (NJ)  
Payne (VA)  
Pease  
Pelosi  
Perkins  
Peterson (FL)  
Peterson (MN)  
Pickett  
Pickle  
Porter  
Poshard  
Price  
Pursell  
Quillen  
Rahall  
Rangel  
Ravenel  
Ray  
Reed  
Regula  
Rhodes  
Richardson  
Riggs  
Rinaldo  
Ritter  
Roberts  
Roemer  
Rogers  
Rohrabacher  
Ros-Lehtinen  
Rose  
Rostenkowski  
Roth  
Roukema  
Rowland  
Roybal  
Russo  
Sabo  
Sanders  
Sangmeister  
Sarpaluis  
Savage  
Sawyer  
Saxton  
Schaefer  
Schuefer  
Schiff  
Schroeder  
Schulze  
Schumer  
Serrano

Sharp  
Shaw  
Shays  
Shuster  
Sikorski  
Sisisky  
Skaggs  
Skeen  
Skelton  
Slattery  
Slaughter (NY)  
Slaughter (VA)  
Smith (IA)  
Smith (NJ)  
Smith (OR)  
Smith (TX)  
Snowe  
Solarz  
Spence  
Spratt  
Staggers  
Mrazek  
Stenholm  
Stokes

Studds  
Stump  
Sundquist  
Swett  
Swift  
Synar  
Tallon  
Tauzin  
Taylor (MS)  
Taylor (NC)  
Thomas (CA)  
Thomas (GA)  
Thomas (WY)  
Thornton  
Torres  
Torricelli  
Towns  
Traficant  
Traxler  
Unsoeld  
Upton  
Valentine  
Vander Jagt  
Vento

Viscosky  
Volkmer  
Vucanovich  
Walsh  
Washington  
Waters  
Waxman  
Weber  
Weiss  
Weldon  
Wheat  
Whitten  
Williams  
Wilson  
Wise  
Wolf  
Wolpe  
Wyden  
Wylie  
Yates  
Yatron  
Young (AK)  
Young (FL)  
Zimmer

**AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN EN-GROSSMENT OF H.R. 355, RECLAMATION STATES EMERGENCY DROUGHT RELIEF ACT OF 1991**

Mr. MILLER of California. Mr. Speaker, I ask unanimous consent that in the engrossment of the bill, H.R. 355, the Reclamation States Emergency Drought Relief Act of 1991, the Clerk be authorized to make technical and conforming amendments.

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

There was no objection.

□ 1330

**CONFERENCE REPORT ON S. 419, RESOLUTION TRUST CORPORATION FUNDING ACT OF 1991**

Mr. GONZALEZ. Mr. Speaker, pursuant to the order of the House of March 19, 1991, I call up the conference report on the Senate bill (S. 419) to amend the Federal Home Loan Bank Act to enable the Resolution Trust Corporation to meet its obligations to depositors and other by the least expensive means, and ask for its immediate consideration.

The Clerk read the title of the Senate bill.

(For conference report and statement, see proceedings of the House of Tuesday, March 19, 1991, at page 6593.)

The SPEAKER pro tempore (Mr. DE LA GARZA). The gentleman from Texas [Mr. GONZALEZ] will be recognized for 30 minutes, and the gentleman from Ohio [Mr. WYLIE] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Texas [Mr. GONZALEZ].

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

Mr. Speaker, this conference report keeps intact the Federal Government's commitment to depositors at insured financial institutions, the guarantee of the full faith and credit of the Government that those depositors using the insured depository institutions of our country are guaranteed up to \$100,000 in their deposits.

The legislation provides \$30 billion to meet losses in the resolution of failed savings and loans. This is sufficient to meet the needs of the Resolution Trust Corporation—the bailout agency created in the 1989 FIRREA legislation—through the remainder of this fiscal year.

The consideration of this final version of the funding legislation comes after lengthy debate in both Houses about the need for reforms at RTC. The conference report contains a number of significant improvements which we believe will make RTC a more efficient and responsive agency. There are additional reforms that many in this House wanted, but were forced to give up tem-

**NAYS—23**

Andrews (NJ)  
Archer  
Armey  
Callahan  
Crane  
Duncan  
Fawell  
Fields

Hancock  
Henry  
Miller (WA)  
Nussle  
Patterson  
Penny  
Petri  
Ramstad

**NOT VOTING—21**

Ackerman  
Bustamante  
Conyers  
DeLay  
Edwards (OK)  
Flake  
Goodling

Gray  
Guarini  
Jacobs  
Jefferson  
Levine (CA)  
Lewis (FL)  
Lloyd

Manton  
Miller (OH)  
Roe  
Smith (FL)  
Stallings  
Tanner  
Udall

□ 1329

Messrs. FIELDS, SOLOMON, and MILLER of Washington changed their vote from "yea" to "nay."

Mr. GEKAS changed his vote from "nay" to "yea."

So the bill was passed.

The result of the vote was announced as above recorded.

The title of the bill was amended so as to read: "An act to provide emergency drought relief to the Reclamation States, and for other purposes."

A motion to reconsider was laid on the table.

**PERSONAL EXPLANATION**

Mr. GOODLING. Mr. Speaker, I was unavoidably detained and regret that I missed vote rollcall No. 55, the vote on final passage of H.R. 355, "to amend the Reclamation States Drought Assistance Act."

Had I been present, I would have voted "aye."

**GENERAL LEAVE**

Mr. MILLER of California. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 355, the bill just considered and passed.

The SPEAKER pro tempore (Mr. DE LA GARZA). Is there objection to the request of the gentleman from California?

There was no objection.

porarily so that this essential funding could go forward. The process will remain open, and as we consider the administration's request for additional funds for fiscal year 1992, I, along with others, will insist on a full set of reforms.

Today, it is imperative that the House give final approval to this legislation if RTC is to keep operating. The conference report was approved by the Senate on a voice vote Tuesday night. The conference report was put together on a bipartisan basis and our colleague, CHALMERS WYLIE, the ranking minority member on the Banking Committee, has provided magnificent leadership on his side of the aisle. In fact, the conferees on both the Democratic and Republican sides have worked together beautifully. Everyone understands the critical need to move this legislation as quickly as possible.

The final version provides significant improvements in the accountability of RTC by upgrading the auditing and reporting requirements. Management reforms, recommended by the General Accounting Office and adopted by the House, are incorporated in the conference report.

The legislation adopts the House language on affordable housing, ensuring that housing will be sold and not allowed to rot away or be seized by speculators. The conference report retains the House language insisting that RTC closely monitor its contracts to ensure that minority- and women-owned firms are properly included and that these activities not become the exclusive domain of the good old boy network.

The conference report adopts provisions in the Senate bill which limits the liability of RTC employees in connection with their duties in asset disposition. The immunity, however, was narrowed in language proposed by conferees from the Energy and Commerce Committee to ensure that the provision could not be construed to limit liability for criminal or malicious misconduct, or for underwriters, securities salesmen or other private persons participating in the transactions.

The legislation also adopts Senate language which requires RTC to pursue all legal means to renegotiate and restructure the so-called 1988 deals to achieve the maximum savings for the taxpayers. These are the infamous sweetheart deals entered into by Danny Wall's Federal Home Loan Bank Board in a pell-mell rush to resolve savings and loan failures in late 1988.

Mr. Speaker, I urge adoption of the conference report. It is a vote to maintain the integrity of the deposit insurance system. It is a vote to retain confidence in the Nation's financial system. It is a vote to back our commitment to put the full faith and credit of the U.S. Government behind insurance for individual depositors.

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

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

Mr. Speaker, I rise in support of the conference report on S. 419. Last week, the House of Representatives had a very difficult time coming to an agreement on an RTC funding bill. However, after a carefully crafted compromise between the gentleman from Texas [Mr. GONZALEZ], myself, and Secretary Brady, the House was able to act on a bill which I think was a good bill.

Mr. Speaker, the chairman of the committee, the gentleman from Texas [Mr. GONZALEZ], is to be complimented and commended for giving considerably in that regard, and having demonstrated a willingness to act in the best interests of all concerned.

The conference report which we have, as the gentleman mentioned, adopted the House version of this legislation, provides for an additional \$30 billion in funding until September 30.

The management reform provisions which were in the bill as they passed the House are in this legislation. The report also has the affordable housing language which we agreed to and which the administration signed off on.

The conference also agreed to keep intact the detailed report on minority contracting. From the Senate bill we added two what I think are good provisions, one to provide immunity for RTC employees from violation of security laws which had already taken place. There is no immunity, of course, for an intentional act on the part of an RTC employee. Also from the Senate bill there is a requirement that the RTC pursue by all legal means the so-called double dipping tax provisions that some buyers were able to receive in the so-called 1988 deals.

□ 1340

Finally, we have provided that the GAO can audit RTC's books without exception. Mr. Speaker, this is not an issue to have before us to vote on, but it is an essential issue.

We have to live up to the commitment that we made to the depositors of this country, and we must keep RTC going. Every day that we delay action on this issue only results in throwing away additional money.

I urge my colleagues to adopt the conference report.

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

Mr. GONZALEZ. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Ohio [Ms. OAKAR].

Ms. OAKAR. Mr. Speaker, I rise in support of the conference report. I know it is a very tough vote for Members because of public perception about what this does.

The truth of it is we want to do something that will preserve an industry that is very important for home-

ownership, and we want to act responsibly in terms of doing that. RTC, I think, has been negligent in the past. I think they are getting their act together, and I think that they need to have that fund replenished for the sake of the future.

What we want to see happen essentially is to have failing institutions be reconciled so that they can reopen. We want to see depositors' savings protected. That is one of the major reasons for this conference report. And we also want to see RTC able to sell off some of the assets it is holding that really belong to the taxpayers.

If they do not have the tools to do this, then we will never really see progress in what has been a crisis in the past.

In addition, and this is largely due to the chairman of the Committee on Banking, Finance and Urban Affairs, and he deserves a lot of credit, and I am delighted that the minority leader agreed, affordable housing is very important in this country. We have many people who do not have access to affordable housing, and that provision alone is reason enough to support this legislation.

So I really urge my colleagues to be courageous in the manner in which they act today and to try to do the responsible thing. Report this bill out, and then let us come back and review it again, because that is the process that is in this bill that we do not have in terms of the previous legislation passed. So I hope we report it out, and I hope we report it out favorably.

Mr. WYLIE. Mr. Speaker, I yield such time as he may consume to the gentleman from Illinois [Mr. MICHEL], the distinguished minority leader who has been most helpful and most responsible in seeing that we came here today in the whole process.

Mr. MICHEL. Mr. Speaker, may I return the compliment to the distinguished gentleman from Ohio for the splendid work that he has done along with the chairman.

The fact is that you all stuck to your guns here for this conference report, that, frankly, is essentially the same bill as passed the House on March 13. So we have something to be proud of, our own initiative here on this side of the Capitol.

All Members who voted for that bill last week should be able to vote for this conference report. The longer we delay the process, the higher the ultimate cost that the thrift cleanup will be, and we are all aware of those figures that have been used, whether or not it is exactly right or not. But 8 million bucks a day is a significant amount of money.

A vote for this conference report can stop that loss.

Just one quick reminder: The bulk of that money for the RTC will be used to reimburse persons with guaranteed ac-

counts. Should the Federal Government shirk its duty to make whole depositors, we would be faced with a far greater crisis.

The administration will continue its effort to prosecute the culprits where there was wrongdoing, and that is a very essential part of this whole process. I do not have the figures at hand, but those under indictment, those who have already been salted away, are a significant number.

However, we in the Congress have a responsibility to those depositors who have relied on the Federal guarantee of their accounts, and the other body has acted. The administration has stated it will sign this legislation once it is adopted.

I would strongly urge the House to go along with the leadership that we have here and the chairman and ranking member in adoption of this conference report. I support it wholeheartedly.

Mr. GONZALEZ. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Vermont [Mr. SANDERS].

Mr. SANDERS. Mr. Speaker, I rise in opposition to this bill.

It is a curious bill. On one side, we have the President of the United States and the Secretary of the Treasury and the leadership of the Democratic Party and the leadership of the Republican Party all on one side, and on the other side I suspect we have the vast majority of the people of the United States.

The issue, as others have already said, is not whether, in fact, we should raise a significant amount of money, a sufficient amount of money, to make sure that the deposits are covered. That is not the issue. We are all in agreement on that issue.

The issue is: Do we simply raise \$30 billion without having any understanding of where that \$30 billion is going to come from? Do we simply raise \$30 billion and dump it into the deficit which, over a period of 30 years, will become well over \$100 billion, or do we have the courage now to say that if we need \$30 billion, let us sit down and debate how we are going to raise that \$30 billion? Which sector of our society is going to pay that \$30 billion?

If we simply dump the \$30 billion into the deficit, let me tell the Members exactly where that money is going to come from. In a few months, the President is going to come up to us, and he is going to say, "Boy, do we have a large deficit. It is closing in on \$400 billion. We have to deal with that problem, and let us see how we can deal with it."

We can cut back on Medicare, we can cut back on Federal aid to education, we can cut back on Federal aid to health care, Federal aid for cities and towns. We can raise regressive taxes. We can come up with more increases in the gas tax or other taxes which will come down heavily on working people, middle-income people, the elderly and

the poor. That is one way of dealing with it.

The other way to deal with it, which to me makes a lot more sense, is if we need the \$30 billion, let us raise that money in a fair and progressive way. Let us ask those people who have the money, those people whose incomes have soared in the last 10 years, to start paying their fair share of taxes.

In opposition to this present proposal, I would suggest the following: that if we had a 15-percent marginal surtax on couples earning over \$100,000 adjusted gross income, we could raise \$15 billion. If we had a 15-percent surtax on corporate income, we could raise \$15 billion; 15 plus 15 is \$30 billion.

I think that that is a fairer way to raise the \$30 billion we need than have working people, middle-income people, poor people, the elderly people have to pay for this bailout.

So the issue is not whether or not we need the money. I will agree that we need the money. The issue is: who is going to pay for it? This bill does not address that.

I will not vote for it.

Mr. GONZALEZ. Mr. Speaker, I yield 3 minutes to the gentleman from California [Mr. TORRES].

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

Mr. Speaker, I rise today in support of the conference report to accompany S. 419, the Resolution Trust Corporation funding legislation. It seems to be the best compromise we could come to given the circumstances. It is important that depositors know they can continue to have confidence in the Federal deposit insurance system.

I am pleased that the affordable housing provisions and management reforms approved by the House are included in this conference agreement. These will help improve the efficiency of the RTC and save taxpayer dollars.

In particular, I am compelled to comment on the minority contracting provisions of the legislation. There has been extreme resistance to dealing with this issue in this bill. Some have couched it as a civil rights issue. Some have called it a quota provision.

Let me just say in the strongest terms that this is not a civil rights issue; it is not a quota issue. At issue is whether a Federal agency may contract for services worth millions of dollars while paying little or no attention to the diversity of those who provide the services. I thought the Congress decided that question in the 1970's, during the Nixon administration.

For at least the last 15 years, we have required agencies of this Government to be held accountable for their contracting policies. No agency is exempt, not even the RTC—especially not the RTC.

As the author of the original minority outreach provisions contained in

FIRREA, and one of the sponsors of the minority contracting amendment which was unanimously approved by the House Banking Committee, I must call attention to the performance of the Resolution Trust Corporation in this area.

We have found, through congressional hearings and oversight, that the RTC has had a poor record of including racial and ethnic groups in their contracting activities. The latest figures supplied by the RTC show that while nonminority men make up 38.1 percent of the total population, they have been awarded 80.2 percent of the total RTC contracts, amounting to 70.3 percent of the total fees.

By comparison, minority men and women make up 23.1 percent of the total population. Minority men have received 5.4 percent of the total RTC contracts amounting to 1.3 percent of the total fees. Minority women have received 2.1 percent of the total RTC contracts amounting to 2.7 percent of the total fees. Clearly, the RTC has a dismal record of contracting with minorities.

The conference report requires the RTC to provide a complete description of all actions taken by the RTC regarding their contracting activities with minorities and women. However, I want to indicate that Congress expects more than just a progress report. As one of the House conferees who worked closely on this issue, I would point out that additional report language has been included in this conference agreement calling on the RTC to utilize, to the maximum practicable extent, minority and women individuals and firms in all of its contracting activities.

I want to make it clear that the intent of the language is to reinforce the statutory minority outreach provisions contained in FIRREA. The language in this conference agreement puts the RTC on notice that Congress expects improvement in its contracting activities with minorities and women, and we will be carefully scrutinizing their record in this area. This issue will be revisited should the record indicate that there has not been significant improvement in assuring equal access to the economic opportunities that resulted from the savings and loan crisis.

□ 1350

Mr. VENTO. Mr. Speaker, will the gentleman yield?

Mr. TORRES. I yield to the gentleman from Minnesota.

Mr. VENTO. Mr. Speaker, let me commend the gentleman from California [Mr. TORRES] for his good work on this particular provision. While I think it is clear the legislative language does not include the objective that he wanted, I think the gentleman from California [Mr. TORRES] has made a tremendous impact and impression on the ad-

ministration and others that are concerned about the minority contracting, as well as others that obviously have worked on this.

Mr. Speaker, I rise in support of the conference report on S. 419, the funding for the Resolution Trust Corporation. I want to commend Chairman GONZALEZ for his continued efforts to achieve a base of bipartisan support for this measure. Clearly, spending another \$30 billion for the S&L bailout is certainly not anyone's idea of popular legislation, but it is necessary. The chairman and his staff have put in long hours and hard work to achieve this compromise legislation.

There is no question that the RTC needs the \$30 billion to continue to operate through the current fiscal year and that the administration will likely seek at least an additional \$33 billion or more this October to cover future loss funds in 1992. Such funds would be used to pay off the depositors who put their trust in the Federal deposit insurance system.

S. 419 warrants congressional support not only because of the need, but because of the fact that the conference report goes beyond appropriating the \$30 billion. As reported by the conference, S. 419 includes needed, if limited, reforms for the RTC.

Since the passage of FIRREA, the House Banking Committee and the RTC task force, which I had the responsibility to chair, have held extensive hearings on the operations of the RTC. These hearings have revealed serious shortcomings in the operation of the RTC. The slow disposition of assets, the lack of timely resolution of failed institutions, inadequate information systems, and problems with the Affordable Housing Program were all discussed within the committee task force. These hearings have resulted in significant proposals for change, some of which are addressed in this measure before the House as reported from the conference committee.

S. 419 sets in place new management directives for the RTC. These managerial changes are intended to expedite the resolution process and standardizing many RTC functions such as asset management and contracting. If implemented these changes could result in cost savings and will positively assist those in the private sector whose efforts to date in working with the RTC have been too often frustrated.

Another important improvement included in the conference report is the change in the Affordable Housing Program for single-family units. These changes are particularly important since it costs the RTC approximately \$18 per day for each day that it holds a single-family residence. The expedited process provided in the conference report will allow the RTC to move these properties and to save money.

Among the provisions incorporated into the conference report are changes that will increase the accountability of the RTC to Congress and the American people. The RTC must provide monthly reports on the status of the renegotiations of the 1988 deals and is directed to pursue all legal means to reduce the direct outlays and tax benefits of those deals. As you are aware, the 1988 deals were overly generous to the purchasers of failed thrifts.

Tougher renegotiations by the RTC could yield significant savings to the Government.

S. 419 is not nearly as comprehensive a bill as I would favor, but it is what Congress can agree to today within this timeframe. I supported other provisions that would have further expedited the disposal of properties under the Affordable Housing Program and addressed the legitimate environmental concerns that have been raised. In addition, other legitimate issues such as the elimination of the oversight board and the restructuring of the RTC deserve congressional attention.

However, I want to remind my colleagues that S. 419 is not the final word on the RTC. We must consider further funding requests to complete the tasks of the RTC and honor the commitments to the deposit insurance system. The activities of the RTC are not being conducted in a legislative vacuum. Congress, in 1989, passed comprehensive reforms in FIRREA. That 1,000-page-plus legislative measure sets a public policy path for the operations of the RTC and already addresses admittedly imperfectly many of the concerns that have been raised over the recent weeks of RTC funding debate. Thus Congress, through our oversight responsibilities, can and hopefully will continue to highlight many of the shortcomings of the administration in the implementation of the law. It is in that forum that Congress has and will continue to demand the proper enforcement of the law and the development of needed policy changes on a strong bipartisan basis.

It is in that context, that I would urge my colleagues to consider and support S. 419. This conference is not a retreat from the goals that we supported in FIRREA. It is not an open ended endorsement of the administration that seems eager to keep the S&L bailout out of public sight and debate. This bill is a necessary step—an important step—in moving ahead with the savings and loan bailout in a manner that will save the American taxpayer money and will maintain our commitment to the Federal deposit insurance system. I urge my colleagues to support this essential legislation.

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

Mr. ANNUNZIO. Mr. Speaker, I rise in strong opposition to adoption of the conference report. The American taxpayer is being asked to give the RTC another \$30 billion. This \$30 billion is on top of \$50 billion the RTC got in FIRREA, plus another \$18.8 billion that Treasury paid in FIRREA. Later this year, the RTC will ask for an additional \$50 billion for next year. And next year, the RTC will be back to ask for yet more money for future years.

That is a total of at least \$150 billion in current money. With interest, the bill rises to over \$500 billion—a half a trillion dollars.

And where does this money come from? I voted for pay as you go, but the House said no. So, now it comes from Federal borrowing. It is a 30- and 40-year burden on our children and grandchildren. This is a horrible legacy to leave to future generations. It is time we put a halt to this insanity.

The latest \$30 billion is supposed to be used to enable the Government to close more

failed savings and loans. Let us think about that for a moment.

Chairman Seidman of the FDIC says the Government loses 20 percent of asset value by closing failed institutions. Chairman Seidman of the RTC says that the Government loses money by not closing failed institutions. Only in Washington could Chairman Seidman have it both ways.

The RTC has \$144 billion in assets, including cash and marketable securities. If it needs cash to shut down institutions, it should sell assets.

The distinction made between loss funds and working capital is an accounting fantasy. The depositor being paid off does not know, and could not care less, whether he or she was being paid with working capital or loss funds. Yet the RTC claims that it needs \$30 billion in loss funds. If it needs funds, let it do its job, which is to sell assets.

The RTC is supposed to dispose of assets, not build an empire. Unfortunately, it is busy creating the nation's largest financial firm, using the taxpayers' money. The RTC has a perverse incentive to hold assets rather than sell them. This bill will give it another \$40 billion to enlarge its empire.

It is time for the RTC to stop sitting on its ASS-ets and start selling them. After the RTC has sold its assets and used the money to pay off depositors, let it come back to Congress and show that it needs more money. Then, and only then, will I consider supporting even one more cent for the RTC.

Mr. HOUGHTON. Mr. Speaker, a quick word about the bill authorizing \$30 billion for the Resolution Trust Company. I am going to support this bill. The reason is simple. To do otherwise would not only cost the U.S. Government—meaning the taxpayers—an additional \$8 million each and every day, but also, we would turn our backs on the innocent depositors who had nothing to do with the disastrous condition in which the savings and loan industry finds itself.

Having said that, however, I am not happy, and this is an understatement, about the bill. I am not happy because there is nothing in it about State accountability or high negligence. Some of us tried to get an amendment on the floor of the House for a vote and it was refused.

The amendment purely and simply asked that States which caused the vast majority of the S&L catastrophe, because of their non-regulation of State chartered thrifts, pay a Federal deposit insurance premium if those State thrifts are to receive continued Federal deposit insurance. Not too much to ask, really, since one State has created about 70 percent of the problem, and New York, which has created none—repeat none—of the problem will pay 9 percent of the damages. This amount would go a long way to helping solve our own State operating deficit. But that is not to be. The Rules Committee will not allow it. I resent this, frankly, and feel personally the inequity it presents to us as a nation, not just New York State.

Suffice it to say, I will be watching this process as it unfolds. Still more money will be needed, and as one lone voice I will once again try to insert a sense of State responsibility for this financial chaos.

Mr. GONZALEZ. Mr. Speaker, I have no further requests for time, I yield back the balance of my time, and I move the previous question on the conference report.

The previous question was ordered.

The SPEAKER pro tempore (Mr. MURTHA). The question is on the conference report.

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

Mr. WYLIE. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device and there were—yeas 225, nays 188, not voting 18, as follows:

[Roll No. 56]

YEAS—225

|               |               |               |
|---------------|---------------|---------------|
| Alexander     | Frank (MA)    | Martinez      |
| Anderson      | Franks (CT)   | Mavroules     |
| Andrews (TX)  | Frost         | McCandless    |
| Anthony       | Gallegly      | McCollum      |
| Archer        | Gallo         | McCrery       |
| Army          | Gekas         | McDade        |
| Aspin         | Gephardt      | McDermott     |
| Atkins        | Geren         | McEwen        |
| Baker         | Gibbons       | McHugh        |
| Ballenger     | Gilchrest     | McMillan (NC) |
| Barnard       | Gillmor       | McMillen (MD) |
| Barnett       | Gilman        | Meyers        |
| Barton        | Gingrich      | Michel        |
| Bateman       | Gonzalez      | Miller (WA)   |
| Bellenson     | Goodling      | Mineta        |
| Bereuter      | Gordon        | Moakley       |
| Berman        | Goss          | Molinari      |
| Billirakis    | Gradison      | Montgomery    |
| Billey        | Grandy        | Moorhead      |
| Boehlert      | Green         | Moran         |
| Boehner       | Gunderson     | Morella       |
| Bonior        | Hamilton      | Morrison      |
| Borski        | Hammerschmidt | Murtha        |
| Boucher       | Hancock       | Myers         |
| Brooks        | Hansen        | Natcher       |
| Broomfield    | Hastert       | Nichols       |
| Brown         | Hatcher       | Oakar         |
| Bunning       | Hoagland      | Oberstar      |
| Burton        | Hobson        | Olin          |
| Campbell (CA) | Holloway      | Ortiz         |
| Cardin        | Horn          | Orton         |
| Carper        | Horton        | Owens (UT)    |
| Chandler      | Houghton      | Oxley         |
| Clinger       | Hoyer         | Panetta       |
| Coleman (TX)  | Huckaby       | Parker        |
| Combest       | Hunter        | Paxon         |
| Cooper        | Hyde          | Payne (VA)    |
| Coughlin      | Ireland       | Pease         |
| Cox (IL)      | Jenkins       | Pelosi        |
| Coyne         | Johnson (CT)  | Pickett       |
| Cunningham    | Johnston      | Pickle        |
| Dannemeyer    | Jones (NC)    | Porter        |
| Darden        | Kasich        | Price         |
| Davis         | Klug          | Ray           |
| de la Garza   | Kolbe         | Regula        |
| DeLay         | Kopetski      | Rhodes        |
| Derrick       | Kostmayer     | Ridge         |
| Dicks         | Kyl           | Riggs         |
| Dingell       | Lagomarsino   | Ritter        |
| Doolittle     | Lantos        | Roberts       |
| Dorman (CA)   | LaRocco       | Ros-Lehtinen  |
| Dreier        | Laughlin      | Rostenkowski  |
| Durbin        | Leach         | Roukema       |
| Dwyer         | Lehman (CA)   | Rowland       |
| Edwards (CA)  | Lehman (FL)   | Roybal        |
| Edwards (OK)  | Lent          | Sabo          |
| Edwards (TX)  | Levin (MI)    | Santorum      |
| Emerson       | Lewis (CA)    | Sarpalius     |
| Fascell       | Lightfoot     | Sawyer        |
| Fawell        | Livingston    | Saxton        |
| Fazio         | Lowery (CA)   | Schiff        |
| Fields        | Markey        | Schumer       |
| Fish          | Martin        | Shaw          |

|                |             |
|----------------|-------------|
| Shays          | Stenholm    |
| Sisisky        | Sundquist   |
| Skaggs         | Swett       |
| Skeen          | Swift       |
| Skelton        | Taylor (NC) |
| Slaughter (VA) | Thomas (CA) |
| Smith (IA)     | Thomas (CA) |
| Smith (NJ)     | Thomas (GA) |
| Smith (TX)     | Thomas (WY) |
| Snowe          | Torres      |
| Solarz         | Traxler     |
| Spratt         | Unsoeld     |
|                | Vander Jagt |

|            |
|------------|
| Vento      |
| Volkmer    |
| Vucanovich |
| Walker     |
| Walsh      |
| Waxman     |
| Weber      |
| Wilson     |
| Wolf       |
| Wylie      |
| Zeliff     |
| Zimmer     |

NAYS—188

|               |               |
|---------------|---------------|
| Abercrombie   | Hayes (LA)    |
| Allard        | Hefley        |
| Andrews (ME)  | Hefner        |
| Andrews (NJ)  | Henry         |
| Annuzio       | Herger        |
| Applegate     | Hertel        |
| AuCoin        | Hochbrueckner |
| Bacchus       | Hopkins       |
| Bennett       | Hubbard       |
| Bevill        | Hughes        |
| Bilbray       | Hutto         |
| Boxer         | Inhofe        |
| Brewster      | James         |
| Browder       | Johnson (SD)  |
| Bruce         | Jones (GA)    |
| Bryant        | Jontz         |
| Byron         | Kanjorski     |
| Callahan      | Kaptur        |
| Camp          | Kennedy       |
| Campbell (CO) | Kennelly      |
| Carr          | Kildee        |
| Chapman       | Kleccka       |
| Clay          | Kolter        |
| Clement       | LaFalce       |
| Coble         | Lancaster     |
| Collins (IL)  | Lewis (GA)    |
| Collins (MI)  | Lipinski      |
| Condit        | Long          |
| Conyers       | Lowey (NY)    |
| Costello      | Luken         |
| Cox (CA)      | Machtley      |
| Cramer        | Marienee      |
| Crane         | Matsui        |
| DeFazio       | Mazzoli       |
| DeLauro       | McCloskey     |
| Dellums       | McCurdy       |
| Dixon         | McGrath       |
| Donnelly      | McNulty       |
| Dooley        | Mfume         |
| Dorgan (ND)   | Miller (CA)   |
| Downey        | Mink          |
| Duncan        | Mollohan      |
| Dymally       | Moody         |
| Early         | Mrazek        |
| Eckart        | Murphy        |
| Engel         | Nagle         |
| English       | Neal (MA)     |
| Erdreich      | Neal (NC)     |
| Espy          | Nowak         |
| Evans         | Nussle        |
| Feighan       | Obey          |
| Foglietta     | Owens (NY)    |
| Ford (MI)     | Packard       |
| Ford (TN)     | Pallone       |
| Gaydos        | Patterson     |
| Gejdenson     | Payne (NJ)    |
| Glickman      | Penny         |
| Gray          | Perkins       |
| Guarini       | Peterson (FL) |
| Hall (OH)     | Peterson (MN) |
| Hall (TX)     | Petri         |
| Harris        | Poshard       |
| Hayes (IL)    | Pursell       |

|                |
|----------------|
| Quillen        |
| Rahall         |
| Ramstad        |
| Rangel         |
| Ravenel        |
| Reed           |
| Richardson     |
| Rinaldo        |
| Roemer         |
| Rogers         |
| Rohrabacher    |
| Rose           |
| Roth           |
| Russo          |
| Sanders        |
| Sangmeister    |
| Savage         |
| Schaefer       |
| Scheuer        |
| Schroeder      |
| Schulze        |
| Sensenbrenner  |
| Serrano        |
| Sharp          |
| Shuster        |
| Sikorski       |
| Slattery       |
| Slaughter (NY) |
| Smith (OR)     |
| Solomon        |
| Spence         |
| Staggers       |
| Stark          |
| Stearns        |
| Stokes         |
| Studds         |
| Stump          |
| Synar          |
| Tallon         |
| Tauzin         |
| Taylor (MS)    |
| Thornton       |
| Torricelli     |
| Towns          |
| Trafcant       |
| Upton          |
| Valentine      |
| Visclosky      |
| Washington     |
| Waters         |
| Weiss          |
| Weldon         |
| Wheat          |
| Whitten        |
| Williams       |
| Wise           |
| Wolpe          |
| Wyden          |
| Yates          |
| Yatron         |
| Young (AK)     |
| Young (FL)     |

GENERAL LEAVE

Mr. GONZALEZ. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the conference report just agreed to.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

EXPLANATION OF MISSED VOTE

Mr. GEKAS. Mr. Speaker, I was not present for rollcall vote No. 56 due to an unavoidable delay. Had I been present I would have voted "yea" for the Desert Storm supplemental appropriations, H.R. 1282.

PERSONAL EXPLANATION

Mr. SMITH of Florida. Mr. Speaker, on roll call No. 56, the RTC vote, I entered my card in the machine, pressed the button, and it failed to record. I was on the floor.

I ask that subsequent to the final vote I may enter a statement that if recorded, I would have been voting yes.

PERSONAL EXPLANATION

Mr. ROE. Mr. Speaker, during roll call vote No. 56, I was unavoidably detained and so missed that vote. I would like the RECORD to reflect the fact that had I voted I would have voted "nay."

APPOINTMENT OF CONFEREES ON H.R. 1282, OPERATION DESERT SHIELD/DESERT STORM SUPPLEMENTAL APPROPRIATIONS ACT, 1991

Mr. WHITTEN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 1282) making supplemental appropriations and transfers for Operation Desert Shield/Desert Storm for the fiscal year ending September 30, 1991, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments, and agree to the conference asked by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi? The Chair hears none, and appoints the following conferees, and reserves the right to appoint additional conferees:

NOT VOTING—18

|              |             |             |
|--------------|-------------|-------------|
| Ackerman     | Jacobs      | Miller (OH) |
| Bentley      | Jefferson   | Roe         |
| Bustamante   | Levine (CA) | Smith (FL)  |
| Coleman (MO) | Lewis (FL)  | Stallings   |
| Dickinson    | Lloyd       | Tanner      |
| Flake        | Manton      | Udall       |

□ 1424

The Clerk announced the following pair:

On this vote:

Mr. Stallings for, with Mrs. Lloyed against.

For consideration of the House bill and all Senate amendments: Messrs. WHITTEN, MURTHA, DICKS, WILSON, HEFNER, AUCOIN, SABO, DIXON, DWYER of New Jersey; McDADE, YOUNG of Florida, MILLER of Ohio, LIVINGSTON, and LEWIS of California.

And as additional conferees solely for the consideration of Senate amendments No. 32 and No. 34: Messrs. OBEY, YATES, and EDWARDS of Oklahoma.

There was no objection.

MOTION TO CLOSE CONFERENCE COMMITTEE MEETINGS TO THE PUBLIC WHEN CLASSIFIED NATIONAL SECURITY INFORMATION IS UNDER CONSIDERATION

Mr. WHITTEN. Mr. Speaker, I offer a privileged motion.

The SPEAKER. The Clerk will report the motion.

The Clerk read as follows:

Mr. WHITTEN moves, pursuant to rule XXVIII, clause 6(A) of the House rules, that the conference committee meetings between the House and Senate on H.R. 1282, making supplemental appropriations and transfers for "Operation Desert Shield/Desert Storm" for the fiscal year ending September 30, 1991, and for other purposes, be closed to the public at such times as classified national security information is under consideration; Provided, however, That any sitting Member of Congress shall have a right to attend any closed or open meeting.

The SPEAKER. The question is on the motion offered by the gentleman from Mississippi [Mr. WHITTEN].

Under the rule, the vote must be taken by the yeas and nays.

The vote was taken by electronic device, and there were—yeas 402, nays 0, not voting 29, as follows:

[Roll No. 57]

YEAS—402

|              |               |              |
|--------------|---------------|--------------|
| Alexander    | Brown         | Dellums      |
| Allard       | Bruce         | Derrick      |
| Anderson     | Bryant        | Dickinson    |
| Andrews (ME) | Bunning       | Dicks        |
| Andrews (NJ) | Burton        | Dingell      |
| Andrews (TX) | Byron         | Dixon        |
| Annunzio     | Callahan      | Donnelly     |
| Anthony      | Camp          | Dooley       |
| Applegate    | Campbell (CA) | Doolittle    |
| Archer       | Campbell (CO) | Dorgan (ND)  |
| Army         | Cardin        | Dornan (CA)  |
| Aspin        | Carper        | Downey       |
| Atkins       | Carr          | Dreier       |
| AuCoin       | Chandler      | Duncan       |
| Bacchus      | Clay          | Durbin       |
| Baker        | Clement       | Dwyer        |
| Ballenger    | Clinger       | Early        |
| Barnard      | Coble         | Eckart       |
| Barrett      | Coleman (MO)  | Edwards (CA) |
| Barton       | Coleman (TX)  | Edwards (OK) |
| Bateman      | Collins (IL)  | Edwards (TX) |
| Bellenson    | Collins (MI)  | Emerson      |
| Bennett      | Combust       | Engel        |
| Bentley      | Condit        | English      |
| Bereuter     | Conyers       | Erdreich     |
| Berman       | Cooper        | Espy         |
| Bevill       | Costello      | Evans        |
| Bilbray      | Coughlin      | Fascell      |
| Bilbrakis    | Cox (CA)      | Fawell       |
| Billey       | Cox (IL)      | Fazio        |
| Boehlert     | Coyne         | Feighan      |
| Boehner      | Cramer        | Fields       |
| Bonior       | Crane         | Fish         |
| Borski       | Cunningham    | Foglietta    |
| Boucher      | Dannemeyer    | Ford (MI)    |
| Boxer        | Darden        | Ford (TN)    |
| Brewster     | Davis         | Frank (MA)   |
| Brooks       | DeFazio       | Franks (CT)  |
| Broomfield   | DeLauro       | Frost        |
| Browder      | DeLay         | Gallegly     |

|               |               |
|---------------|---------------|
| Gallo         | Markey        |
| Gaydos        | Marlenee      |
| Gedjenson     | Martin        |
| Gekas         | Martinez      |
| Gephardt      | Matsui        |
| Geren         | Mavroules     |
| Gibbons       | Mazzoli       |
| Gilchrest     | McCandless    |
| Gillmor       | McCollum      |
| Gilman        | McCrery       |
| Gingrich      | McCurdy       |
| Glickman      | McDade        |
| Gonzalez      | McDermott     |
| Goodling      | McEwen        |
| Gordon        | McHugh        |
| Goss          | McMillan (NC) |
| Gradison      | McMillen (MD) |
| Grandy        | McNulty       |
| Gray          | Meyers        |
| Green         | Mfume         |
| Guarini       | Michel        |
| Gunderson     | Miller (WA)   |
| Hall (OH)     | Mineta        |
| Hall (TX)     | Mink          |
| Hamilton      | Moakley       |
| Hammerschmidt | Mollinari     |
| Hancock       | Mollohan      |
| Hansen        | Montgomery    |
| Harris        | Moody         |
| Hastert       | Moorhead      |
| Hatcher       | Moran         |
| Hayes (IL)    | Morella       |
| Hefley        | Morrison      |
| Hefner        | Mrazek        |
| Henry         | Murtha        |
| Herger        | Myers         |
| Hertel        | Nagle         |
| Hoagland      | Natcher       |
| Hobson        | Neal (MA)     |
| Hochbrueckner | Neal (NC)     |
| Holloway      | Nichols       |
| Hopkins       | Nowak         |
| Horn          | Nussle        |
| Horton        | Oakar         |
| Houghton      | Oberstar      |
| Hoyer         | Obey          |
| Hubbard       | Olin          |
| Huckaby       | Ortiz         |
| Hughes        | Orton         |
| Hutto         | Owens (NY)    |
| Hyde          | Owens (UT)    |
| Inhofe        | Oxley         |
| Ireland       | Packard       |
| James         | Pallone       |
| Jefferson     | Panetta       |
| Jenkins       | Parker        |
| Johnson (CT)  | Patterson     |
| Johnson (SD)  | Paxon         |
| Johnston      | Payne (NJ)    |
| Jones (NC)    | Payne (VA)    |
| Jontz         | Pelosi        |
| Kanjorski     | Penny         |
| Kaptur        | Perkins       |
| Kasich        | Peterson (FL) |
| Kennedy       | Peterson (MN) |
| Kennelly      | Petri         |
| Kildee        | Pickett       |
| Klecicka      | Pickle        |
| Klug          | Porter        |
| Kolbe         | Poshard       |
| Kolter        | Price         |
| Kopetski      | Pursell       |
| Kostmayer     | Quillen       |
| Kyl           | Rahall        |
| Lagomarsino   | Ramstad       |
| Lancaster     | Rangel        |
| Lantos        | Ravenel       |
| LaRocco       | Ray           |
| Laughlin      | Reed          |
| Leach         | Regula        |
| Lehman (CA)   | Rhodes        |
| Lehman (FL)   | Richardson    |
| Lent          | Ridge         |
| Levin (MI)    | Riggs         |
| Lewis (CA)    | Rinaldo       |
| Lewis (GA)    | Ritter        |
| Lightfoot     | Roberts       |
| Lipinski      | Roe           |
| Livingston    | Roemer        |
| Long          | Rogers        |
| Lowery (CA)   | Rohrabacher   |
| Lowey (NY)    | Ros-Lehtinen  |
| Luken         | Rose          |
| Machtley      | Rostenkowski  |

|                |
|----------------|
| Roth           |
| Rowland        |
| Roybal         |
| Russo          |
| Sabo           |
| Sangmeister    |
| Santorum       |
| Sarpallus      |
| Savage         |
| Sawyer         |
| Saxton         |
| Schaefer       |
| Scheuer        |
| Schiff         |
| Schroeder      |
| Schulze        |
| Schumer        |
| Sensenbrenner  |
| Serrano        |
| Sharp          |
| Shaw           |
| Shays          |
| Shuster        |
| Sikorski       |
| Sisisky        |
| Skaggs         |
| Skeen          |
| Skelton        |
| Slattery       |
| Slaughter (NY) |
| Slaughter (VA) |
| Smith (FL)     |
| Smith (IA)     |
| Smith (NJ)     |
| Smith (OR)     |
| Smith (TX)     |
| Snowe          |
| Solarz         |
| Solomon        |
| Spence         |
| Spratt         |
| Staggers       |
| Stark          |
| Stearns        |
| Stokes         |
| Studds         |
| Stump          |
| Sundquist      |
| Swett          |
| Swift          |
| Synar          |
| Tallon         |
| Tauzin         |
| Taylor (MS)    |
| Taylor (NC)    |
| Thomas (CA)    |
| Thomas (GA)    |
| Thomas (WY)    |
| Thornton       |
| Torres         |
| Torricelli     |
| Towns          |
| Trafficant     |
| Traxler        |
| Unsold         |
| Upton          |
| Valentine      |
| Vander Jagt    |
| Vento          |
| Visclosky      |
| Volkmer        |
| Vucanovich     |
| Walker         |
| Walsh          |
| Waters         |
| Webster        |
| Waxman         |
| Weber          |
| Weiss          |
| Weldon         |
| Wheat          |
| Whitten        |
| Williams       |
| Wilson         |
| Wise           |
| Wolf           |
| Wolpe          |
| Wyden          |
| Wyllie         |
| Yates          |
| Yatron         |
| Young (AK)     |
| Young (FL)     |
| Zeliff         |
| Zimmer         |

NOT VOTING—29

|             |             |            |
|-------------|-------------|------------|
| Abercrombie | Jones (GA)  | Murphy     |
| Ackerman    | LaFalce     | Pease      |
| Bustamante  | Levine (CA) | Roukema    |
| Chapman     | Lewis (FL)  | Sanders    |
| de la Garza | Lloyd       | Stallings  |
| Dymally     | Manton      | Stenholm   |
| Flake       | McCloskey   | Tanner     |
| Hayes (LA)  | McGrath     | Udall      |
| Hunter      | Miller (CA) | Washington |
| Jacobs      | Miller (OH) |            |

□ 1458

So the motion was agreed to.

The result of the vote was announced as above recorded.

#### APPOINTMENT OF CONFEREES ON H.R. 991, DEFENSE PRODUCTION ACT EXTENSION AND AMENDMENTS OF 1991

Mr. CARPER. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 911) to extend the expiration date of the Defense Production Act of 1950, with Senate amendments thereto, disagree to the Senate amendments and request a conference with the Senate thereon.

The SPEAKER. Is there objection to the request of the gentleman from Delaware? The Chair hears none and appoints the following conferees and, without objection, reserves the right to appoint additional conferees:

From the Committee on Banking, Finance and Urban Affairs, for consideration of the House bill, and title I of the Senate amendment, and modifications committed to conference: Mr. GONZALEZ, Mr. LAFALCE, Ms. OAKAR, and Messrs. VENTO, CARPER, WYLIE, RIDGE, and PAXON.

From the Committee on Banking, Finance and Urban Affairs, for consideration of title II of the Senate amendment, and modifications committed to conference: Messrs. GONZALEZ, ANNUNZIO, NEAL of North Carolina, Ms. OAKAR, Messrs. SCHUMER, CARPER, WYLIE, LEACH, and MCCOLLUM, and Mrs. ROUKEMA.

From the Committee on Energy and Commerce, for consideration of section 8 of the House bill, and sections 203-206 of the Senate amendment, and modifications committed to conference: Mr. DINGELL, Mr. MARKEY, Mrs. COLLINS of Illinois, Mr. LENT and Mr. RINALDO.

From the Committee on the Judiciary, for consideration of section 5 of the House bill, and section 104 of the Senate amendment, and modifications committed to conference: Messrs. BROOKS, EDWARDS of California, and FISH.

From the Committee on Ways and Means, for consideration of sections 202-204 of the Senate amendment, and modifications committed to conference: Messrs. ROSTENKOWSKI, GIBBONS, JENKINS, ARCHER, and CRANE.

There was no objection.

□ 1500

## PARLIAMENTARY INQUIRY

Mr. WALKER. Mr. Speaker, I was going to propound a parliamentary inquiry to try to find some system to find out where we were.

The SPEAKER. It is the intention of the Chair to, without prejudice to further legislative business, to recognize 1-minute requests and special orders.

Mr. WALKER. If I could inquire of the Chair, is it anticipated we will do further legislative business yet today?

The SPEAKER. It is.

Mr. WALKER. Do we have any idea what time we might be doing that legislative business?

The SPEAKER. As soon as possible, probably within an hour to an hour and a half.

Mr. WALKER. Following the 1-minutes we could be expected to take up special orders until a period of time?

The SPEAKER. The gentleman is correct, without prejudice to further legislative business.

Mr. WALKER. We would then proceed with what further legislation later on today? Can the Chair inform Members?

The SPEAKER. Going to conference on the second supplemental appropriation is a possible matter; the authorization for the Supplemental Desert Storm is another possibility.

Mr. WALKER. On the appropriation bill, that would be the Desert Storm appropriation bill, not the dire emergency? The one we have gone to conference on?

The SPEAKER. The dire supplemental. We have ordered conference on the Desert Storm supplemental appropriation.

Mr. WALKER. I misunderstood. So in other words, it would be a motion to go to conference; we are not expected to bring back any appropriation bill?

The SPEAKER. Not in today's legislative business.

Mr. WALKER. But Members could expect additional votes in the course of the day?

The SPEAKER. The gentleman is correct.

In going to 1-minute requests or special orders, Members should be advised it is specifically without prejudice to further legislative action which is anticipated with votes later this afternoon.

Mr. WALKER. If I may further inquire of the Chair, we are almost assured, then, of a session tomorrow, is that correct?

The SPEAKER. The gentleman is assured of a session tomorrow.

Mr. WALKER. That would be with votes tomorrow?

The SPEAKER. Yes, the gentleman is correct.

## POWER DOES INDEED CORRUPT

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

Mr. MARLENEE. Mr. Speaker all the dictators of this world are not in Baghdad. Power does indeed corrupt.

At this very moment a hearing is beginning in the Crime and Criminal Justice Subcommittee.

Because this is the chairman's pet topic of "gun control," he has refused to allow opposition witnesses to testify except for the National Rifle Association, and then alone, and after the cameras have gone home.

No other firearms organizations are allowed to testify.

None of the victims of gun control laws are allowed to testify.

Not even Members of Congress are allowed to testify.

The first amendment, as well as the second amendment are being ground into the marbled floors of the Rayburn Building.

Mr. Speaker, I am particularly incensed because Ms. Jacquie Miller is not allowed to testify. She was shot four times by Joseph Wesbecker in the Louisville printing plant massacre 18 months ago. Despite another bone graft surgery last month, she traveled by car all day yesterday to come here hoping to be heard in opposition to the so-called Brady bill.

The nation must be alerted. The ability to protect themselves, their family, their property will be stripped away, piece by piece. Even the opportunity to have their elected representatives present their views are being stripped away.

I will never acquiesce to subjecting myself to a well-armed criminal element while being disarmed myself by the liberals of Congress.

TESTIMONY OF JACQUIE MILLER, MARCH 21, 1991, PREPARED FOR THE HOUSE JUDICIARY COMMITTEE, SUBCOMMITTEE ON CRIME AND CRIMINAL JUSTICE

My name is Jacquie Miller and I live in Louisville, KY. I worked full time at the Standard Gravure printing company until September 14, 1989 when Joseph Wesbecker, doped up on Prozac, entered the building with an AK-47. He shot me four times, killed eight and wounded twelve before killing himself. Had he used any number of standard hunting rifles or a shotgun that day, all 20 would have died.

I am in a wheelchair the same as James Brady, yet Rep. Schumer does not want his committee to hear from me. Do my wounds have less validity because I did not work for the President of the U.S.? When is one person more important than another?

When I saw Joseph Wesbecker out in the hall before he shot me, I knew by the look in his eyes he wanted me dead. He was totally dehumanized by Prozac. He was so far gone that his first choice of destruction was to blow the place up with a model airplane with an explosive attached to it. He changed his mind and used an AK-47 purchased six

months before the shooting. A waiting period would not have stopped him.

His psychiatrist could have stopped him but decided not to take him off Prozac until his next session. Even as a diagnosed manic depressive he would have passed any background check. Why isn't this committee investigating the criminal consequences of taking Prozac and other drugs, such as the one Hinckley was on, that have been associated with people who kill? The psychotropic drug situation has become so serious that there is now a Prozac defense being used in courts against murder charges.

The most important thing about the day I was shot was that I was the only one there who had the power to stop Wesbecker. I had a .38 in my purse which I was going for when he shot me. The gun was illegal because Louisville does not allow permits for carrying concealed weapons.

But as things went I was not able to get to my gun quick enough because I stopped to help someone already shot. That took up too much time. I only had ¼ inch left for the gun barrel to be clear of my purse. Another five seconds and history would have been different and I would have been considered a hero instead of a lawbreaker. I am having to wait to buy a gun and all the while being treated like I'm guilty until proven innocent. In the meantime, criminals will continue to get their guns on the street and through illegal channels and we will be totally at their mercy.

The police cannot be everywhere all the time. The Louisville police were heroes and wonderful that day, but they got there after the fact. All they could do is be a cleanup crew.

As for the waiting period, what is that going to do to the criminal? As it is, I cannot picture them going to their neighborhood police station and saying, "Here, officer, here are my guns that are illegal now." Would a waiting period be fair to the Gainesville students who wanted to protect themselves against the serial murderer there? Or would a waiting period have stopped the man who killed 87 people by burning them to death in a nightclub with \$1 worth of gasoline.

Since I have been shot I have had seven operations and am facing more before I can ever walk normally again. The pain has been intense, both physically and mentally, and I would not wish this on anyone. I do not think that my tragedy should be imposed on everyone else in the country as the Bradys do. No one is going to take my gun away from me. I need it now more than ever since I have become confined to this wheelchair.

Please vote against the waiting period now before the committee.

## GENERAL LEAVE

Mr. SANTORUM. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks, and include therein extraneous material, on the subject of the special order today by the gentleman from New York [Mr. LENT].

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

### INTRODUCING LEGISLATION PREVENTING REIMBURSEMENT OF DEPOSITS OVER \$100,000

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

Mr. REGULA. Mr. Speaker, a 1990 savings and loan report found that 20 cents out of every bailout dollar is going toward reimbursing deposits that are over the Federally insured amount of \$100,000. In fact, in seven of the surveyed thrifts, the average jumbo account which received full reimbursement contained more than \$1 million. The Committee on Banking, Finance and Urban Affairs has reached similar conclusions.

These numbers refute the belief that the taxpayers are reimbursing only small savers. It is not just the average investor who is being rescued. It also includes the large depositors whose brokers pumped dollars into defunct thrifts that have previously financed their risky investments.

Today I have introduced legislation which will prevent thrift regulators, RTC, from reimbursing larger depositors above the \$100,000 figure, per account, except in those situations where to do so is the lowest cost method of meeting the government's obligations in liquidating or selling the thrifts. This would ensure that RTC does what people understand, and that is that the accounts up to \$100,000 are insured, this is the reason we appropriate the funds to continue the procedures of RTC. It is the obligation of the Federal Government to make good on its promise to depositors of \$100,000 or less.

I welcome your support for this legislation. I think it is important we not expect taxpayers to pay for those who are willing to take the risks on large accounts, and therefore should examine the management of the institutions, to be sure that they are competent.

As long as RTC reimburses accounts of depositors regardless of size there is no incentive for the depositor to demand accountability from the management of thrift institutions.

### INTRODUCTION OF RESOLUTION CALLING FOR SOLUTION TO OUR NATIONAL HEALTH CARE CRISIS

The SPEAKER pro tempore (Mr. CARR). Under a previous order of the House, the gentleman from Kansas [Mr. GLICKMAN] is recognized for 5 minutes.

Mr. GLICKMAN. Mr. Speaker, today, I am introducing a resolution to give America our commitment to establish a system providing universal access to health care. I don't need to stand here and recount all of the statistics to support the contention that this country is in a health care crisis. We all know them, and any of us who listen to our constituents know that the problems we face in health care today affect all Americans. I, for one, can no longer respond to my constituents by simply saying

we are aware of the problem and we are working on it. Our constituents need a better answer and all Americans deserve our commitment to finding one.

Health care in the United States should be a basic human right, equivalent to food and shelter. Yet untold numbers of Americans go without adequate health care. My questions are these: how in a nation which spends an estimated \$650 billion annually for health care, representing 11.5 percent of the annual gross national product and twice the per capita average of other developed countries, are people allowed to go untreated for their most basic health care needs? I also wonder how a nation spending this kind of money on health care can still be ranked 17th among industrialized nations in infant mortality, 15th in male life expectancy, and 8th in female life expectancy?

The health care problem we face in this country is like a cancer, first affecting the poor, and now devouring the middle class working family. We have known the cancer was there, and we have known, like any cancer, it would continue to grow if left untreated. However, given budgetary restraints, we put off treatment. The key to stopping the growth and possible catastrophic consequences is to treat the problem in the early stages.

I believe there is still time to turn this crisis around, and not just achieve remission, but cure the illness itself. We have seen legislation proposed that would completely change the way Americans access health delivery in this Nation and maybe, eventually, that will be the ultimate solution. But in the meantime, let's not resign ourselves to accepting another country's model as a solution. Nor should we accept the notion that the only way to solve the problem is with a new budget-busting program.

Currently, we are faced with problems of inadequate cost containment measures, cost shifting and coverage that is not universal. We must develop a new system which emphasizes preventive care, and ensures all Americans have access to adequate, affordable, primary health care.

Let us not wait any longer to tackle this problem. Further delay will certainly escalate into a crisis that will cost billions of dollars to repair and will jeopardize the health of countless Americans. I ask my colleagues to join me in making a commitment to the American people that we will solve this difficult problem. I urge support for this resolution.

### FURTHER REFLECTIONS ON THE PERSIAN GULF

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. DORNAN] is recognized for 5 minutes.

Mr. DORNAN of California. Mr. Speaker, I had the privilege of sharing a special order with six of my colleagues who had gone to the Persian Gulf, the Arab Gulf nations call it the Arabian Gulf, over the weekend. As I mentioned that I was part of the Freedom Flight, the first group of people, including many distinguished businessmen and politicians, to go back to Ku-

wait, to undergo the sad mission of seeing the utter devastation of that once very wealthy, privileged, and beautiful desert nation, or emirate. I said that it was a particular honor to have with us on that journey the editor in chief of U.S. News & World Report, Mr. Mortimer Zuckerman. I had never had a chance to meet him before. He is as delightful a person as he appears when he guests on television or radio shows.

I said I was going to put in the RECORD his editorial in the March 11 issue of U.S. News entitled "The Triumph of Desert Storm." I just want to read a few high points of that editorial.

Saddam Hussein not only seemed to lack a firm grip on reality, he had an even looser grip on his fantasies. Every judgment he made maximized his losses. The poor, abused Iraqi people, of course, had been fed only a barrage of lies, and when 500,000 vanquished Iraqi troops get home, they will tell of things that prevent the dictator from turning his humiliation into a political victory.

In the 2 weeks, of course, since Mr. Zuckerman wrote those words, that has happened. It appears a fifth of the country in the north is now in the hands of Kurdish rebels and five or six cities in the south are contested by Shiite Muslims.

Mr. Zuckerman continues:

Americans and the world are in debt to George Bush. He drew the line of his convictions in the sand and kept it. When the going was rough, when the Democrats in Congress rejected any policy that involved the projection of force against Hussein, when the Soviets played mischief maker, George Bush kept his eye on the main objective.

□ 1510

Desert Storm was not only an incredible military victory but a triumph of brilliant diplomacy.

Many TV and media grandees must be hoping the American public—steadfast and never in doubt about Saddam Hussein—will soon forget their hand wringing, skepticism, moral torpor and downright misjudgment. Remember how the dust would clog all our high-tech equipment? Remember how we would be getting into another Vietnam, with thousands of dead and America at war with itself? The reality was a military of men and women who showed both physical courage and moral sense in their conduct of the war, making good on Bush's pledge that this would not be another Vietnam. Unlike much of the media, they learned one important lesson from Vietnam: Do not enter a war lightly, but if you do, use massive, overwhelming military power right from the start.

At this point, I would add to Mr. Zuckerman's words this observation: Mr. Robert Strange McNamara was the architect of exactly the opposite policy in Vietnam. In that war he refused to use our overwhelming power, not at the start, not in the middle, not at any point in that conflict. With his almost criminal acts he squandered the lives of thousands of better men. He developed a sickening vocabulary that included strategic hamlets, gradualism, escalated response, free fire zones, body bags, and the one that has the ugliest

ring of all, Mig sanctuaries, all of the insanity that tore our country apart.

McNamara resigned from the battlefield in the bloodiest month of the conflict on leap year day, February 29, 1968, his hands dripping with blood. Hundreds of POW's up in the North in Hanoi were being tortured; 12 of them we know were tortured to death. A hundred more who bailed out but were captured never made it into the Hanoi Hilton prison system. What was McNamara's reward from President Johnson for this utter and complete failure? Why, he got to go to the World Bank, where he remained longer than any other president of that Bank, at about \$250,000 a year tax free in 1968 dollars. Incredible. And then Mr. McNamara cuts a deal with the liberals in the American media to the effect that on whatever show he appears, whether denigrating our strategic defense or talking about world hunger, he will never ever be called to task on his architecture of the Vietnam war.

President Johnson never had such a deal, nor did President Nixon. Only McNamara, who was able to cut such a deal with the media.

Why was this man, who would have had to resign in disgrace in Great Britain or any other decent country, ever allowed to cut a deal whereby he would never have to defend his disgraceful conduct during the Vietnam war?

Mr. Zuckerman continues:

The military performance was dazzling. More than 100,000 air sorties were flown so precisely that civilian casualties—even by Iraq's count—were remarkably low. Imagine bombs that were 9,000 times as accurate as those in World War II! Contrary to the skeptics, air power proved decisive. High-tech weapons and precision bombing have changed the face of warfare.

The American public quickly grasped the nature of Saddam Hussein. Here was a classic megalomaniac, driven to conquer and enslave, who would and could never repent or change. His villainy gave Americans a moral clarity about the war, often lacking in media coverage that stressed Hussein's power and political cunning. And Hussein himself never did get it. He ignored every opportunity to gain political capital and completely misjudged the lethality of coalition firepower. The "great soldier" was no more than a terrorist, reduced to taking civilian hostages, brutalizing POWs, sending Scud missiles against innocent civilians, triggering oil spills, wantonly looting and murdering Kuwaitis.

This war was notable as much for what didn't happen as for what did. The Arab streets did not revolt; Hussein did not become the hero for most. Except for Jordan, there was overwhelming opposition to him in most parts of the region, especially in Egypt and Saudi Arabia. The stereotype of the Arab world, monolithic and menacing to the West, has been destroyed.

What now? The demonstration of power will teach regional radicals to avoid confrontation with the United States, as Libya and Iran already do. We must not shy away from supporting those in the Arab world who are moderate, rational and want peace and prosperity without pursuing aggressive dreams of pan-Arab superpower.

Our goals in the region should be modest. Progress in the Arab world must first be self-generated. The hope must be that the shock of this conflict will awaken Arab leaders and divert them from outmoded pan-Arab nationalism. Their governments are inept and undemocratic, their armies ill-trained, their societies riddled by class privilege and corruption, their economies inefficient and backward, their legitimacy underpinned by outmoded codes of honor that often prove destructive and even suicidal in Arab life. Neither Israel nor so-called colonialist conspiracies are responsible for their lot. The problem is systemic: Until they shed their neurotic and outmoded resentment of the rest of the world, they will fail.

As for America, Desert Storm has been a healing and unifying experience. After World War II, we could do anything. After Vietnam, we could do nothing. Today, the renewed patriotism and pride in the moral basis of our authority augur well for our capacity to deal with problems abroad, and hopefully at home.

#### THE PLIGHT OF THE DAIRY FARMERS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York [Mr. BOEHLERT] is recognized for 5 minutes.

Mr. BOEHLERT. Mr. Speaker, in a March 21, 1991, editorial, "The Senate: Wrong on Milk," the Washington Post labeled Senator PATRICK LEAHY's amendment to the dire emergency supplemental appropriations bill as a "joke" and "a vehicle for increasing farm price supports."

It is important to note that H.R. 1494, the Walsh-Boehlert-Slaughter of New York bill, has near identical provisions. This initiative of the Northeast Agriculture Caucus, like the Leahy amendment, is designed to respond to a dire emergency on dairy farms across America. It is appropriate that it be included where Senator LEAHY has placed it.

The Post editorial has unfairly characterized the main thrust of the legislation. The article also did not recognize important features of the plan and factors in the market that require a response.

The prices dairy farmers now receive are at the lowest level since 1979.

According to Stuart Smith of the Cornell University Economics Department, in my own State of New York, the decline in milk prices could cost New York dairy farmers as much as \$250 million this year, and drive up to 1,000 farms, or 10 percent of the total in our State, out of business. If nothing is done, more farms will go out of business all across America, less milk would be produced; the Washington Post's "production" goals will be achieved and many former dairy farmers and their families lives will be ruined.

This legislation is temporary, and it is important to note that. It deals with an emergency situation unprecedented in our history. For the first 2 months

of 1991, the price of milk for farmers, not the consumer, for farmers, has gone down 25 percent. First quarter results, which are historically the best time for dairy farmers in the Northeast are 26 percent below last year. Currently, the price of milk is \$2 less per hundredweight for dairy farmers than it was at this time last year.

This situation will be addressed in a long-term comprehensive policy approved by Congress last year; however, it has yet to be implemented by the Department of Agriculture. Understandably, they require more time down there, a new Secretary who I am confident will look at it very fairly and very objectively; but time is one thing that is not on the side of the dairy farmers. They need temporary help now.

The article in the Post says the Senate plan would "raise the price to the farmer of the milk you buy in the supermarket by roughly 25 percent." Not only is this misleading, it is wrong. The legislation raises the price to the dairy farmer of the product sold to the processors temporarily. Claiming that this bill will raise the price of milk for consumers is simply not supported by the facts. If that were so, then today's price for milk at the supermarket should be at least 25 percent less than last year's price for milk, and we all know it is not. Why should that happen with this; and it will not.

Over the last few months dairy farmers have come under tremendous financial strain. How can we expect business people in America, small business people, to get a lower price for their product than it costs them to produce that product? That simply does not make sense.

A strong dairy community means healthy competition and a competitive milk price for consumers. We will not have that if dairy farmers are allowed, through our neglect, to become an endangered species.

Dairy farmers are bleeding, and they are bleeding profusely. They require assistance, and they require it now. We have developed an innovative temporary program to do just that, and I urge my colleagues to support it.

#### POLAND'S PRESIDENT LECH WALESA VISITS THE UNITED STATES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin [Mr. KLECZKA] is recognized for 5 minutes.

Mr. KLECZKA. Mr. Speaker, this week, Lech Walesa, one of the world's great leaders and the leading proponent of democracy in Poland, arrived in the United States. As a Polish-American representing a district proud of its strong Polish heritage and interested in Polish events, I am pleased to welcome President Walesa to the United States.

The United States controls approximately 8 percent of Poland's \$33 billion debt to foreign nations. Recently, we agreed with the other major creditors of Poland's debt in the Paris group to forgive almost one-half of the \$33 billion. President Walesa has come to the United States to thank us for the prominent role we played in that debt reduction. He will also ask us to continue helping Poland in the future.

The United States has the unique opportunity to play a leading role in future developments in Poland. By forgiving a portion of Poland's debt, we encourage foreign investors to become involved in the Polish economy. We must also now help Poland continue its recovery by assisting in agricultural and infrastructure development, in setting environmental standards, and in improving Poland's health care system.

Since his inauguration as President of Poland on December 22, 1990, Mr. Walesa has pursued sweeping reforms to accelerate economic and political change. He and his administration have made great progress. Inflation rates have dropped, the exchange rate has remained stable, banking reforms have eased the transition to a capitalist market, and foreign investors have begun to help the overall economy.

The future of democracy in Poland is promising and will make it a model for the successful democratization of other Eastern European countries. Mr. Speaker, it is due, in no small part, to the leadership of Mr. Walesa that Poland has been successful thus far. I commend him and his administration for their accomplishments and I welcome him to our country.

#### BIELARUSIAN INDEPENDENCE DAY

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, on March 25, 1918, the people of Belarus declared their independence and moved to restore their cultural identity.

Regrettably, as we approach the 73d anniversary of the Belarusian Independence Day, their dream of independence from the Soviet Union remains unfulfilled.

Like many other captive peoples chafing under the yoke of Soviet domination, tens of thousands of Belarusians still long for basic human rights and respect for their cultural tradition, which the Soviets have systematically undermined.

The Soviets have tried to russify Belarus in order to make it appear that the country is nothing more than a province of a single, homogenous nation.

Nothing could be further from the truth. The people of Belarus have a distinctive Slavic language and a rich tradition of art and folklore.

It saddens me to say, Mr. Speaker, that because of ongoing Soviet oppression, the people of Belarus must stage independence day celebrations outside their own country.

One such commemoration of Belarusian culture is scheduled to take place on April 21 in Chicago. Sponsored by the Belarusian Coordinating Committee of Chicago, IL, the group's official celebration of Belarusian Inde-

pendence Day is expected to attract up to 150 people. The celebrants will gather at the Belarusian Religious and Cultural Center at 3107 West Fullerton Avenue for a program of live music and other activities.

The committee also is sponsoring an exhibit at the Richard J. Daley Center in Chicago from March 18–29 to commemorate the spirit of Belarusian independence. The exhibit will focus on the cultural heritage of Belarus. It also will honor the 100th anniversary of the birth of Maksim Bahdanovic, one of the founders of modern Belarusian poetry.

At this time, I would like to extend my commendation's to Vera Romuk, the Secretary of the Belarusian Coordinating Committee of Chicago, and to the other committee officers, who have dedicated countless hours to the cause of freedom and independence for Belarus. The other committee officers include President Michael Machnach, Vice President Anthony Bielenis, Treasurer Leo Sidorewicz and Witold Romuk, who serves as an adviser to the committee.

Dr. Romuk's wife, Vera Romuk, recently conveyed to me her shock and sadness at the fact that a large number of Belarusians apparently have endorsed the recent referendum on the continuation of the Soviet Union.

I share Mrs. Romuk's concerns that the Belarusians who voted in favor of continuing the union acted out of fear and a longing for democratic reform. Anyone who reads the question put to the Belarusians in the referendum can see that it was skewed to produce results favorable to the Soviet regime. The question reads as follows:

Do you think it is necessary to preserve the Union of Soviet Socialist Republics as a renewed federation of equal, sovereign republics in which the rights and freedoms of individuals of all nationalities will be fully guaranteed?

That question clearly was designed to play on the desires of tens of thousands of Belarusians who long for a peaceful transition to autonomy and democracy.

Mr. Speaker, I would like to include at this point in the CONGRESSIONAL RECORD a statement from the Belarusian Coordinating Committee of Chicago, IL, commemorating Belarusian Independence Day and related activities planned by the committee. The statement follows:

BIELARUSIAN COORDINATING COMMITTEE,  
Chicago, IL, March, 1991.

The Belarusian Coordinating Committee of Chicago, Illinois is an organization which unites Americans with roots in Belarus (Byelorussia). The Committee was formed in January of 1973 and is the spokesman for the Belarusian Americans in Chicago and in defense of freedom in Soviet Belarus.

#### THE COMMITTEE STATEMENT

Whereas, this year marks the 73rd Anniversary of the Declaration of Independence of Belarus, and

Whereas, the Belarusian Coordinating Committee of Chicago, Illinois is sponsoring an exhibit in the Richard J. Daley Center in Chicago from March 18 through 29, 1991, honoring the creators of the Belarusian spirit of independence; the centenary of the birth of Maksim Bahdanovic, one of the founders of modern Belarusian poetry; and the Belarusian cultural heritage, and

Whereas, the Belarusian Coordinating Committee of Chicago, Illinois is sponsoring a banquet and program at 1:00 p.m. on April 21, 1991 at the Belarusian Religious and Cultural Center at 3107 West Fullerton Avenue in Chicago to commemorate the Belarusian Independence, and

Whereas, the Belarusian American Community in Chicago takes an interest and active part in the life of its own people and other ethnic communities as well, and

Whereas, the Belarusian American Community in Chicago prefers to be known under the authentic name of Belarus (pronounced Byeh-lah-roos) for the country and Belarusian (pronounced Byeh-lah-rooh-seeyan) for the people instead of the Russian name Byelorussia (Belorusseeya in Russian): Now, therefore, be it.

Resolved, That our requests, wishes, and objectives be respected, given proper attention and recognition, and fully realized by those to whom we address ourselves.

Respectfully submitted,

VERA ROMUK,  
Secretary.

I also would like to inform my colleagues that I recently received word from Mrs. Romuk regarding an upcoming trip to Washington by a group of Belarusian parliamentarians. The parliamentarians will include Zenon Pazniak, who leads a group of 100 opposition deputies in the 345-member Supreme Soviet of Belarus. Mr. Pazniak, who also chairs the Belarus National Front, is a historian and a member of the Belarusian Academy of Sciences.

Other parliamentarians accompanying Mr. Pazniak will be Leanid Barsceuski and Uladzimir Zablocki. The parliamentarians are scheduled to meet with members of the Senate Foreign Relations Committee on April 8–9. Dr. Jan Zaprudnik of New York City will act as interpreter.

Now, as the 73d anniversary of Belarusian Independence Day approaches, I would like to join with people of Belarusian descent in Chicago and around the world who are seeking autonomy and freedom for their homeland. I will not rest until the day comes when they regain their right to self-determination.

#### TECHNICAL CORRECTIONS ACT OF 1991

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois [Mr. ROSTENKOWSKI] is recognized for 5 minutes.

Mr. ROSTENKOWSKI. Mr. Speaker, I am pleased to introduce today H.R. 1555, the Technical Corrections Act of 1991. The primary purpose of this legislation is to make technical corrections to the provisions of the Omnibus Budget Reconciliation Act of 1990 within the jurisdiction of the Committee on Ways and Means. It includes technical corrections to the 1990 Act which relate to tax, social security, health, human resources and trade. An identical bill is being introduced in the Senate today by the Honorable LLOYD M. BENTSEN, chairman of the Senate Finance Committee.

This legislation is the product of the majority staff of the Ways and Means Committee and the Senate Finance Committee working with the staff of the Joint Committee on Taxation, the two minority staffs, the appropriate Admin-

istration departments and agencies, and the Offices of the Legislative Counsel to review and make recommendations for technical corrections and clarifications. In addition, with respect to the relevant Medicare provisions, our staff worked with the staff of the House Committee on Energy and Commerce. Also, with respect to the estate freeze provisions of the 1990 Act, a number of technical issues have been submitted by the tax bar. This bill does not address all of those issues because administrative guidance is expected to be issued by the Treasury Department in the near future. Thus, additional technical corrections may be necessary following the issuance of such guidance.

Mr. Speaker, I want to assure my fellow Members and taxpayers that this bill is not intended or designed to make substantive changes to the 1990 Act or other recent legislation. Like past technical corrections bills, this legislation is anticipated to be revenue neutral. Given the responsibilities of the Committee on Ways and Means with respect to the Federal budget deficit, I do not anticipate making any changes to H.R. 1555 which would cause an overall loss of revenue as measured against last year's legislation.

In order to assist taxpayers and other interested parties in their analysis of this bill, Chairman BENTSEN and I have instructed the staff of the Joint Committee on Taxation and the staff of the Committee on Ways and Means to issue a pamphlet describing the provisions of the bill. I have presented this explanation following this statement.

Mr. Speaker, I wish to thank Chairman BENTSEN for his continued support in developing this legislation. I would also like to thank all the staffs involved for their careful analysis and work on this legislation. I want to assure taxpayers that I intend to have the Committee on Ways and Means process this essential legislation as expeditiously as possible. This is important legislation to which I am fully committed, and which I expect to be enacted later this year.

#### DESCRIPTION OF THE TECHNICAL CORRECTIONS ACT OF 1991

##### TITLE I. TAX TECHNICAL CORRECTIONS

##### I. Technical Corrections to the Revenue Reconciliation Act of 1990

##### A. Individual Income Tax Provisions

1. Minimum tax rate on certain non-resident aliens (sec. 102(a)(2) of the bill, sec. 11102 of the 1990 Act, and sec. 897 of the Code)

##### Present law

The Revenue Reconciliation Act of 1990 (the "1990 Act") increased the alternative minimum tax rate on individuals from 21 percent to 24 percent.

##### Explanation of provision

The bill conforms the rate of the minimum tax on the U.S. real property gains of non-resident aliens to the 24 percent minimum tax rate enacted in the 1990 Act.

2. Tax rate of personal holding companies (sec. 102(a)(4) of the bill, sec. 11101 of the 1990 Act, and sec. 541 of the Code)

##### Present law

A corporation that is treated as a personal holding company is subject, in addition to the regular corporate tax, to a 28-percent tax on its undistributed personal holding company income for the taxable year. The present-law rate of 28 percent was set by the

Tax Reform Act of 1986.<sup>1</sup> This rate reflected the maximum rate of tax on individuals in that Act.

The 1990 Act increased the maximum rate of tax on individuals from 28 percent to 31 percent effective for taxable years beginning after December 31, 1990.

##### Explanation of provision

The bill provides that the increase in the individual maximum tax rate to 31 percent also applies to the personal holding company tax rate, effective for taxable years beginning after December 31, 1990.

3. Definition of AGI for the earned income credit and the supplemental earned income tax credit for health insurance premiums (sec. 102(a)(5) of the bill, sec. 11111 of the 1990 Act, and sec. 32 of the Code)

##### Present law

Under present law, a supplemental earned income tax credit (EITC) is available to certain taxpayers for qualified health insurance expenses. Qualified health insurance expenses for which the credit is available are amounts paid during the taxable year for health insurance coverage that includes one or more qualifying children. These expenses include only those expenses relating to the cost of coverage (i.e., premium cost) paid with after-tax dollars. The maximum credit is \$428 in 1991. The credit is phased out as adjusted gross income (AGI) (or earned income, if greater) exceeds \$11,250 in 1991. Earned income amounts taken into account in computing the maximum credit and the beginning point of the phase-out range are indexed for inflation.

The calculation of this supplemental child health insurance credit is generally the same as the calculation of the basic EITC. Thus, the same eligibility criteria and income phase-in and phase-out requirements apply. There is no family size adjustment with respect to the health insurance credit.

Present law provides that the amount of expenses taken into account in determining the deduction for health insurance costs of self-employment individuals (sec. 162(1)) is reduced by the amount (if any) of the supplemental child health insurance credit allowable to the taxpayer (sec. 162(1)(3)(B)). This so-called "double-dip" provision creates a calculation problem because the amount of the EITC, the supplemental young child credit, and the child health insurance credit cannot be determined until AGI is determined; however, AGI is determined with reference to the deduction for health insurance costs of self-employed individuals. Thus, the operation of the double-dip provision creates a circularity that increases the complexity of the child health credit.

##### Explanation of provision

Under the bill, for purposes of the EITC, the supplemental young child credit, and the supplemental child health insurance credit, AGI is calculated assuming that the taxpayer is entitled to the full deduction for health insurance costs under section 162(1). Then, after the maximum child health credit is determined, the double-dip rule (sec. 162(1)(3)(B)) operates as it does under present law.

##### B. Excise Tax Provisions

1. Application of the 2.5-cents-per-gallon tax on fuel used in rail transportation to States and local governments (sec. 102(b)(3) of the bill, sec. 11211(b)(4) of the 1990 Act, and sec. 4093 of the Code)

##### Present law

The 1990 Act increased the highway and motorboat fuels taxes by 5 cents per gallon, effective on December 1, 1990. The 1990 Act continued the exemption from these taxes for fuels used by States and local governments.

The 1990 Act also imposed a 2.5-cents-per-gallon tax on fuel used in rail transportation, also effective on December 1, 1990. Because of a drafting error in the 1990 Act, the 2.5-cents-per-gallon tax on fuel used in rail transportation incorrectly applies to States and local governments.

##### Explanation of provision

The bill clarifies that the 2.5-cents-per-gallon tax on fuel used in rail transportation will not apply to such uses by States and local governments.

2. Deposit of certain aviation tax revenues in Airport and Airway Trust Fund (sec. 102(b)(5) of the bill, sec. 11213 of the 1990 Act, and sec. 9502(e)(1) of the Code)

##### Present law

The 1990 Act increased the aviation excise tax rates (except for the international air departure tax rate) by 25 percent, and extended those taxes for five years, effective December 1, 1990, through December 31, 1995. From December 1, 1990 through 1992, the statement of managers on the 1990 Act indicated that the revenues attributable to the increased portion of the aviation taxes were to be retained in the General Fund; these revenues will be deposited in the Airport and Airway Trust Fund for 1993 through 1995. The statute as enacted in the 1990 Act omitted this agreement with respect to the taxes other than those imposed on aviation fuels (i.e., the revenues attributable to the increase in the air passenger ticket tax and the air cargo tax).

##### Explanation of provision

The bill clarifies that revenues from all aviation excise taxes attributable to the increased rates imposed by the 1990 Act on taxable events during periods before January 1, 1993, will be retained in the General Fund. The amendment does not affect revenues attributable to the tax rates imposed before enactment of the 1990 Act and extended by that Act.

##### C. Other Revenue—Increase Provisions of the 1990 Act

1. Deposits of Railroad Retirement Tax Act taxes (sec. 102(c)(3) of the bill, sec. 11334 of the 1990 Act, and sec. 6302(g) of the Code)

##### Present law

Employers must deposit income tax withheld from employees' wages and FICA taxes that are equal to or greater than \$100,000 by the close of the next banking day. Under the Railroad Retirement Solvency Act of 1983, the deposit rules for withheld income taxes and FICA taxes automatically apply to Railroad Retirement Tax Act taxes (sec. 226 of P.L. 98-76).

##### Explanation of provision

The bill conforms the Internal Revenue Code to the Railroad Retirement Solvency Act of 1983 by stating in the Code that these deposit rules for withheld income taxes and FICA taxes apply to Railroad Retirement Tax Act taxes.

2. Treatment of salvage and subrogation of property and casualty insurance companies (sec. 102(c)(4) of the bill and sec. 11305 of the 1990 Act)

##### Present law

For taxable years beginning after December 31, 1989, property and casualty insurance

<sup>1</sup> See P.L. 99-514, sec. 104(b)(8).

companies are required to reduce the deduction allowed for losses incurred (both paid and unpaid) by estimated recoveries of salvage and subrogation attributable to such losses. In the case of any property and casualty insurance company that took into account estimated salvage and subrogation recoverable in determining losses incurred for its last taxable year beginning before January 1, 1990, 87 percent of the discounted amount of the estimated salvage and subrogation recoverable as of the close of the last taxable year beginning before January 1, 1990, is allowed as a deduction ratably over the first 4 taxable years beginning after December 31, 1989. This special deduction was enacted in order to provide such property and casualty insurance companies with substantially the same Federal income tax treatment as that provided to those property and casualty insurance companies that prior to the Revenue Reconciliation Act of 1990 did not take into account estimated salvage and subrogation recoverable in determining losses incurred.

#### Explanation of provision

The bill provides that the earnings and profits of any property and casualty insurance company that took into account estimated salvage and subrogation recoverable in determining losses incurred for its last taxable year beginning before January 1, 1990, is to be determined without regard to the special deduction that is allowed over the first 4 taxable years beginning after December 31, 1989. The special deduction is to be taken into account, however, in determining earnings and profits for purposes of applying section 56, 902, 952(c)(1) and 960 of the Internal Revenue Code of 1986. This provision is considered necessary in order to provide those property and casualty insurance companies that took into account estimated salvage and subrogation recoverable in determining losses incurred with substantially the same Federal income tax treatment as that provided to those property and casualty insurance companies that prior to the 1990 Act did not take into account estimated salvage and subrogation recoverable in determining losses incurred.

3. Information with respect to certain foreign-owned or foreign corporations: Suspension of the statute of limitations during certain judicial proceedings (sec. 102(c)(5) of the bill, secs. 11314 and 11315 of the 1990 Act, and secs. 6038A and 6038C of the Code)

#### Present law

Any domestic corporation that is 25-percent owned by one foreign person is subject to certain information reporting and record-keeping requirements with respect to transactions carried out directly or indirectly with certain foreign persons treated as related to the domestic corporation ("reportable transactions") (sec. 6038A(a)). In addition, the Code provides procedures whereby an IRS examination request or summons with respect to reportable transactions can be served on foreign related persons through the domestic corporation (sec. 6038A(e)). Similar provisions apply to any foreign corporation engaged in a trade or business within the United States, with respect to information, records, examination requests, and summonses pertaining to the computation of its liability for tax in the United States (sec. 6038C). Certain noncompliance rules may be applied by the Internal Revenue Service in the case of the failure by a domestic corporation to comply with a summons pertaining to a reportable transaction (a "6038A summons") (sec. 6038A(e)), or the failure by a for-

ign corporation engaged in a U.S. trade or business to comply with a summons issued for purposes of determining the foreign corporation's liability for tax in the United States (a "6038C summons") (sec. 6038C(d)).

Any corporation that is subject to the provisions of section 6038A or 6038C has the right to petition a Federal district court to quash a 6038A or 6038C summons, or to review a determination by the IRS that the corporation did not substantially comply in a timely manner with the 6038A or 6038C summons (sec. 6138A(e)(4) (A) and (B); sec. 6038C(d)(4)). During the period that either such judicial proceeding is pending (including appeals), and for up to 90 days thereafter, the statute of limitations is suspended with respect to any transaction (or item, in the case of a foreign corporation) to which the summons relates (secs. 6038A(e)(4)(D), 6038C(d)(4)).

The legislative history of the 1989 Act amendments to section 6038A states that the suspension of the statute of limitations applies to "the taxable year(s) at issue."<sup>2</sup> The legislative history of the 1990 Act, which added section 6038C to the Code, uses the same language.<sup>3</sup>

#### Explanation of provision

The bill modifies the provisions in sections 6038A and 6038C that suspend the statute of limitations to clarify that the suspension applies to any taxable year the determination of the amount of tax imposed for which is affected by the transaction or item to which the summons relates.

4. Rate of interest for large corporate underpayments (secs. 102(c) (6) and (7) of the bill, sec. 11341 of the 1990 Act, and sec. 6621(c) of the Code)

#### Present law

The rate of interest otherwise applicable to underpayments of tax is increased by two percent in the case of large corporate underpayments (generally defined to exceed \$100,000), applicable to periods after the 30th day following the earlier of a notice of proposed deficiency, the furnishing of a statutory notice of deficiency, or an assessment notice issued in connection with a nondeficiency procedure.

#### Explanation of provision

The bill provides that an IRS notice that is later withdrawn because it was issued in error does not trigger the higher rate of interest. The bill also corrects an incorrect reference to "this subtitle".

#### D. Expiring Tax Provisions

1. Exclusion for employer-provided educational assistance (sec. 102(d)(1) of the bill, sec. 11403 of the 1990 Act, and secs. 127 and 132 of the Code)

#### Present law

Employer-provided educational assistance is excludable from gross income if the value of the assistance does not exceed \$5,250 and certain other requirements are satisfied (sec. 127). Prior to the 1990 Act, the exclusion did not apply to graduate level courses. The 1990 Act eliminated this restriction. The Omnibus Budget Reconciliation Act of 1989 provided

<sup>2</sup>H.R. Rep. No. 247, 101st Cong., 1st Sess. 1301 (1989); "Explanation of Provisions Approved by the Committee on October 3, 1989," Senate Finance Committee Print (WMCP: 101-37), 101st Cong., 1st Sess. 118 (October 12, 1989).

<sup>3</sup>"Legislative History of Ways and Means Democratic Alternative," House Ways and Means Committee Print (WCMP: 101-37), 101st Cong., 2nd Sess. 58 (October 15, 1990); Report language submitted by the Senate Finance Committee to the Senate Budget Committee on S. 3299, 136 Cong. Rec. S 15629, S 15700 (1990).

that educational assistance that is not excludable under section 127 due to the dollar limitation on the exclusion and the restriction on graduate level courses is excludable from gross income if and only if it qualifies as a working condition fringe benefit (sec. 132(h)).

#### Explanation of provision

The bill amends the fringe benefit rules to reflect the fact that the graduate level course restriction has been repealed.

2. Research credit provision: Effective date for repeal of special proration rule (sec. 102(d)(2) of the bill and sec. 11402 of the 1990 Act)

#### Present law

The Omnibus Budget Reconciliation Act of 1989 effectively extended the research credit for nine months by prorating certain qualified research expenses incurred before January 1, 1991. The special rule to prorate qualified research expenses applied in the case of any taxable year which began before October 1, 1990, and ended after September 30, 1990. Under this special proration rule, the amount of qualified research expenses incurred by a taxpayer prior to January 1, 1991, was multiplied by the ratio that the number of days in that taxable year before October 1, 1990, bears to the total number of days in such taxable year before January 1, 1991. The amendments made by the 1989 Act to the research credit (including the new method for calculating a taxpayer's base amount) generally were effective for taxable years beginning after December 31, 1989. However, this effective date did not apply to the special proration rule (which applied to any taxable year which began prior to October 1, 1990—including some years which began before December 31, 1989—if such taxable year ended after September 30, 1990).

Section 11402 of the Omnibus Budget Reconciliation Act of 1990 extended the research credit through December 31, 1991, and repealed the special proration rule provided for by the 1989 Act. Section 11402 of the 1990 Act was effective for taxable years beginning after December 31, 1989. Thus, in the case of taxable years beginning before December 31, 1989, and ending after September 30, 1990 (e.g., a taxable year of November 1, 1989 through October 31, 1990), the special proration rule provided by the 1989 Act would continue to apply.

#### Explanation of provision

The bill repeals for all taxable years ending after December 31, 1989, the special proration rule provided for by the 1989 Act.

E. Energy Tax Provisions: Alternative Minimum Tax Adjustment Based on Energy Preferences (secs. 102(e)(2) and (6) of the bill, sec. 11531(a) of the 1990 Act, and sec. 56(h) of the Code)

#### Present law

In computing alternative minimum taxable income (and the adjusted current earnings (ACE) adjustment of the alternative minimum tax), certain adjustments are made to the taxpayer's regular tax treatment for intangible drilling costs (IDCs) and depletion. A special energy deduction is also allowed. The special energy deduction is initially determined by determining the taxpayer's (1) intangible drilling cost preference and (2) the marginal production depletion preference. The intangible drilling cost preference is the amount by which the taxpayer's alternative minimum taxable income would be reduced if it were computed without regard to the adjustments for IDCs. The marginal production depletion preference is

the amount by which the taxpayer's alternative minimum taxable income would be reduced if it were computed without regard to depletion adjustments attributable to marginal production. The intangible drilling cost preference is then apportioned between (1) the portion of the preference related to qualified exploratory costs and (2) the remaining portion of the preference. The portion of the preference related to qualified exploratory costs is multiplied by 75 percent and the remaining portion is multiplied by 15 percent. The marginal production depletion preference is multiplied by 50 percent. The three products described above are added together to arrive at the taxpayer's special energy deduction (subject to certain limitations).

The special energy deduction is not allowed to the extent that it exceeds 40 percent of alternative minimum taxable income determined without regard to either this special energy deduction or the alternative tax net operating loss deduction. Any special energy deduction amount limited by the 40-percent threshold may not be carried to another taxable year. In addition, the combination of the special energy deduction, the alternative minimum tax net operating loss and the alternative minimum tax foreign tax credit cannot generally offset, in the aggregate, more than 90 percent of a taxpayer's alternative minimum tax determined without such attributes.

#### Explanation of provisions

**Interaction of special energy deduction with net operating loss and investment tax credit:**

The bill clarifies that the amount of alternative tax net operating loss that is utilized in any taxable year is to be appropriately adjusted to take into account the amount of special energy deduction claimed for that year. This operates to preserve a portion of the alternative tax net operating loss carry-over by reducing the amount of new operating loss utilized to the extent of the special energy deduction claimed, which if unused, could not be carried forward.

In addition, the bill contains a similar provision which clarifies that the limitation on the utilization of the investment tax credit for purposes of the alternative minimum tax is to be determined without regard to the special energy deduction.

**Interaction of special energy deduction with adjustment based on adjusted current earnings:**

The bill provides that the ACE adjustment is to be computed without regard to the special energy deduction. Thus, the bill specifies that the ACE adjustment is equal to 75 percent of the excess of a corporation's adjusted current earnings over its alternative minimum taxable income computed without regard to either the ACE adjustment, the alternative tax net operating loss deduction, or the special energy deduction.

F. Estate Freezes (sec. 102(f) of the bill, sec. 11602 of the 1990 Act, and secs. 2701-04 of the Code)

#### Present law

Generally: The value of property transferred by gift or includible in the decedent's gross estate is its fair market value. Fair market value is generally the price at which the property would change hands between a willing buyer and willing seller, neither being under any compulsion to buy or sell and both having reasonable knowledge of relevant facts (Treas. Reg. sec. 10.2031). Chapter 14 contains rules that supersede the willing buyer, willing seller standard (Code secs. 2701-04).

Preferred interests in corporations and partnerships.—Valuation of retained interests:

Scope: Section 2701 provides special rules for valuing certain rights retained in conjunction with the transfer to a family member of an interest in a corporation or partnership. These rules apply to any applicable retained interest held by the transferor or an applicable family member immediately after the transfer of an interest in such entity. An "applicable family member" is, with respect to any transferor, the transferor's spouse, ancestors of the transferor and the spouse, and spouses of such ancestors.

An applicable retained interest is an interest with respect to which there is one of two types of rights ("affected rights"). The first type of affected right is a liquidation, put, call, or conversion right, generally defined as any liquidation, put, call, or conversion right, or similar right, the exercise or nonexercise of which affects the value of the transferred interest. The second type of affected right is a distribution right<sup>4</sup> in an entity in which the transferor and applicable family members hold control immediately before the transfer. In determining control, an individual is treated as holding any interest held by the individual's brothers, sisters and lineal descendants. A distribution right does not include any right with respect to a junior equity interest.

Valuation: Section 2701 contains two rules for valuing applicable retained interests. Under the first rule, an affected right other than a right to qualified payments is valued at zero. Under the second rule any retained interest that confers (1) a liquidation, put, call or conversion right and (2) a distribution right that consists of the right to receive a qualified payment is valued on the assumption that each right is exercised in a manner resulting in the lowest value for all such rights (the "lowest value rule"). There is no statutory rule governing the treatment of an applicable retained interest that confers a right to receive a qualified payment, but with respect to which there is no liquidation, put, call or conversion right.

A qualified payment is a dividend payable on a periodic basis and at a fixed rate under cumulative preferred stock (or a comparable payment under a partnership agreement). A transferor or applicable family member may elect not to treat such a dividend (or comparable payment) as a qualified payment. A transferor or applicable family member also may elect to treat any other distribution right as a qualified payment to be paid in the amounts and at the times specified in the election.

Inclusion in transfer tax base: Failure to make a qualified payment valued under the lowest value rule within four years of its due date generally results in an inclusion in the transfer tax base equal to the difference between the compounded value of the scheduled payments over the compounded value of the payments actually made. The Treasury Department has regulatory authority to make subsequent transfer tax adjustments in the transfer of an applicable retained interest to reflect the increase in a prior taxable gift by reason of section 2701.

Generally, this inclusion occurs if the holder transfers by sale or gift the applicable retained interest during life or at death. In addition, the taxpayer may, by election, treat the payment of the qualified payment

<sup>4</sup>A distribution right generally is a right to a distribution from a corporation with respect to its stock, or from a partnership with respect to a partner's interest in the partnership.

as giving rise to an inclusion with respect to prior periods.

The inclusion continues to apply if the applicable retained interest is transferred to an applicable family member. There is no inclusion on a transfer of an applicable retained interest to a spouse for consideration or in a transaction qualifying for the marital deduction but subsequent transfers by the spouse are subject to the inclusion. Other transfers to applicable family members result in an immediate inclusion as well as subjecting the transferee to subsequent inclusions.

#### Minimum value of residual interest:

Section 2701 also establishes a minimum value for a junior equity interest in a corporation or partnership. For partnerships, a junior equity interest is an interest under which the rights to income and capital are junior to the rights of all other classes of equity interests.

#### Trusts and term interests in property:

The value of a transfer in trust is the value of the entire property less the value of rights in the property retained by the grantor. Section 2702 provides that in determining the extent to which a transfer of an interest in trust to a member of the transferor's family is a gift, the value of an interest retained by the transferor or an applicable family member is zero unless such interest takes certain prescribed forms.

For a transfer with respect to a specified portion of property, section 2702 applies only to such portion. The section does not apply to the extent that the transfer is incomplete.

#### Options and buy-sell agreements:

A restriction upon the sale or transfer of property may reduce its fair market value. Treasury regulations provide that a restriction is to be disregarded unless the agreement represents a bona fide business arrangement and not a device to pass the decedent's shares to the natural objects of his bounty for less than full and adequate consideration (Treas. Reg. sec. 20.2031-2(h)).

Section 2703 provides that for transfer tax purposes the value of property is determined without regard to any option, agreement or other right to acquire or use the property at less than fair market value or any restriction on the right to sell or use such property. Certain options are excepted from this rule. To fall within the exception, the option, agreement, right or restriction must (1) be a bona fide business arrangement, (2) not be a device to transfer such property to members of the decedent's family for less than full and adequate consideration in money or money's worth, and (3) have terms comparable to similar arrangements entered into by persons in an arm's length transaction.

#### Explanation of provisions

Preferred interests in corporations and partnerships—Valuation:

The bill provides that an applicable retained interest conferring a distribution right to qualified payments with respect to which there is no liquidation, put, call, or conversion right is valued without regard to section 2701. The bill also provides that the retention of such right gives rise to potential inclusion in the transfer tax base. In making these changes, it is understood that Treasury regulations could provide, in appropriate circumstances, that a right to receive amounts on liquidation of the corporation or partnership constitutes a liquidation right within the meaning of section 2701 if the transferor, alone or with others, holds the right to cause liquidation.

The bill modifies the definition of junior equity interest by granting regulatory authority to treat a partnership interest with

rights that are junior with respect to either income or capital as a junior equity interest. The bill also modifies the definition of distribution right by replacing the junior equity interest exception with an exception for a right under an interest that is junior to the rights of the transferred interest. As a result, section 2701 does not affect the valuation of a transferred interest that is senior to the retained interest, even if the retained interest is not a junior equity interest.

The bill modifies the rules for electing in or out of qualified payment treatment. A dividend payable on a periodic basis and a fixed rate under a cumulative preferred stock held by the transferor is treated as a qualified payment unless the transferor elects otherwise. If held by an applicable family member, such stock is not treated as a qualified payment unless the holder so elects.<sup>5</sup> In addition, a transferor or applicable family member holding any other distribution right may treat such right as a qualified payment to be paid in the amounts and at the times specified in the election.

The bill grants the Treasury Department regulatory authority to make subsequent transfer tax adjustments to reflect the inclusion of unpaid amounts with respect to a qualified payment. This authority, for example, would permit the Treasury Department to eliminate the double taxation that might occur if, with respect to a transfer, both the inclusion and the value of qualified payment arrearages were included in the transfer tax base. It would also permit elimination of the double taxation that might result from a transfer to a spouse, who, under the statute, is both an applicable family member and a member of the transferor's family.

The bill treats a transfer to a spouse falling under the annual exclusion the same as a transfer qualifying for the marital deduction. Thus, no inclusion would occur upon the transfer of an applicable retained interest to a spouse, but subsequent transfers by the spouse would be subject to inclusion. The bill also clarifies that the inclusion continues to apply if an applicable family member transfers a right to qualified payments to the transferor.

The provision clarifies the consequences of electing to treat a distribution as giving rise to an inclusion. Under the bill, the election gives rise to an inclusion only with respect to the payment for which the election is made. The inclusion with respect to other payments is unaffected.

Trust and term interests in property: The bill conforms section 2702 to existing regulatory terminology by substituting the term "incomplete gift" for "incomplete transfer." In addition, the bill limits the exception for incomplete gifts to instances in which the entire gift is incomplete. The Treasury Department is granted regulatory authority, however, to create additional exceptions not inconsistent with the purposes of the section. This authority, for example, could be used to exempt a charitable trust that meets the requirements of section 664 and that does not otherwise create an opportunity for transferring property to a family member free of transfer tax.

Options and buy-sell agreements: The bill modifies the exception to the rule disregarding an option for transfer tax valuation. The requirement that the option, agreement, right or restriction not be a de-

vice to transfer the property to members of the decedent's family is revised to require that the option not be a device to transfer the property to persons who are natural objects of the bounty of the transferor. This revision conforms section 2703 to the Treasury regulations and recognizes that the section applies with respect to all transfer taxes.

#### G. Miscellaneous Provisions

1. Conforming amendments to the repeal of the General Utilities doctrine (sec. 102(g)(1) and (2) of the bill, sec. 11702(e)(2) of the 1990 Act, and secs. 897(f) and 1248 of the Code)

##### Present law

As a result of changes made by recent tax legislation, gain is generally recognized on the distribution of appreciated property by a corporation to its shareholders. The Technical Corrections subtitle of the 1990 Act and technical correction provisions in prior acts made various conforming amendments arising out of these changes. For example, the 1990 Act made a conforming change to section 355(c) to state the treatment of distributions in section 355 transactions in the affirmative rather than by reference to the provisions of section 311. In addition, the Technical and Miscellaneous Revenue Act of 1988 (the "1988 Act") made a conforming change to section 1248(f) to update the references to the nonrecognition provisions contained in that subsection. One of the changes was to change the reference to "section 311(a)" from "section 311".

##### Explanation of provisions

The bill makes three conforming changes to the Code.

First, section 897(f), relating to the basis in a United States real property interest distributed to a foreign person, is repealed as deadwood. The basis of the distributed property is its fair market value in accordance with section 301(d).

Second, section 1248(f) is amended to add a reference to section 355(c)(1), which provides generally for the nonrecognition of gain or loss on the distribution of stock or securities in certain subsidiary corporations. This retains the substance of the law as it existed before the conforming change to section 355(c) made by the 1990 Act.

Third, section 1248 is amended to clarify that, notwithstanding the conforming changes made by the 1988 Act, with respect to any transaction in which a U.S. person is treated as realizing gain from the sale or exchange of stock of a controlled foreign corporation, the U.S. person shall be treated as having sold or exchanged the stock for purposes of applying section 1248. Thus if a U.S. person distributes appreciated stock of a controlled foreign corporation to its shareholders in a transaction in which gain is recognized under section 311(b), section 1248 shall be applied as if the stock had been sold or exchanged at its fair market value. Under section 1248(a), part or all of the gain may be treated as a dividend. Under the bill, the rule treating the distributing for purposes of section 1248 as a sale or exchange also applies where the U.S. person is deemed to distribute the stock under the provisions of section 1248(i). Under section 1248(i), gain will be recognized only to the extent of the amount treated as a dividend under section 1248.

These amendments are not intended to affect the authority of the Secretary to issue regulations under section 1248(f) providing exceptions to the rule recognizing gain in certain distributions (cf. Notice 87-64, 1987-2 C.B. 375).

2. Prohibited transaction rules (sec. 102(g)(3) of the bill, sec. 11701(m) of the 1990 Act, and sec. 4975 of the Code)

##### Present law

The Code and title I of the Employee Retirement Income Security Act of 1974 (ERISA) prohibit certain transactions between an employee benefit plan and certain persons related to such plan. An exemption to the prohibited transaction rules of title I of ERISA is provided in the case of sales of employer securities the plan is required to dispose of under the Pension Protection Act of 1987 (ERISA sec. 408(b)(12)). The 1990 Act amended the Code to provide that certain transactions that are exempt from the prohibited transaction rules of ERISA are automatically exempt from the prohibited transaction rules of the Code. The 1990 Act change was intended to be limited to transaction exempt under section 408(b)(12) of ERISA.

##### Explanation of provision

The bill conforms the statutory language to legislative intent by providing that transactions that are exempt from the prohibited transaction rules of ERISA by reason of ERISA section 408(b)(12) are also exempt from the prohibited transaction rules of the Code.

3. Effective date of LIFO adjustment for purposes of computing adjusted current earnings (sec. 102(g)(4) of the bill, sec. 11701 of the 1990 Act, sec. 7611(b) of the 1989 Act, and sec. 56(g) of the Code)

##### Present law

For purposes of computing the adjusted current earnings (ACE) component of the corporate alternative minimum tax, taxpayers are required to make the LIFO inventory adjustments provided in section 312(n)(4) of the Code. Section 312(n)(4) generally is applicable for purposes of computing earnings and profits in taxable years beginning after September 30, 1984. The ACE adjustment generally is applicable to taxable years beginning after December 31, 1989.

##### Explanation of provision

The bill clarifies that the LIFO inventory adjustment required for ACE purposes shall be computed by applying the rules of section 312(n)(4) only with respect to taxable years beginning after December 31, 1989. The effective date applicable to the determination of earnings and profits (September 30, 1984) is inapplicable for purposes of the ACE LIFO inventory adjustment. Thus, the ACE LIFO adjustment shall be computed with reference to increases (and decreases, to the extent provided in regulations) in the ACE LIFO reserve in taxable years beginning after December 31, 1989.

4. Low-income housing credit (sec. 102(g)(5) of the bill, sec. 11701(a)(11) of the 1990 Act, and sec. 42 of the Code)

##### Present law

The amendments to the low-income housing tax credit contained in the Omnibus Budget Reconciliation Act of 1989 generally were effective for a building placed in service after December 31, 1989, to the extent the building was financed by tax-exempt bonds ("a bond-financed building"). This rule applied regardless of when the bonds were issued.

A technical correction enacted in the Omnibus Budget Reconciliation Act of 1990 limited this effective date to buildings financed with bonds issued after December 31, 1989. Thus, the technical correction applied pre-1989 Act law to a bond-financed building placed in service after December 31, 1989, if the bonds were issued before January 1, 1990.

<sup>5</sup>With respect to gifts made in 1990, the bill provides that this election may be made by the due date (including extensions) of the transferor's 1991 gift tax return.

## Explanation of provision

The bill repeals the 1990 technical correction. The bill provides, however, that pre-1989 Act law will apply to a bond-financed building if the owner of the building establishes to the satisfaction of the Secretary of the Treasury reasonable reliance upon the 1990 technical correction.

H. Expired or Obsolete Provisions ("Deadwood Provisions") (sec. 102(h) of the bill and secs. 11801-11816 of the 1990 Act)

## Present law

The 1990 Act repealed and amended numerous sections of the Code by deleting obsolete provisions ("deadwood"). These amendments were not intended to make substantive changes to the tax law.

## Explanation of provisions

The bill makes several amendments to restore the substance of prior law which was inadvertently changed by the deadwood provisions of the 1990 Act. These amendments include (1) a provision restoring the prior-law depreciation treatment of certain energy property (sec. 168(e)(3)(B)(vi)); (2) a provision restoring the prior-law definition of property eligible for expensing (sec. 179(d)); (3) a provision restoring the prior-law rule providing that if any member of an affiliated group of corporations elects the credit under section 901 for foreign taxes paid or accrued, then all members of the group paying or accruing such taxes must elect the credit in order for any dividend paid by a member of the group to qualify for the 100-percent dividends received deduction (sec. 243(b)); and (4) the provisions relating to the collection of State individual income taxes (secs. 6361-6365).

The bill also makes several nonsubstantive clerical amendments to conform the Code to the amendments made by the deadwood provisions. None of these amendments is intended to change the substance of pre-1990 law.

## II. Other tax technical corrections

A. Hedge Bonds (sec. 103(b) of the bill, sec. 11701 of the 1990 Act, and sec. 149(g) of the Code)

## Present law

The 1989 Act provided generally that interest on hedge bonds is not tax-exempt unless prescribed minimum percentages of the proceeds are reasonably expected to be spent at set intervals during the five-year period after issuance of the bonds (sec. 149(g)). A hedge bond is defined generally as a bond (1) at least 85 percent of the proceeds of which are not reasonably expected to be spent within three years following issuance and (2) more than 50 percent of the proceeds of which are invested at substantially guaranteed yields for four years or more.

This restriction does not apply to hedge bonds, however, if at least 95 percent of the proceeds are invested in other tax-exempt bonds (not subject to the alternative minimum tax). The 95-percent investment requirement is not violated if investment earnings exceeding five percent of the proceeds are temporarily invested for up to 30 days pending reinvestment in taxable (including alternative minimum taxable) investments.

## Explanation of provision

The bill clarifies that the 30-day exception for temporary investments of investment earnings applies to amounts (i.e., principal and earnings thereon) temporarily invested during the 30-day period immediately preceding redemption of the bonds as well as such periods preceding reinvestment of the proceeds.

B. Withholding on Distributions from U.S. Real Property Holding Companies (sec. 103(c) of the bill, sec. 129 of the Deficit Reduction Act of 1984, and sec. 1445 of the Code)

## Present law

Under the Foreign Investment in Real Property Tax Act of 1980 (FIRPTA), a foreign investor that disposes of a U.S. real property interest generally is required to pay tax on any gain on the disposition. For this purpose a U.S. real property interest generally includes stock in a domestic corporation that is a U.S. real property holding corporation ("USRPHC"), or was a USRPHC at any time during the previous five years.

A sale of exchange of stock a USRPHC is an example of a disposition of a U.S. real property interest. In addition, provisions of subchapter C of the Code treat amounts received in certain corporate distributions as amounts received in sales or exchanges, giving rise to tax liability under the FIRPTA rules when a foreign person receives such a distribution from a present or former USRPHC. Thus, amounts received by a foreign shareholder in USRPHC in a distribution in complete liquidation of the USRPHC are treated as in full payment in exchange for the USRPHC stock, and are therefore subject to tax under FIRPTA (sec. 331; Treas. Reg. sec. 1.897-5T(a)(2)(iii)). Similarly, amounts received by a foreign shareholder in a USRPHC upon redemption of the USRPHC stock are treated as a distribution in part or full payment in exchange for the stock, and are therefore subject to tax under FIRPTA (sec. 302(a); Treas. Reg. sec. 1.897-5T(a)(2)(ii)). Third, amounts received by a foreign shareholder in a USRPHC, in a section 301 distribution from the USRPHC that exceeds the available earnings and profits of the USRPHC, are treated as gain from the sale or exchange of the shareholder's USRPHC stock to the extent that they exceed the shareholder's adjusted basis in the stock; such amounts are therefore also subject to tax under FIRPTA (sec. 301(c)(3); Treas. Reg. sec. 1.897-5T(a)(2)(i)).

**FIRPTA withholding.**—The Tax Reform Act of 1984 established a withholding system to enforce the FIRPTA tax. Unless an exception applies, a transferee of a U.S. real property interest from a foreign person generally is required to withhold the lesser of ten percent of the amount realized (purchase price), or the maximum tax liability on disposition (as determined by the IRS) (sec. 1445).

Although the FIRPTA withholding requirement by its terms generally applies to all dispositions of U.S. real property interests, and subchapter C treats amounts received in certain distributions as amounts received in sales or exchanges, the FIRPTA withholding provisions also provide express rules for withholding on certain distributions treated as sales or exchanges. Generally, distributions in a transaction to which section 302 (redemptions) or part II of subchapter C (liquidations) applies are subject to 10 percent withholding.<sup>6</sup> Although a section 301 distribution in excess of earnings and profits is also treated as a disposition for purposes of computing the FIRPTA liability of a foreign recipient of the distribution, there is no corresponding withholding provi-

<sup>6</sup>Under other rules, divided distributions (i.e., distributions to which sec. 301(c)(1) applies) to foreign persons by U.S. corporations, including USRPHCs, are subject to 30-percent withholding under the Code. Under treaties, the withholding on a dividend may be reduced to as little as 5 or 15 percent.

sion expressly addressed to the payor of such a distribution.

## Explanation of provision

The bill clarifies that FIRPTA withholding requirements apply to any section 301 distribution to a foreign person by a domestic corporation that is or was USRPHC, which distribution is not made out of the corporation's earnings and profits and is therefore treated as an amount received in a sale or exchange of a U.S. real property interest. (The bill does not alter the withholding treatment of section 301 distributions by such a corporation that are out of earnings and profits.) Under the bill, the FIRPTA withholding requirements that apply to a section 301 distribution not out of earnings and profits are similar to the requirements applicable to redemption or liquidation distributions to a foreign person by such a corporation. The provision is effective for distributions made after the date of enactment of the bill. No inference is intended as to the FIRPTA withholding requirements applicable to such a distribution under present law.

C. Treatment of Credits Attributable to Working Interests in Oil and Gas Properties (sec. 103(d) of the bill, sec. 501 of the Tax Reform Act of 1986, and sec. 469 of the Code)

## Present law

Under present law, a working interest in an oil and gas property which does not limit the liability of the taxpayer is not a "passive activity" for purposes of the passive loss rules (sec. 469). However, if any loss from an activity is treated as not being a passive loss by reason of being from a working interest, any net income from the activity in subsequent years is not treated as income from a passive activity, notwithstanding that the activity may otherwise have become passive with respect to the taxpayer.

## Explanation of provision

The bill provides that any credit attributable to a working interest in an oil and gas property, in a taxable year in which the activity is no longer treated as not being a passive activity, will not be treated as attributable to a passive activity to the extent of any tax allocable to the net income from the activity for the taxable year. Any credits from the activity in excess of this amount of tax will continue to be treated as arising from a passive activity and will be treated under the rules generally applicable to the passive activity credit. The provision will apply to taxable years beginning after December 31, 1986.

D. Exclusion From Income For Combat Zone Compensation (sec. 103(e)(4) of the bill and sec. 112 of the Code)

## Present law

The Code provides that gross income does not include compensation received by a taxpayer for active service in the Armed Forces of the United States for any month during any part of which the taxpayer served in a combat zone (or was hospitalized as a result of such service) (limited to \$500 per month for officers). The heading refers to "combat pay," although that term is no longer used to refer to special pay provisions for members of the Armed Forces, nor is the exclusion limited to those special pay provisions (hazardous duty pay (37 U.S.C. sec. 301) and hostile fire or imminent danger pay (37 U.S.C. sec. 310)).

## Explanation of provision

The bill modifies the heading of Code section 112 to refer to "combat zone compensa-

tion" instead of "combat pay". The bill also makes conforming changes to cross-references elsewhere in the Code.

TITLE II. MEDICARE MISCELLANEOUS AND  
TECHNICAL AMENDMENTS

Subtitle A. Part A

1. Payments for PPS-exempt Hospital Service (sec. 201 of the bill, sec. 4005 of the 1990 Act)

Present law

Certain hospitals and units of hospital are exempt from Medicare's prospective payment system (PPS), including psychiatric hospitals, rehabilitation hospitals, children's hospitals, long-term hospitals, cancer hospitals, and units of general-purpose hospitals providing similar services to the exempted hospitals. These hospitals and units are reimbursed on the basis of reasonable costs, subject to limits known as target amounts.

OBRA '90 included a provision which increases payments to PPS-exempt hospitals whose costs are in excess of the target amounts. Hospitals will receive fifty percent of the amount by which costs exceed the target amount up to 110 percent of the target amount. The provision was not intended to apply to units of general purpose hospitals which are exempt from PPS.

Explanation of provision

The OBRA '90 provision would be corrected to clarify that only exempt hospitals, and not exempt hospital units, will qualify for additional payments above the target amounts.

2. Clarification of DRG Payment Window (sec. 202 of this bill, sec. 4003 of the 1990 Act)

Present law

Services provided to an inpatient of a hospital or an entity wholly owned or operated by a hospital during the three-day period prior to admission are not separately reimbursable under Part B of Medicare.

Explanation of provision

The provision would be clarified to include two other ownership arrangements so that services provided by: (i) a hospital; (ii) an entity wholly owned or operated by the hospital; (iii) an entity which wholly owns the hospital; and, (iv) an entity that is owned by another entity which also owns the hospital, would all not be separately reimbursable under Part B if provided less than three days prior to admission.

3. Miscellaneous and Technical Provisions Pertaining to Part A (sec. 203 of this bill, sec. 4008 of the 1990 Act)

Present law

OBRA '90 included a clerical error in the nursing home reform provisions.

Explanation of provision

The OBRA '90 provision pertaining to the period for resident assessment included in the nursing home reform provisions would be corrected.

Subtitle B. Part B

1. Payments for Physician Services (sec. 211 of the bill, secs. 4101, 4102, 4103, 4105, 4106, 4107, 4108, 4113, 4114, 4117, and 4118 of the 1990 Act)

Present law

(a) Overvalued Services.—OBRA '90 provided for reductions in so-called unsurveyed and technical procedures. These procedures were specified by exception. That is, if they were not specified in the statute by both name and procedure code number, they were reduced by 6.5 percent. The lists included in the statute included certain codes that had

been surveyed and were not overpriced, and included certain inconsistencies between the list of names and procedure code numbers.

(b) Radiology Services.—OBRA '87 established a fee schedule for radiology services based on a relative value scale and a local conversion factor. OBRA '90 reduced the conversion factor to a geographically adjusted target amount, but not more than 9.5 percent. Conversion factors below the target were not to be changed. As drafted, the statute would allow conversion factors below the target to be increased.

(c) Anesthesiology Services.—OBRA '87 provided for development and establishment of an anesthesiology fee schedule based on a relative value scale and local conversion factors. OBRA '90 reduced the conversion factor to a geographically adjusted target amount. Conversion factors below the target were not to be changed. As drafted, the statute would allow conversion factors below the target to be increased.

(d) New Physicians and Practitioners.—OBRA '90 provided that the customary charges of new physicians and other practitioners in 1991 would be limited to 80/85/90/95 percent of the customary charges of established physicians and practitioners in the first through fourth years of practice. Beginning on January 1, 1992, these percentage limits would apply to the amounts recognized under the RB RVS.

OBRA '90 defined the first year of practice as the first calendar year in which the individual billed Medicare for services during the first six calendar months. As drafted, established physicians, who had been in full time medical practice but who had not billed Medicare for services, would be treated as new physicians. These physicians could include physicians who had worked on a salary basis in the HMO or who had practiced within the military health care system.

(e) Assistants at Surgery.—OBRA '90 prohibited payments for an assistant at surgery for procedures where an assistant is used in less than 5 percent of cases. The Secretary was required to determine the procedures for which payment for an assistant could not be made based on the most recent data available.

(f) Technical Components of Diagnostic Services.—OBRA '90 provided that the fees for the technical components of certain diagnostic tests were capped at the national median of fees for each such test. The statutory language included reductions for services under this provision that were also reduced under other overpriced provisions in OBRA '90.

(g) Statewide Fee Schedules.—OBRA '90 provided that under certain circumstances, the Secretary would be required to provide that physician fees in the States of Oklahoma and Nebraska were to be determined on a State-wide basis. As drafted, this provision could be construed as allowing for a legislative veto. In signing OBRA '90, the President indicated that he believed the provision, as drafted, to be unconstitutional.

(h) Other Technical Amendments.—Section 4105, 4113, 4114, and 4118 of OBRA '90 provide for the update for physician fees, a study of aggregation of appeals, a study of the release of utilization review screens and other miscellaneous and technical amendments.

Explanation of provision

(a) Overvalued Services.—The bill would correct the names and procedure code lists of the exceptions to the unsurveyed and technical procedure reductions.

(b) Radiology Services.—The bill would correct the statutory language to provide

that local conversion factors below the target would not be increased, and makes other technical and conforming changes to the OBRA '90 radiology provision.

(c) Anesthesiology Services.—The bill would correct the statutory language to provide that local conversion factors below the target would not be increased, and makes other technical and conforming changes to the OBRA '90 anesthesiology provision.

(d) New Physicians and Practitioners.—The bill would clarify that, for the purpose of this reduction in payments, the first year for a new physician or other practitioner would be defined as the first calendar year in which the individual was not in an intern or residency training program during the first six calendar months.

(e) Assistants at Surgery.—The bill clarifies that in categorizing procedures by their percentage of use of an assistant, the Secretary would use the most recent data reflecting separate payments for an assistant under Medicare. The bill also clarifies that the actual charge for an assistant at surgery can not exceed 125 percent of the payment for serving as an assistant.

(f) Technical Components of Diagnostic Services.—The bill clarifies that the OBRA '90 provision capping the technical component of the fees of certain diagnostic services does not apply to any services that had their fees reduced under other OBRA '90 provisions.

(g) Statewide Fee Schedules.—The bill amends the OBRA '90 provision to require the Secretary to treat the States of Oklahoma and Nebraska as single areas for the purpose of determining physician fees for services provided on or after January 1, 1992.

(h) Other Technical Amendments.—The bill would provide for other technical and conforming changes to sections 4105, 4113, 4114, and 4118 of OBRA '90 relating to payments to physicians.

2. Services Furnished in Ambulatory Surgical Centers (sec. 212 of the bill, sec. 4151 of the 1990 Act)

Present law

(a) Payment Amounts for Services Furnished in Ambulatory Surgical Centers.—Under current law, the Secretary is authorized to update the rates for payments to free-standing ambulatory surgical centers (ASCs) when appropriate.

The conferees to OBRA '90 agreed to a provision providing for an annual update for these rates. Statutory language reflecting this agreement was not included in OBRA '90.

(b) Adjustments to Payment Amounts for New Technology Intraocular Lenses.—OBRA '90 included a provision capping payments for intraocular lenses (IOLs) at \$200 in 1991 and 1992. As drafted, the statutory language could be interpreted as limiting payments for cataract surgery to \$200.

The conferees to OBRA '90 also agreed to a provision providing for a process through which the fee could be adjusted in the case of certain new technology IOLs. Statutory language reflecting this agreement was not included in OBRA '90.

Explanation of proposal

(a) Payment Amounts for Services Furnished in Ambulatory Surgical Centers.—The bill provides for a survey of the costs of free-standing ASCs, based on a representative sample of procedures. The initial survey is to be completed not later than July 1, 1992, and is to be conducted at least every 5 years thereafter.

If the Secretary does not update the ASC payment rates, the rates would be updated

by the percentage change in the Consumer Price Index (CPI-U) for the 12 month period ending with June of the preceding year.

(b) Adjustments to Payment Amounts for New Technology Intraocular Lenses.—The bill clarifies that the \$200 limit applies only to the purchase of the IOL, and not the cataract surgery.

The bill also provides that the Secretary shall develop and implement a process for the review of the costs and benefits of so-called "new technology" IOLs. Such process would be intended to determine whether a payment adjustment is warranted for a particular IOL. The review would include consideration of medical benefits of such lenses. Interested parties may request the review of an IOL to determine whether it qualifies for a payment adjustment.

3. Durable Medical Equipment, and Orthotics and Prosthetics (sec. 213 of the bill, secs. 4152 and 4153 of the 1990 Act)

#### Present law

(a) Updates to Payment Amounts.—Current law provides that the fee schedule amounts for durable medical equipment (DME) are updated annually by the CPI-U. The conference agreement to OBRA '90 provided that the update would be reduced by 1 percent for calendar years 1991 and 1992. As drafted, DME fees would be reduced by 1 percent in 1991 and 1992.

(b) Treatment for Potentially Overused Items and Advanced Determinations of Coverage.—The conference agreement to OBRA '90 included two provisions relating to special carrier review of potentially overutilized items and advance determinations of coverage for certain items. These two provisions were combined in drafting such that they do not reflect the conference agreement.

(c) Study of Variations in DME Supplier Costs.—OBRA '90 provided for a system of upper and lower limits on DME fees. The OBRA '90 conference agreement also includes a study of geographic variations in the cost of providing services by suppliers. This provision was not included in the statutory language.

(d) Other Technical and Conforming Amendments.—Sections 4152 and 4153 of OBRA '90, as drafted, includes several minor and technical drafting errors.

#### Explanation of provision

(a) Updates to Payment Amounts.—The bill would correct the DME update such that these fees would be updated by the CPI-U minus 1 percent in 1991 and 1992.

(b) Treatment for Potentially Overused Items and Advanced Determinations of Coverage.—The bill would provide that claims for items of DME that are potentially overused would be subject to special carrier scrutiny. The Secretary would publish, and periodically update, a list of such items. The list would include: seatlift mechanism, TENS equipment, power-driven scooters, and such other items of DME as determined appropriate by the Secretary. The Secretary would include items that are either: (1) mass marketed directly to beneficiaries; (2) marketed with offers to waive the coinsurance, or marketed as "free" or "at no cost" to beneficiaries with Medigap coverage or other coverage; (3) subject to a consistent pattern of overutilization; or (4) frequently denied based on a lack of medical necessity.

For customized equipment and for equipment designated by the Secretary as requiring a prior written physician's order, suppliers could request prior approval of the item from a carrier in a form determined by the Secretary. The Secretary would establish

standards for the timeliness of carrier responses to such requests, and would incorporate such standards into the evaluations of carriers' performance.

(c) Study of Variations in DME Supplier Costs.—The bill would provide that the Health Care Financing Administration (HCFA) would collect and analyze DME cost data to isolate the proportion of suppliers' costs that are related to the "service" and "product" components of providing different types of DME items and services. In conducting this study, HCFA would consult with appropriate organizations.

HCFA would analyze the geographic variations in the cost of the service component. HCFA would develop an index that reflects geographic variations in suppliers' costs of providing the service component.

HCFA would submit a report on its findings, including recommendations regarding the use of area adjustments for DME items and services, to the Ways and Means, Energy and Commerce and Senate Finance Committees. The report, due on March 1, 1992, would include an impact analysis of the use of the index on suppliers.

(d) Other Technical and Conforming Amendments.—The bill would make certain technical and conforming changes to sections 4152 and 4153 of OBRA '90.

4. Other Part B Items and Services (sec. 214 of the bill, secs. 4154 through 4164 of the 1990 Act)

#### Present law

(a) Revise Information of Part B Claim Form.—Each Part B claim for which the entity submitting the claim knows or has reason to believe there has been a referral by a referring physician must include the name and provider number of the referring physician and indicate whether the referring physician is an investor in the entity.

(b) Effective Date of Reporting on Part B Claim Forms.—The requirement to submit the information described in subsection (a) is effective January 1, 1992.

(c) Consultation for Social Workers.—OBRA '89 provided for coverage of the services of psychologists and clinical social workers. The Secretary of Health and Human Services was required to develop criteria with respect to psychologists' services under which the psychologist must agree to consult with the patient's attending physician. This requirement was not included for clinical social workers.

(d) Other Technical and Conforming Amendments.—

(1) Beneficiary Enrollment.—Elderly or disabled employees and their spouses who are covered by employer health plans are not required to enroll in the same enrollment period applicable to others. However, they are unable to enroll while enrolled in an employer group health plan. Coverage for such individuals begins generally on the first day of the month in which the individual is no longer enrolled in an employer group health plan.

A modifying provision was agreed to by the conferees but was not included in the statutory language of OBRA '90.

(2) Other Minor Technical and Conforming Amendments.—Sections 4154 through 4164 of OBRA '90 include a number of minor and technical drafting errors.

#### Explanation of provision

(a) Revise Information on Part B Claim Form.—The bill would require that the claim form include the unique physician identification number, and would delete the requirement that the claim indicate whether the re-

ferring physician is an investor in the entity submitting the claim.

(b) Effective Date of Reporting on Part B Claim Forms.—The bill would provide that the reporting requirements would be effective October 1, 1991.

(c) Consultation for Social Workers.—The bill would provide that clinical social workers would be required to consult with a patient's attending physician in the same manner as psychologists.

(d) Other Technical and Conforming Amendments.—

(1) Beneficiary Enrollment.—The special enrollment period would be modified to allow individuals who have employer group health coverage to enroll in Part B at any time that they are enrolled in the group health plan, rather than after they leave the plan.

If an individual enrolled in Part B while enrolled in the group health plan or in the first month after leaving the plan, Medicare coverage would begin on the first day of the month in which the individual enrolled (or, at the option of the individual, on the first day of any of the following three months). These provisions would be effective on the first day of the first month beginning more than 120 days after the date of enactment of this Act.

(2) Other Minor Technical and Conforming Amendments.—The bill would make various technical and conforming amendments.

#### Subtitle C. Parts A and B

1. Provisions Relating to Parts A and B (sec. 221 of the bill, secs. 4201-4207 of OBRA '90)

#### Present law

(a) End Stage Renal Disease.—OBRA '90 requires the Prospective Payment Assessment Commission to conduct a study of the costs and services and profits associated with various modalities of dialysis treatments provided to end stage renal disease patients. The study also requires ProPAC to make annual recommendations on payments for services.

(b) Staff-Assisted Home Dialysis Demonstration Project.—The staff-assisted home dialysis demonstration project included in OBRA '90 contained several minor and technical drafting errors.

(c) Extension of Secondary Payer Provisions.—The extension of the Medicare secondary payer provisions included in OBRA '90 contained a number of minor and technical drafting errors.

(d) Health Maintenance Organizations (HMOs).—OBRA '90 required the Secretary of HHS to submit a proposal to the Congress by January 1, 1992 providing for a more accurate payment method for HMOs paid on a risk basis. The Secretary is required to publish a notice of proposed rule making in the Federal Register by March 1, 1992 and the Comptroller General is required to review and report to the Congress by May 1, 1992 on recommendations to modify the proposed methodology.

A number of minor and technical drafting errors were made in the HMO section of OBRA '90.

(e) Peer Review Organizations.—OBRA '90 provided that Peer Review Organizations (PROs) are required to provide notice to State licensing entities when a physician is found to have furnished services in violation of subsection 1154(a) of the Social Security Act. This subsection includes the requirements that PROs review the quality of medical care, and whether certain services are covered under Medicare. As drafted, the provision in OBRA '90 would require the PROs

to notify State boards in the case of a variety of administrative findings, or in the case of a single problem regarding quality of care.

(f) Other Miscellaneous and Technical Provisions.—Sections 4201–4207 include a number of minor and technical drafting errors.

#### Explanation of provision

(a) End Stage Renal Disease.—The bill would delay the effective date for ProPAC's initial recommendations to not later than June 1, 1992. The bill would also correct a number of technical and clerical drafting errors.

(b) Staff-Assisted Home Dialysis Demonstration Project.—The bill would correct a number of minor and technical drafting errors.

(c) Extension of Secondary Payer Provisions.—The bill would correct a number of minor and technical drafting errors.

(d) Health Maintenance Organizations.—The Secretary would be required to revise the payment methodology for HMOs for contracts for years beginning with 1993. In making revisions, the Secretary would be required to consider: (i) the difference in costs associated with beneficiaries with differing health status and demographic characteristics; (ii) the effects of using alternative geographic classifications; and, (iii) the difference in costs associated with beneficiaries for whom Medicare is the secondary payer. The Secretary would be required to publish a proposed rule before March 1, 1992 and the Comptroller General would be required to review and report to the Congress by May 1, 1992 on the appropriateness of the proposed rule. On or after August 1992 the Secretary would be required to publish a final rule effective for contract years beginning on or after January 1, 1993.

A number of a number of minor and technical drafting errors in the HMO section would be corrected.

(e) Peer Review Organizations.—The bill would limit the requirement that PROs give notice to State licensing boards to cases when the PRO submits a report and recommendation to the Secretary regarding a physician who has failed in a substantial number of cases to meet his obligations, or grossly and flagrantly violated such obligations in a single instance.

In addition, the bill would correct various drafting errors in the OBRA '90 provisions relating to PROs.

(f) Other Miscellaneous and Technical Provisions.—The bill would make various technical and conforming amendments.

#### Subtitle D. Medigap Standards

1. Medicare Supplemental Insurance Policies (sec. 231 of the bill, secs. 4351–4361 of the 1990 Act)

#### Present law

OBRA '90 provides minimum standards for Medicare Supplemental Insurance policies and establishes penalties for non-compliance. The provisions included a number of minor and technical drafting errors.

#### Explanation of provision

The bill would modify the effective dates for various provisions. In general, effective dates would conform with the earlier of the date the State adopts standards included in OBRA '90 or one year after the National Association of Insurance Commissioners adopts the standards included in OBRA '90. It would also make minor, technical and conforming amendments.

TITLE III. TECHNICAL CORRECTIONS RELATED TO SOCIAL SECURITY, HUMAN RESOURCES AND TRADE

#### A. Social Security Provisions

1. Security benefits for disabled widows (sec. 301(a) of the bill, sec. 5103 of the 1990 Act, and 42 U.S.C. 432(f)(2))

#### Present law

The Omnibus Budget Reconciliation Act of 1990 (P.L. 101-508) changed the definition of disability for disabled widows to the same definition that applies to disabled workers.

#### Explanation of provision

The provision would correct two references to the previous standard for disabled widows which are now obsolete and which were inadvertently left unchanged by OBRA 1990.

2. Representative Payee Reform (sec. 301(g) of the bill and sec. 5105 of the 1990 Act)

#### Present law

The Omnibus Budget Reconciliation Act of 1990 (P.L. 101-508) improved the representative payee system by requiring stricter standards to be used by the Social Security Administration in determining the fitness of the representative payee applicant to manage benefit payments on behalf of the beneficiary.

#### Explanation of provision

The provision would amend section 5105(d)(1) of the Omnibus Budget Reconciliation Act to redesignate paragraphs in section 205(j) of the Social Security Act.

3. Elimination of Advanced Tax Transfers (301(c) of the bill, sec. 5115 of the 1990 Act, and 42 U.S.C. 401(a))

#### Present law

The Omnibus Budget Reconciliation Act of 1990 (P.L. 101-508) eliminated the practice of crediting to the social security trust funds, at the start of each month, the full amount of social security tax receipts which were expected to be collected throughout the month. The trust funds are now credited with the receipts as they are collected throughout each month.

#### Explanation of provision

The provision would amend section 5115 of the Omnibus Budget Reconciliation Act of 1990 to amend the last sentence of section 201(a) of the Social Security Act by eliminating the second "and" where it appears as a duplication.

#### B. Income Security and Human Resources Provisions

1. Children's Commission Reporting Date (sec. 311 of the bill, sec. 4207(k)(6) and sec. 5057 of the 1990 Act)

#### Present law

Under section 1139(d) of the Social Security Act, as amended by the Omnibus Reconciliation Act of 1989, the National Commission on Children is directed to study and recommend to the President and the Congress ways to improve the well-being of children. The Omnibus Reconciliation Act of 1990 included two separate amendments to section 1139(d) that were intended to clarify the interim and final reporting dates for the Commission. As enacted, however, the two amendments differ with respect to the reporting date for the interim report.

#### Explanation of provision

The provision clarifies that the interim reporting date for the Commission is March 31, 1990.

The provision would take effect on the date of enactment.

2. Other income security and human resources provisions (secs. 312 and 313 of the bill)

#### Present law

The Omnibus Budget Reconciliation Acts of 1989 and 1990 included a number of provisions amending the Supplemental Security Income (SSI) and Aid to Families with Dependent Children (AFDC) programs.

#### Explanation of provisions

The provisions would make several technical and conforming amendments related to the SSI and AFDC provisions enacted under OBRA 1989 and OBRA 1990, including amendments that redesignate sections of law so that they are appropriately designated and amendments that correct cross references. In addition, the amendments delete a clause in Title XVI of the Social Security Act dealing with representative payee recordkeeping and auditing requirements for parents and spouses that was deleted in Title II of the Social Security Act by section 5105(b)(1)(A)(i) of OBRA 1990, but left inadvertently in Title XVI.

#### C. Tariff and Customs Provisions

1. Removal of GDR from column 2 rate list (sec. 321(a)(1) of the bill, and General Note 3(b) to the Harmonized Tariff Schedule of the United States)

#### Present law

General Note 3(b) to the Harmonized Tariff Schedule of the United States (HTS) lists "German Democratic Republic" among the list of countries subject to column 2 rates of duty.

#### Explanation of provision

Upon German reunification last year, most-favored nation (MFN) column 1 treatment already granted to West Germany was extended automatically to the former East Germany on October 31, 1990. The bill recognizes the reunification of Germany and its MFN status by eliminating reference to the German Democratic Republic from the HTS.

2. Tapestry and upholstery fabrics (sec. 321(a)(2) of the bill; sec. 472(b) of the Customs and Trade Act of 1990; Part II, sec. 10011(a) of the Omnibus Budget Reconciliation Act of 1990; and subheading 5112.19.20 to the HTS)

#### Present law

The Customs and Trade Act of 1990 (P.L. 101-382, hereafter referred to as "the Trade Act"), added several new HTS subheadings to headings 5111 and 5112 for tapestry fabrics and upholstery fabrics of a weight exceeding 300 grams per square meter. This reduced the tariff rate from 36.1 percent ad valorem to 7 percent ad valorem for these fabrics.

New HTS subheading 5112.19.10 was renumbered as 5112.19.20 in the Omnibus Budget Reconciliation Act of 1990 (P.L. 101-508, hereafter referred to as "the Budget Reconciliation Act").

#### Explanation of provision

Adding the words "of a weight exceeding 300 g/m<sup>2</sup>" to HTS subheading 5112.19.20 inadvertently raised the column 1 duty rate on certain tapestry and upholstery fabrics. Deleting these words restores prior HTS treatment.

The change applies retroactively to allow importers to apply for reassessment of duties levied since October 1, 1990 using the higher rate.

3. Gloves (sec. 321(a)(3) of the bill; Part II, sec. 10011, (a), (b)(2), and (b)(6) of the Budget Reconciliation Act; and Chapter 61 and 62 to the HTS)

Present law

In the Budget Reconciliation Act, the HTS subheading 6216.00.47 was deleted; 6216.00.49 was redesignated as 6216.00.52 and it was indented so that it aligned with 6216.00.46 (which had been redesignated from 6216.00.44). Inadvertently the superior text "Other", placed just above deleted 6216.00.47, was not stricken.

The Budget Reconciliation Act redesignated 6116.10.25 as 6116.10.45.

Explanation of provision

The word "Other", inadvertently kept above the deleted 6216.00.47, is stricken.

New HTS subheading 6116.10.45 is redesignated as 6116.10.48 to avoid reusing a previously used subheading number.

4. Agglomerate stone floor and wall tiles (sec. 321(a)(4) of the bill, sec. 484B and 485(b) of the Trade Act, and subheading 6810.19.12 to the HTS)

Present law

The Trade Act added a new HTS subheading (6810.19.12) for agglomerate marble floor tiles. This reduced the tariff rate from 21 percent ad valorem to 4.9 percent ad valorem for these types of tiles.

The provision as written only applies to geological marble and not to other types of material which may be commonly referred to as "marble" but are not recognized as such by the Explanatory Notes to the HTS.

Explanation of provision

The description for HTS subheading 6810.19.12 is changed from "agglomerate marble tiles" to "floor and wall tiles of stone agglomerated with binders other than cement." The rewording covers tiles produced from chips or dust of various natural stones mixed with a plastic resin binding material.

The change applies retroactively to allow importers to apply for reassessment of duties levied since January 1, 1989 using the higher rate.

5. 2,4-Diaminobenzenesulfonic acid (sec. 321(a)(5) of the bill, sec. 349 of the Trade Act, and subheading 9902.30.43 to the HTS)

Present law

Under HTS 9902.30.43, which grants a duty suspension to 2,4-Diaminobenzenesulfonic acid "2921.51.50" is cited as the HTS subheading that imports of this chemical enter under.

Explanation of provision

The correct HTS subheading that imports of 2,4-Diaminobenzenesulfonic acid enter under, "2921.59.50", is now cited.

6. Machines used in the manufacture of bicycle parts (sec. 321(a)(6) of the bill, sec. 439 of the Trade Act, and subheading 9902.84.79 to the HTS)

Present law

The Trade Act suspended the duty on machines used to manufacture bicycle wheels by adding a new HTS subheading, 9902.84.79. The machines covered include "wheeltruing" and "rim punching" machines. Subheading 9902.84.79 refers only to HTS subheading 8479.89.90 which covers "machines and mechanical appliances."

Explanation of provision

Wheeltruing machines are covered by HTS subheading 9031.80.00 and rim punching machines are covered by HTS subheading 8462.49.00. These two additional subheadings are now referenced in subheading 9902.84.79.

The change applies retroactively to allow importers to apply for reassessment of duties levied since October 1, 1990.

7. Copying machines and parts (sec. 321(a)(7) of the bill, sec. 462(d)(2) of the Trade Act, and subheading 9902.90.90 to the HTS)

Present law

HTS subheading 9902.90.90 provides duty-free treatment for parts and accessories of electrostatic copying machines. The Trade Act amended 9902.90.90 to cover parts and accessories intended for attachment to electrostatic copiers. Subheading 9902.90.90 refers to subheading 8472.90.80 as the provision that covers parts and accessories for attachment to electrostatic copiers.

Explanation of provision

Parts intended for attachment to electronic copiers are covered by HTS subheading 8473.40.40. This additional subheading is now referenced in subheading 9902.90.90.

The change applies retroactively to allow importers to apply for reassessment of duties levied since January 1, 1989 using the higher rate.

8. Clarification regarding the application of customs user fees (sec. 322 of the bill; Title I, Subtitle B, sec. 111(b)(2)(D)(v) of the Trade Act; subparagraph (D) of sec. 13031(b)(8) of the Consolidated Omnibus Budget Reconciliation Act of 1985; and 19 U.S.C. 58c(b)(8)(D))

Present law

An amendment to the Customs User Fee statute as enacted in the Trade Act exempted the domestic value of agricultural products processed and packed in a foreign trade zone from the application of the ad valorem merchandise processing fee (MPF). The Customs Service has interpreted this provision by ruling that, in the absence of an express provision to the contrary, the MPF would be assessed on the domestic value of all other merchandise (i.e., non-agricultural) processed or packed in a foreign trade zone.

Explanation of provision

This technical amendment applies the MPF only to the foreign value of imported merchandise entered from a foreign trade zone, thereby clarifying that the user fee cannot be assessed against the value of domestic content of an entry. The amendment applies to all unliquidated entries from foreign trade zones beginning December 1, 1986.

9. Technical amendments to the Omnibus Trade and Competitiveness Act of 1988 (sec. 323 of the bill, sec. 1102(a) of the Omnibus Trade and Competitiveness Act of 1988, and 19 U.S.C. 2902(a))

Present law

Section 1102(a) of the Omnibus Trade and Competitiveness Act of 1988 (19 U.S.C. 2902) (hereafter referred to as "the 1988 Act") provides the President the authority to proclaim certain tariff reductions pursuant to trade agreements with foreign countries. Paragraph (a)(2) provides the President the authority to reduce tariff rates in existence as of August 23, 1988, at which time the Tariff Schedules of the United States (TSUS) were in effect. Pursuant to Title I, Subtitle B of the 1988 Act, the TSUS were replaced by the HTS effective January 1, 1989. Tariff negotiations in the Uruguay Round of Multilateral Trade Negotiations have been conducted on the basis of U.S. tariff rates under the HTS rather than the TSUS.

Explanation of provision

The correction amends the 1988 Act to reflect the fact that any tariff reductions that

might be proclaimed by the President pursuant to Section 1102(a) of the 1988 Act will be based upon the tariff rates under the HTS as of January 1, 1989.

10. Technical Amendment to the Customs and Trade Act of 1990 (sec. 324 of the bill, sec. 484H(b) of the Trade Act, and 19 U.S.C. 1553 note)

Present law

The Trade Act provides for transportation in bond of Canadian lottery material.

Explanation of provision

The phrase "entered or withdrawn from warehouse for consumption" has been replaced in the "Effective date" section with "entered for transportation in bond". This had been done to clarify that Canadian lottery material is not entered into the United States for consumption.

□ 1520

MY ADVICE TO THE PRIVILEGED ORDERS

The SPEAKER pro tempore (Mr. VENTO). Under a previous order of the House, the gentleman from Texas [Mr. GONZALEZ] is recognized for 60 minutes.

Mr. GONZALEZ. Mr. Speaker, I take this opportunity to continue what has been through the years a habit and custom of communicating, mostly because of the fact that this will become an integral part of the RECORD and its proceedings, a practice which from the very inception of my career in the House of Representatives has been more or less a foundation stone of my legislative behavior. In fact, some of the first special orders that I took making use of this great privilege in this forum was the very first month that I was sworn in, just about 30 years ago, into the House of Representatives. At that time it was not necessary at all, in fact very few Members would make use of this forum in actually delivering the special order verbally or in person but would submit in writing. It would then be printed in the RECORD just as if it had been delivered on the House floor.

Well, I read the history of the rules that permitted a Member the privilege of extending his remarks, his thinking and his reactions to some question related to the legislative business in which, during limited debate, as a multi-Member body would have to limit, would give him the opportunity to extend beyond that limited situation in a normal debate in the House of Representatives proceedings, and that opportunity to fully express his thinking.

Of course, limited to 1 hour per session, it was sufficient in my case to express at length some of the pressing issues that were churning and boiling out from the midst of the constituency I was representing.

Incidentally, I was assigned to the Committee on Banking from the very beginning, and in fact I was a privileged member. Three of us were sworn

in in the second half of the 82d Congress. I was privileged to be assigned to a full or standing committee. My other two colleagues had to wait until the next Congress to get assigned to a standing committee.

At that time the size of the Banking Committee was 30 members, and I made No. 31. I was also assigned to the Subcommittee on Housing, which consisted of eight members. The chairman of that subcommittee was very reluctant then to even enlarge it by one, but I was favorably considered, and I became a member and have been a member of that subcommittee, and also the Subcommittee on Consumer Affairs and Coinage, and subsequently one other subcommittee that was formed as a result of the 1974 Legislative Act.

So I want to continue and I have, as a matter of fact, on my assumption of the chairmanship of the full committee, which was formally done in January 1989, and I immediately came to the House floor and gave what I considered my initial report and promised from time to time to report to my colleagues through this form on the happenings.

One of the subject matters, if not one or two, that I have discussed for more than 25 years has been the question of our perception, our misperception, of the real world as it was shaping some 15, 20 years after the war. The misperceptions, both domestically and internationally, were twofold. One, there was no fundamental long-range thinking about the need to keep up with the explosive exponential technological breakthrough in instantaneous communication that I said then had to have an immediate and very heavy impact on financial transactions, and the banking system.

I pointed out that we were operating, unlike most other countries, with a dual banking system; the 50 different States with each having its own regulatory setup, and the chartering of financial institutions. And then the overall national banking system.

I pointed out through the years, and this can be verified by just about anybody who wants to go to that trouble of diligently searching the RECORD, and it is there, it is in the permanent journals of the House, and he will see that the underlying and the common thread linking all these subject matters was that we were not developing vision, we were not anticipating, we were not planning. And unlike our European fellow industrial nations, we were not really prepared to meet the challenging needs that I felt—and it was a pretty lonely thought—that would soon, if not later, overwhelm us.

Well, we have reached that point, unfortunately.

It was 24 years ago or more, in fact to be precise, in June 1966, that I took this floor and referred to the first—it was the first time that I have ever

heard that expression—credit crunch, as reported by somebody, as a result of the overnight 1 whole percent point increase in the prime rate then.

Since then, a lot of things have happened, including the diversity of interpretations and definitions of the prime interest rate. Today you will hear about real interest rates, you will hear about short, long, and some kinds of differentiation; but interest rates are interest rates and they are fundamental and they have been since time immemorial and since we have written history or other history of mankind's existence.

Interest and interest rates is the mechanism by virtue of which wealth is exchanged or transferred in any given society. I would not hesitate to say what I said in 1966. I said, unknown to the average American, there is no law to prohibit what we have from time immemorial heard as usurious interest rates on a national level. I pointed out the history. I had conducted a history of national interest rate legislation or controls and had pointed out that it was in the 1963 National Currency Act, the second one—the first one was 1863, which was right at the time of the Civil War and the big turmoil, very similar to a point we are going to be reaching pretty soon—where the currency was debauched. You had the greenback, so called, where you almost had to have—except that I do not know if anybody ever used that expression as they did in Germany after the First World War—a wheelbarrow of bills, currency, deutsche marks or dollars or greenbacks at the time, in order to buy a loaf of bread.

The awesome thing is that we seem to have lost, if we ever had any historical memory, so that what happened in 1966 is not only ancient history, it is totally forgotten history. What happened just last year, what happened 6 months ago is telescoped in such a fashion that we just forget what happened the day before yesterday or we do not want to recall it.

Well, this has been fatal in view of the fact that the other countries, on the contrary, have first developed their blueprint, their long range, and then they have stuck to it.

□ 1530

The postwar Marshall plan for instance. Who today even realizes that the reason we have such a conflict, an inability to get together on an international trade or even on this so-called Uruguay, GATT, round is a fact that we imposed, or we agreed, in the Marshall plan to certain things with these European industrialized nations that they have not changed, and we have not expected them or demanded that they change, but which today are way out of context with the world in which those agreements were entered into?

Nobody. I have not heard any discussion about that.

Well, in the world of finance what our country reached here at this point is one that in 1966 would have been considered absolutely implausible, if not impossible. But I was disturbed because that overnight 1 percent prime interest rate caused an immediate reaction in the soft underbelly of the financial world, to wit: the so-called savings and loan activities.

Why was that? Because the savings and loan organizations founded in 1933, 1932—as a matter of fact, here is another thing I want to tell my fellow Democratic Members. The Home Loan Bank system which gave rise to S&L's was a Herbert Hoover plan, and it was initiated and founded in 1932. But in 1933, in the midst of the Depression, we had some fundamental revision. We had the birth of the deposit insurance fund system, and in fact that basic law is still prevailing.

However, 1946 and thereon, to 1991, is certainly a radically different world than 1933, and even up to 1941. But we have not been aware of it in our dealings with such things as a regulatory oversight of the financial institutions.

Mr. Speaker, we have a mishmash of regulatory bodies. Some of them are overlapping, some of them are conflicting, but none of them systematically and in an organized fashion are coherent and actually representing the greatest interest of the greatest number or the public interest of the people generally.

So, what we have today is a conjunction of events that are simply overwhelming and no perception at this time that I can see, any more than in 1966, of the seriousness, the depth, the complexity of the crisis.

It is not a problem. It is a crisis that is on us here and now and has been in the making obviously since 1966.

Now in that period of time the S&L's, in order to provide the financial backdrop or framework of reference for the construction and affordable cost of a home and the ability of the average American family to be able to purchase that home developed the S&L's as a financial mechanism to provide long-term, fixed, 30-year mortgages that would enable that little average family to have a down payment, get the mortgage and then a monthly payment that would enable him to ultimately pay out the mortgage on a secure, stable, interest-payment basis.

Naturally within a month we began to get letters, those of us that were on the Committee on Banking, Finance and Urban Affairs and I, particularly from Texas, because Texas has had a very unique history of development. Texas is a pluralistic and a geographically very diversified State. It has and has had 10 percent of the total number of commercial banks up until recently in the Nation.

But what are these banks? These are usually small, rural and neighborhood type of financial institutions that certainly know what is involved in the farm in agricultural producing areas, in the other parts of the State that developed the petrochemical complex, and immediately the pressure on the S&L's became heavy because, in order to allow any financial institution to borrow short and lend long would have to have a subsidy, and the Government provided that subsidy to the S&L's through what became known as regulation Q.

Mr. Speaker, that is a lot of jargon for meaning they got a little subsidy, 1 percent, on their percent interest, on their yields so they could compete with the banks that did not have to deal in home mortgages, did not have to worry about long-term fixed mortgages with low yield of profits, and, therefore, when the prime interest rate went up 1 whole percent, it immediately vitiated that regulation Q advantage. However there was a lot of consternation for a while, but then the President began to have conferences, and he called in the bankers, and he pressed the flesh and what not, and then we had a little resolution and a subtraction of that increase, and it looked like, well, it is leveled off.

What bothered me then was that everybody assumed that there would never be a day when anybody would have to pay on a long-term basis like a fixed mortgage anywhere near 7 percent, much less over 7 percent, and what I was saying, and my colleagues can read it in the speeches I made and in the articles I wrote for several publications, there has been no law to prevent that, and I even said there is nothing to say that one cannot end up with 10 percent. I never dreamed we would reach the point like we did in 1979 and 1980 with 20 and 21 percent prime interest rates. It is astounding. We are still reeling from the shock and the impact of the instability in these money markets and interest rates.

Mr. Speaker, no society in the history of mankind has ever, ever survived usurious actions defined as interest rates. At no time, even in the most primitive of societies.

And of course it has simply been disastrous to our business community. By 1983, we were getting in volume far more bankruptcies of small businesses than had ever peaked at the highest point of the Depression. Well, of course we cannot extrapolate directly because the country was a lot smaller during the Depression, however it certainly was very significant that something was happening.

But then, as now, on the matter I am about to discuss, there was no preception there was a problem. I am sure that maybe perhaps even some of my colleagues in the Congress, but I know that a lot of my constituents back

home think they are protected against usury, and when I say "no," there is no law.

Now most countries have limitations. One reason, for instance, that in competing with, say, a country like Japan, some of our manufacturing industries, such as the hardware and tool industry, tooling, could not compete is that every industry has to have a line of credit in order to have an inventory, in order to replace their aging machines, modernize.

□ 1540

But if they borrow at 16 percent, as has been the average up until lately, or at 15 percent or 14 percent, how can they compete with somebody that is in this business in Japan where they have a cap and where up until recently the average interest rate was about 7 or 7½ percent? But they have had a limit of up to 9 percent. There is no way you can compete.

What has happened in our country is that other than for the super-super corporate activities, the average citizen would have to pay back home some points or a percentage over and above the so-called prime. So with that aberration and with the continued instability, there was no jelled opinion, there was no viable perception by anybody beyond a few of us talking or speaking about it. But it was generalized. There was not any concise reporting on a sustained level from either the industry press or the general main line press.

So today what we have is a situation that is still unperceived in its true dimensions and as to its seriousness. For example, the biggest problem or the biggest crisis we have right now is in our system. Oh, we hear all this commotion. In fact, we had this vote, and we still heard the outcry on the so-called bailout of the S&L's, but fundamentally the issue is the system.

What system? The Deposit Insurance Fund system. And on top of that now, there is the absolute point beyond no return to bring it up to snuff to accompany the reform of this system known as the Bank Insurance Fund system or BIF. This involves the regulatory environment, because to me, to say that we are going to go ahead and do business as we have in the 20th century and just patch it up as we reach each crisis is unacceptable at this time. But there is no perception at this point, in or out of the Congress, in or out of the executive branch, or in or out of the general media as to the depth, the complexity, or the difficulty of the crisis that is on us right now. Even with the focusing to the degree and intensity that we had 2 years ago on the S&L's, we do not have that now in the case of the commercial bank crisis.

Of course, it is a crisis. But that is not what worries me the most. I have the faith that given the information, given the knowledge and being charged

with that knowledge, the average member of our body, both in the House and the Senate, is going to do the right thing, as difficult as it may be, as great as the tremendous external pressures we have, motivated by the fact that we have here billions of dollars involved. And whenever we have money involved, I do not have to tell anybody that we are going to get a lot of commotion.

But even despite that, if the evidence or if the testimony can be of use, even if time is working against us, to the highest degree humanly possible it can be used, and the Members can have it, I have no doubt as to what will happen. We will have some resolution that will be based on what I would say is a basically wise and happy decision.

However, no matter what we do domestically, we are now in a world that is totally interdependent. Even as I am talking now, we have on a daily basis no less than about three-quarters of a trillion dollars' worth of finances, money, electronically and instantaneously going back and forth between London, Paris, Bonn, New York, and Tokyo.

Now, what is that money? Is it money that is engaged in commercial transactions, trade transactions? No, it is money that is speculating on money. That is what it amounts to. Those are currency transactions.

But in the meanwhile the dollar has dropped or eroded in value not less than 60 percent in just 6 years. Who now remembers that the first devaluation was President Nixon's in 1971, on August 15? I do not remember any American publication saying that it was, number one, a devaluation of 10 percent, and that the United States was withdrawing from the so-called gold exchange system. The French press, the British press, of course, even the Spanish press in Madrid, Spain and the German press, they all called it what it was, but not us.

On the heels of that announcement, on August 15, 1971, when the House was in recess, we came back and we faced the so-called Economic Stabilization Act. It was finally brought forth in the committee in about the first week in October, maybe the last week in September.

What was the Economic Stabilization Act? It was wage and price controls. Now, this may surprise some Members. I was one of the lonely five holdouts. I fought that totally. Those who claim that I am against deregulation ought to know that I fought regulation.

But who were the ones who were for it? The Nixon administration. We had an awesome array in the committee. We had the Secretary of the Treasury, my fellow Texan, the former Governor of Texas, John Connolly. We had the chairman of General Motors, we had the chairman of General Foods, we had the head of the AFL-CIO, George Meany, and we had the head of the

Automobile Workers at that time, and they all said the same thing. They said, "We are here to demand that you immediately pass this bill without changing a comma."

I looked at the bill, and it granted President Nixon the most total powers over our economic and industrial life in the United States that had ever been delegated by the Congress to any President, even President Franklin Roosevelt at the height of World War II.

So I raised the question: How can this be? How are you going to impose this? When the answers did not come back, I did what I always do in those cases—I voted, "no," and I spoke against it. I even had a dissenting opinion.

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It is there. It is in writing. And what happened? It was most tragic. In the first place, it did not work, and it was not going to. But the results, in the distortions in our complicated economy in the United States, were such that we are facing some of the ultimate consequences. The word "stagflation" was born out of that failure to impose these partial controls, inaccurately, unjustly.

Then the other question I asked was just as important as asking to consider how you can impose them, how do you intend to remove them? Well, they never did. So we entered into what was then known as phase 1, phase 2, phase 2½, and phase 3. In the meanwhile, we have not recovered from that distortion.

So then came the period of the eighties and the financing of the so-called, really usury prosperity of President Reagan, through foreign investment money, that moved like it never had before in heavy volumes.

For example, by 1984 and the failure of the Continental Illinois, it was obvious to anybody who knew how to read that we had reached the point of no return.

Why did the Continental Illinois fail? Well, there were underlying causes, and there were immediate causes. But the immediate cause was that the Japanese and the German investors principally took out \$8.3 billion from that bank in three days.

So what happened? We nationalized it. The Federal Reserve Board came in, and, for the first time, Chairman Volcker announced the too big to fail doctrine, which, of course, I challenged at the time and said there was no law, no statute, and there still is not, that empowered those regulators to do it.

But nobody wanted to challenge it. In fact, and I am not saying this out of braggadocio, for sure, because it was a failure, but I was the only voice asking for hearings on that doctrine, asking to challenge it. And it was accepted. However, Continental Illinois is still in the hands or control of the FDIC. Has it

earned profits? What has been the total cost of that sustenance, that life support, by the Government?

If this happened in another country, we would say the bank had been nationalized. That is what we have been doing. We have been nationalizing. The S&L industry in my State of Texas has been a ward of the Federal Government since 1988, pure and simple. So we have got the worst of all possible worlds. We have got an economy in which we say we uphold private initiative, free enterprise, a competitive market.

Mr. Speaker, let me sum up. What has happened is in the meanwhile, in the external world, with the heavy incursion of foreign money, and now the devaluation of the dollar to the point where it has lost 60 percent of its value or more, we are in serious danger for the first time in our national history of having our currency, the dollar, replaced as international reserve unit.

My contention is that it is a clear present danger. If that happens, we will have a catastrophe. Why? Because all of this debt, private, governmental, corporate, will have to be paid back in somebody else's currency. That has never happened in our history.

We have been the only people that have had what de Gaulle called the American arrogant prerogative of being able to pay our debts in our own currency.

#### MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed without amendment a concurrent resolution of the House of the following title:

H. Con. Res. 45. Concurrent resolution permitting the use of the rotunda of the Capitol for ceremonies as part of the commemoration of the days of remembrance of victims of the Holocaust.

The message also announced that the Senate had passed a bill and a concurrent resolution of the following titles, in which the concurrence of the House is requested:

S. 725. An act entitled the "Persian Gulf Conflict Supplemental Authorization and Personnel Benefits Act of 1991."

S. Con. Res. 22. Concurrent resolution extending the appreciation of Congress to all American Indian veterans for their service in the Armed Forces of the United States.

#### PERSIAN GULF CONFLICT SUPPLEMENTAL AUTHORIZATION AND PERSONNEL BENEFITS ACT OF 1991

Mr. ASPIN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 725) entitled the "Persian Gulf Conflict Supplemental Authorization and Personnel Benefits Act of 1991," and ask for its immediate consideration.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore (Mr. VENTO). Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 725

*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 "Persian Gulf Conflict Supplemental Authorization and Personnel Benefits Act of 1991".

#### SEC. 2. TABLE OF CONTENTS

The table of contents of this Act is as follows:

Sec. 1. Short title.  
Sec. 2. Table of contents.  
Sec. 3. Definitions.  
Sec. 4. Construction with Public Law 101-510.

#### TITLE I—AUTHORIZATION OF FISCAL YEAR 1991 SUPPLEMENTAL APPROPRIATIONS FOR OPERATION DESERT STORM

Sec. 101. Funds in the Defense Cooperation Account.  
Sec. 102. Persian Gulf Conflict Working Capital Account.  
Sec. 103. Additional transfer authority.  
Sec. 104. Administration of transfers.  
Sec. 105. Notice to Congress of transfers.  
Sec. 106. Monthly reports on transfers.

#### TITLE II—WAIVER OF PERSONNEL CEILINGS AFFECTED BY OPERATION DESERT STORM

Sec. 201. Authority to waive end strength and grade strength laws.  
Sec. 202. Certification.  
Sec. 203. Authorization from Defense Cooperation Account.  
Sec. 204. Conforming repeal.  
Sec. 205. Relationship to other laws.

#### TITLE III—BENEFITS FOR PERSONS SERVING IN ARMED FORCES DURING THE PERSIAN GULF CONFLICT

Part A—Military Compensation and Benefits  
Sec. 301. Temporary increase in the rate of special pay for duty subject to hostile fire or imminent danger.  
Sec. 302. Temporary increase in family separation allowance.  
Sec. 303. Determination of variable housing allowance for Reserves.  
Sec. 304. Medical, dental, and nonphysician special pays for reserve, recalled, or retained health care officers.  
Sec. 305. Waiver of board certification requirements.  
Sec. 306. Foreign language proficiency pay.  
Sec. 307. Temporary increase in amount of death gratuity.  
Sec. 308. Death gratuity for participants who died before the date of enactment.  
Sec. 309. Treatment of accrued leave of members who die while on active duty.  
Sec. 310. Removal of limitation on the accrual of savings of members in a missing status.  
Sec. 310a. Basic allowance for quarters for certain members of reserve components without dependents.

#### Part B—Military Personnel Policies and Programs

Sec. 311. Grade of recalled retired members.

- Sec. 312. Temporary CHAMPUS provisions regarding deductibles and copayment requirements.
- Sec. 313. Transitional health care.
- Sec. 314. Extension of certain Persian Gulf conflict provisions.
- Sec. 315. Study of Department of Defense policies relating to deployment of military servicemembers with dependents or servicemembers from families with more than one servicemember.
- Sec. 316. Adjustment in the effective date of changes in mental health benefits as a result of Operation Desert Storm.
- Sec. 317. Sense of the House regarding the separation of certain members from their newborn children.

**Part C—Veterans Benefits and Programs**

- Sec. 331. Short title.
- Sec. 332. Inclusion of Persian Gulf War with definition of "period of war" for purposes of veterans benefits.
- Sec. 333. Pension eligibility for Persian Gulf War veterans and surviving spouses of Persian Gulf War veterans.
- Sec. 334. Health benefits.
- Sec. 335. Reports by Secretary of Defense and Secretary of Veterans Affairs concerning services to treat post-traumatic stress disorder.
- Sec. 336. Life insurance benefits.
- Sec. 337. Increase in the amount of Montgomery GI bill educational assistance payments.
- Sec. 338. Membership on Educational Benefits Advisory Committee for Persian Gulf War veterans.
- Sec. 339. Improved reemployment rights for disabled veterans.
- Sec. 340. Requalification of former employees.
- Sec. 341. Eligibility for housing benefits.

**Part D—Federal Employee Benefits**

- Sec. 361. Leave bank for Federal civilian employees in reserves who were activated during Persian Gulf War.

**Part E—Higher Education Assistance**

- Sec. 371. Short title.
- Sec. 372. Operation Desert Storm waiver authority.
- Sec. 373. Tuition refunds or credits.
- Sec. 374. Eligibility of student borrowers.
- Sec. 375. Termination of sections 372 and 373.
- Sec. 376. Coordination with other law.

**Part F—Programs for Farmers and Ranchers**

- Sec. 381. Definitions.
- Sec. 382. Base protection.
- Sec. 383. Waiver of minimum planting requirement.
- Sec. 384. Conservation requirements.
- Sec. 385. Farm credit provisions.
- Sec. 386. Program administration provisions.
- Sec. 387. Administration.
- Sec. 388. Outreach projects.

**Part G—Budget Treatment**

- Sec. 391. Authorization of appropriations from Defense Cooperation Account.
- Sec. 392. Benefits contingent upon appropriations from Defense Cooperation Account.
- Sec. 393. Definition; construction of sections 391 and 392.

**TITLE IV—REPORTS ON FOREIGN CONTRIBUTIONS AND THE COSTS OF OPERATION DESERT STORM**

- Sec. 401. Reports on United States costs in the Persian Gulf conflict and foreign contributions to offset such costs.
- Sec. 402. Reports on foreign contributions in response to the Persian Gulf crisis.
- Sec. 403. Form of reports.

**TITLE V—REPORT ON THE CONDUCT OF THE PERSIAN GULF CONFLICT**

- Sec. 501. Department of Defense report on the conduct of the Persian Gulf conflict.

**TITLE VI—GENERAL PROVISIONS**

- Sec. 601. Child care assistance.
- Sec. 602. Family education and support services.
- Sec. 603. Land conveyance, Fort A.P. Hill Military Reservation, Virginia.
- Sec. 604. Grassroots efforts to support our troops.
- Sec. 605. Extension of time for filing for persons serving in combat zone.
- Sec. 606. Sense of Congress concerning businesses seeking to participate in the rebuilding of Kuwait.
- Sec. 607. Sense of Congress regarding use of United States funds for rebuilding Iraq.
- Sec. 608. Withholding of payments to indirect-hire civilian personnel of nonpaying pledging nations.
- Sec. 609. Relief from requirements for reductions in defense acquisition workforce during fiscal year 1991.

**TITLE VII—MISCELLANEOUS TECHNICAL AMENDMENTS**

- Sec. 701. Amendments to title 10, United States Code.
- Sec. 702. Amendments to title 37, United States Code.
- Sec. 703. Amendments to title 32, United States Code.
- Sec. 704. Amendments to Public Law 101-510.
- Sec. 705. Other technical amendments.

**TITLE VIII—AUTHORIZATION OF SUPPLEMENTAL APPROPRIATIONS FOR DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS FOR FISCAL YEAR 1991**

- Sec. 801. Authorization of supplemental appropriations for operating expenses.
- Sec. 802. Authorization of supplemental appropriations for environmental restoration and waste management.
- Sec. 803. Applicability of recurring general provisions.
- Sec. 804. Relocation of Rocky Flats Plant operations.

**SEC. 3. DEFINITIONS.**

For the purposes of this Act:  
 (1) The term "Operation Desert Storm" means operations of United States Armed Forces conducted as a consequence of the invasion of Kuwait by Iraq (including operations known as Operation Desert Shield and Operation Desert Storm).

(2) The term "incremental costs associated with Operation Desert Storm" means costs referred to in section 251(b)(2)(D)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)(2)(D)(ii)).

(3) The term "Persian Gulf conflict" means the period beginning on August 2, 1990, and ending thereafter on the date prescribed by Presidential proclamation or by law.

(4) The term "congressional defense committees" has the meaning given that term in section 3 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510; 104 Stat. 1498).

**SEC. 4. CONSTRUCTION WITH PUBLIC LAW 101-510.**

Any authorization of appropriations, or authorization of the transfer of authorizations of appropriations, made by this Act is in addition to the authorization of appropriations, or the authority to make transfers, provided in the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510).

**TITLE I—AUTHORIZATION OF FISCAL YEAR 1991 SUPPLEMENTAL APPROPRIATIONS FOR OPERATION DESERT STORM**

**SEC. 101. FUNDS IN THE DEFENSE COOPERATION ACCOUNT.**

(a) AUTHORIZATION OF APPROPRIATION.—During fiscal year 1991, there is authorized to be appropriated to the Department of Defense current and future balances in the Defense Cooperation Account established under section 2608 of title 10, United States Code.

(b) USE OF FUNDS.—Amounts appropriated pursuant to subsection (a) shall be available only for—

(1) transfer by the Secretary of Defense to fiscal year 1991 appropriation accounts of the Department of Defense or Coast Guard for incremental costs associated with Operation Desert Storm; and

(2) replenishment of the working capital account created under section 102.

**SEC. 102. PERSIAN GULF CONFLICT WORKING CAPITAL ACCOUNT.**

(a) ESTABLISHMENT OF ACCOUNT.—There is established in the Treasury of the United States a working capital account for the Department of Defense to be known as the "Persian Gulf Conflict Working Capital Account".

(b) AUTHORIZATION OF APPROPRIATIONS.—During fiscal year 1991, there is authorized to be appropriated to the Persian Gulf Conflict Working Capital Account the sum of \$15,000,000,000.

(c) USE OF FUNDS.—Funds appropriated pursuant to subsection (b) shall be available only for transfer by the Secretary of Defense to fiscal year 1991 appropriation accounts of the Department of Defense or Coast Guard for the incremental costs associated with Operation Desert Storm. Such funds may be used for that purpose only to the extent that funds are not available in the Defense Cooperation Account for transfer for such incremental costs.

(d) REPLENISHMENT OF ACCOUNT.—Amounts transferred from the Persian Gulf Conflict Working Capital Account shall be replenished from funds available in the Defense Cooperation Account to the extent that funds are available in the Defense Cooperation Account. Whenever the balance in the working capital account is less than the amount appropriated to that account pursuant to this section, the Secretary shall transfer from the Defense Cooperation Account such funds as become available to the account to replenish the working capital account before making any transfer of such funds under sections 101 and 102.

(e) REVERSION OF BALANCE UPON TERMINATION OF ACCOUNT.—Any balance in the Persian Gulf Conflict Working Capital Account at the time of the termination of the account shall revert to the general fund of the Treasury.

**SEC. 103. ADDITIONAL TRANSFER AUTHORITY.**

The amount of the transfer authority provided in section 1401 of Public Law 101-510 is hereby increased by the amount of such transfers as the Secretary of Defense makes pursuant to law (other than Public Law 101-511) to make adjustments among amounts provided in titles I and II of Public Law 101-511 due to incremental costs associated with Operation Desert Storm.

**SEC. 104. ADMINISTRATION OF TRANSFERS.**

A transfer made under the authority of section 101 or 102 increases by the amount of the transfer the amount authorized for the account to which the transfer is made.

**SEC. 105. NOTICE TO CONGRESS OF TRANSFERS.**

(a) NOTICE-AND-WAIT.—A transfer may not be made under section 101 or 102 until the seventh day after the congressional defense committees receive a report with respect to that transfer under subsection (b).

(b) CONTENT OF REPORT.—A report under subsection (a) shall include the following:

(1) A certification by the Secretary of Defense that the amount or amounts proposed to be transferred will be used only for incremental costs associated with Operation Desert Storm.

(2) A statement of each account to which the transfer is proposed to be made and the amount proposed to be transferred to such account.

(3) A description of the programs, projects, and activities for which funds proposed to be transferred are proposed to be used.

(4) In the case of a transfer from the working capital account established under section 102, an explanation of the reasons why funds are not available in the Defense Cooperation Account for such transfer.

**SEC. 106. MONTHLY REPORTS ON TRANSFERS.**

Not later than seven days after the end of each month in fiscal years 1991 and 1992, the Secretary of Defense shall submit to the congressional defense committees and the Comptroller General of the United States a detailed report on the cumulative total amount of the transfers made under the authority of this title through the end of that month.

**TITLE II—WAIVER OF PERSONNEL CEILINGS AFFECTED BY OPERATION DESERT STORM****SEC. 201. AUTHORITY TO WAIVE END STRENGTH AND GRADE STRENGTH LAWS.**

(a) FISCAL YEAR 1991 END STRENGTH.—The Secretary of a military department may waive any end strength prescribed in section 401(a), 411, or 412(a) of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510; 104 Stat. 1485) that applies to any of the armed forces under the jurisdiction of that Secretary.

(b) GRADE STRENGTH LIMITATIONS.—The Secretary of a military department may suspend, for fiscal year 1991, the operation of any provision of section 517, 523, 524, 525, or 526 of title 10, United States Code, with respect to that military department.

**SEC. 202. CERTIFICATION.**

The Secretary of a military department may exercise the authority provided in subsection (a) or (b) of section 201 only after the Secretary submits to the congressional defense committees a certification in writing that the exercise of that authority is necessary because of personnel actions associated with Operation Desert Storm.

**SEC. 203. AUTHORIZATION FROM DEFENSE COOPERATION ACCOUNT.**

(a) AUTHORIZATION.—In addition to authorizations under section 101, there is hereby authorized to be appropriated from the De-

fense Cooperation Account such sums as may be necessary for increases in military personnel costs for fiscal years 1991 through 1995 resulting from the exercise of the authorities provided in section 201. Such increases in costs are incremental costs associated with Operation Desert Storm.

(b) USE OF FUNDS.—Funds appropriated to the Persian Gulf Conflict Working Capital Account pursuant to section 102(b) may be used for the purposes described in subsection (a) to the extent provided in section 102(c).

(c) REPORTING.—Funds obligated for the purposes described in subsection (a) shall be included in the reports required by section 106.

**SEC. 204. CONFORMING REPEAL.**

Section 1117 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510; 104 Stat. 1637) is repealed.

**SEC. 205. RELATIONSHIP TO OTHER LAWS.**

(a) RELATIONSHIP TO OTHER WAIVER AUTHORITIES.—The authority provided in section 201(a) is in addition to the waiver authority provided in sections 401(c) and 411(b) of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510) and the waiver authority provided in section 115(c)(1) of title 10, United States Code.

(b) RELATIONSHIP TO OTHER SUSPENSION AUTHORITY.—The authority provided in section 201(b) is in addition to the authority provided in section 527 of title 10, United States Code.

**TITLE III—BENEFITS FOR PERSONS SERVING IN THE ARMED FORCES DURING THE PERSIAN GULF CONFLICT****PART A—MILITARY COMPENSATION AND BENEFITS****SEC. 301. TEMPORARY INCREASE IN THE RATE OF SPECIAL PAY FOR DUTY SUBJECT TO HOSTILE FIRE OR IMMEDIATE DANGER.**

(a) INCREASED RATE.—In lieu of the rate of special pay specified in section 310(a) of title 37, United States Code, the rate of special pay payable under that section shall be \$150 for each month during the period described in subsection (b).

(b) PERIOD OF APPLICABILITY.—Subsection (a) shall apply during the period beginning on August 1, 1990, and ending on the first day of the first month beginning on or after the date 180 days after the end of the Persian Gulf conflict.

**SEC. 302. TEMPORARY INCREASE IN FAMILY SEPARATION ALLOWANCE.**

(a) INCREASED RATE.—In lieu of the family separation allowance specified in section 427(b)(1) of title 37, United States Code, the family separation allowance payable under that section shall be \$75 for each month during the period described in subsection (b).

(b) PERIOD OF APPLICABILITY.—Subsection (a) shall apply during the period beginning on January 15, 1991, and ending on the first day of the first month beginning on or after the date 180 days after the end of the Persian Gulf conflict.

**SEC. 303. DETERMINATION OF VARIABLE HOUSING ALLOWANCE FOR RESERVES.**

(a) USE OF PRINCIPAL PLACE OF RESIDENCE.—For the purpose of determining the entitlement of a Reserve described in subsection (b) to a variable housing allowance under section 403a of title 37, United States Code, the Reserve shall be considered to be assigned to duty at the Reserve's principal place of residence, determined as prescribed by the Secretary of Defense.

(b) RESERVE DESCRIBED.—A Reserve referred to in subsection (a) is a member of a reserve component of the uniformed services

who is serving on active duty under a call or order to active duty in connection with Operation Desert Storm and is assigned to duty away from the Reserve's principal place of residence, determined as prescribed by the Secretary.

**SEC. 304. MEDICAL, DENTAL, AND NONPHYSICIAN SPECIAL PAYS FOR RESERVE, RECALLED, OR RETAINED HEALTH CARE OFFICERS.**

(a) ELIGIBLE FOR SPECIAL PAY.—A health care officer described in subsection (b) shall be eligible for special pay under section 302, 302a, 302b, 302e, or 303 of title 37, United States Code (whichever applies), notwithstanding any requirement in those sections that—

(1) the call or order of the officer to active duty be for a period of not less than one year; or

(2) the officer execute a written agreement to remain on active duty for a period of not less than one year.

(b) HEALTH CARE OFFICERS DESCRIBED.—A health care officer referred to in subsection (a) is an officer of the Armed Forces who is otherwise eligible for special pay under section 302, 302a, 302b, 302e, or 303 of title 37, United States Code, and who—

(1) is a reserve officer on active duty under a call or order to active duty for a period of less than one year in connection with Operation Desert Storm;

(2) is involuntarily retained on active duty under section 673c of title 10, United States Code, or is recalled to active duty under section 688 of that title, in connection with Operation Desert Storm; or

(3) voluntarily agrees to remain on active duty for a period of less than one year in connection with Operation Desert Storm.

(c) MONTHLY PAYMENTS.—Payment of special pay pursuant to this section may be made on a monthly basis. If the service on active duty of an officer described in subsection (b) is terminated before the end of the period for which a payment is made to the officer under subsection (a), the officer is entitled to special pay under section 302, 302a, 302b, 302e, or 303 of title 37, United States Code (whichever applies), only for the portion of that period that the officer actually served on active duty. The officer shall refund any amount received in excess of the amount that corresponds to the period of active duty of the officer.

(d) SPECIAL RULE FOR RESERVE MEDICAL OFFICER.—While a reserve medical officer receives a special pay under section 302 of title 37, United States Code, by operation of subsection (a), the officer shall not be entitled to special pay under subsection (h) of that section.

(e) PERIOD OF APPLICABILITY.—Subsection (a) shall apply during the period beginning on November 5, 1990, and ending on the first day of the first month beginning on or after the date 180 days after the end of the Persian Gulf conflict.

**SEC. 305. WAIVER OF BOARD CERTIFICATION REQUIREMENTS.**

(a) CERTIFICATION INTERRUPTED BY OPERATION DESERT STORM.—A member of the Armed Forces described in subsection (b) who completes the board certification or recertification requirements specified in section 302(a)(5), 302b(a)(5), 302c(c)(3), or 302c(d)(4) of title 37, United States Code, before the end of the period established for the member in subsection (c) shall be paid special pay under section 302(a)(5), 302b(a)(5), 302c(c)(3), or 302c(d)(4) of such title (whichever applies) for active duty performed after November 5, 1990, and before the date of that

certification and recertification if the Secretary of Defense determines that the member was unable to schedule or complete that certification or recertification earlier because of a duty assignment in connection with Operation Desert Storm.

(b) **ELIGIBLE MEMBERS DESCRIBED.**—A member of the Armed Forces referred to in subsection (a) is a member who—

(1) is a medical or dental officer or a nonphysician health care provider;

(2) has completed any required residency training; and

(3) was, except for the board certification requirement, otherwise eligible for special pay under section 302(a)(5), 302b(a)(5), 302c(c)(3), or 302c(d)(4) of such title during the duty assignment in connection with Operation Desert Storm.

(c) **PERIOD FOR CERTIFICATION.**—The period referred to in subsection (a) for completion of board certification or recertification requirements with respect to a member of the Armed Forces is the 180-day period (extended for such additional time as the Secretary of Defense determines to be appropriate) beginning on the date that the member is released from the duty to which the member was assigned in connection with Operation Desert Storm.

**SEC. 306. FOREIGN LANGUAGE PROFICIENCY PAY.**

(a) **CERTIFICATION INTERRUPTED BY OPERATION DESERT STORM.**—A member of the Armed Forces described in subsection (b) who obtains a certification of foreign language proficiency before the end of the period established for the member in subsection (c) shall be paid foreign language proficiency pay under section 316 of title 37, United States Code, for active duty performed after August 2, 1990, and before the date of that certification if the Secretary of Defense determines that the member was unable to schedule or complete that certification earlier because of a duty assignment in connection with Operation Desert Storm.

(b) **ELIGIBLE MEMBERS DESCRIBED.**—A member of the Armed Forces referred to in subsection (a) is a member on active duty who, except for subsection (a)(2) of that section, was otherwise eligible for special pay under that section during the duty assignment in connection with Operation Desert Storm.

(c) **PERIOD FOR CERTIFICATION.**—The period referred to in subsection (a) for completion of certification of foreign language proficiency with respect to a member of the Armed Forces is the 180-day period (extended for such additional time as the Secretary of Defense determines to be appropriate) beginning on the date that the member is released from the duty to which the member was assigned in connection with Operation Desert Storm.

**SEC. 307. TEMPORARY INCREASE IN AMOUNT OF DEATH GRATUITY.**

In lieu of the amount of the death gratuity specified in section 1478(a) of title 10, United States Code, the amount of the death gratuity payable under that section shall be \$6,000 for a death resulting from any injury or illness incurred during the Persian Gulf conflict or during the 180-day period beginning at the end of the Persian Gulf conflict.

**SEC. 308. DEATH GRATUITY FOR PARTICIPANTS WHO DIED BEFORE THE DATE OF ENACTMENT.**

(a) **PAYMENT OF DEATH GRATUITY.**—Subject to subsections (b) and (c), the Secretary of Defense shall pay a death gratuity to each SGLI beneficiary of each deceased member of the uniformed services who died after August

1, 1990, and before the date of the enactment of this Act, and whose death was in conjunction with or in support of Operation Desert Storm, or attributable to hostile action in regions other than the Persian Gulf, as prescribed in regulations set forth by the Secretary of Defense.

(b) **AMOUNT AND DISTRIBUTION OF GRATUITY.**—The amount of the death gratuity payable to an SGLI beneficiary in the case of a deceased member of the uniformed services under this section shall be equal to the Servicemen's Group Life Insurance paid or payable to such beneficiary under subchapter III of chapter 19 of title 38, United States Code, by reason of the death of such member.

(c) **APPLICATION FOR GRATUITY REQUIRED.**—A death gratuity shall be payable to an SGLI beneficiary under this section upon receipt of a written application therefor by the Secretary of Defense within one year after the date of the enactment of this Act.

(d) **REGULATIONS.**—The Secretary shall prescribe in regulations the form of the application for benefits under this section and any procedures and requirements that the Secretary considers necessary to carry out this section.

(e) **DEFINITIONS.**—In this section:

(1) The term "SGLI beneficiary", with respect to a deceased member of the uniformed services, means a person to whom Servicemen's Group Life Insurance is paid or payable under subchapter III of chapter 19 of title 38, United States Code, by reason of the death of such member.

(2) The term "Secretary concerned" has the meaning given that term in section 101(25) of title 38, United States Code.

**SEC. 309. TREATMENT OF ACCRUED LEAVE OF MEMBERS WHO DIE WHILE ON ACTIVE DUTY.**

(a) **SURVIVORS ELIGIBLE FOR PAYMENT FOR ALL ACCRUED LEAVE OF MEMBER.**—In the case of a member of the uniformed services who dies as a result of an injury or illness incurred while serving on active duty during the Persian Gulf conflict, the limitation in the second sentence of subsection (b)(3) of section 501 of title 37, United States Code, and in subsection (f) of that section shall not apply with respect to a payment made pursuant to subsection (d) of that section for leave accrued during fiscal year 1990 or 1991.

(b) **TECHNICAL AMENDMENT.**—Section 1115(a) of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510; 104 Stat. 1636) is amended by striking out "section 501(b)(3) of title 37, United States Code, does not apply" and inserting in lieu thereof "subsection (b)(3) of section 501 of title 37, United States Code, and in subsection (f) of that section does not apply".

(c) **EFFECTIVE DATE.**—The amendment made by subsection (b) shall take effect as of November 5, 1990.

**SEC. 310. REMOVAL OF LIMITATION ON THE ACCRUAL OF SAVINGS OF MEMBERS IN A MISSING STATUS.**

(a) **ADDITION OF PERSIAN GULF CONFLICT.**—Subsection (b) of section 1035 of title 10, United States Code, is amended—

(1) by inserting before the period in the second sentence the following: "or during the Persian Gulf conflict"; and

(2) in the last sentence, by striking out "the date designated" and all that follows through the period and inserting in lieu thereof the following: "May 7, 1975, and the Persian Gulf conflict begins on January 16, 1991, and ends on the date thereafter prescribed by Presidential proclamation or by law".

(b) **MISSING STATUS DEFINED.**—Such section is further amended by adding at the end the following new subsection:

"(f) In this section, the term 'missing status' has the meaning given such term in section 551(2) of title 37."

(c) **CONFORMING AMENDMENTS.**—Such section is further amended—

(1) in subsection (b), by striking out "as defined in section 551(2) of title 37,"; and

(2) in subsection (e), by striking out "(as defined in section 551(2) of title 37)".

**SEC. 310A. BASIC ALLOWANCE FOR QUARTERS FOR CERTAIN MEMBERS OF RESERVE COMPONENTS WITHOUT DEPENDENTS.**

(a) **IN GENERAL.**—A member of a reserve component of the uniformed services without dependents who is called or ordered to active duty in connection with Operation Desert Storm shall be entitled to a basic allowance for quarters under section 403 of title 37, United States Code, if, because of the call or order, the member is unable to continue to occupy a residence—

(1) which is maintained as the primary residence of the member at the time of the call or order; and

(2) which is owned by the member or for which the member is responsible for rental payments.

(b) **PERIOD OF APPLICABILITY.**—Subsection (a) shall apply during the period beginning on August 2, 1990, and ending on the first day of the first month beginning on or after the date 180 days after the end of the Persian Gulf conflict.

**PART B—MILITARY PERSONNEL POLICIES AND PROGRAMS**

**SEC. 311. GRADE OF RECALLED RETIRED MEMBERS.**

(a) **IN GENERAL.**—A retired member of the Armed Forces ordered to active duty under section 688 of title 10, United States Code, in connection with Operation Desert Storm who had previously served on active duty satisfactorily, as determined by the Secretary of the military department concerned, in a grade higher than that member's retired grade may be ordered to active duty under that section in the highest grade in which the member had so served satisfactorily.

(b) **GRADE UPON RELEASE FROM ACTIVE DUTY.**—(1) For the purposes of section 688(b) of title 10, United States Code, a member of the Armed Forces ordered to active duty in a grade that is higher than the member's retired grade pursuant to subsection (a) shall be deemed to have been promoted to such higher grade while on such active duty.

(2) A retired member described in subsection (a) who, upon being released from the tour of active duty covered by that subsection, has served on active duty satisfactorily, as determined by the Secretary concerned, for not less than a total of 36 months in a grade higher than the member's retired grade, is entitled, upon that release from active duty, to placement on the retired list in that grade.

(c) **EFFECTIVE DATE.**—This section shall apply with respect to retired members ordered to active duty on or after August 2, 1990.

**SEC. 312. TEMPORARY CHAMPUS PROVISIONS REGARDING DEDUCTIBLES AND COPAYMENT REQUIREMENTS.**

(a) **DELAY IN THE INCREASE OF ANNUAL DEDUCTIBLES UNDER CHAMPUS.**—The annual deductibles specified in subsection (b) of section 1079 of title 10, United States Code (as in effect on November 4, 1990), shall apply until October 1, 1991, in the case of health care provided under that section to the depend-

ents of a member of the uniformed services who serves or served on active duty in the Persian Gulf theater of operations in connection with Operation Desert Storm.

(b) **WAIVER OF COPAYMENT REQUIREMENTS.**—(1) Any civilian health care provider furnishing health care pursuant to a plan contracted for under the authority of section 1079 or 1086 of title 10, United States Code, may waive, in whole or in part, any requirement for payment under subsection (b) of that section by a patient described in paragraph (2) for health care furnished the patient by such health care provider during the Persian Gulf conflict.

(2) A patient referred to in paragraph (1) is a dependent of a member of the uniformed services who serves on active duty in the Persian Gulf theater of operations in connection with Operation Desert Storm.

(3) If a health care provider waives a payment for health care under paragraph (1), the health care provider shall certify to the Secretary of Defense that the amount charged the Federal Government for such health care was not increased above the amount that the health care provider would have charged the Federal Government for such health care had the payment not been waived. The Secretary of Defense may require a health care provider to provide information to the Secretary to show the compliance of the health care provider with this paragraph.

#### SEC. 313. TRANSITIONAL HEALTH CARE.

(a) **HEALTH CARE PROVIDED.**—A member of the Armed Forces described in subsection (b), and the dependents of the member, shall be entitled to receive health care described in subsection (c) upon the release of the member from active duty in connection with Operation Desert Storm until the earlier of—

(1) 30 days after the date of the release of the member from active duty; or

(2) the date on which the member and the dependents of the member are covered by a health plan sponsored by an employer.

(b) **ELIGIBLE MEMBER DESCRIBED.**—A member of the Armed Forces referred to in subsection (a) is a member who—

(1) is a member of a reserve component of the Armed Forces and is called or ordered to active duty under chapter 39 of title 10, United States Code, in connection with Operation Desert Storm;

(2) is involuntarily retained on active duty under section 673c of title 10, United States Code, in connection with Operation Desert Storm; or

(3) voluntarily agrees to remain on active duty for a period of less than one year in connection with Operation Desert Storm.

(c) **HEALTH CARE DESCRIBED.**—The health care referred to in subsection (a) is—

(1) medical and dental care under section 1076 of title 10, United States Code, in the same manner as a dependent described in subsection (a)(2) of that section; and

(2) health benefits contracted under the authority of section 1079(a) of that title and subject to the same rates and conditions as apply to persons covered under that section.

(d) **DEPENDENT DEFINED.**—For purposes of this section, the term "dependent" has the meaning given that term in section 1072(2) of title 10, United States Code.

#### SEC. 314. EXTENSION OF CERTAIN PERSIAN GULF CONFLICT PROVISIONS.

Title XI of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510; 104 Stat. 1634 et seq.) is amended as follows:

(1) The following sections are amended by striking out "Operation Desert Shield" each place it appears and inserting in lieu thereof

"the Persian Gulf conflict": sections 1111(b)(1), 1114, and 1115.

(2) Section 1111 is further amended—

(A) by striking out "for fiscal year 1990 and during fiscal year 1991" in subsection (b)(1);

(B) by inserting "or for fiscal year 1992" in subsection (b)(2) after "fiscal year 1991"; and

(C) by striking out subsection (c).

(3) Sections 1114(a) and 1115(a) are amended by striking out "during fiscal year 1990 or 1991".

#### SEC. 315. STUDY OF DEPARTMENT OF DEFENSE POLICIES RELATING TO DEPLOYMENT OF MILITARY SERVICEMEMBERS WITH DEPENDENTS OR SERVICEMEMBERS FROM FAMILIES WITH MORE THAN ONE SERVICEMEMBER.

(a) **STUDY.**—The Secretary of Defense shall carry out a study of the policies of the Department of Defense relating—

(1) to activation of units and members of reserve components for active duty (other than for training); and

(2) to deployments overseas of members of the Armed Forces (whether from active or reserve components),

as those policies affect the family responsibilities and interests of members of the Armed Forces who have minor children or who are from families with more than one member in the Armed Forces.

(b) **MATTERS TO BE CONSIDERED.**—The study under subsection (a) shall examine the family policies of the military departments for consistency among the Armed Forces and shall consider whether these policies adequately address the needs of reserve component personnel. The study shall also assess the responsiveness of current policies to the needs of the all-volunteer Force as it is presently constituted, as reflected by its demographic profile.

(c) **REPORT.**—Not later than March 31, 1992, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report containing the results of the study under subsection (a). The report shall include an analysis of the effect of deployments made as part of military operations during the Persian Gulf conflict on members of the Armed Forces referred to in that subsection, including the following (which shall be shown separately by service and for active-component and reserve-component personnel):

(1) The number of single parent military personnel who were deployed and the number of children of those parents.

(2) The number of members of the Armed Forces married to another member of the Armed Forces who were both deployed and the number of children of those members.

(3) The number of members of the Armed Forces deployed (or given orders to deploy) who requested exceptions to existing policies respecting family members, categorized by the reasons given for the requests and the dispositions of the requests.

(4) A description of any differences in any of the military departments in policies applicable to active component members and reserve component members and any problems that arose from those differences.

(5) A statement of the incidence of use of military family assistance programs by persons other than parents who provided care for dependent children while parents in the Armed Forces were deployed.

(6) A discussion of the effectiveness of military family assistance programs during the Persian Gulf conflict.

(7) A discussion of the applicability of existing policies with respect to members of the Armed Forces who have dependents

other than minor children, including dependent parents and dependent disabled adult children.

(8) A discussion of proposed and actual changes by the Department of Defense in family assistance programs and assignment policies.

#### SEC. 316. ADJUSTMENT IN THE EFFECTIVE DATE OF CHANGES IN MENTAL HEALTH BENEFITS AS A RESULT OF OPERATION DESERT STORM.

(a) **IN GENERAL.**—(1) Section 703(d) of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510; 104 Stat. 1582) is amended by striking out "February 15, 1991" and inserting in lieu thereof "October 1, 1991".

(2) Section 8044 of the Department of Defense Appropriations Act, 1991 (Public Law 101-511; 104 Stat. 1884) is amended (A) in the matter preceding the first proviso, by striking out "this Act" and inserting in lieu thereof "any Act appropriating funds to the Department of Defense for fiscal year 1992 and", and (B) in the fifth proviso, by striking out "February 15, 1991" and inserting in lieu thereof "October 1, 1991".

(b) **TRANSITION PROVISION.**—Effective as of February 15, 1991, subsections (a)(6) and (i) of section 1079 of title 10, United States Code, as those subsections were in effect on February 14, 1991, are revived.

(c) **FUNDS.**—Of the amount authorized to be appropriated by section 391, \$36,000,000 shall be available for increased costs by reason of the amendments made by this section.

#### SEC. 317. SENSE OF THE HOUSE OF REPRESENTATIVES REGARDING THE SEPARATION OF CERTAIN MEMBERS FROM THEIR NEWBORN CHILDREN.

It is the sense of the House of Representatives that the Secretary of Defense should strive to develop and implement a uniform policy with respect to the deployment of a member of the Armed Forces who is the mother of a child under the age of six months. Such a policy should provide that, to the maximum extent possible, a member of the Armed Forces who is the mother of a child under the age of six months shall not be—

(1) deployed, in the case of a member of a regular component; or

(2) activated (if such activation requires separation of the member from her child) or deployed in the case of a member of a reserve component.

#### PART C—VETERANS BENEFITS AND PROGRAMS

##### SEC. 331. SHORT TITLE.

This part may be cited as the "Persian Gulf War Veterans' Benefits Act of 1991".

##### SEC. 332. INCLUSION OF PERSIAN GULF WAR WITHIN DEFINITION OF "PERIOD OF WAR" FOR PURPOSES OF VETERANS BENEFITS.

Section 101 of title 38, United States Code, is amended—

(1) in paragraph (11), by inserting "the Persian Gulf War," after "the Vietnam era,"; and

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

"(3) The term 'Persian Gulf War' means the period beginning on August 2, 1990, and ending on the date thereafter prescribed by Presidential proclamation or by law."

##### SEC. 333. PENSION ELIGIBILITY FOR PERSIAN GULF WAR VETERANS AND SURVIVING SPOUSES OF PERSIAN GULF WAR VETERANS.

(a) Section 501 of title 38, United States Code, is amended by inserting "the Persian Gulf War," in paragraph (4) after "the Vietnam era,".

(b) Section 541(f)(1) of such title is amended—

- (1) by striking out "or" before (D); and
- (2) by inserting before the semicolon at the end " , or (E) January 1, 2001, in the case of a surviving spouse of a veteran of the Persian Gulf War".

(c) CONFORMING AMENDMENTS.—(1) The heading above section 541 of such title is amended to read as follows:

"OTHER PERIODS OF WAR"

(2) The table of sections at the beginning of chapter 15 of such title is amended by striking out the heading between the items relating to section 537 and 541 and inserting in lieu thereof the following:

"Other Periods of War"

**SEC. 334. HEALTH BENEFITS.**

(a) PERIOD OF SERVICE FOR DENTAL BENEFITS—Section 612(b) of title 38, United States Code, is amended by inserting "or, in the case of a veteran who served on active duty during the Persian Gulf War, 90 days" after "180 days" in paragraphs (1)(B)(ii) and (2).

(b) PRESUMPTION RELATING TO PSYCHOSIS.—Section 602 of such title is amended—

- (1) by striking out "or the Vietnam era" and inserting in lieu thereof "the Vietnam era, or the Persian Gulf War";
- (2) by striking out "or" after "Korean conflict," the second place it appears; and
- (3) by inserting "or before the end of the two-year period beginning on the last day of the Persian Gulf War, in the case of a veteran of the Persian Gulf War," after "Vietnam era veteran,".

(c) COVERAGE OF CERTAIN PRESCRIPTION DRUG BENEFITS.—Section 612(h) of such title is amended in the first sentence by striking out "the Mexican border period" and all that follows through "Vietnam era" and inserting in lieu thereof "a period of war".

(d) READJUSTMENT COUNSELING.—Section 612A(a) of such title is amended—

- (1) by inserting "(1)" after "(a)"; and
- (2) by adding at the end the following new paragraph:

"(2)(A) The Secretary shall furnish counseling as described in paragraph (1), upon request, to any veteran who served on active duty after May 7, 1975, in an area at a time during which hostilities occurred in such area.

"(B) For the purposes of subparagraph (A) of this paragraph, the term 'hostilities' means an armed conflict in which members of the Armed Forces are subjected to danger comparable to the danger to which members of the Armed Forces have been subjected in combat with enemy armed forces during a period of war, as determined by the Secretary in consultation with the Secretary of Defense."

**SEC. 335. REPORTS BY SECRETARY OF DEFENSE AND SECRETARY OF VETERANS AFFAIRS CONCERNING SERVICES TO TREAT POST-TRAUMATIC STRESS DISORDER.**

(a) IN GENERAL.—The Secretary of Defense and the Secretary of Veterans Affairs shall each submit to Congress two reports containing, with respect to their respective Departments, the following:

- (1) An assessment of the need for rehabilitative services for members of the Armed Forces participating in the Operation Desert Storm who experience post-traumatic stress disorder.
- (2) A description of the available programs and resources to meet those needs.
- (3) The specific plans of that Secretary for treatment of members experiencing post-traumatic stress disorder, particularly with

respect to any specific needs of members of reserve components.

(4) An assessment of needs for additional resources necessary in order to carry out such plans.

(5) A description of plans to coordinate treatment services for post-traumatic stress disorder with the other Department.

(b) TIMES FOR SUBMISSION OF REPORTS.—The first report by each of the Secretaries shall be submitted not later than 90 days after the date of the enactment of this Act, and the second report by each of the Secretaries shall be submitted a year later.

**SEC. 336. LIFE INSURANCE BENEFITS.**

(a) SERVICEMEN'S GROUP LIFE INSURANCE.—Section 767 of title 38, United States Code, is amended—

(1) in subsections (a) and (c), by striking out "\$50,000" each place it appears and inserting in lieu thereof "\$100,000"; and

(2) in subsection (d)—  
(A) by striking out "January 1, 1986" each place it appears and inserting in lieu thereof "May 1, 1991"; and

(B) by striking out "\$50,000" and inserting in lieu thereof "\$100,000".

(b) VETERANS' GROUP LIFE INSURANCE.—Section 777(a) of such title is amended by striking out "\$50,000" each place it appears and inserting in lieu thereof "\$100,000".

(c) EFFECTIVE DATES.—(1) The amendments made by subsection (a) shall apply with respect to deaths on or after the date of the enactment of this Act.

**SEC. 337. INCREASE IN THE AMOUNT OF MONTGOMERY GI BILL EDUCATIONAL ASSISTANCE PAYMENTS.**

(a) AMOUNT OF BENEFIT PAYMENTS UNDER CHAPTER 30.—Section 1415 of title 38, United States Code, is amended—

(1) in subsection (a), by striking out "and (c)" and inserting in lieu thereof " , (c), (d), (e), and (f)";

(2) in subsection (b), by striking out "In" and inserting in lieu thereof "Except as provided in subsections (c), (d), (e), and (f), in"; and

(3) by adding at the end the following new subsection:

"(d)(1) During the period beginning on October 1, 1991, and ending on September 30, 1993, the monthly rates payable under subsection (a)(1) or (b)(1) of this section shall be \$350 and \$275, respectively.

"(2) With respect to the fiscal year beginning on October 1, 1993, the Secretary may continue to pay, in lieu of the rates payable under subsection (a)(1) or (b)(1) of this section, the monthly rates payable under paragraph (1) of this subsection and may provide a percentage increase in such rates equal to the percentage by which the Consumer Price Index (all items, United States city average, published by the Bureau of Labor Statistics) for the 12-month period ending June 30, 1993, exceeds such Consumer Price Index for the 12-month period ending June 30, 1992.

"(3) With respect to any fiscal year beginning on or after October 1, 1994, the Secretary may continue to pay, in lieu of the rates payable under subsection (a)(1) or (b)(1) of this section, the monthly rates payable under this subsection for the previous fiscal year and may provide, for any such fiscal year, a percentage increase in such rates equal to the percentage by which—

"(A) the Consumer Price Index (all items, United States city average) for the 12-month period ending on the June 30 preceding the beginning of the fiscal year for which the increase is made, exceeds

"(B) such Consumer Price Index for the 12-month period preceding the 12-month period described in subparagraph (A)."

(b) AMOUNT OF BENEFIT PAYMENTS UNDER SELECTED RESERVE PROGRAM.—(1) Section 2131(b) of title 10, United States Code, is amended—

(A) by striking out "(b) Except as provided in" and inserting in lieu thereof "(b)(1) Except as provided in paragraph (2) and";

(B) by redesignating paragraphs (1), (2), (3), and (4), as subparagraphs (A), (B), (C), and (D), respectively; and

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

"(2)(A) During the period beginning on October 1, 1991, and ending on September 30, 1993, the monthly rates payable under subparagraphs (A), (B), and (C) of paragraph (1) shall be \$170, \$128, and \$85, respectively.

"(B) With respect to the fiscal year beginning on October 1, 1993, the Secretary may continue to pay, in lieu of the rates payable under subparagraphs (A), (B), and (C) of paragraph (1), the monthly rates payable under subparagraph (A) of this paragraph and may provide a percentage increase in such rates equal to the percentage by which the Consumer Price Index (all items, United States city average, published by the Bureau of Labor Statistics) for the 12-month period ending June 30, 1993, exceeds such Consumer Price Index for the 12-month period ending June 30, 1992.

"(C) With respect to any fiscal year beginning on or after October 1, 1994, the Secretary may continue to pay, in lieu of the rates payable under subparagraphs (A), (B), and (C) of paragraph (1), the monthly rates payable under this paragraph for the previous fiscal year and may provide, for any such fiscal year, a percentage increase in such rates equal to the percentage by which—

"(i) the Consumer Price Index (all items, United States city average) for the 12-month period ending on the June 30 preceding the beginning of the fiscal year for which the increase is made, exceeds

"(ii) such Consumer Price Index for the 12-month period preceding the 12-month period described in clause (i)."

(2) Section 2131(f)(2) of such title is amended by striking out "\$140" and inserting in lieu thereof "amount equal to the amount of the monthly rate payable under subsection (b)(1)(A) for the fiscal year concerned".

(3) Section 2131(g)(3) of such title is amended by striking out "\$140" and inserting in lieu thereof "amount equal to the amount of the monthly rate payable under subsection (b)(1)(A) for the fiscal year concerned".

**SEC. 338. MEMBERSHIP ON EDUCATIONAL BENEFITS ADVISORY COMMITTEE FOR PERSIAN GULF WAR VETERAN.**

Section 1792(a) of title 38, United States Code, is amended by striking out "and the post-Vietnam era" in the second sentence and inserting in lieu thereof "the post-Vietnam era, and the Persian Gulf War".

**SEC. 339. IMPROVED REEMPLOYMENT RIGHTS FOR DISABLED VETERANS.**

(a) IN GENERAL.—Chapter 43 of title 38, United States Code, is amended by adding at the end the following new section:

**"§ 2027. Qualification for employment position**

"(a) For the purposes of this chapter, a person shall be considered qualified to perform the duties of an employment position if such person, with or without reasonable accommodation, can perform the essential functions of the position.

"(b) For the purposes of subsection (a) of this section, an employer shall be required to make reasonable accommodations to the known physical or mental limitations of an otherwise qualified individual with a disability, unless the employer can demonstrate that the accommodation would impose an undue hardship on the operation of the business of such employer.

"(c) For purposes of subsections (a) and (b) of this section—

"(1) the term 'employer' means—

"(A) until July 26, 1994, a person engaged in an industry affecting commerce who has 25 or more employees for each working day in each of 20 or more calendar weeks in the current or preceding year, and any agent of such person; and

"(B) on and after July 26, 1994, a person engaged in an industry affecting commerce who has 15 or more employees for each working day in each of 20 or more calendar weeks in the current or preceding calendar year, and any agent of such person;

except that such term does not include the United States, a corporation wholly owned by the Government of the United States, an Indian tribe, or a bona fide private membership club (other than a labor organization) that is exempt from taxation under section 501(c) of the Internal Revenue Code of 1986; and

"(2) the terms 'reasonable accommodation' and 'undue hardship' have the meanings given such terms in paragraphs (9) and (10), respectively, of section 101 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12111(9) and (10)).

"(d) Nothing in this chapter shall be interpreted to limit in any way any of the rights conferred by the Americans with Disabilities Act of 1990."

(b) TECHNICAL AMENDMENT.—The table of sections of such chapter is amended by adding at the end the following:

"2027. Qualification for employment position."

(c) Effective Date.—The amendments made by this section shall take effect as of August 1, 1990.

#### SEC. 340. REQUALIFICATION OF FORMER EMPLOYEES.

(a) IN GENERAL.—Section 2021(a) of title 38, United States Code, is amended—

(1) in clause (A), by inserting "or able to become requalified with reasonable efforts by the employer" after "perform the duties of such position" each place it appears; and

(2) in clause (B), by inserting "or able to become requalified with reasonable efforts by the employer" after "perform the duties of such position" each place it appears.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect as of August 1, 1990.

#### SEC. 341. ELIGIBILITY FOR HOUSING BENEFITS.

Section 1802(a)(2) of title 38, United States Code, is amended by adding at the end the following new subparagraph:

"(D) Each veteran who served on active duty for 90 days or more at any time during the Persian Gulf War, other than a veteran ineligible for benefits under this title by reason of section 3103A(b) of this title."

#### PART D—FEDERAL EMPLOYEE BENEFITS

#### SEC. 361. LEAVE BANK FOR FEDERAL CIVILIAN EMPLOYEES IN RESERVES WHO WERE ACTIVATED DURING PERSIAN GULF WAR.

(a) CIVIL SERVICE EMPLOYEES.—The Office of Personnel Management shall establish a leave bank program under which—

(1) an employee in any executive agency may (during a period specified by the Office

of Personnel Management) donate any unused annual leave from the employee's annual leave account to a leave bank established by the Office of Personnel Management;

(2) the total annual leave that has been donated under paragraph (1) shall be divided equally among the annual leave accounts of all employees who have been members of the Armed Forces serving on active duty during the Persian Gulf conflict pursuant to an order issued under section 672(a), 672(g), 673, 673b, 674, 675, or 688 of title 10, United States Code, and who return to civilian employment with their agencies; and

(3) such Persian Gulf conflict participants who have returned to civilian employment may use such annual leave, after it is credited to their leave accounts, in the same manner as any other annual leave to their credit.

(b) DEFINITIONS.—For purposes of subsection (a), the term "employee" means an employee as defined in section 6361(1) of title 5, United States Code.

(c) DEADLINE FOR REGULATIONS.—Within 30 days after the date of the enactment of this Act, the Office of Personnel Management shall prescribe regulations necessary for the administration of subsection (a).

(d) DEPARTMENT OF VETERANS AFFAIRS HEALTH-CARE PROFESSIONALS.—The Secretary of Veterans Affairs shall establish a program similar to that established under section 332 for the benefit of health-care professionals covered under section 4108(e) of title 38, United States Code. Such program shall be as similar and practicable to the program established under subsection (a).

#### PART E—HIGHER EDUCATION ASSISTANCE

##### SEC. 371. SHORT TITLE.

This part may be cited as the "Persian Gulf Conflict Higher Education Assistance Act".

##### SEC. 372. OPERATION DESERT STORM WAIVER AUTHORITY.

(a) PURPOSE.—It is the purpose of this section to ensure that—

(1) the men and women serving on active duty in connection with Operation Desert Storm who are borrowers of Stafford Loans or Perkins Loans are not placed in a worse position financially in relation to those loans because of such service;

(2) the administrative requirements placed on all borrowers of student loans made in accordance with title IV of the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.) (hereafter in this section referred to as the "Act") who are engaged in such military service are minimized to the extent possible without impairing the integrity of the student loan programs, in order to ease the burden on such borrowers, and to avoid inadvertent, technical defaults; and

(3) the future eligibility of such an individual for Pell Grants is not reduced by the amount of such assistance awarded for a period of instruction that such individual was unable to complete, or for which the individual did not receive academic credit, because the individual was called up for such service.

(b) WAIVER REQUIREMENT.—Notwithstanding any other provision of law, unless enacted with specific reference to this section, the Secretary of Education shall waive or modify any statutory or regulatory provision applicable to the student financial aid programs under title IV of the Act that the Secretary deems necessary to achieve the purposes stated in subsection (a), including—

(1) the length of, and eligibility requirements for, the military deferments authorized under sections 427(a)(2)(C)(ii),

428(b)(1)(M)(ii), and 464(c)(2)(A)(ii) of the Act, in order to enable the borrower of a Stafford Loan or a Perkins Loan who is or was serving on active duty in connection with Operation Desert Storm to obtain a military deferment, under which interest shall accrue and shall, if otherwise payable by the Secretary of Education, be paid by the Secretary of Education, for the duration of such service;

(2) administrative requirements placed on all borrowers of student loans made in accordance with title IV of the Act who are or were engaged in such military service;

(3) the number of years for which individuals who are engaged in such military service may be eligible for Pell Grants under subpart 1 of part A of title IV of the Act;

(4) the point at which the borrower of a Stafford Loan who is or was engaged in such military service is required to resume repayment of principal and interest on such loan after the borrower completes a period of deferment under section 427(a)(2)(C)(ii) or 428(b)(1)(M)(ii) of the Act;

(5) the point at which the borrower of a Stafford Loan who is or was engaged in such military service is required to resume repayment of principal and interest on such loan after the borrower completes a single period of deferment under section 427(a)(2)(C)(i) or 428(b)(1)(M)(i) of the Act subsequent to such service; and

(6) the modification of the terms "annual adjusted family income" and "available income", as used in the determination of need for student financial assistance under title IV of the Act for such individual (and the determination of such need for the individual's spouse and dependents, if applicable), to mean the sums received in the first calendar year of the award year for which such determination is made, in order to reflect more accurately the financial condition of such individual and such individual's family.

(c) NOTICE OF WAIVER.—Notwithstanding section 431 of the General Education Provisions Act (20 U.S.C. 1232) and section 553 of title 5, United States Code, the Secretary shall, by notice in the Federal Register, publish the waivers or modifications of statutory and regulatory provisions the Secretary deems necessary to achieve the purposes of this section. Such notice shall include the terms and conditions to be applied in lieu of such statutory and regulatory provisions. The Secretary is not required to exercise the waiver or modification authority under this section on a case-by-case basis.

(d) DEFINITIONS.—For purposes of this part—

(1) individuals serving on active duty in connection with Operation Desert Storm include—

(A) any Reserve of the Armed Forces called to active duty under section 672(a), 672(g), 673, 673b, 674, or 688 of title 10, United States Code, for service in connection with Operation Desert Storm, regardless of the location at which such active duty service is performed; and

(B) for purposes of waivers of administrative requirements under subsection (b)(2) only, any other member of the Armed Forces on active duty in connection with Operation Desert Storm, who has been assigned to a duty station at a location other than the location at which such member is normally assigned; and

(2) the term "active duty" has the meaning given such term in section 101(22) of title 10, United States Code, except that such term does not include active duty for training or attendance at a service school.

**SEC. 373. TUITION REFUNDS OR CREDITS.**

(a) SENSE OF CONGRESS.—It is the sense of the Congress that all institutions offering postsecondary education should provide a full refund to any member of the Armed Forces on active duty in connection with Operation Desert Storm for that portion of a period of instruction such individual was unable to complete, or for which such individual did not receive academic credit, because such individual was called up for such service. For purposes of this section, a full refund includes a refund of required tuition and fees, or a credit in a comparable amount against future tuition and fees.

(b) ENCOURAGEMENT AND REPORT.—The Secretary of Education shall encourage institutions to provide such refunds or credits, and shall report to the appropriate committees of Congress on the actions taken in accordance with this subsection as well as information the Secretary receives regarding any institutions that are not providing such refunds or credits.

**SEC. 374. ELIGIBILITY OF STUDENT BORROWERS.**

Section 731 of the Public Health Service Act (42 U.S.C. 294d) is amended—

(1) in subsection (a)(2)(C)—  
(A) by striking "or" at the end of clause (vi); and

(B) by striking "and any such period" and all that follows through "clause (B) above;" in clause (vii) and inserting the following: "and (viii) in addition to all other deferments for which the borrower is eligible under clauses (i) through (vii) during which the borrower is a member of the Armed Forces on active duty during the Persian Gulf conflict, and any period described in clauses (i) through (viii) shall not be included in determining the 25-year period described in subparagraph (B);"; and

(2) by adding at the end the following new subsection:

"(f) As used in this section:  
"(1) The term 'active duty' has the meaning given such term in section 101(18) of title 37, United States Code, except that such term does not include active duty for training.

"(2) The term 'Persian Gulf conflict' means the period beginning on August 2, 1990, and ending on the date thereafter prescribed by Presidential proclamation or by law."

**SEC. 375. TERMINATION OF SECTIONS 372 AND 373.**

The provisions of sections 372 and 373 shall cease to be effective on September 30, 1997.

**SEC. 376. COORDINATION WITH OTHER LAW.**

If the Higher Education Technical Amendments of 1991 is enacted, the provisions of sections 4, 5, and 6 of that Act shall supersede sections 372, 373, and 375.

**PART F—PROGRAMS FOR FARMERS AND RANCHERS**

**SEC. 381. DEFINITIONS.**

As used in this part:

(1) ACTIVATED RESERVIST.—The term "activated reservist" means a member of a reserve component of the Armed Forces who served or is serving on active duty during the Persian Gulf conflict pursuant to an order issued under section 672(a), 672(d), 672(g), 673, 673b, 674, 675, or 678 of title 10, United States Code.

(2) FARMER PROGRAM LOAN.—The term "farmer program loan" has the same meaning given such term in section 343(a)(10) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1991(a)(10)).

(3) RESERVE COMPONENT OF THE ARMED FORCES.—The term "reserve component of the Armed Forces" means a reserve compo-

nent named in section 261(a) of title 10, United States Code.

(4) SECRETARY.—The term "Secretary" means the Secretary of Agriculture.

(5) OTHER TERMS.—

(A) AGRICULTURAL ACT OF 1949.—The terms "crop acreage base", "producer", "program crop", and any other terms used in this title have the same meanings specifically given such terms in the Agricultural Act of 1949 (7 U.S.C. 1421 et seq.).

(B) TITLE 10.—The term "active duty" has the meaning given such term in section 101 of title 10, United States Code.

**SEC. 382. BASE PROTECTION.**

The Secretary shall, with respect to a producer on a farm who is an activated reservist during a crop year, provide for the protection of the producer's crop acreage base for any program crop on the farm to the extent necessary to provide fair and equitable treatment for the producer.

**SEC. 383. WAIVER OF MINIMUM PLANTING REQUIREMENT.**

The producers on a farm shall be eligible for payments for a crop of rice or upland cotton under sections 101B(c)(1)(D)(i) and 103B(c)(1)(D)(i) of the Agricultural Act of 1949 (7 U.S.C. 1441-2(c)(1)(D)(i) and 1444-2(c)(1)(D)(i)), without regard to the minimum planting requirement established in sections 101B(c)(1)(D)(ii) and 103B(c)(1)(D)(ii) of such Act, if—

(1) one or more of the producers on the farm is an activated reservist during any portion of the crop year; and

(2) the producers on the farm satisfy all other requirements determined appropriate by the Secretary for the payments.

**SEC. 384. CONSERVATION REQUIREMENTS.**

(a) TEMPORARY WAIVER AUTHORITY.—The Secretary may provide for a temporary waiver or modification of the application of subtitles A through E of title XII of the Food Security Act of 1985 (16 U.S.C. 3801 et seq.) with respect to producers on a farm who are activated reservists if—

(1) the temporary waiver or modification is only for the period during which the producer is an activated reservist;

(2) the Secretary determines that the temporary waiver or modification is necessary to prevent undue hardship caused as a result of the producer's service on active duty during the Persian Gulf Conflict or to provide equitable treatment for the activated reservist; and

(3) the temporary waiver or modification will not significantly detract from the purposes and objectives of subtitles A through E of title XII of the Food Security Act of 1985.

(b) REPORT.—The Secretary shall, not later than March 31, 1992, submit a report to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate regarding the temporary waivers and modifications granted under subsection (a). Such report shall include—

(1) a summary of the types of waivers and modifications granted under subsection (a);

(2) a summary of the number and the geographical breakdown of the waivers and modifications granted under subsection (a); and

(3) an assessment of the effect of the waivers and modifications granted under subsection (a) on the ability of the programs established under subtitles A through E of title XII of the Food Security Act of 1985 to accomplish the purposes and objectives of such subtitles.

**SEC. 385. FARM CREDIT PROVISIONS.**

(a) IN GENERAL.—The Secretary shall establish a program to provide relief to any borrower of a farmer program loan if the borrower is an activated reservist.

(b) BORROWER RELIEF.—The Secretary shall modify the terms and conditions of farmer program loans (including loans in which any participant in the loan is an activated reservist) made or insured under the Consolidated Farm and Rural Development Act, or purchased under section 309B of such Act (7 U.S.C. 1926b), to the extent necessary, as determined by the Secretary, to alleviate conditions of distress related to the activation of such reservist and to assist keeping the farm or ranch of an activated reservist borrower in operation for such period of time as the Secretary determines is fair and equitable.

(c) LOAN MODIFICATIONS.—The Secretary may modify farmer program loans, including delinquent loans, by deferring scheduled payments, reducing interest rates or accumulated interest charges, reamortizing or consolidating loans, reducing the amount of scheduled payments, releasing additional income, reducing collateral requirements, or taking any other restructuring actions determined appropriate by the Secretary to assist in maintaining the farm or ranch for such period of time as the Secretary determines is fair and equitable.

(d) NOTICE.—The Secretary shall develop a program to notify any person that has an interest in, or is operating, a farm or ranch of an activated reservist who is a farmer program loan borrower of the borrower relief provisions of this section.

**SEC. 386. PROGRAM ADMINISTRATION PROVISIONS.**

(a) SIGN-UP PROCEDURES.—The Secretary may provide for procedures by which the spouse or other close relative (as determined by the Secretary) of an activated reservist may participate in, or make decisions related to, a program administered by the Secretary under the Agricultural Act of 1949 (7 U.S.C. 1421 et seq.), the Conservation and Domestic Allotment Act (16 U.S.C. 590a et seq.), the Food Security Act of 1985 (Public Law 99-198), the Food, Agriculture, Conservation, and Trade Act of 1990 (Public Law 101-624), the Consolidated Farm and Rural Development Act (7 U.S.C. 1921 et seq.), or any other Act concerning the operation of the activated reservist's farming or ranching operation.

(b) REQUIREMENTS.—The Secretary may rely on the representation of the spouse or close relative (even in the absence of a power of attorney) made under such procedures if—

(1) The Secretary determines that the reliance is appropriate in order to prevent undue hardship and to provide equitable treatment for the activated reservist; and

(2) the Secretary has reason to believe that the representation of the spouse or close relative is in accordance with the wishes of the activated reservist.

**SEC. 387. ADMINISTRATION.**

The Secretary shall issue such regulations, and take such other actions, as are necessary to carry out this part. Section 553 of title 5, United States Code, shall not apply with respect to the implementation of this part by the Secretary.

**SEC. 388. OUTREACH PROJECTS.**

(a) The Secretary shall conduct a sufficient number of outreach projects to inform appropriate households, of which a member is a member of the Armed Forces serving on active duty (other than for training) that they might be eligible for participation in

the Food Stamp Program authorized under the Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.).

(b) The Secretary shall—

(1) in designing and carrying out projects under subsection (a), consult with the Secretary of Defense, appropriate State agencies, and appropriate military family support groups; and

(2) ensure that the projects under subsection (a) begin no later than July 1, 1991, and end July 1, 1992.

(c) The Secretary shall submit a report, by September 1, 1992, to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate on the effectiveness of each method used under subsection (a) to inform households of food stamp eligibility.

#### PART G—BUDGET TREATMENT

#### SEC. 391. AUTHORIZATION OF APPROPRIATIONS FROM DEFENSE COOPERATION ACCOUNT.

(a) AUTHORIZATION.—In addition to the authorizations of appropriations in titles I and II, there is hereby authorized to be appropriated from the Defense Cooperation Account the sum of \$655,000,000, to be available only for the payment of title III benefits for fiscal years 1991 through 1995, except that none of the amount appropriated pursuant to such authorization shall be available for (1) payment of Montgomery GI bill rate increases for fiscal years after fiscal year 1993, or (2) for costs under the amendments made by section 334. Of the amount appropriated pursuant to such authorization, \$255,000,000 is available only for the costs of benefits under part C of this title, and no more than such amount may be available from such account for those costs.

(b) LONG-TERM COSTS.—The amount of funds in the Defense Cooperation Account on October 1, 1992 (other than funds appropriated pursuant to authorizations in other provisions of this Act), is hereby authorized to be appropriated from that account for costs of title III benefits (other than Montgomery GI bill rate increases and costs under the amendments made by section 334) accruing after fiscal year 1995.

(c) INCREMENTAL COSTS.—The costs of title III benefits (other than Montgomery GI bill rate increases and costs under the amendments made by section 334) for fiscal years 1991 through 1995 and the costs of Montgomery GI bill rate increases for fiscal years 1992 and 1993 are incremental costs associated with Operation Desert Storm.

#### SEC. 392. BENEFITS CONTINGENT UPON APPROPRIATIONS FROM DEFENSE COOPERATION ACCOUNT.

(a) IN GENERAL.—No person is entitled to, or eligible for, any title III benefit that is payable during fiscal years 1991 through 1995 unless an appropriations Act appropriates funds for such benefit from the Defense Cooperation Account for transfer to applicable appropriations. The preceding sentence does not apply with respect to Montgomery GI bill rate increases or to benefits under section 334.

(b) VETERANS BENEFITS.—No person is entitled to, or eligible for, payment of Montgomery GI bill rate increases during fiscal year 1992 or fiscal year 1993 unless an appropriations Act appropriates funds for the payment of such rate increases from the Defense Cooperation Account for transfer to applicable appropriations.

#### SEC. 393. DEFINITION; CONSTRUCTION OF SECTIONS 391 AND 392

(a) DEFINITION.—For purposes of this title, the term "Montgomery GI bill rate increases" means increases provided by section 337 with respect to fiscal years 1992 and 1993 in the monthly rates of educational assistance benefits in effect on the day before the date of the enactment of this Act under chapter 106 of title 10, United States Code, and under chapter 30 of title 38, United States Code.

(b) CONSTRUCTION.—For purposes of sections 391 and 392—

(1) a title III benefit is (A) any new payment or benefit provided by this title, or (B) any increase provided by this title in payment amounts or benefits previously provided by law; and

(2) a reference to provisions of this title shall be considered to include reference to provisions of law added by amendments made by this title.

#### TITLE IV—REPORTS ON FOREIGN CONTRIBUTIONS AND THE COSTS OF OPERATION DESERT STORM

#### SEC. 401. REPORTS ON UNITED STATES COSTS IN THE PERSIAN GULF CONFLICT AND FOREIGN CONTRIBUTIONS TO OFFSET SUCH COSTS.

(a) REPORTS REQUIRED.—The Director of the Office of Management and Budget shall prepare, in accordance with this section, periodic reports on the incremental costs associated with Operation Desert Storm and on the amounts of contributions made to the United States by foreign countries to offset those costs. The Director shall prepare the reports in consultation with the Secretary of Defense, the Secretary of State, the Secretary of the Treasury, and other appropriate Government officials.

(b) COSTS OF OPERATION DESERT STORM.—

(1) PERIOD COSTS AND CUMULATIVE COSTS.—Each report prepared under subsection (a) shall specify—

(A) the incremental costs associated with Operation Desert Storm that were incurred during the period covered by the report; and

(B) the cumulative total of such costs, by fiscal year, from August 1, 1990, to the end of the period covered by the report.

(2) NONRECURRING COSTS AND COSTS OFFSET.—In specifying the incremental costs associated with Operation Desert Storm that were incurred during the period covered by a report and the total of such costs, the Director shall separately identify those costs that—

(A) are nonrecurring costs;

(B) are offset by in-kind contributions; or

(C) are offset (or proposed to be offset) by the realignment, reprogramming, or transfer of funds appropriated for activities unrelated to the Persian Gulf conflict.

(c) SPECIFIC COST AREAS.—Each report prepared under subsection (a) on the incremental costs associated with Operation Desert Storm shall specify an allocation of the total amount of such costs among the military departments, the Defense Agencies of the Department of Defense, and the Office of the Secretary of Defense, by category, including the following categories:

(1) AIRLIFT.—Airlift costs related to the transportation by air of personnel, equipment, and supplies.

(2) SEALIFT.—Sealift costs related to the transportation by sea of personnel, equipment, and supplies.

(3) PERSONNEL.—Personnel costs, including pay and allowances of members of the reserve components of the Armed Forces called or ordered to active duty and increased pay

and allowances of members of the regular components of the Armed Forces incurred because of deployment in connection with Operation Desert Storm.

(4) PERSONNEL SUPPORT.—Personnel support costs, including subsistence, uniforms, and medical costs.

(5) OPERATING SUPPORT.—Operating support costs, including equipment support costs, costs associated with increased operational tempo, spare parts, stock fund purchases, communications, and equipment maintenance.

(6) FUEL.—Fuel costs.

(7) PROCUREMENT.—Procurement costs, including ammunition, weapon systems improvements and upgrades, and equipment purchases.

(8) MILITARY CONSTRUCTION.—Military construction costs.

(d) CONTRIBUTIONS TO THE UNITED STATES.—

(1) AMOUNT OF CONTRIBUTIONS.—Each report prepared under subsection (a) shall specify the amount of contributions made to the United States by each foreign country that is making contributions to defray the cost to the United States of Operation Desert Storm. The amount of each country's contribution during the period covered by each report, as well as the cumulative total of such contributions made before the date of the report, shall be indicated as follows:

(A) Cash payments pledged.

(B) Cash payments received.

(C) Description and value of in-kind contributions pledged.

(D) Description and value of in-kind contributions received.

(2) PLEDGE PERIOD AND USE RESTRICTIONS.—In specifying the amount of each contribution pledged, the Director shall indicate—

(A) the time period, if any, for which that contribution applies; and

(B) any restrictions on the use of that contribution.

(e) SUBMISSION OF REPORTS.—

(1) FIRST REPORT.—The first report required by subsection (a) shall be submitted to the Congress not later than 14 days after the date of the enactment of this Act and shall cover the period beginning on August 1, 1990, and ending on December 31, 1990.

(2) SECOND REPORT.—The second report shall be submitted to the Congress not later than 21 days after the date of the enactment of this Act and shall cover—

(A) January and February 1991, with respect to information required under subsections (b) and (c); and

(B) January, February, and March 1991, with respect to information required under subsection (d).

(3) SUBSEQUENT MONTHLY REPORTS.—A report shall be submitted to Congress not later than the 15th day of each month after April 1991 and shall cover—

(A) the month before the preceding month, in the case of information required under subsections (b) and (c); and

(B) the preceding month, in the case of information required under subsection (d).

(4) FINAL REPORT.—The final report shall be submitted not later than November 15, 1992, and shall include—

(A) the information required under subsection (b) and (c) relating to the month of September 1992; and

(B) a summary of all information that was included in reports submitted under this section.

#### SEC. 402. REPORTS ON FOREIGN CONTRIBUTIONS IN RESPONSE TO THE PERSIAN GULF CRISIS.

(a) REPORTS REQUIRED.—The Secretary of State and the Secretary of the Treasury

shall jointly prepare periodic reports on the contributions made by foreign countries as part of the international response to the Persian Gulf crisis. The Secretaries shall prepare the reports in consultation with the Secretary of Defense and other appropriate Federal Government officials.

(b) **INFORMATION TO BE PROVIDED.**—Each report required by this section shall include the following information for each foreign country making contributions as part of the international response to the Persian Gulf crisis:

(1) **PARTICIPATION IN THE INTERNATIONAL MILITARY COALITION.**—In the case of each foreign country whose armed forces are participating in the international military coalition confronting Iraq, a description of the forces committed in terms of personnel, units, and equipment deployed, and any information available regarding the aggregate amount of the incremental costs associated with such country's participation.

(2) **CONTRIBUTIONS TO THOSE COUNTRIES SIGNIFICANTLY AFFECTED BY THE PERSIAN GULF CRISIS.**—Any information available on—

(A) any additional special assistance (financial, in-kind, or host-country support) pledged as a contribution to each of those countries significantly affected by the Persian Gulf crisis; and

(B) the value and a description of the types of such assistance received by each such country.

The information provided pursuant to this paragraph shall include information on such assistance as reported to the Gulf Crisis Financial Coordination Group.

(3) **CONTRIBUTIONS TO OTHER MILITARY FORCES.**—The value and nature of any assistance (financial, in-kind, or host-country support) made to each foreign country referred to in paragraph (1), other than the United States, to defray costs of military operations conducted by the armed forces of such foreign country in connection with Operation Desert Storm.

(4) **CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS.**—Any information available on the value and nature of contributions pledged—

(A) to any United Nations organization,

(B) to the International Committee of the Red Cross, and

(C) to the extent the Secretary of State considers appropriate, to other international or nongovernmental organizations,

for the purpose of dealing with consequences of the Persian Gulf crisis (including contributions for such purposes as furnishing humanitarian assistance for displaced persons or furnishing assistance for responding to oil spills), and the value and nature of such contributions received by each such organization.

(5) **OTHER FORMS OF CONTRIBUTIONS.**—A description of international agreements entered into by the United States as a result of the Persian Gulf crisis, and a description of prepositioning rights, base or other military facilities access rights, or air transit rights granted to the United States as a result of the Persian Gulf crisis.

(6) **CONTRIBUTIONS TO OTHER FOREIGN COUNTRIES.**—Any information available on the types of any additional assistance (financial, in-kind, or host-country support) pledged and received as a contribution to other foreign countries as a result of the Persian Gulf crisis.

(7) **CUMULATIVE TOTALS.**—Each report submitted pursuant to subsection (c) shall include cumulative totals for, and any information available on the aggregate value of,

the contributions that have been pledged, and the contributions that have been paid or otherwise delivered, by each foreign country as of the end of the calendar quarter covered by that report.

(c) **SUBMISSION OF REPORTS.**—

(1) **TIME FOR SUBMISSION, PERIOD COVERED.**—

(A) A report prepared pursuant to subsection (a) shall be submitted to the Congress not later than 30 days after the date of the enactment of this Act with respect to the contributions pledged and the contributions paid or otherwise delivered during the period beginning on August 1, 1990, and ending on December 31, 1990.

(B) A report prepared pursuant to subsection (a) shall be submitted to the Congress not later than 30 days after the date of the enactment of this Act with respect to the contributions pledged and the contributions paid or otherwise delivered during the period beginning on January 1, 1991, and ending on March 31, 1991.

(C) Subsequent reports prepared pursuant to subsection (a) shall be submitted to the Congress not later than the 15th day after the end of each calendar quarter in 1991 with respect to the contributions pledged and the contributions paid or otherwise delivered during that calendar quarter.

(D) A final report shall be submitted to the Congress not later than November 15, 1992, and shall contain a summary of all information relating to the contributions pledged and the contributions paid or otherwise delivered that was included in reports submitted under this paragraph.

(d) **DEFINITIONS.**—In this section:

(1) The term "countries significantly affected by the Persian Gulf crisis" means Egypt, Jordan, Turkey, and Israel, and any other country whose economy the President determines is significantly affected by the Persian Gulf crisis.

(2) The term "Persian Gulf crisis" means the military conflict, the United Nations Security Council embargo against Iraq, and other consequences associated with Iraq's invasion and occupation of Kuwait and its failure to comply with the resolutions of the Security Council.

(3) The term "Gulf Crisis Financial Coordination Group" means the organization established by the President on September 25, 1990 for coordinating economic assistance in response to the Persian Gulf crisis.

#### SEC. 403. FORM OF REPORTS.

The reports required to be submitted to the Congress pursuant to this title shall be submitted in unclassified form to the extent practicable, with a classified annex if necessary.

#### TITLE V—REPORT ON THE CONDUCT OF THE PERSIAN GULF CONFLICT

##### SEC. 501. DEPARTMENT OF DEFENSE REPORT ON THE CONDUCT OF THE PERSIAN GULF CONFLICT.

(a) **REPORT REQUIRED.**—Not later than January 15, 1992, the Secretary of Defense shall submit to the congressional defense committees a report on the conduct of the hostilities in the Persian Gulf theater of operations. The Secretary shall submit to such committees a preliminary report on the conduct of those hostilities not later than July 1, 1991. The report (including the preliminary report) shall be prepared in consultation with the Chairman of the Joint Chiefs of Staff and the Commander in Chief, United States Central Command.

(b) **DISCUSSION OF ACCOMPLISHMENTS AND SHORTCOMINGS.**—The report (and the preliminary report, to the extent feasible) shall contain a discussion, with a particular emphasis

on accomplishments and shortcomings, of the following matters:

(1) The military objectives of the multinational coalition.

(2) The military strategy of the multinational coalition to achieve those military objectives and how the military strategy contributed to the achievement of those objectives.

(3) The deployment of United States forces and the transportation of supplies to the theater of operations, including an assessment of airlift, sealift, afloat prepositioning ships, and Maritime Prepositioning Squadron ships.

(4) The conduct of military operations.

(5) The use of special operations forces, including operational and intelligence uses classified under special access procedures.

(6) The employment and performance of United States military equipment, weapon systems, and munitions (including items classified under special access procedures) and an analysis of—

(A) any equipment or capabilities that were in research and development and if available could have been used in the theater of operations; and

(B) any equipment or capabilities that were available and could have been used but were not introduced into the theater of operations.

(7) The scope of logistics support, including support from other nations, with particular emphasis on medical support provided in the theater of operations.

(8) The acquisition policy actions taken to support the forces in the theater of operations.

(9) The personnel management actions taken to support the forces in the theater of operations.

(10) The role of women in the theater of operations.

(11) The effectiveness of reserve component forces, including a discussion of each of the following matters:

(A) The readiness and activation of such forces.

(B) The decisionmaking process regarding both activation of reserve component forces and deployment of those forces to the theater of operations.

(C) The post-activation training received by such forces.

(D) The integration of forces and equipment of reserve component forces into the active component forces.

(E) The use and performance of the reserve component forces in operations in the theater of operations.

(F) The use and performance of such forces at duty stations outside the theater of operations.

(12) The role of the law of armed conflict in the planning and execution of military operations by United States forces and the other coalition forces and the effects on operations of Iraqi compliance or noncompliance with the law of armed conflict, including a discussion regarding each of the following matters:

(A) Taking of hostages.

(B) Treatment of civilians in occupied territory.

(C) Collateral damage and civilian casualties.

(D) Treatment of prisoners of war.

(E) Repatriation of prisoners of war.

(F) Use of ruses and acts of perfidy.

(G) War crimes.

(H) Environmental terrorism.

(I) Conduct of neutral nations.

(13) The actions taken by the coalition forces in anticipation of, and in response to, Iraqi acts of environmental terrorism.

(14) The contributions of United States and coalition intelligence and counterintelligence systems and personnel, including contributions regarding bomb damage assessments and particularly including United States tactical intelligence and related activities (TIARA) programs.

(15) Command, control, communications, and operational security of the coalition forces as a whole, and command, control, communications, and operational security of the United States forces.

(16) The rules of engagement for the coalition forces.

(17) The actions taken to reduce the casualties among coalition forces caused by the fire of such forces.

(18) The role of supporting combatant commands and Defense Agencies of the Department of Defense.

(19) The policies and procedures relating to the media, including the use of media pools.

(20) The assignment of roles and missions to the United States forces and other coalition forces and the performance of those forces in carrying out their assigned roles and missions.

(21) The preparedness, including doctrine and training, of the United States forces.

(22) The acquisition of foreign military technology from Iraq, and any compromise of military technology of the United States or other countries in the multinational coalition.

(23) The problems posed by Iraqi possession and use of equipment produced in the United States and other coalition nations.

(24) The use of deception by Iraqi forces and by coalition forces.

(25) The military criteria used to determine when to progress from one phase of military operations to another phase of military operations, including transition from air superiority operations to operations focused on degrading Iraqi forces, transition to large-scale ground offensive operations, and transition to cessation of hostilities.

(26) The effects on the conduct of United States military operations resulting from the implementation of the Goldwater-Nichols Department of Defense Reorganization Act of 1986.

(c) CASUALTY STATISTICS.—The report (and the preliminary report, to the extent feasible) shall also contain (1) the number of military and civilian casualties sustained by coalition nations, and (2) estimates of such casualties sustained by Iraq and by nations not directly participating in the hostilities in the Persian Gulf area during the Persian Gulf Conflict.

(d) CLASSIFICATION OF REPORTS.—The Secretary of Defense shall submit both the report and the preliminary report in a classified form and an unclassified form.

#### TITLE VI—GENERAL PROVISIONS

##### SEC. 601. CHILD CARE ASSISTANCE.

(a) IN GENERAL.—The Secretary of Defense may provide assistance for families of members of the Armed Forces serving on active duty during the Persian Gulf conflict in order to ensure that the children of such families obtain needed child care services. The assistance authorized by this section should be directed primarily toward providing needed child care services for children of such personnel who are serving in the Persian Gulf area or who have been otherwise deployed, assigned, or ordered to active duty in connection with Operation Desert Storm.

(b) AUTHORIZATION OF APPROPRIATIONS.—Of the amounts authorized to be appropriated from the Defense Cooperation Account for fiscal year 1991 under section 101(a),

\$20,000,000 shall be available to carry out the provisions of this section. The costs of carrying out such provisions are incremental costs associated with Operation Desert Storm.

(c) SUPPLEMENTATION OF OTHER PUBLIC FUNDS.—Funds appropriated pursuant to subsection (b) that are made available to carry out this section may be used only to supplement, and not to supplant, the amount of any other Federal, State, or local government funds otherwise expended or authorized for the support of child care programs for members of the Armed Forces.

##### SEC. 602. FAMILY EDUCATION AND SUPPORT SERVICES.

(a) IN GENERAL.—The Secretary of Defense may provide assistance in accordance with this section to families of members of the Armed Forces serving on active duty in order to ensure that those families receive educational assistance and family support services necessary to meet needs arising out of Operation Desert Storm.

(b) TYPES OF ASSISTANCE.—The assistance authorized by this section may be provided to families directly or through the awarding of grants, contracts, or other forms of financial assistance to appropriate private or public entities.

(c) GEOGRAPHIC AREAS ASSISTED.—(1) Such assistance shall be provided primarily in geographic areas—

(A) in which a substantial number of members of the active components of the Armed Forces of the United States are permanently assigned and from which a significant number of such members are being deployed, or have been deployed, in connection with Operation Desert Storm; or

(B) from which a significant number of members of the reserve components of the Armed Forces ordered to, or retained on, active duty pursuant to section 672(a), 672(d), 673, 673b, or 688 of title 10, United States Code, are being deployed, or have been deployed, in connection with Operation Desert Storm.

(2) The Secretary of Defense shall determine which areas meet the criteria set out in paragraph (1).

(d) EDUCATIONAL ASSISTANCE.—Educational assistance authorized by this section may be used for the furnishing of one or more of the following forms of assistance:

(1) Individual or group counseling for children and other members of the families of members of the Armed Forces of the United States who have been deployed in connection with, or are casualties of, Operation Desert Storm.

(2) Training and technical assistance to better prepare teachers and other school employees to address questions and concerns of children of such members of the Armed Forces.

(3) Other appropriate programs, services, and information designed to address the special needs of children and other members of the families of members of the Armed Forces referred to in paragraph (1) resulting from the deployment, the return from deployment, or the medical or rehabilitation needs of such members.

(e) FAMILY SUPPORT ASSISTANCE.—Family support assistance authorized by this section may be used for the following purposes:

- (1) Family crisis intervention.
- (2) Family counseling.
- (3) Family support groups.
- (4) Expenses for volunteer activities.
- (5) Respite care.
- (6) Housing protection and advocacy.
- (7) Food assistance.

(8) Employment assistance.

(9) Child care.

(10) Benefits eligibility determination services.

(11) Transportation assistance.

(12) Adult day care for dependent elderly and disabled adults.

(13) Temporary housing assistance for immediate family members visiting soldiers wounded during Operation Desert Storm and receiving medical treatment at military hospitals and facilities in the United States.

(f) AUTHORIZATION OF APPROPRIATIONS.—Of the amounts authorized to be appropriated from the Defense Cooperation Account for fiscal year 1991 under section 101(a), \$30,000,000 shall be available to carry out the provisions of this section. The costs of carrying out such provisions are incremental costs of Operation Desert Storm.

##### SEC. 603. LAND CONVEYANCE, FORT A.P. HILL MILITARY RESERVATION, VIRGINIA.

(a) CONVEYANCE AUTHORIZED.—Not later than one year after the date of the enactment of this Act, subject to subsections (b) through (g), the Secretary of the Army shall convey, without consideration, to Caroline County, Virginia, or the Commonwealth of Virginia (hereinafter in this section referred to as the "Commonwealth"), as appropriate, all right, title, and interest of the United States in and to a parcel of land located at Fort A.P. Hill, Virginia, and consisting of approximately 150 acres.

(b) IDENTIFICATION OF PROPERTY.—(1) Not later than 180 days after the date of the enactment of this Act, the Secretary shall, after consultation with appropriate representatives of Caroline County, Virginia, and the Commonwealth, identify the exact size and location of the parcel of land to be conveyed pursuant to this section. The Secretary shall, to the maximum extent practicable, identify a parcel of land that—

(A) has soil and topographical conditions suitable for the construction of a low- to mid-rise institutional correctional facility, including recreation, parking, and other necessary support facilities; and

(B) is situated within reasonably close proximity to an existing sewer system.

(2) The cost of any new or expanded sewer system or utilities shall not be the responsibility of the Department of Defense or Caroline County.

(c) CONVEYANCE OF PROPERTY.—(1) Except as provided in paragraph (2), the parcel of land conveyed pursuant to this section shall be conveyed to the Commonwealth and shall be subject to the conditions and limitations on its use as provided in Chapter 3, Article 3.1 of Title 53.1, Code of Virginia.

(2) The Secretary shall convey the parcel of land to Caroline County, Virginia, instead of the Commonwealth, if, within one year after the date of the enactment of this Act, the Secretary receives the written agreement of the participating political subdivisions of the Commonwealth named in paragraph (3) to take, under the laws of the Commonwealth, the following actions:

(A) Establish a governmental entity to construct and operate on such parcel of land a regional correctional facility.

(B) Ensure that such governmental entity constructs and operates such facility.

(3)(A) In order for the agreement referred to in paragraph (2) to be effective for the purposes of such paragraph, it shall be agreed to by Caroline County, Virginia, and at least three of the following political subdivisions of the Commonwealth:

- (i) Arlington County.
- (ii) Fairfax County.

- (iii) Prince William County.
- (iv) Stafford County.
- (v) The City of Alexandria.

(B) Subparagraph (A) shall not be construed to prohibit any political subdivision not named in such subparagraph to participate in the written agreement referred to in paragraph (2).

(d) USE OF PROPERTY; REVERSION.—(1)(A) A conveyance of land to Caroline County, Virginia, pursuant to this section shall be subject to the conditions that—

(i) construction of a regional correctional facility pursuant to the agreement referred to in subsection (c)(2) commence not later than 24 months after the date of the enactment of this Act;

(ii) such construction be completed and the operation of such facility commence not later than five years after such date; and

(iii) such parcel of land be used only for the construction and operation of such facility.

(B) If the parcel of land conveyed pursuant to this section is conveyed to Caroline County, Virginia, and the entity established pursuant to the agreement referred to in subsection (c)(2) fails to construct and operate a regional correctional facility in accordance with the conditions set out in subparagraph (A), all right, title, and interest in and to such parcel of land (together with the improvements thereon) shall revert to the United States.

(C) In the event of a reversion under subparagraph (B), the Secretary shall promptly convey all right, title, and interest of the United States in the parcel of land referred to in such subparagraph to the Commonwealth, subject to the applicable provisions of paragraph (2) and subsections (e) through (g).

(2)(A) A conveyance of a parcel of land to the Commonwealth pursuant to this section, shall be subject to the conditions that—

(i) an entity be established under the laws of the Commonwealth for the construction and operation of a regional correctional facility on such parcel of land;

(ii) construction of such facility on such parcel of land be completed and the operation of such facility commence not later than seven years after the date of the enactment of this Act;

(iii) such parcel of land be used only for the purpose of construction and operation of such facility;

(iv) Arlington County, Fairfax County, the City of Alexandria, Prince William County, Stafford County, and Caroline County, Virginia, be offered the opportunity for participation in such entity; and

(v) no fee be charged by the Commonwealth for the conveyance to, lease by, or use of such parcel of land by such entity.

(B) If the parcel of land to be conveyed pursuant to this section is conveyed to the Commonwealth and the conditions referred to in subparagraph (A) are not complied with (as determined by the Secretary), all right, title, and interest in and to such land (together with the improvements thereon) shall revert to the United States and the United States shall have the right of immediate entry thereon.

(e) PROHIBITION ON HOUSING CERTAIN PRISONERS.—Except when agreed to in writing by an appropriate representative of Caroline County, Virginia, the regional correctional facility constructed and operated in accordance with this section—

(1) shall have a maximum capacity of not more than 2,400 inmates; and

(2) may not be used to house Federal prisoners or prisoners convicted by, sentenced

by, or awaiting trial in the courts of the District of Columbia.

(f) TIME LIMITATION.—The period of any litigation relating to the conveyance or improvement of land under this section shall not be included in a determination of the period for conveyance or improvement, or for the reverter of or right of re-entry onto such land.

(g) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance pursuant to this section as the Secretary, in his sole discretion, shall determine appropriate to protect the interests of the United States.

(h) REPEAL.—Section 2839 of the Military Construction Authorization Act for Fiscal Year 1991 (division B of Public Law 101-510; 104 Stat 1801) is repealed.

#### SEC. 604. GRASSROOTS EFFORTS TO SUPPORT OUR TROOPS.

(a) FINDINGS.—The Congress finds the following:

(1) Over 400,000 American servicemen and women risked their lives in defending the interests and principles of the United States in the Persian Gulf region.

(2) These American servicemen and women performed with remarkable success against Iraq and its military-industrial complex.

(3) All Americans should take great pride in the manner in which our brave servicemen and women represented our Nation in the Persian Gulf region.

(4) All Americans eagerly await the safe return of our courageous sons and daughters who served in the Persian Gulf region.

(b) GRASSROOTS SUPPORT.—The Congress—

(1) supports and endorses national, State, and local grassroots efforts to support our servicemen and women who participated in Operation Desert Storm and their families here at home;

(2) encourages Federal agencies (in accordance with applicable law), State and local governments, and private businesses and industry to organize task forces intended to provide support for the families of servicemen and women deployed in the Persian Gulf region and to organize celebrations for the servicemen and women upon their arrival home; and

(3) encourages those grassroots government, business, and industry efforts to include Vietnam Veteran organizations in all activities conducted for the benefit of the troops returning home from Operation Desert Storm.

#### SEC. 605. EXTENSION OF TIME FOR FILING FOR PERSONS SERVING IN COMBAT ZONE.

(a) IN GENERAL.—Section 101(g) of the Ethics in Government Act of 1978 is amended—

(1) by inserting "(1)" after "(g)"; and

(2) by adding at the end the following:

"(2)(A) In the case of an individual who is serving in the Armed Forces, or serving in support of the Armed Forces, in an area while that area is designated by the President by Executive order as a combat zone for purposes of section 112 of the Internal Revenue Code of 1986, the date for the filing of any report shall be extended so that the date is 180 days after the later of—

"(i) the last day of the individual's service in such area during such designated period; or

"(ii) the last day of the individual's hospitalization as a result of injury received or disease contracted while serving in such area.

"(B) The Office of Government Ethics, in consultation with the Secretary of Defense,

may prescribe procedures under this paragraph."

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply with respect to reports required to be filed after January 17, 1991.

#### SEC. 606. SENSE OF CONGRESS CONCERNING BUSINESSES SEEKING TO PARTICIPATE IN THE REBUILDING OF KUWAIT.

(a) FINDINGS.—The Congress finds as follows:

(1) The Armed Forces of the United States, together with allied forces, have successfully liberated Kuwait and have restored the independence of that nation.

(2) During the occupation of Kuwait by Iraq, much damage was done to the infrastructure, environment, and industrial capacity of Kuwait, and rebuilding of Kuwait is desperately needed.

(3) The principal test of a nation's commitment to the liberation of Kuwait in the Persian Gulf conflict was its willingness to provide military forces for the liberation of Kuwait.

(4) United States firms, including small and minority-owned businesses, have expressed a significant interest in participating in the rebuilding of Kuwait.

(5) Small and minority-owned businesses face inherent difficulties in competing in foreign markets and in obtaining a share of contracts from foreign governments, particularly those contracts that are performed in distant parts of the world.

(b) SENSE OF CONGRESS CONCERNING SOURCE SELECTION FOR KUWAIT CONTRACTS.—It is the sense of Congress that the Army Corps of Engineers and other Federal agencies should award contracts for the rebuilding of Kuwait, and, in recommending business firms to the Government of Kuwait for the award by it of such contracts, should encourage the Government of Kuwait to award such contracts, in accordance with the following priority:

(1) First, to United States firms, including small and minority-owned businesses, that are committed to employing United States workers under the contract.

(2) Second, to other United States firms.

(3) Then, to firms from allied nations that committed military forces to the liberation of Kuwait during the Persian Gulf conflict.

(c) SENSE OF CONGRESS CONCERNING SELECTION OF SUBCONTRACTORS FOR KUWAIT CONTRACTS.—It is the sense of Congress that, when making recommendations to any contractor awarded a contract referred to in subsection (b) concerning the selection of firms for subcontracts under such contract, the Army Corp of Engineers shall encourage the contractor to select a firm or firms for the subcontract in accordance with the priority set out in subsection (b).

(d) SENSE OF CONGRESS CONCERNING EMPLOYEES UNDER KUWAIT REBUILDING CONTRACTS.—It is the sense of Congress that any United States firm that receives a contract pertaining to the rebuilding of Kuwait—

(1) should employ United States citizens to carry out the contract; and

(2) should provide a preference to veterans of the Armed Forces in hiring for work on the contract.

(e) SENSE OF CONGRESS CONCERNING SMALL AND MINORITY-OWNED BUSINESS PARTICIPATION IN KUWAIT REBUILDING CONTRACTS.—It is the sense of Congress that—

(1) the President, acting through the appropriate Government agencies (including particularly the agencies that will be engaged in source selections or source recommendations as described in subsection

(b)), should take steps to provide assistance to United States small and minority-owned businesses seeking to be awarded contracts as part of the rebuilding of Kuwait;

(2) the Administrator of the Small Business Administration and other appropriate Federal officials should conduct a public information campaign to advise small and minority-owned business firms with respect to contracts for the rebuilding of Kuwait; and

(3) United States firms that are awarded contracts pertaining to the rebuilding of Kuwait should, to the maximum extent practicable, seek to award subcontracts for such contracts to United States small and minority-owned business firms.

(f) **PROGRESS REPORTS.**—(1) The President shall submit to Congress a report every four months with respect to contracting for the rebuilding of Kuwait. Each such report shall show, as of the submission of the report, the country of origin of all business firms awarded Kuwait rebuilding contracts by the Corps of Engineers and other Federal agencies and the country of origin of all business firms awarded subcontracts under such contracts and the other information specified in paragraphs (2) and (3).

(2) The President shall include in each such report the same information (to the extent reasonably available) with regard to all business firms awarded Kuwait rebuilding contracts by the Government of Kuwait and all business firms that are subcontractors under those contracts. The President shall request the Government of Kuwait to provide to the United States, on an ongoing basis, information with respect to the country of origin of business firms to which it awards rebuilding contracts, the country of origin of firms awarded subcontracts under those contracts, and the information with respect to those contracts and subcontracts described in paragraph (3).

(3)(A) Information in reports under paragraph (1) shall be shown by the number of firms from each such country and by the dollar value of contracts and subcontracts awarded to firms from each such country.

(B) Each such report shall also show (to the extent reasonably available) the number and percentage of contractors that are small businesses, and the number and percentage that are minority-owned businesses, among the total number of contracts awarded to the United States. Each such report shall also show (to the extent reasonably available), with respect to each contract awarded to a United States firm, the number and percentage of persons employed (or expected to be employed) under the contract who are United States citizens, the number and percentage of all persons so employed (or expected to be so employed) who are United States citizens and are veterans, and the number of subcontractors under the contract that are small businesses and the number that are minority owned businesses.

(4) The first report under paragraph (1) shall be submitted not later than two months after the date of the enactment of this Act. The last such report shall be submitted 36 months after the first report.

**SEC. 607. SENSE OF CONGRESS REGARDING USE OF UNITED STATES FUNDS FOR REBUILDING IRAQ.**

It is the sense of Congress that none of the funds appropriated or otherwise made available by any provision of law may be obligated or expended, directly or indirectly, for the purpose of rebuilding Iraq while Saddam Hussein remains in power in Iraq.

**SEC. 608. WITHHOLDING OF PAYMENTS TO INDIRECT-HIRE CIVILIAN PERSONNEL OF NONPAYING PLEDGING NATIONS.**

(a) **GENERAL RULE.**—Effective as of the end of the six-month period beginning on the date of the enactment of this Act, the Secretary of Defense shall withhold payments to any nonpaying pledging nation that would otherwise be paid as reimbursements for expenses of indirect-hire civilian personnel of the Department of Defense in that nation.

(b) **NONPAYING PLEDGING NATION DEFINED.**—For purposes of this section, the term "nonpaying pledging nation" means a foreign nation that has pledged to the United States that it will make contributions to assist the United States in defraying the incremental costs of Operation Desert Shield and which has not paid to the United States the full amount so pledged.

(c) **RELEASE OF WITHHELD AMOUNTS.**—When a nation affected by subsection (a) has paid to the United States the full amount pledged, the Secretary of Defense shall release the amounts withheld from payment pursuant to subsection (a).

(d) **WAIVER AUTHORITY.**—The Secretary of Defense may waive the requirement in subsection (a) upon certification to Congress that the waiver is required in the national security interests of the United States.

**SEC. 609. RELIEF FROM REQUIREMENTS FOR REDUCTIONS IN DEFENSE ACQUISITION WORKFORCE DURING FISCAL YEAR 1991.**

(a) The Secretary of Defense, in allocating to various installations and facilities the defense acquisition workforce reductions required for fiscal year 1991, should use the considerable flexibility concerning the manner in which those reductions are to be made that was provided to the Secretary by section 905 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510; 104 Stat. 1621) in order to respond properly and efficiently to the influx of work expected to come into the defense acquisition system resulting from Operation Desert Storm.

(b) The Secretary should allocate those reductions for fiscal year 1991 in a manner that ensures that any Department of Defense installation or facility that will experience a significant increase in workload during fiscal year 1991 (compared to its workload during fiscal year 1990) as a direct result of activities undertaken in support of Operation Desert Storm is not required to make defense acquisition workforce reductions during fiscal year 1991 that would adversely affect the ability of that installation or facility to perform its mission.

(c) For purposes of this section, the term "defense acquisition workforce reductions" means the reductions in the defense acquisition workforce required by section 905 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510; 104 Stat. 1621).

**TITLE VII—MISCELLANEOUS TECHNICAL AMENDMENTS**

**SEC. 701. AMENDMENTS TO TITLE 10, UNITED STATES CODE.**

(a) **CLARIFICATION OF WAIVER AUTHORITY.**—Section 2331(c)(1) of title 10, United States Code, as added by section 834(a) of Public Law 101-510 (104 Stat. 1613), is amended—

(1) by striking out "on a case-by-case basis";

(2) by striking out "considers necessary the use of master agreements" and inserting in lieu thereof "considers the use of master agreements necessary"; and

(3) by striking out "of this section" before the period at the end.

(b) **CLARIFICATION OF TRUTH-IN-NEGOTIATION ACT AMENDMENTS.**—Section 2306a(a)(1) of title 10, United States Code, as amended by section 803(a) of Public Law 101-510 (104 Stat. 1589), is amended—

(1) in subparagraph (B), by striking out "\$500,000" and all that follows through "\$100,000" and inserting in lieu thereof "the dollar amount applicable under subparagraph (A) to that contract";

(2) in subparagraph (C)(i), by striking out "\$500,000" and all that follows through "\$100,000" and inserting in lieu thereof "the dollar amount applicable under subparagraph (A) to the prime contract of that subcontract"; and

(3) in subparagraph (D), by striking out "\$500,000" and all that follows through "\$100,000" and inserting in lieu thereof "the dollar amount applicable under subparagraph (A) to the prime contract of that subcontract".

(c) **CLARIFICATION OF IR&D AMENDMENTS.**—Section 2372(d)(2)(B) of title 10, United States Code, as added by section 824(a)(1) of Public Law 101-510 (104 Stat. 1603), is amended by striking out "or" after "subsection (b)" and inserting in lieu thereof ", including".

(d) **DEFINITION OF SMALL PURCHASE THRESHOLD.**—Title 10, United States Code, is amended as follows:

(1) Section 2302 is amended by adding at the end the following new paragraph:

"(7) The term 'small purchase threshold' has the meaning given that term in section 4(11) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(11))."

(2) Section 2304 is amended—

(A) in subsection (g)—

(i) by striking out "chapter" in paragraph (2) and inserting in lieu thereof "subsection"; and

(ii) by striking out paragraph (5), as added by section 806(b)(3) of Public Law 101-510; and

(B) in subsection (j)(3)(A), by striking out "\$25,000" and inserting in lieu thereof "the small purchase threshold".

(3) Section 2306(e)(2)(A) is amended by striking out "the small purchase amount under section 2304(g) of this title" and inserting in lieu thereof "the small purchase threshold".

(4) Section 2307(d)(3) is amended by striking out "contracts for amounts less than the maximum amount for small purchases specified in section 2304(g)(2) of this title" and inserting in lieu thereof "any contract for an amount not in excess of the amount of the small purchase threshold".

(5) Section 2326(g)(1)(B) is amended by striking out "of less than \$25,000" and inserting in lieu thereof "in an amount not in excess of the amount of the small purchase threshold".

(6) Section 2397(a)(1) is amended—

(A) by striking out "awarded"; and

(B) by striking out "involves at least \$25,000" and inserting in lieu thereof "is in an amount in excess of the small purchase threshold (as defined in section 2302(7) of this title), as in effect at the time that contract is awarded".

(e) **TABLES OF CHAPTERS AND SECTIONS.**—Title 10, United States Code, is amended as follows:

(1) The tables of chapters at the beginning of subtitle A, and at the beginning of part II of subtitle A, are amended by inserting after the item relating to chapter 83 the following new item:

"85. Procurement Management Personnel.....1621".

(2) The items relating to chapter 108 in the tables of chapters at the beginning of sub-

title A, and at the beginning of part III of subtitle A, are amended to read as follows:

"108. Department of Defense Schools.....2161".

(3) The table of sections at the beginning of chapter 39 is amended by transferring the item relating to section 687, as added by section 559(a)(2) of Public Law 101-510 (104 Stat. 1571), to appear after the item relating to section 689 and redesignating that item so as to relate to section 690.

(4) The item relating to section 1584 in the table of sections at the beginning of chapter 81 is amended to read as follows: "1584. Employment of non-citizens."

(5) The table of sections at the beginning of chapter 139 is amended by inserting a period at the end of the item relating to section 2366.

(6) The item relating to section 2706 in the table of sections at the beginning of chapter 160 is amended to read as follows: "2706. Annual reports to Congress."

(7) The item relating to section 6082 in the table of sections at the beginning of chapter 557 is amended to read as follows: "6082. Rations."

(8)(A) The headings of sections 1053 and 1594 are amended by striking out "mandatory".

(B) The item relating to section 1053 in the table of sections at the beginning of chapter 53, and the item relating to section 1053 in the table of sections at the beginning of chapter 81, are amended by striking out "mandatory".

(f) CROSS-REFERENCE CORRECTIONS.—Title 10, United States Code, is amended as follows:

(1) Section 2318(c) is amended by striking out "section 21" and inserting in lieu thereof "section 23".

(2) Section 2344(c) is amended by striking out "chapter" and inserting in lieu thereof "subchapter".

(3) Paragraph (5) of section 2432(c), as added by section 1407(c) of Public Law 101-510 (104 Stat. 1681), is amended by striking out "section 2432(a)" and all that follows through "subsection (a)(2)," and inserting in lieu thereof "subsection (a)".

(4) Section 2503(3) is amended by striking out "as defined in section 4(4) of the Office of Federal Procurement Policy Act" and inserting in lieu thereof "issued pursuant to section 25(c)(1) of the Office of Federal Procurement Policy Act (41 U.S.C. 421(c)(1))".

(5) Section 4343 is amended by striking out "clauses (2)-(9)" and inserting in lieu thereof "clauses (2) through (8)".

(6) Section 2132(d) is amended by striking out "section 115(b)(1)(A)(ii)" and inserting in lieu thereof "section 115(a)(1)(B)".

(7) Section 2414(b) is amended by striking out "section 2411(a)(1)(D)" and inserting in lieu thereof "section 2411(1)(D)".

(8) Section 2306a(e)(1)(A)(i) is amended by striking out "Internal Revenue Code of 1954" and inserting in lieu thereof "Internal Revenue Code of 1986".

(g) U.S.C. REFERENCES.—Title 10, United States Code, is amended as follows:

(1) Section 2368(a) is amended by inserting "(42 U.S.C. 6683)" before the period at the end.

(2) Sections 2394a(c)(2) and 2857(c)(2) are amended by inserting "(42 U.S.C. 8254(a))" after "section 544(a) of the National Energy Conservation Policy Act".

(3) Section 2508(a)(2) is amended by inserting "(42 U.S.C. 6681 et seq.)" before the period at the end.

(h) DATE OF ENACTMENT REFERENCES.—Title 10, United States Code, is amended as follows:

(1) Section 1595(c) is amended by striking out "after the end of the 90-day period beginning on the date of the enactment of this section" and inserting in lieu thereof "after February 27, 1990".

(2) Section 2903(d)(2) is amended by striking out "two years after the date of the enactment of the National Defense Authorization Act for Fiscal Year 1991" and inserting in lieu thereof "on November 5, 1992".

(i) DEFINITIONS.—Title 10, United States Code, is amended as follows:

(1) Section 645 is amended—

(A) by inserting "The term" in paragraphs (1), (2), and (3) after the paragraph designation; and

(B) by revising the first word after the open quotation marks in each of such paragraphs so that the initial letter of such word is lower case.

(2) Section 2196, as added by section 247(a) of Public Law 101-510 (104 Stat. 1523), is amended by inserting "the term" after "In this chapter,".

(j) OTHER AMENDMENTS.—

(1) Section 1721(c) of title 10, United States Code, as added by section 1202 of the Defense Acquisition Workforce Improvement Act (title XII of Public Law 101-510), is amended by striking out "Activities, dated" in the last sentence and inserting in lieu thereof "Activities, dated".

(2)(A) Subsection (f) of section 2307 of title 10, United States Code, as added by section 836(a) of Public Law 101-510 (104 Stat. 1615), is redesignated as subsection (e).

(B) Section 836(c) of Public Law 101-510 (104 Stat. 1616) is amended to read as follows:

"(c) EFFECTIVE DATE.—The provisions of section 2307 of title 10, United States Code, that are added by the amendments made by subsections (a) and (b) shall apply with respect to contracts entered into on or after May 6, 1991."

(3) Section 2391(b)(3) of title 10, United States Code, as added by section 4102(b)(3) of Public Law 101-510 (104 Stat. 1851), is amended—

(A) by striking out "publicly-announced" and inserting in lieu thereof "publicly announced"; and

(B) by inserting a comma after "only if the reduction".

(4) Section 2409a(c) of title 10, United States Code, as added by section 837(a) of Public Law 101-510 (104 Stat. 1616), is amended—

(A) by aligning that part of paragraph (5) preceding subparagraph (A) so as to be indented two ems;

(B) by aligning subparagraphs (A), (B), and (C) of paragraph (5) so as to be indented four ems; and

(C) by aligning paragraph (6) so as to be indented two ems.

(5) Section 2411(1)(D) of title 10, United States Code, is amended by striking out "for-profit and nonprofit" and inserting in lieu thereof "for profit purposes or nonprofit".

(6) Sections 3446 and 8446 of title 10, United States Code, are amended by striking out "as" before "provided by law".

(7) Section 6223(b) of title 10, United States Code, is amended by striking out "MARINE CORPS BANDS" and inserting in lieu thereof "THE UNITED STATES MARINE CORPS BAND".

(8) Section 1095(a)(1) of title 10, United States Code, is amended by inserting "a" before "covered beneficiary".

(9) Section 2822(b) of title 10, United States Code, is amended by realigning paragraph (4) so as to be indented two ems.

(10) Section 2704(f) of title 10, United States Code, is amended by striking out "Agency of

Toxic" and inserting in lieu thereof "Agency for Toxic".

(k) EFFECTIVE DATE CLARIFICATION.—

(1) Section 2409 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(d) EFFECTIVE DATE.—This section shall not be in effect during the period when section 2409a of this title is in effect."

(2) Section 2409a of such title, as added by section 837(a) of Public Law 101-510 (104 Stat. 1616), is amended by adding at the end the following new subsection:

"(f) EXPIRATION OF SECTION.—This section shall cease to be in effect on November 5, 1994."

(3) Section 837(b) of Public Law 101-510 (104 Stat. 1619) is amended by striking out the second sentence.

**SEC. 702. AMENDMENTS TO TITLE 37, UNITED STATES CODE.**

(a) TABLES OF SECTIONS.—Title 37, United States Code, is amended as follows:

(1) The item relating to section 301d in the table of sections at the beginning of chapter 5 is amended by striking out "Retention" and inserting in lieu thereof "Multiyear retention".

(2)(A) The heading of section 302c is amended to read as follows:

"§302c. Special pay: psychologists and nonphysician health care providers".

(B) The heading of section 302e is amended to read as follows:

"§302e. Special pay: nurse anesthetists".

(b) STYLISTIC AMENDMENTS.—Title 37, United States Code, is amended—

(1) by striking out "of this section" each place it appears (other than as provided in subsection (c));

(2) by striking out "of this subsection" each place it appears (other than in sections 305a(d)(3), 431(a), and 501(f));

(3) by striking out "of this paragraph" each place it appears (other than in section 301(c)(2)(B)); and

(4) by striking out "of this subparagraph" in section 558(c)(3)(A)(1).

(c) EXCEPTIONS.—Subsection (b)(1) does not apply to the following provisions of title 37, United States Code:

(1) Section 204(d).

(2) Section 302(g).

(3) Section 302b(g).

(4) Section 305a(d)(2).

(5) Section 308e(b)(3).

(6) Section 312(e).

(7) Section 312a(e).

(8) Section 312b(c).

(9) Section 312c(d).

(10) Section 314(a)(2).

(11) Section 314(a)(3).

(12) Section 401.

(13) Section 402(e)(1), the first place "of this section" appears.

(14) Section 403(j)(1).

(15) Section 403(k).

(16) Section 403a(c)(4).

(17) Section 403a(e)(1).

(18) Section 404a(b), the second place "of this section" appears.

(19) Section 405a(a).

(20) Section 406(h), the third place "of this section" appears.

(21) Section 406(m).

(22) Section 407(e).

(23) Section 411c(a).

(24) Section 552(d).

(25) Section 907(c), the first place "of this section" appears.

(26) Section 1011(b).

**SEC. 703. AMENDMENTS TO TITLE 32, UNITED STATES CODE.**

Section 112(c)(2) of title 32, United States Code, is amended by striking out "in consultation with—" and all that follows and inserting in lieu thereof "in consultation with the Director of National Drug Control Policy."

**SEC. 704. AMENDMENTS TO PUBLIC LAW 101-510.**

(a) **GENERAL AMENDMENTS.**—The National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510) is amended as follows:

(1) Section 217(d)(1) (104 Stat. 1511) is amended by striking out "amounts of" and all that follows through "applicable" and inserting in lieu thereof "amounts of authorizations provided for the Department of Defense in this Act, subject to applicable".

(2) Section 406(b) (104 Stat. 1546) is amended by striking out "Such section" and inserting in lieu thereof "Such subsection".

(3) Section 559 (104 Stat. 1571) is amended—

(A) in subsection (a), by striking out "inserting after section 686" and inserting in lieu thereof "adding at the end";

(B) by redesignating as section 690 the new section to be added to title 10, United States Code, by the amendment made by subsection (a); and

(C) in subsection (b), by striking out "Section 687" and inserting in lieu thereof "Section 690".

(4) Section 803(a)(2) (104 Stat. 1590) is amended by striking out subparagraphs (A) and (B) and inserting in lieu thereof the following:

"(A) contracts entered into after December 5, 1990;

"(B) subcontracts under contracts covered by subparagraph (A); and

"(C) modifications or changes to such contracts and subcontracts."

(5) Section 822(g) (104 Stat. 1600) is amended—

(A) in paragraph (1)—

(i) by striking out "available for the Department of Defense" and inserting in lieu thereof "appropriated pursuant to this Act"; and

(ii) by striking out "in the first fiscal year in which the Institute begins operations"; and

(B) in paragraph (2), by striking out "for each fiscal year after the fiscal year referred to in paragraph (1)".

(6) Section 832 (104 Stat. 1612) is amended by inserting "of subsection (a)" in paragraph (2) after "by adding at the end".

(7) Section 903(b)(1) (104 Stat. 1620) is amended by striking out "all forces" and all that follows through "Army Reserve Command" and inserting in lieu thereof "to the Army Reserve Command all forces of the Army Reserve in the continental United States other than forces assigned to the unified combatant command for special operations forces established pursuant to section 167 of title 10, United States Code".

(8) Section 1407(d) (104 Stat. 1681) is amended by striking out "section 2342" and inserting in lieu thereof "section 2432".

(9) Section 1451(b)(2) (104 Stat. 1693) is amended by inserting "of subchapter II" after "at the beginning".

(b) **ACQUISITION WORKFORCE ACT AMENDMENTS.**—The Defense Acquisition Workforce Improvement Act (title XII of Public Law 101-510) is amended as follows:

(1) Section 1202(a) (104 Stat. 1638) is amended by striking out "the following new section" and inserting in lieu thereof "the following new chapter".

(2) Section 1208 (104 Stat. 1665) is amended—

(A) in subsection (a)(1), by striking out "this Act" and inserting in lieu thereof "this title";

(B) in subsection (b)(1)—

(i) by striking out "this title" and inserting in lieu thereof "title 10, United States Code (as added by section 1202)"; and

(ii) by striking out "this chapter" and inserting in lieu thereof "chapter 87 of such title (as added by section 1202)"; and

(C) in subsection (b)(2)—

(i) by striking out "this chapter" the first place it appears and inserting in lieu thereof "chapter 87 of title 10, United States Code (as added by section 1202)"; and

(ii) by striking out "this chapter" the second place it appears and inserting in lieu thereof "such chapter".

(3) Section 1209 (104 Stat. 1666) is amended—

(A) in subsection (a)—

(i) by striking out "Effective during the three-year period beginning on the date of the enactment of this Act" and inserting in lieu thereof "Before November 6, 1993"; and

(ii) by striking out the comma after "section 1202";

(B) in subsection (b), by inserting a comma after "(as added by section 1202)";

(C) in subsection (f), by striking out the comma after "shall include" in the last sentence; and

(D) in subsection (i), by inserting a comma after "section 1732(c)(1) of such title".

(c) **MENTOR-PROTEGE PROGRAM.**—Section 831 of the National Defense Authorization Act for Fiscal Year 1991 (104 Stat. 1607) is amended—

(1) in subsection (c)(2)—

(A) by striking out "Disadvantaged small business concerns" and inserting in lieu thereof "A disadvantaged small business concern";

(B) by striking out "one or more mentor firms" and inserting in lieu thereof "a mentor firm";

(C) by striking out "or firms"; and

(D) by inserting after the first sentence the following new sentence: "A disadvantaged small business concern may not be a party to more than one agreement to receive such assistance at any time.";

(2) in subsection (e)(3), by striking out "mentor firm or"; and

(3) in subsection (k)—

(A) by striking out "673(d)" and inserting in lieu thereof "637(d)"; and

(B) by striking out the period at the end of the second sentence and inserting in lieu thereof "and shall prescribe procedures by which mentor firms may terminate participation in the program."

(d) **DOE AMENDMENTS.**—Section 3165 of Public Law 101-510 (104 Stat. 1841) is amended—

(1) in subsection (a), by redesignating subparagraphs (J), (K), (L), and (M) as paragraphs (10), (11), (12), and (13), respectively; and

(2) in subsection (b), by inserting "such" in the second sentence before "education activities".

(e) **EFFECTIVE DATE.**—The amendments made by this section shall apply as if included in the enactment of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510).

**SEC. 705. OTHER TECHNICAL AMENDMENTS.**

(a) **CONTINUED APPLICABILITY OF CERTAIN PROVISION.**—The subsection added by the amendment made by paragraph (2) of section 814(d) of the National Defense Authorization Act for Fiscal Years 1990 and 1991 (Public Law 101-189; 103 Stat. 1498) is hereby rein-

stated as originally enacted, effective as of January 1, 1991.

(b) **MISSING PARAGRAPH DESIGNATION.**—Effective as of November 29, 1989, section 703(f) of the National Defense Authorization Act for Fiscal Years 1990 and 1991 (Public Law 101-189; 103 Stat. 1470) is amended by inserting "(1)" before "In the case of".

(c) **TITLE 38.**—(1) Section 1418A(a)(1) of title 38, United States Code, as added by section 561(a) of Public Law 101-510, is amended by striking out "section 1142 of title 10" and inserting in lieu thereof "section 1141 of title 10".

(2) Section 1404(b)(2) of Public Law 101-189 (103 Stat. 1586) is amended by striking out "of subchapter I or II" in the matter in quotation marks and inserting in lieu thereof "subchapter I or II of".

(d) **CROSS-REFERENCE CORRECTIONS.**—(1) Section 21(g) of the Arms Export Control Act (22 U.S.C. 2761(g)) is amended by striking out "section 1105 of the National Defense Authorization Act of fiscal year 1987" and inserting in lieu thereof "section 2350a(1)(3) of title 10, United States Code".

(2) Section 65(d) of such Act (22 U.S.C. 2796d(d)) is amended by striking out "section 1105 of the National Defense Authorization Act for Fiscal Year 1987 (22 U.S.C. 2767a)" and inserting in lieu thereof "section 2350a(1)(3) of title 10, United States Code".

(e) **SECTION 1207.**—Subparagraph (A) of section 1207(a)(1) of Public Law 99-661 (10 U.S.C. 2301 note), as amended and redesignated by sections 811 and 832(1)(B) of Public Law 101-510 (104 Stat. 1596, 1612), is amended by inserting a close parenthesis after "637(d)".

(f) **PUBLIC LAW 85-804.**—(1) Effective as of November 6, 1990, the first section of Public Law 85-804 (50 U.S.C. 1431) is amended by inserting "and 60 days of continuous session of Congress have expired following the date on which such notice was transmitted to such Committees" before the period at the end of the third sentence.

(2) Such section is further amended in the fourth sentence—

(A) by inserting "at the end of a Congress" after "sine die"; and

(B) by inserting ", or because of an adjournment sine die other than at the end of a Congress," after "to a day certain".

(g) **CAPITALIZATION CORRECTION.**—Paragraph (2) of section 12(d) of the Stevenson-Wylder Technology Innovation Act of 1980 (15 U.S.C. 3710a(d)) is amended by striking out "Naval" and inserting in lieu thereof "naval".

(h) **EXPENDITURES FOR UNIFORMED SERVICES TREATMENT FACILITIES.**—Section 1252(f) of the Department of Defense Authorization Act, 1984 (42 U.S.C. 248d(f)), is amended by inserting "by the Secretary of Defense" after "expenditures".

(i) **ADDITIONAL CROSS REFERENCE CORRECTION.**—Section 27(p)(8) of the Office of Federal Procurement Policy Act (41 U.S.C. 423) is amended by striking out "has the same meaning as" and all that follows through the end and inserting in lieu thereof the following: "has the meaning given such term by section 109(3) of the Ethics in Government Act of 1978 (5 U.S.C. App.)".

**TITLE VIII—AUTHORIZATION OF SUPPLEMENTAL APPROPRIATIONS FOR DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS FOR FISCAL YEAR 1991****SEC. 801. AUTHORIZATION OF SUPPLEMENTAL APPROPRIATIONS FOR OPERATING EXPENSES.**

There is hereby authorized to be appropriated for fiscal year 1991 for operating ex-

penses incurred in carrying out national security programs (including scientific research and development in support of the Armed Forces, strategic and critical materials necessary for the common defense, and military applications of nuclear energy and related management and support activities) for weapons activities production and surveillance, \$283,000,000.

**SEC. 802. AUTHORIZATION OF SUPPLEMENTAL APPROPRIATIONS FOR ENVIRONMENTAL RESTORATION AND WASTE MANAGEMENT.**

There is hereby authorized to be appropriated for fiscal year 1991 for carrying out the environmental restoration and waste management programs necessary for national security programs as follows:

(1) For operating expenses:  
(A) For environmental restoration, \$100,000,000.

(B) For waste operations, \$74,300,000.

(C) For waste research and development, \$30,000,000.

(2) For plant projects:

Project 91-D-172, high-level waste tank farm replacement, Idaho Chemical Processing Plant, Idaho National Engineering Laboratory, Idaho, \$30,000,000.

Project 90-D-178, TSA retrieval containment building, Idaho National Engineering Laboratory, Idaho Falls, Idaho, \$19,500,000.

Project 89-D-142, reactor effluent cooling water thermal mitigation, Savannah River, South Carolina, \$17,600,000.

Project Project 89-D-172, Hanford environmental compliance, Richland, Washington, \$27,700,000.

Project 89-D-174, replacement high-level waste evaporator, Savannah River, South Carolina, \$14,000,000.

Project 83-D-148, nonradioactive hazardous waste management, Savannah River, South Carolina, \$10,000,000.

Project 77-13-f, waste isolation pilot project, Delaware Basin, southeast New Mexico, \$16,900,000.

**SEC. 803. APPLICABILITY OF RECURRING GENERAL PROVISIONS.**

The provisions contained in part B of title XXXI of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510; 104 Stat. 1829) shall apply with respect to the authorizations provided in this title in the same manner as such provisions apply with respect to the authorizations provided in title XXXI of such Act.

**SEC. 804. RELOCATION OF ROCKY FLATS PLANT OPERATIONS.**

(a) **RELOCATION PROGRAM.**—From funds authorized and appropriated for production and surveillance for fiscal year 1991, the Secretary of Energy shall develop a program to relocate, within 10 years after the date of the enactment of this Act, operations performed at the Rocky Flats Plant in Golden, Colorado, to a replacement facility (or facilities) on a site (or sites) where public health and safety can be assured.

(b) **REPORT.**—Not later than 60 days after the date of the enactment of this Act, the Secretary of Energy shall submit to Congress a report describing the program developed under subsection (a), a plan to implement such program, and the activities to be undertaken during fiscal year 1991 pursuant to the plan.

The **SPEAKER** pro tempore. The gentleman from Wisconsin [Mr. ASPIN] is recognized for 1 hour.

Mr. ASPIN. Mr. Speaker, I yield 30 minutes to the gentleman from Alabama [Mr. DICKINSON], pending which I

yield myself such time as I may consume.

Mr. Speaker, the bill before us is the Persian Gulf conflict supplemental authorization and personnel benefits bill S. 725. It represents the agreement on the part of both the Armed Services Committee and other interested committees of the House with their Senate counterparts on authorizing payment for the Persian Gulf war and taking care of the men and women who fought and won that war.

The bill has three main parts:

First, a core supplemental authorization of appropriations to pay for the cost of the war. These provisions are very similar to those in the House-passed bill, H.R. 1175.

Second, the bill provides a comprehensive package of military personnel and veterans' benefits to provide adequate compensation for our Desert Storm heroes, to help their families, and to ease their transition back to a more peaceful world. Chief among the veterans' benefits in the bill is an increase in the Montgomery GI bill benefits for both active duty and Reserve personnel. These benefits would be paid from the defense cooperation account. As incremental costs of the Persian Gulf war, funding of these benefits is consistent with last year's budget agreement.

And finally, the bill contains a number of other provisions, most of them originating in the House bill, including the Schumer-Panetta language, additional incentives for our allies to pay their pledges, and the DOE supplemental authorization.

Mr. Speaker, this bill represents a sound package that will take care of our men and women in uniform; our veterans; and establish a firm, accountable basis for paying the costs of the Persian Gulf war. I have included in my statement a comprehensive explanation of the bill.

Mr. Speaker, I strongly urge the approval of this package, I reserve the balance of my time.

**JOINT EXPLANATORY STATEMENT**

This statement explains the provisions of the Persian Gulf Conflict Supplemental Authorization and Personnel Benefits Act of 1991.

On February 22, 1991, the General Counsel of the Department of Defense forwarded to the Congress a proposed supplemental authorization bill for fiscal year 1991. On March 13, 1991, the House of Representatives approved H.R. 1175, the National Defense Supplemental Authorization Act for Fiscal Year 1991. On March 14, 1991, the Senate passed S. 578, the Department of Defense Desert Storm Supplemental Authorization and Military Personnel Benefits Act for Fiscal Year 1991. On March 19, 1991, the Senate received H.R. 1175, amended it with the text of S. 578, passed it, and returned it to the House.

The following joint explanatory statement explains the compromise agreement that has been reached by the Senate and House Armed Services Committees and other com-

mittees on the differences between the texts of H.R. 1175 and S. 578.

In this joint explanatory statement, the phrase "the House bill" refers to H.R. 1175, as passed by the House on March 13. The phrase "the Senate amendment" refers to H.R. 1175, as passed and amended by the Senate with the text of S. 578 on March 19. The phrase "the final bill" refers to the compromise agreement.

**TITLE I—AUTHORIZATION OF FISCAL YEAR 1991 SUPPLEMENTAL APPROPRIATIONS FOR OPERATION DESERT STORM**

The House bill contained a series of provisions (secs. 101-107) that would authorize supplemental appropriations for Operation Desert Storm for fiscal year 1991. Section 101 would authorize, during fiscal year 1991, the appropriation of the balances contributed to the Defense Cooperation Account to pay for the incremental costs associated with Operation Desert Storm or the replenishment of the working capital account established in section 102. Section 102 would establish the Persian Gulf Working Capital Account and would authorize \$15 billion to be appropriated to the account during fiscal year 1991. This section would specifically limit the availability of appropriations for transfer to pay for the incremental costs of Operation Desert Storm to the extent that funds are not available for transfer from the Defense Cooperation Account. Section 103 would authorize the transfer of amounts appropriated from the Defense Cooperation Account and appropriated to the Persian Gulf Working Capital Account to appropriation accounts as necessary to meet the costs of Operation Desert Storm. Section 104 would authorize the transfer authority necessary to make adjustments in the military personnel and operation and maintenance accounts to pay for the incremental costs associated with the military operations in the Persian Gulf. Section 105 would establish certain notification and reporting requirements to be followed by the Secretary of Defense before implementing any transfer of funds from the Defense Cooperation Account, the Persian Gulf Working Capital Account, or between the military personnel and operation and maintenance accounts. Section 106 would require the Secretary of Defense to provide monthly reports of transfers made pursuant to the authority in this title to the congressional defense committees.

The Senate amendment contained similar provisions (secs. 101-102).

The final bill contains the House provisions with technical amendments.

The authorization of transfers provided in the final bill is based on the understanding that the Secretary of Defense will develop a process for the resolution of any concerns that may be raised by the congressional defense committees with respect to transfers authorized by this title. This process should involve the four congressional defense committees, but should be more streamlined than the process currently used with respect to approval of transfers. It is expected that the four congressional defense committees will expedite consideration of all transfer requests and will register any concerns with DoD over any proposed transfer within seven days. The traditional paperwork used by DoD to report transfers to the Congress is not necessary in the case of transfers for the incremental costs of Operation Desert Storm. This approach will preserve the congressional oversight role over the expenditure of funds to pay the incremental costs of Operation Desert Storm.

**TITLE II—WAIVER OF PERSONNEL CEILINGS  
AFFECTED BY OPERATION DESERT STORM**

The House bill contained provisions (sec. 211 and sec. 212) that would: (1) authorize the Secretary of Defense to waive the active duty, selected reserve, and reserve active duty end strengths prescribed for fiscal year 1991 in the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510); and (2) authorize the President to waive the strength ceilings applicable to senior enlisted grades for the duration of the Persian Gulf conflict.

The Senate amendment contained a similar provision (sec. 201), except the authority to waive the end strengths and grade ceilings would be vested in the Secretaries of the Military Departments, and the grade ceiling waivers would include not only the senior enlisted grades, but the active duty and full-time reserve officers field grades, and the general and flag officer grades as well.

The final bill contains the Senate provision.

**TITLE III—BENEFITS FOR PERSONS SERVING IN  
ARMED FORCES DURING THE PERSIAN GULF  
CONFLICT**

*Part A—Military Compensation and Benefits  
Legislative Provisions Adopted*

**Increase in imminent danger pay (sec. 301)**

The House bill contained a provision (sec. 222) that would permanently increase the rate of imminent danger pay from \$110 per month to \$150 per month, effective January 16, 1991.

The Senate amendment contained a similar provision (sec. 301), except the authority for the increase would be temporary and the effective date would be retroactive to August 1, 1990.

The final bill contains the Senate provision.

**Family separation pay (sec. 302)**

The House bill contained a provision (sec. 223) that would: (1) increase family separation pay from \$60 to \$75 per month, effective January 16, 1991; and (2) authorize family separation pay to dual military couples without dependents, effective January 16, 1991.

The Senate amendment contained no similar provision.

The final bill contains the House provision amended to delete the portion on dual military couples without dependents.

**Use of home of record for determination of variable housing allowance for reservists (sec. 303)**

The House bill contained a provision (sec. 225) that would require that the variable housing allowance being paid to members of reserve components called to active duty in connection with the Persian Gulf conflict be calculated using the rates to which the members are entitled in the areas of the members' home of record in lieu of permanent duty location.

The Senate amendment contained no similar provision.

The final bill contains the House provision amended to substitute the principal place of residence for home of record.

**Medical, dental, and non-physician special pays for reserve, recalled, or retained health care officers (sec. 304)**

The House bill contained a provision (sec. 226) that would provide authority for payment of active duty special pays to reserve optometrists, veterinarians, nurse anesthetists, and other non-physician health care providers called or ordered to active duty in

conjunction with the Persian Gulf conflict. In addition, section 226 would authorize payment of those special pays to physicians, dentists, optometrists, veterinarians, nurse anesthetists, and other non-physician health care providers who (1) are involuntarily retained on active duty under section 673(c) of title 10, United States Code, (2) are recalled to active duty under section 688 of title 10, United States Code, or (3) voluntarily agree to remain on active duty for a period of less than one year in connection with the Persian Gulf conflict.

The Senate bill contained a similar provision (sec. 302).

The final bill contains the House provision.

**Waiver of board certification requirements (sec. 305)**

The House bill contained a provision (sec. 227) that would authorize continued payment of board certification pay to physicians, dentists, and other health care providers who have completed residency training and were scheduled for board certification, or re-certification, but were unable to complete the certification process due to a duty assignment in connection with the Persian Gulf conflict.

The Senate amendment contained no similar provision.

The final bill contains the House provision amended to condition the payment of these pays on the completion of certification requirements by affected personnel within 180 days of their release from their duty assignments in connection with the Persian Gulf conflict or such additional time after that period as determined to be necessary by the Secretary of Defense.

**Foreign language proficiency pay (sec. 306)**

The House bill contained a provision (sec. 228) that would require that foreign language proficiency pay be paid to members of the armed forces assigned to duty in connection with the Persian Gulf conflict who meet all eligibility criteria for such pay except that they have not been certified by the Secretary concerned to be proficient in a foreign language necessary for national defense purposes.

The Senate amendment contained no similar provision.

The final bill contains the House provision amended to condition the payment of these pays on the completion of certification requirements by affected personnel within 180 days of their release from their duty assignments in connection with the Persian Gulf conflict.

**Increase in the amount of death gratuity (sec. 307)**

The House bill contained a provision (sec. 231) that would amend section 1478(a) of title 10, United States Code, to establish a standard death gratuity rate of \$6,000 for all grades, effective August 2, 1990.

The Senate amendment contained a similar provision (sec. 306), except the authority for the \$6,000 death gratuity rate would be temporary and effective January 16, 1991.

The final bill contains the House provision amended to make the provision temporary.

**Servicemen's Group Life Insurance gratuity (sec. 308)**

The Senate amendment contained a provision (sec. 332) that would authorize the payment of a gratuity to the survivors of service members who died after August 1, 1990 and the effective date of the SGLI increase equal to twice the amount of SGLI coverage of the deceased at the time of death. The gratuity would apply only to service members whose

deaths were in conjunction with or in support of Operation Desert Storm, or attributable to hostile action in regions other than the Persian Gulf designated by the Secretary of Defense.

The House bill contained no similar provision.

The final bill contains the Senate provision.

**Payment for accrued leave (sec. 309)**

The Senate amendment contained a provision (sec. 303) that would ensure that survivors of military members are entitled to the payment for the unused accrued leave of a member who dies while on active duty on the same basis as provided for members in section 1115 of the National Defense Authorization Act for Fiscal Year 1991.

The House bill contained no similar provision.

The final bill contains the Senate provision.

**Removal of limitation on the accrual of savings of members in a missing status (sec. 310)**

The House bill contained a provision (sec. 232) that would amend section 1035(b) of title 10, United States Code, to remove the ceiling on savings deposits for service members carried in a missing status as defined in section 551(2) of title 37, United States Code, during the period of the Persian Gulf conflict.

The Senate amendment contained a similar provision (sec. 304).

The final bill contains the House provision.

**Basic allowance for quarters for certain members of the reserve components without dependents (sec. 310A)**

The House bill contained a provision (sec. 224) that would require payment of basic allowance for quarters to reserve component members without dependents called to active duty in connection with the Persian Gulf conflict who are unable to occupy their primary residence that is owned by the member, or for which the member is responsible for rent.

The Senate amendment contained no similar provision.

The final bill contains the House provision amended to clarify the intent of the House provision.

**Legislative Provisions Not Adopted**

**Repeal wartime and national emergency prohibitions on the payment of certain pay and allowances**

The House bill contained a provision (sec. 221) that would repeal the prohibition on the payment of imminent danger pay and family separation allowance during times of war or national emergency declared by the Congress.

The Senate amendment contained no similar provision.

The final bill does not contain the House provision.

**Foreign duty pay**

The House bill contained a provision (sec. 229) that would increase the current foreign duty pay for enlisted personnel to a flat rate of \$25 per month.

The Senate amendment contained no similar provision.

The final bill does not contain the House provision.

**Transitional commissary and exchange benefits**

The House bill contained a provision (sec. 245) that would require the Secretary of Defense to prescribe regulations allowing a member of a reserve component called or ordered

dered to active duty in connection with the Persian Gulf conflict to use commissary and exchange stores during the 180-day period beginning on the date of the release of the member from active duty. Use of these stores would be authorized in the same manner and to the same extent as authorized for service members on active duty.

The Senate amendment contained no similar provision.

The final bill does not contain the House provision.

#### Benefits explanation for reserve members upon demobilization

The House bill contained a provision (sec. 246) that would require the Secretaries of the Military Departments to provide individual pre-separation counseling on a variety of subjects to service members upon their discharge or release from active duty. The Secretary of Defense would be required to ensure that the Service Secretaries, in carrying out section 1142 of title 10, United States Code, provide particular attention to the needs of members of the reserve components who were called or ordered to active duty for service in connection with the Persian Gulf conflict. The Secretary of Veterans Affairs would be required to detail personnel of the Department of Veterans Affairs for service at each principal site at which such service members will be released from active duty.

The Senate amendment contained no similar provision.

The final bill does not contain the House provision. However, the Secretary of Defense is expected to carry out the intent of the House provision.

#### Part B—Military Personnel Policies and Programs

##### Legislative Provisions Adopted

##### Grade in which retired officers are recalled to active duty (sec. 311)

The House bill contained a provision (sec. 242) that would authorize the Secretaries of the Military Departments to recall retired military officers to active duty in the highest grade they held while on previous active duty.

The Senate amendment contained a similar provision (sec. 305).

The final bill contains the Senate provision amended to clarify the intent of the Senate provision.

##### Temporary CHAMPUS provisions regarding deductibles and copayment requirements (sec. 312)

The House bill contained a provision (sec. 243) that would delay the implementation of the increase in the CHAMPUS deductible mandated by section 712 of the National Defense Authorization Act for Fiscal Year 1991 from April 1, 1991 to October 1, 1991, in the case of dependents of active duty personnel who are serving or have served in the Persian Gulf theater in connection with the Persian Gulf conflict.

The Senate amendment contained no similar provision.

The final bill contains the House provision. The Senate amendment contained a provision (sec. 331) that would allow CHAMPUS health care providers to waive any requirement for payment by the patient of copayment charges during the Persian Gulf War period, provided that CHAMPUS health care providers who grant such waivers do not increase the amount charged to the federal government for the service for which the waiver is granted.

The House bill contained no similar provision.

The final bill contains the Senate provision amended to specify that this provision would apply to dependents of military personnel serving in the Persian Gulf and require certification by the health care provider on cost.

##### Transitional health care (sec. 313)

The House bill contained a provision (sec. 244) that would extend transitional health benefits to reservists called or ordered to active duty in connection with the Persian Gulf conflict and to active duty personnel involuntarily retained on active duty under section 673c of title 10, United States Code. Section 244 would authorize eligibility for two months of medical care in military medical treatment facilities or under CHAMPUS unless the former service members and dependents are covered by an employer-sponsored health insurance plan.

The Senate amendment contained a similar provision (sec. 307), except that the transitional health coverage would be for 30 days and would not include involuntarily retained personnel.

The final bill contains the Senate provision amended to include involuntarily retained personnel under the transitional health coverage being authorized.

##### Extension of certain Persian Gulf conflict provisions (sec. 314)

The House bill contained a provision (sec. 247) that would remove fiscal year constraints on spending in support of the Persian Gulf conflict established in title XI of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510; 104 Stat. 1634 et seq.).

The Senate amendment contained no similar provision.

The final bill contains the House provision. Study of Department of Defense policies relating to deployment of military service members with dependents or service members from families with more than one service member (sec. 315)

The House bill contained a provision (sec. 248) that would require the Secretary of Defense to carry out a study of departmental policies relating to the family interests and responsibilities of reserve component members called or ordered to active duty and of active and reserve component service members deployed overseas. The study would examine the responsiveness of such policies to the needs of service members and the consistency of existing policies among the Military Departments. The Secretary of Defense would be required to submit a report to Congress on the findings of the study no later than March 31, 1992.

The Senate amendment contained no similar provision.

The final bill contains the House provision. Adjustment in the effective date of changes in mental health benefits as a result of Operation Desert Storm (sec. 316)

The Senate amendment contained a provision (sec. 308) that would delay the effective date of certain changes in CHAMPUS mental health benefits required by section 703 of the National Defense Authorization Act for Fiscal Year 1991, and the companion provision of the Department of Defense Appropriations Act, 1991, from February 15, 1991 to February 15, 1992.

The House bill contained no similar provision.

The final bill contains the Senate provision amended to change the effective date of the changes in CHAMPUS mental health benefits from February 15, 1991 to October 1,

1991. The Office of CHAMPUS is directed to not absorb any of the costs associated with the change in benefits made by this section which exceed the \$36 million budgeted for these benefits by this Act.

Sense of House on the separation of certain members from their infant children (sec. 317)

The House bill contained a provision (sec. 241) that would amend chapter 41 of title 10, United States Code, by inserting a new section that would preclude female members with a child under six months of age from being (1) called to active duty, if a member of a reserve component, or (2) assigned to a duty location or circumstance that requires the child to live at a different location, if a member of the armed forces on active duty. Section 241 would provide the same exemptions to male service members who have sole custody of a child under the age of six months.

The Senate amendment contained no similar provision.

The final bill contains the House provision amended to express the sense of the House on this issue.

##### Legislative Provisions Not Adopted

Sense of Congress regarding the provision of medical care by Germany to dependents of members living in Germany

The House bill contained a provision (sec. 249) that would express the sense of Congress that the President should request the Government of Germany to provide without reimbursement medical care to military dependents living in Germany in order to replace military medical personnel and equipment deployed to the Persian Gulf region to treat casualties resulting from the Persian Gulf conflict.

The Senate amendment contained no similar provision.

The final bill does not contain the House provision.

##### Morale telephone calls

The House bill contained a provision (sec. 250) that would express the sense of Congress that the Secretary of Defense should contract with private telephone companies, or establish alternative telephone arrangements, to provide at least ten minutes of free telephone calls a month for each member of the armed forces serving in the combat zone designated in connection with the Persian Gulf conflict.

The Senate amendment contained no similar provision.

The final bill does not contain the House provision. However, the Secretary of Defense is expected to carry out the intent of the House provision.

Sense of Congress regarding the need for increased participation of civilian health care providers in CHAMPUS

The Senate amendment contained a provision (sec. 332) that would express the sense of Congress urging civilian health care providers in the United States to participate or increase their participation in the CHAMPUS health delivery system.

The House bill contained no similar provision.

The final bill does not contain the Senate provision. However, the Secretary of Defense is expected to take initiatives to encourage civilian health care providers to participate or increase their participation in the CHAMPUS health delivery systems consistent with the Senate provision.

Part C—Veterans Programs and Benefits  
Legislative Provisions Adopted  
Definition of period of war (sec. 332)

Section 101(11) of title 38, United States Code, defines the term "period of war" as including the Spanish American War, the Mexican border period, World War I, World War II, the Korean conflict, the Vietnam era, and the period beginning on the date of any future declaration of war by Congress and ending on the date prescribed by presidential proclamation or concurrent resolution of Congress.

The House bill contained a provision (sec. 301(a)) that would add to the definition of periods of war the "Persian Gulf War", the period beginning on August 2, 1990, and ending on the date thereafter prescribed by Presidential proclamation or by law.

The Senate amendment contained a similar provision (sec. 362).

The final bill contains this provision.

Pension eligibility (sec. 333)

Section 501(4) of title 38, defines certain periods of war for purposes of eligibility for the VA need-based pension programs for non-service disabled, wartime veterans, and the surviving spouses and dependent children of deceased wartime veterans. Under section 541(f) of title 38, for a surviving spouse to be eligible for a pension, he or she must have married the veteran by a specified date, i.e., not later than 10 years after the termination of the period of war in the cases of veterans of periods of war after World War I.

The House bill contained a provision (section 301(b)) that would (1) add the "Persian Gulf War" to the definition of periods of war for pension eligibility purposes, and (2) provide for pension eligibility for a surviving spouse of a Persian Gulf War veteran if the spouse marries the veteran before January 1, 2001.

The Senate amendment contained a similar provision (sec. 363) which would provide pension eligibility for a surviving spouse if the marriage occurred not later than 10 years after the termination of the Persian Gulf War.

The final bill contains the substance of the House provision.

Period of services for dental benefits (sec. 334(a))

Section 612(b)(1) of title 38 requires VA to furnish outpatient dental services for a dental condition or disability which is service-connected but not compensable in degree if (1) the condition or disability is shown to have been in existence at the time of the veteran's discharge from active duty service, (2) the veteran had served on active duty for a period of not less than 180 days immediately prior to discharge or release, (3) the veteran applied for treatment within 90 days after discharge or release; and (4) the veteran was not provided, within the 90-day period immediately before the date of discharge or release, a complete dental examination and all appropriate dental services indicated by the examination as needed. Under section 612(b)(2), the Service Secretary concerned is required to furnish each individual, at the time of discharge or release from active duty, written notice of this benefit and record the number's receipt of the notice.

The House bill contained a provision (sec. 303(c)) that would reduce from 180 days to 90 days the minimum active-duty service requirement for eligibility for this benefit (as well as for the notice provision) for veterans of the Persian Gulf War.

The Senate amendment contained no similar provision.

The final bill contains the House provision.  
Presumption Relating to Psychosis (Sec. 334(b))

Under section 602 of title 38, an active psychosis developed by any veteran of World War II, the Korean conflict, or the Vietnam era within two years after discharge is deemed to be a service-connected condition for the purposes of entitlement to VA health care if the psychosis was developed before July 26, 1949, in the case of a World War II veteran, before February 1, 1957, in the case of a veteran of the Korean conflict, or before May 8, 1977, in the case of a Vietnam-era veteran.

The House bill contained a provision (sec. 303(d)) that would make this presumption applicable to a veteran of the Persian Gulf War who develops a psychosis within two years after the veteran's discharge and the end date of the Persian Gulf War.

The Senate amendment contained a similar provision (sec. 364(a)).

The final bill contains this provision.

Eligibility for Medicines for Veterans Who Are Housebound or in Need of Aid and Attendance (Sec. 334(c))

Under section 612(h) of title 38, veterans of the Mexican Border period, World War I, World War II, the Korean conflict, or the Vietnam era who receive additional VA service connected disability compensation, or increased VA non-service connected disability pension, by reason of being permanently housebound or in need of regular aid and attendance, are entitled to be furnished such drugs and medicines as may be prescribed for the treatment of any illnesses or injuries from which they may suffer. VA is also required to continue furnishing drugs and medicines to any such veteran whose pension payments have been discontinued solely because the veteran's annual income exceeds the applicable maximum for pension payments, if the veteran's annual income does not exceed that maximum by more than \$1,000.

The House bill contained a provision (sec. 303(e)) that would extend this entitlement to drugs and medicines to veterans of any "period of war", rather than veterans of the periods specified in present section 612(h) of title 38, who meet the requirements of section 612(h). In conjunction with the amendment proposed to be made in the definition of "period of war" by section 301(a) of the bill, this provision would provide eligibility to Persian Gulf War veterans, and veterans of subsequent war periods, who meet those requirements.

The Senate amendment contained a provision (sec. 364(b)) that would add service during the Persian Gulf War to the war service periods on which eligibility under section 612(h) may be based.

The final bill contains the House provision.

Expansion of Readjustment Counseling Eligibility (Sec. 334(d))

Section 612A of title 38 provides that, upon the request of any veteran who served on active duty during the Vietnam era, the Secretary of Veterans Affairs shall furnish counseling to assist the veteran in readjusting to civilian life. The counseling must include a mental and physical assessment. A veteran who is furnished readjustment counseling under this section is also entitled to receive follow-up mental-health services to complete treatment indicated by the assessment. Immediate family members are also eligible for consultation, professional counseling, training, and mental health services if such services are determined to be essential to the ef-

fective treatment and readjustment of the veteran. In addition, VA has authority to provide the counseling and related mental health services by contract.

Section 612B of title 38 authorizes the Secretary to establish a program to furnish VA counseling to veterans who are former prisoners of war to assist such veterans in overcoming the psychological effects of detention or internment as a prisoner of war.

The House bill contained a provision (sec. 303(b)) that would amend section 612B to authorize the Secretary to furnish counseling services in any VA facility to any veteran who (a) is a former prisoner of war, or (b) served on active duty in a theater of combat (as defined by the Secretary of Defense) after August 2, 1990, to assist the veteran in overcoming any psychological problems of the veteran associated with such service.

The Senate amendment contained a provision (sec. 364(c)) that would amend section 612A to expand entitlement and eligibility for readjustment counseling and other services under that section to include veterans who served on active duty after May 7, 1975, in areas in which United States personnel were subjected to danger from armed conflict comparable to that occurring in battle with an enemy during a period of war (as determined by the Secretary of Veterans Affairs in consultation with the Secretary of Defense).

The final bill contains the Senate provision.

Reports by Secretary of Defense and Secretary of Veterans Affairs Concerning Services to Treat Post-Traumatic Stress Disorder (Sec. 335)

The House bill contained a provision (sec. 303(g)) that would require the Secretary of Defense and the Secretary of Veterans Affairs each to submit to the Congress two reports providing (1) an assessment of the need for rehabilitative services for members of the armed forces who participated in the Persian Gulf conflict who experience post-traumatic stress disorder (PTSD); (2) a description of the available programs and resources to meet those needs; (3) the specific plans of each Secretary for treatment of PTSD, particularly with respect to any specific needs of members of reserve components; (4) an assessment of needs for additional resources in order to carry out such plans; and (5) a description of plans to coordinate treatment services for PTSD with the other department. The first reports would be due not later than 90 days after enactment of this measure and the second, a year later.

The Senate amendment contained no provision.

The final bill contains the House provision.  
Increase in Servicemen's Group Life Insurance and Veteran's Group Life Insurance Maximums (Sec. 336)

Subchapter III of chapter 19 of title 38 sets forth the Servicemen's Group Life Insurance (SGLI) and Veterans' Group Life Insurance (VGLI) programs. Under that subchapter, the Secretary of Veterans Affairs is authorized to purchase from commercial life insurance companies a policy or policies of group life insurance to insure against death any active-duty service member and certain members of the Ready Reserve and Retired Reserve. Eligible service members and reservists are automatically covered in the amount of \$50,000 but may elect coverage of less than \$50,000 or to not participate in the program at all. Premium payments for SGLI are deducted each month from the basic pay of

service members and are calculated without regard to the extra hazards of active duty service. SGLI coverage is provided free of charge for 120 days following separation from active duty. After separation from active duty, veterans who participated in the SGLI program may participate in the Veterans' Group Life Insurance (VGLI) program.

VGLI provides five-year term group life insurance in amounts ranging from \$5,000 to \$50,000. A veteran may not obtain more insurance under VGLI than the veteran had under the SGLI program. At the end of the five-year term, the veteran has the right to obtain an individual life insurance policy at a standard rate from any company participating in the SGLI program.

The Senate amendment contained a provision (sec. 336) that would increase from \$50,000 to \$100,000 the maximum amount of Servicemen's Group Life Insurance (SGLI) and Veterans' Group Life Insurance (VGLI) and provide that, effective on the date of enactment, the amount of SGLI be increased to the amount equal to twice the amount provided for on the day before enactment. The Secretary of Veterans Affairs, in consultation with the Service Secretaries, would be required to take such action as is necessary to ensure that each person affected by the increase in SGLI is notified of the increased insurance coverage and is afforded the opportunity to make an election, within 120 days after the date of enactment, not to be insured in the increased amount.

The House bill contained no similar provision.

The final bill contains the Senate provision.

Amounts of Benefit Payments Under the Chapter 30 Program for Active-Duty Service Members (Sec. 337(a))

Section 1415 of title 38 establishes the amounts of monthly educational assistance under the chapter 30 Montgomery GI Bill (MGIB) program for active-duty service members as follows: (1) \$300 for full-time study for those serving on active duty for three years or more, (2) \$250 for full-time study for those serving two years on active duty, and (3) in both cases, appropriately reduced rates determined by VA for part-time study.

The House bill contained a provision (sec. 304(a)) that would increase the monthly chapter 30 payments for full-time study to (1) \$400 for those serving on active duty for three years or more, and (2) \$300 for those serving two years on active duty.

The Senate amendment contained a provision (sec. 366(a)) that would increase the monthly chapter 30 payments for full-time study to (1) \$310 for those serving on active duty for three years or more, and (2) \$259 for those serving two years on active duty.

The final bill contains a provision that would increase, in fiscal years 1992 and 1993, the monthly chapter 30 payments for full-time study to (1) \$350 for those serving on active duty for three years or more, and (2) \$275 for those serving two years on active duty. After fiscal year 1993, the Secretary of Veterans Affairs would have authority to continue the increased rates and to increase the rates to reflect increases in the cost of living.

Amounts of Benefit Payments Under the Chapter 106 Program for Reservists (Sec. 337(b))

Section 2131 of title 10 establishes the amounts of monthly educational assistance under the chapter 106 MGIB program for individuals serving at least 6 years in the Selected Reserve as follows: (1) \$140 for full-

time study, (2) \$105 for three-quarter-time study, and (3) \$70 for half-time study.

The House bill contained a provision (sec. 304(b)) that would increase the amount of monthly chapter 106 payments to (1) \$200 for full-time study, (2) \$150 for three-quarter-time study, and (3) \$100 for half-time study.

The Senate amendment contained a provision (sec. 366(b)) that would increase the amount of monthly chapter 106 payments, but only for reservists who are ordered to active duty during the Persian Gulf War, to (1) \$145 for full-time study, (2) \$108.75 for three-quarter-time study, and (3) \$72.50 for half-time study.

The final bill contains a provision that would increase, in fiscal years 1992 and 1993, the amount of monthly chapter 106 payments to (1) \$170 for full-time study, (2) \$128 for three-quarter-time study, and (3) \$85 for half-time study. After fiscal year 1993, the Secretary of Defense would have authority to continue the increased rates and to increase the rates to reflect increases in the cost of living.

#### Membership on Educational Benefits Advisory Committee (Sec. 338)

Section 1792 of title 38 requires membership on the Veterans' Advisory Committee on Education (VACE) to include veterans representative of World War II, the Korean conflict era, the post-Korean conflict era, the Vietnam era, and the post-Vietnam era.

The Senate amendment contained a provision (sec. 370) that would add veterans of the Persian Gulf War to those who must be represented in the membership of the VACE.

The House bill contained no similar provision.

The final bill contains the Senate provision.

#### Reasonable Accommodations for Disabled Veterans (Sec. 339)

Section 2021 of title 38 provides that, in the case of a person who is eligible for reemployment rights under chapter 43 of title 38, who has applied for reemployment under the provisions of that chapter, and who is no longer qualified to perform the duties of his or her previous position by reason of a disability sustained during reserve training or active-duty service, he or she shall be offered any other position in the employ of the employer for which he or she is qualified and which will provide like seniority, status, and pay, or the nearest approximation, of the previous position.

The Senate amendment contained a provision (sec. 373) that would require an employer to make reasonable accommodations to requalify an individual to perform the duties of his or her previous position. For the purposes of this provision, the term "reasonable accommodation" would have the meaning provided in section 101(9) of the Americans with Disabilities Act of 1990 (42 U.S.C. 12111(9)).

The House bill contained no similar provision.

The final bill contains the Senate provision amended to clarify that (1) an employer would not be required to make accommodations if the employer can demonstrate that the accommodation would impose an undue hardship on the operation of the employer's business, and (2) exclude certain small employers from this requirement. Until July 26, 1994, the requirement would apply to employers who have 25 or more employees for each working day in each of 20 or more calendar weeks in the current or preceding year. After that date, the requirement would apply to those who have 15 or more employees for

each working day in each of 20 or more calendar weeks in the current or preceding calendar year.

#### Retraining of Former Employees (Sec. 340)

Section 2021 of title 38 (in conjunction with section 2024) generally requires an employer to restore to employment a person who leaves employment for active-duty service, active duty for training, or inactive-duty training, and who applies for reemployment within a prescribed period after release from service if that person is still qualified to perform the duties of the position.

The Senate amendment contained a provision (sec. 372) that would require that an employer make reasonable efforts to requalify the individual to perform the duties of his or her previous position.

The House bill contained no similar provision.

The final bill contains the Senate provision.

#### Entitlement for VA-Guaranteed Loans (Sec. 341)

Under section 1802(a) of title 38, basic entitlement for VA home loan benefits is authorized for (a) veterans who served on active duty at any time during World War II, the Korean conflict, or the Vietnam era and whose total service was for 90 days or more, and (b) veterans of only peacetime service who served at least 181 days on active duty. Generally with respect to those who enter active duty service after September 7, 1980, section 3103A of title 38 imposes a minimum service requirement under which title 38 benefits are available only to those who serve at least two years on active duty, or the full period for which they were ordered to active duty, or who were discharged early by reason of hardship or service-connected disability or in certain other circumstances.

The House bill contained a provision (sec. 308) that would extend eligibility to Persian Gulf War veterans whose total service is for 90 days or more.

The Senate amendment contained a provision (sec. 371) that would extend home loan eligibility to Persian Gulf War veterans whose total service is for 90 days or more and who also meet the minimum service requirements of section 3103A of title 38 (primarily reservists whose period of activation is between 89 and 180 days).

The final bill contains the Senate provision.

#### LEGISLATIVE PROVISIONS NOT ADOPTED

##### Dependency and Indemnity Compensation

Under chapter 13 of title 38, dependency and indemnity compensation (DIC) is paid to the surviving spouse and children of a veteran who dies of service-connected causes. The rate of DIC, set forth in section 411 of title 38, is based on the deceased veteran's rank when the veteran was in the military.

The House bill contained a provision (sec. 302) that would (1) revise the basis on which DIC is paid so as to base the rates on the age of the veteran at the time of the veteran's death, with the amount paid decreasing with the veteran's age, and (2) in three increments, on October 1 of 1992, 1993, and 1994, increase from \$68 to \$200 the amount paid to a surviving spouse or each dependent child.

The Senate amendment contained no similar provision.

The final bill does not contain the House provision.

Authority to Contract for Inpatient Care Unavailable at VA Facilities Because of Emergency Care Requirement

During a period in which the Secretary of Veterans Affairs is furnishing medical care

and services to members of the armed forces to meet emergency requirements, section 5011A(b)(2)(B) of title 38 authorizes the Secretary to contract with private facilities for the provision of hospital care for a veteran who is receiving VA hospital care, or is eligible for VA hospital care and requires care in a medical emergency posing a serious threat to the veteran's life and health, if VA facilities are not capable of furnishing the care the veteran requires because they are furnishing care to members of the armed forces.

The House bill contained a provision (sec. 303(a)) that would authorize the Secretary to contract with private facilities for hospital care for all veterans entitled to hospital care under section 610(a)(1) of title 38 (known as "Category A" veterans).

The Senate amendment contained no similar provision.

The final bill does not contain the House provision.

#### Improved Educational Assistance for Members of the Selected Reserve Who Serve on Active Duty During the Persian Gulf War

Section 2131 of title 10 establishes the amounts of monthly educational assistance under the chapter 106 MGIB program as follows: (1) \$140 for full-time study, (2) \$105 for three-quarter-time study, and (3) \$70 for half-time study.

The House bill contained a provision (sec. 304(b)) that would increase the amount of monthly chapter 106 payments to (1) \$200 for full-time study, (2) \$150 for three-quarter-time study, and (3) \$100 for half-time study. This provision would apply to all reservists training under the chapter 106 program.

The Senate amendment contained a provision (sec. 367) that would provide for payment to each member of the Selected Reserve who serves on active duty during the Persian Gulf War and who is entitled to chapter 106 benefits a monthly educational assistance allowance in the amount of (1) \$270 for each month of active-duty service for full-time study, (2) \$202.50 for each month of service for three-quarter-time study, (3) and \$135 for each month of service for half-time study.

The final bill does not contain the House or Senate provision.

#### Eligibility of Requirements for MGIB Benefits for Members of the Selected Reserve

Section 2132(a) of title 10 provides eligibility for chapter 106 educational assistance benefits to those (1) who enlist, reenlist, or extend an enlistment in the Selected Reserve for at least six years; and (2) who, before completing initial active duty for training, have completed the requirements of a secondary school diploma.

The House bill contained a provision (sec. 305(a)) that would extend chapter 106 eligibility to members of the Selected Reserve, without regard to the length of their enlistments, if they were called or ordered to active duty in connection with the Persian Gulf War and released from active duty upon completion of the period of service required by their call or order to active duty.

The Senate amendment contained no similar provision.

The final bill does not contain the House provision.

#### Chapter 30 Program for Active-Duty Service Members

Under section 1413 of title 38, active-duty MGIB participants who complete the basic service requirements are entitled to 36 months of full-time educational assistance (or the equivalent in part-time assistance). Section 1795 limits to 48 months the aggregate

period for which any person may receive assistance under two or more VA-administered programs.

The House bill contained a provision (sec. 306(a)) that would provide that, in the case of a reservist or service member who, as a result of having to discontinue the pursuit of a course because of orders issued for duty in connection with the Persian Gulf War, failed to receive credit or training time toward completion of an approved educational, professional, or vocational objective, the payment of chapter 30 benefits for the interrupted semester or other term would not be charged against the entitlement of the individual or counted toward the aggregate period for which the individual may receive assistance.

The Senate amendment contained a similar provision (sec. 369(a)).

The final bill does not contain the House or Senate provision.

#### Chapter 32 Educational Assistance Program

Section 1631 of title 38 provides that individuals who are eligible for the Post-Vietnam Era Veterans' Educational Assistance Program (VEAP) under chapter 32 are entitled to 36 months of full-time educational assistance (or the equivalent in part-time assistance). Section 1795 limits to 48 months the aggregate period for which any person may receive assistance under two or more VA-administered programs.

Section 1622 provides that funds contributed by a participant or the Secretary of Defense to this educational benefits program with respect to the participant are to be deposited into a fund referred to as the Post-Vietnam Era Veterans Education Account (VEAP Account).

The House bill contained a provision (sec. 306(b)) that would provide, in the case of a reservist or service member who, as a result of having to discontinue the pursuit of a course because of orders issued in connection with the Persian Gulf War, failed to receive credit or training time toward completion of an approved educational, professional, or vocational objective, that (1) the payment of VEAP benefits for the interrupted semester or other term would not be charged against the entitlement of the individual or counted toward the aggregate period for which the individual may receive assistance; and (2) the amount in the VEAP Account for that individual would be restored to the amount that would have been in the fund for him or her if the payment had not been made.

The Senate amendment contained a similar provision (sec. 369(b)).

The final bill does not contain the House or Senate provision.

#### Chapter 35 Educational Assistance Program

Section 1711 of title 38 provides that individuals who are eligible for the Survivors' and Dependents' Educational Assistance Program under chapter 35 are entitled to 45 months of full-time educational assistance (or the equivalent in part-time assistance). Section 1795 limits to 48 months the aggregate period for which any person may receive assistance under two or more VA-administered programs.

The House bill contained a provision (sec. 306(c)) that would provide that, in the case of a reservist who, as a result of having to discontinue the pursuit of a course because of being called to active duty in connection with the Persian Gulf War, failed to receive credit or training time toward completion of an approved educational, professional, or vocational objective, the payment of chapter 35 benefits for the interrupted semester or

other term would not be charged against the entitlement of the individual or counted toward the aggregate period for which the individual may receive assistance.

The Senate amendment contained a similar provision (sec. 369(c)).

The final bill does not contain the House or Senate provision.

#### Chapter 106 Program for Reservists

Section 2131 of title 10(a) provides that individuals who are eligible for the chapter 106 MGIB program for members of the Selected Reserve are entitled to 36 months of full-time educational assistance (or the equivalent in part-time assistance), and (b) by reference to section 1795 of title 38, limits to 48 months the aggregate period for which any person may receive assistance under two or more VA-administered programs.

The House bill contained a provision (sec. 306(d)) that would provide that, in the case of a reservist who, as a result of having to discontinue the pursuit of a course because of being called to active duty in connection with the Persian Gulf War, failed to receive credit or training time toward completion of an approved educational, professional, or vocational objective, the payment of chapter 106 benefits for the interrupted semester or other term would not be charged against the entitlement of the individual or counted toward the aggregate period for which the individual may receive assistance.

The Senate amendment contained a similar provision (sec. 369(d)).

The final bill does not contain the House or Senate provision.

#### Extension of Delimiting Date for Educational Assistance Entitlement

Section 2133 of title 10 provides that an individual's entitlement to the chapter 106 program of educational assistance for members of the Selected Reserve expires (1) at the end of the 10-year period beginning on the date of entitlement, or (2) on the date the person is separated from the Selected Reserve, whichever occurs first.

The House bill contained a provision (sec. 307) that would provide that any period of active duty served by a reservist in connection with the Persian Gulf War would not be considered as either a part of the 10-year eligibility period or a separation from the Selected Reserve for eligibility purposes.

The Senate amendment contained a similar provision (sec. 368).

The final bill does not contain the House or Senate provision.

#### Direct Loan Benefits

Under section 1811 of title 38, the Secretary of Veterans Affairs is authorized to make direct loans to veterans living in areas where housing credit is not generally available to veterans for financing home loans which may be guaranteed under the VA home loan guaranty program.

The House bill contained a provision (sec. 309) that would authorize the Secretary to make direct loans under section 1811 to certain reservists who have been unable to obtain home loans from private lenders at an interest rate not in excess of the rate authorized for VA-guaranteed loans. Eligible reservists would include those who are creditworthy and either (1) are denied credit because of the possibility of their being activated in connection with a war or action potentially involving the use of military force, or (2) were activated in connection with a war or such an action and served at least 90 days on active duty.

The Senate amendment contained no similar provision.

The final bill does not contain the House provision.

#### Burial and Funeral Expenses

Section 902 of title 38 authorizes VA to pay up to \$300 for the funeral and burial expenses of (1) veterans who were receiving compensation or pension when they died, and (2) veterans who had wartime service or were discharged for injuries incurred in the line of duty if there is no next of kin claiming the body and there are insufficient resources to cover the burial and funeral expenses. Pursuant to section 904 of title 38, a claim for such expenses must be filed within a two-year period following the death of a veteran.

The Senate amendment contained a provision (sec. 365) that would amend section 904 of title 38 to provide that applications for burial and funeral expenses for Persian Gulf War veterans who died prior to the date of enactment of this measure could be filed within the two-year period following the date of enactment.

The House bill contained no similar provision.

The final bill does not contain the Senate provision.

#### Reemployment of retirees

Section 108 of the Federal Employees Pay Comparability Act of 1990 (Public Law 101-509) amended sections 8344 and 8468 of title 5, United States Code, to permit the Director of the Office of Personnel Management, at the request of the head of an Executive branch agency, to waive the provisions of sections 8344 and 8468 of title 5, pertaining to the reduction of retirement annuities for reemployed retirees, on a case-by-case basis in emergency situations involving a direct threat to life or property or other unusual circumstances.

The Senate bill contained a provision (sec. 374) that would (a) permit the Secretary of Veterans Affairs to waive the requirements in sections 8344 and 8468 of title 5 of reductions in annuity payments to reemployed retirees in cases in which the Secretary determines that the granting of waivers is necessary to recruit sufficient healthcare specialists (1) to replace VA health-care specialists who have been ordered to active duty during the Persian Gulf War, or (2) to enable VA to respond to the health-care needs of military personnel (pursuant to section 5011A of title 38) during the Persian Gulf War; (b) permit any such waiver to extend for the duration of the Persian Gulf War and a period of not more than two years after the termination of the war; and (c) provide that any such waiver would take effect upon receipt by the Director of the Office of Personnel Management of a written notice from the Secretary. For the purposes of this provision, the term "healthcare specialist" is defined as including a physician, dentist, podiatrist, optometrist, nurse, physician assistant, expanded function dental auxiliary, medical technician, or other medical support personnel.

The House bill contained no similar provision.

The final bill does not contain the Senate provision.

#### Part D—Federal Employee Benefits

##### Federal civilian employee leave provisions (sec. 361)

The Senate amendment contained a provision (sec. 332) that would require the Office of Personnel Management to establish a leave bank program which would allow a federal employee to allocate any unused annual leave to the bank for the purposes of allowing federal civilians who are activated for

service in connection with the Persian Gulf War to draw leave from such a bank upon their return to civilian employment.

The House bill contained no similar provision.

The final bill contains the Senate provision.

#### Part E—Higher Education Assistance

The Senate amendment contained provisions (secs. 341, 342, 343, 344, 345, and 346) that would provide for the waiver of certain government loan requirements and other educational assistance requirements for military personnel serving on active duty in connection with Operation Desert Storm.

The House bill contained no similar provisions.

The final bill contains the Senate provisions.

#### Part F—Programs for Farmers and Ranchers

The Senate amendment contained provisions that would provide certain farm loans, base protection, minimum planting requirement, conservation requirement, and other waivers for farmers or ranchers activated for or who have served in the Persian Gulf War.

The House bill contained no similar provisions.

The final bill contains provisions similar to the Senate provisions.

#### Part G—Budget Treatment

The House bill contained a provision (sec. 503) which would authorize appropriations from the Defense Cooperation Account for the personnel benefits in the bill.

The Senate amendment contained a similar provision (sec. 381).

The final bill contains three provisions (secs. 391-93) which would provide the funding for the personnel benefits and related matters in title III of the bill.

Section 391(a) states that in addition to the authorization of appropriations from the Defense Cooperation Account in titles I and II of the bill, \$655 million is authorized to be appropriated from that Account. The \$655 million would be available only for the payment of benefits authorized by title III (i.e., new benefits established by title III or increases or enhancements in existing benefits.).

The bill makes it clear that no more than \$225 million in appropriations would be available for the veterans benefits authorized in Part C of title III. The bill also makes it clear that funds appropriated from the Defense Cooperation Account are available for payment of Montgomery GI Bill rate increases only for fiscal year 1992 and 1993. After fiscal year 1993, any Montgomery GI Bill rate increases made under the authority of Part C could not be funded from the Defense Cooperation Account. Section 391 also makes it clear that the health benefits provided under section 334 are excluded from this funding mechanism, and may not be funded from the Defense Cooperation Account.

Section 391(b) authorizes funds from the Defense Cooperation Account to be appropriated for the long-term costs of the benefits in title III (i.e., costs accruing after fiscal year 1995). This does not include the costs of the Montgomery GI Bill rate increases and the health benefits provided in section 334. Funds would be available from the Defense Cooperation Account under this provision for long-term costs only from the amounts remaining in the Defense Cooperation Account on October 1, 1992 (minus any funds appropriated pursuant to other authorizations in this Act).

Section 391(c) provides that the costs of the benefits authorized by title III for fiscal years 1991 through 1995 are incremental costs associated with Operation Desert Storm. This does not include Montgomery GI Bill rate increases after fiscal year 1993, nor does it include the health benefits provided in section 334.

Section 392 makes it clear that all benefits authorized by title III are discretionary for budgetary purposes. No entitlement or eligibility arises with respect to any benefit in title III unless an appropriations Act appropriates funds for such benefits (with two exceptions discussed below). As a general matter, personnel benefits are established through legislation as entitlements, and eligibility is not contingent upon enactment of an appropriation Act. However, because the benefits in title III are funded through the unique mechanism of the Defense Cooperation Account, which requires both an authorization and an appropriation, the entitlement and eligibility for the benefits in title III are subject to an appropriation. Section 392 provides that the requirement for an appropriation does not apply to the Montgomery GI Bill rate increases after fiscal year 1993 and the health benefits provided in section 334; this is because such benefits are discretionary with the VA and will not be funded through the Defense Cooperation Account.

Section 393 defines the term "Montgomery GI Bill rate increases." It also provides a rule of construction, stating that the benefits referred to in sections 391 and 392 are those involving a new payment or benefit provided by title III or any increase in payments or benefits previously provided by law. This makes it clear that the authorization to fund benefits and payments from the Defense Cooperation Account under this title does not apply to benefits authorized by laws in effect on the date of enactment.

#### TITLE IV—REPORTS ON FOREIGN CONTRIBUTIONS AND THE COSTS OF OPERATION DESERT STORM

The House bill contained a provision (sec. 107) that would incorporate by reference the provisions of H.R. 586, which passed the House of Representatives on February 21, 1991. H.R. 586 would require the Director of the Office of Management and Budget to submit monthly reports on the costs of U.S. military operations connected with the war in the Persian Gulf. The costs would be displayed in eight different categories: airlift, sealift, personnel costs, personnel support, operating support, fuel, procurement, and military construction.

H.R. 586 would also require monthly reports on allied pledges and contributions of support, either cash or in-kind, to offset the costs of U.S. military operations.

H.R. 586 would also require reports on related burdensharing not directly involving the United States. The Secretary of State and the Secretary of Treasury would be required to report on participation in the military coalition as well as on assistance (financial, in-kind, or host country support) to frontline states, other states, and international organizations.

Title IV of the Senate amendment contained similar provisions.

The final bill contains the House provision with technical changes.

#### TITLE V—REPORT ON THE CONDUCT OF THE PERSIAN GULF CONFLICT

The Senate amendment contained a provision (sec. 501) that would require the Secretary of Defense, in consultation with the Chairman of the Joint Chiefs of Staff and the

Commander in Chief, United States Central Command, to submit a report on the conduct of the Persian Gulf war to the congressional defense committees not later than 180 days after the cessation of hostilities.

The House bill contained no similar provision.

The final bill contains the Senate provision amended to require the report by January 1, 1992, with a preliminary report no later than July 1, 1991. In these instances in the preliminary report in which a discussion is not possible by July 1, 1991, the Secretary is requested to explain why such a discussion is not possible.

**TITLE VI—GENERAL PROVISIONS**  
*Legislative Provisions Adopted*  
Child care assistance (sec. 601)

The Senate amendment contained a provision (sec. 321) that would provide that of the funds authorized to be appropriated to the Department of Defense from the Defense Cooperation Account for fiscal year 1991, \$20 million would be available to provide for child care assistance to military personnel serving on active duty. The assistance authorized by this section would be directed primarily toward providing needed child care services for children of military personnel who are serving in the Persian Gulf area or who have been otherwise deployed, assigned or ordered to active duty in connection with Operation Desert Storm.

The House bill contained no similar provision.

The final bill contains the Senate provision.

Family education and support services (sec. 602)

The Senate amendment contained a provision (sec. 322) that would provide that of the funds authorized to be appropriated to the Department of Defense from the Defense Cooperation Account for fiscal year 1991, \$30 million would be available to provide education and family support services to families of military personnel serving on active duty in order to ensure that such families can deal with needs arising out of the Persian Gulf war. This section would allow the Secretary to provide such assistance directly to families of military personnel or through grants, contracts, or other forms of assistance to private or public entities.

The House bill contained no similar provision.

The final bill contains the Senate provision.

Land conveyance, Fort A. P. Hill Military Reservation, Virginia, (sec. 603)

The House bill contained a provision (sec. 501) that would direct the Secretary of the Army to convey to either Caroline County, Virginia, or the Commonwealth of Virginia, approximately 150 acres of land for the purpose of establishing a regional prison.

The Senate amendment contained no similar provision.

The final act contains the House provision with minor technical corrections.

Grassroots efforts to support our troops (sec. 604)

The House bill contained a provision (sec. 502) that would indicate that Congress supports and endorses national, state and local grassroots efforts to support our servicemen and women who participated in Operation Desert Storm, and their families here at home; encourages federal, state and local governments and private businesses and industry to organize task forces to provide support for the families of servicemen and

women deployed in the Persian Gulf region and to organize celebrations for the servicemen and women upon their arrival home; and encourages those grassroots government, business, and industry efforts to include Vietnam veteran organizations in all activities conducted for the benefit of the troops returning from Operation Desert Storm.

The Senate amendment contained no similar provision.

The final bill contains the House provision.

Extension of time for filing for persons serving in combat zone (sec. 605)

Under the Ethics in Government Act of 1978, certain senior officials are required to file financial disclosure statements by May 15 of each year, and within 30 days of leaving their positions. The Act permits extensions of up to 90 days. The Department of Defense has requested legislation to permit an additional extension for persons serving in a combat zone, similar to the authorized extension of time for filing a tax return.

Section 605 of the final bill authorizes a person serving in a combat zone to obtain an extension of 180 days after the later of: (1) the last day of service in an area designated by the President as a combat zone for purposes of the International Revenue Code; or (2) the last day of hospitalization as a result of an injury received or disease contracted while serving in such an area.

Kuwait reconstruction (sec. 606)

The House bill contained three provisions (secs. 504-506) that would express the sense of Congress regarding the award of contracts to rebuild Kuwait. One provision would express preference for U.S. firms employing American workers; another for firms employing veterans; and a third that contracts and subcontracts should be awarded to small and minority-owned firms. The President would be required to submit periodic reports to the Congress on the operation of these provisions.

The Senate amendment contained no similar provisions.

The final bill contains these preferences but consolidates them into one provision.

Use of U.S. funds to rebuild Iraq (sec. 607)

The Senate amendment contained a provision (sec. 801) that would express the sense of the Senate that none of the funds appropriated or otherwise made available by any provision of law may be obligated or expended, directly or indirectly, for the purpose of rebuilding Iraq while Saddam Hussein remains in power in Iraq.

The House bill contained no similar provisions.

The final bill contains a provision expressing the sense of the Congress that none of the funds appropriated or otherwise made available by any provision of law may be obligated or expended, directly or indirectly, for the purpose of rebuilding Iraq while Saddam Hussein remains in power in Iraq.

Withholding of payments to indirect-hire civilian personnel of nonpaying pledging nations (sec. 608)

The House bill contained a provision (sec. 109) that would require the Secretary of Defense to withhold payments to any nonpaying pledging nation that would otherwise be paid as reimbursements for expenses of indirect-hire civilian personnel of the Defense Department in that nation at the end of the six month period following the date of enactment of this act. The term "nonpaying pledging nation" means a foreign country that has pledged to the United States in de-

fraying the incremental costs of Operation Desert Shield and which has not paid to the United States the full amount so pledged.

The Senate amendment contained no similar provisions.

The final bill contains the House provision amended to give the Secretary of Defense the authority to waive the requirements to withhold payment for expenses of indirect-hire civilian nation if the Secretary certifies that it is in the national security interest of the United States.

Relief from requirements for reductions in defense acquisition workforce during fiscal year 1991 (sec. 609)

Section 905 of the National Defense Authorization Act for Fiscal Year 1991 mandated a 20 percent reduction in acquisition personnel, to be achieved by annual 4 percent reductions from fiscal year 1991 through fiscal year 1995. The House bill contained a provision (sec. 507) that would exempt from the fiscal year 1991 reductions any installation which experienced an increase of 4 percent or more in its workload as a result of Operation Desert Storm.

The Senate amendment contained no similar provisions.

The final bill contains a provision stating that the Secretary should use the flexibility provided in last year's legislation to ensure that any installation or facility that experiences a significant increase in workload resulting from Operation Desert Storm should not be required to make a defense acquisition workforce reduction during fiscal year 1991 that would adversely affect the ability of that installation to perform its mission.

*Legislative Provision Not Adopted*  
Cost estimate

The House bill contained a provision (Sec. 3) which contained specific estimates of outlays in the bill for purposes of the Balanced Budget and Emergency Deficit Control Act of 1985.

The Senate amendment contained no similar provisions.

The final bill does not contain the House provision.

**TITLE VII—MISCELLANEOUS TECHNICAL AMENDMENTS**

The Senate amendment contained provisions (title VI) that would correct provisions in the National Defense Authorization Act for Fiscal Year 1991 and related provisions of law.

The House bill contained no similar provisions.

The final bill contains the Senate provisions with a clarifying amendment.

**TITLE VIII—AUTHORIZATION OF SUPPLEMENTAL APPROPRIATIONS FOR DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS FOR FISCAL YEAR 1991**

Authorization of supplemental appropriations for operating expenses (sec. 801)

The House bill contained a provision (sec. 401) that would authorize \$283 million for operating expenses at the Rocky Flats plant in Golden, Colorado.

The Senate amendment contained no similar provision.

The final bill contains the House provision. Authorization of supplemental appropriations for environmental restoration and waste management (sec. 802)

The House bill contained a provision (sec. 402) that would authorize \$340 million for environmental restoration and waste management to accelerate certain high priority environmental compliance and cleanup activi-

ties, and to implement new state agreements.

The Senate amendment contained no similar provision.

The final bill contains the House provision with technical amendments.

Applicability of recurring general provisions (sec. 803)

The House bill contained a provision (sec. 403) that would provide that general provisions contained in part B of title 31 of the National Defense Authorization Act for Fiscal Year 1991 shall apply to this act.

The Senate amendment contained no similar provision.

The final bill contains the House provision with technical amendments.

Relocation of Rocky Flats plant operations (sec. 804)

The House bill contained a provision (sec. 404) that would direct the Secretary of Energy to establish a program to relocate, within 10 years, operations performed at Rocky Flats to a site or sites where public health and safety can be assured. The Secretary of Energy would be required to submit to Congress, within 60 days, a report describing the program for relocation.

The Senate amendment contained no similar provision.

The final bill contains the House provision.

The program and report required by section 804 should be in addition to the ongoing complex-wide review that is set forth in the Department of Energy Nuclear Weapons Complex Reconfiguration Study. The program and plan should focus on accelerating the relocation of the Rocky Flats facility, including early partial relocation of segments of the operations currently conducted at the facility. The report should include the program milestones and schedule needed to identify a suitable site or sites, complete construction, and transfer operations to a new facility within a ten-year period. In addition, the program should address workforce management during the transition of work away from Rocky Flats, and assistance for Department of Energy and contractor employees and affected communities during the transition.

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

Mr. Speaker, let me say that I rise in strong support of the Persian Gulf supplemental authorization. There are any number of reasons that make this bill an excellent piece of legislation. Let me mention a few.

It establishes a mechanism to pay the incremental costs of Operation Desert Shield that minimizes the pay-out of U.S. funds and draws first on the money provided by foreign contributors to the defense cooperation account.

□ 1600

It preserves the integrity of the budget agreement while providing \$655 million in personnel and veterans benefits that are closely tied to the needs of our soldiers, sailors, airmen, and marines resulting from service during the Persian Gulf war.

It represents a good faith, bipartisan effort by both the House and Senate, and by Congress and the administration to pay the costs of Desert Storm in a fiscally responsible manner.

Finally, the bill recognizes the outstanding men and women of our armed services for the job that they have done so well, and I too urge adoption of this bill.

Let me say, Mr. Speaker, that recently the chairman and I returned from Saudi Arabia, Iraq, and Kuwait. Without exception, we were impressed everywhere we went with the quality and the caliber of our men and women in service, and with their willingness to do whatever was necessary to get the job done.

I was also very impressed and pleased with the administration's position in all of this. As General Schwarzkopf told us when we met with him, he would like to keep in place a policy of first in, first out. That is, those who have been there the longest will be brought back first. I think that is fair and equitable, and that is how the administration is proceeding.

Another question that has been uppermost in everybody's mind is, If there is no formal cease-fire agreement, will the United States be tied down and will our soldiers and sailors and other military personnel be tied down and not allowed to be brought home pending the signing of a formal cease-fire agreement? We were told that that was not the case. While we will exercise all means to bring the Iraqis to the bargaining table to sign whatever is formal and necessary, the problem is, until there is some assurance as to who is in charge of the Iraqi government, we will have some trouble in getting anything signed.

General Schwarzkopf and the administration certainly do not want to keep our service men and women in suspense without any assurance of when they are coming home. So, as the chairman and I have been told, the administration will continue bringing our troops home regardless of the formal signing of a cease-fire agreement. I applaud that, and I am sure all of the Members here do, too.

So, Mr. Speaker, I think that the legislation on which we are now focused is a good piece of legislation and I would urge its adoption.

Mr. ASPIN. Mr. Speaker, I yield 5 minutes to the gentleman from Mississippi [Mr. MONTGOMERY].

Mr. MONTGOMERY. Mr. Speaker, with one exception which I will discuss, part C of title III of the Senate bill contains the compromise we have reached with the White House and the Senate Veterans' Affairs Committee on the veterans' appreciation package for the men and women who served their country so well in the Persian Gulf. The benefits will also apply to those who served in support of Operation Desert Storm throughout the world.

I share the joy we see on the faces of our troops on TV almost every evening when they return home to join their loved ones. They did their job and we

must now make certain that they have tangible benefits that will help them readjust to civilian life.

Let me briefly discuss the major provisions of the veterans package.

Section 332 of the compromise agreement would amend section 101 of title 38, United States Code to designate the crisis in the Persian Gulf as the "Persian Gulf war" for VA benefits purposes. The war period would be defined as the period beginning on August 2, 1990 and ending on the date designated by Presidential proclamation or by law to that effect.

Designation of this conflict as a period of war would establish a new group of wartime veterans. While most veterans benefits do not require service during a period of war, there are some programs where wartime status either is required to establish basic eligibility, such as the non-service-connected Disability Pension Program under chapter 15 of title 38—specially intended for wartime veterans—or will result in application of less restrictive eligibility criteria, such as the Loan Guaranty Program under chapter 37 of title 38—minimum of 90 days of service required versus a minimum of 181 days during peacetime.

It is our intent that veterans of the Persian Gulf war be entitled to the same type of benefits and services to which other veterans may be entitled due to their status as wartime veterans.

Section 333 of the compromise would amend pertinent sections in chapter 15 of title 38, United States Code, to create eligibility for non-service-connected disability pension, and death pension, for veterans of the Persian Gulf war and their surviving spouses. As provided by current law, service of at least 90 days on active duty would be required to establish basic eligibility under the Pension Program.

It is regrettable that the compromise does not contain the House provision that would have restructured and improved the DIC Program. The approach taken in the House-passed bill would have benefited the survivors of most of the personnel who were killed during the Persian Gulf war and it would certainly have helped many of the surviving spouses that are now on the DIC rolls. We have certainly provided other forms of death gratuities in the compromise, but a change in the structure of the DIC Program is still badly needed. We will continue to explore ways to make this program more equitable, and I would expect that the committee will conduct hearings on this subject later in the session.

The provision in the House-passed bill would have amended section 411 of title 38, United States Code, to restructure the Dependency and Indemnity Compensation [DIC] Program to provide for a more equitable means for determining the rate of benefits to be

paid to surviving spouses of veterans whose deaths are service connected.

It is projected that, during fiscal year 1992, DIC benefits will be paid to a total of 306,500 beneficiaries, including 257,105 surviving spouses and 27,000 dependent children, as well as an additional 8,000 payments directly to children alone. Monthly benefits under the current rate structure range from \$594 for the widow of an E-1, to \$1,633 for the widow of the Chairman of the Joint Chiefs of Staff. Of the 257,105 spouses, approximately 81 percent, or 208,013, will be paid monthly benefits ranging from the E-1 rate of \$594 to the E-9 rate of \$811. As of January 1, 1991, the average monthly benefit rate is the E-5 level of \$686.

Under the House-passed reform, with respect to deaths occurring on or after October 1, 1991, four payment rates would have been applied. The highest monthly rate would have been \$750; the lowest rate would have been \$600. Determinations regarding the payment rate would have been based on age at the time of the veteran's death rather than rank while on active duty. Four age ranges and payment levels would have been established—under 35, \$750; 35 to 49, \$700; 50 to 64, \$650, and 65 and over, \$600. As a result, the lower the veteran's age at time of death, the greater the benefit payable. Current benefit recipients would have been grandfathered at current levels, but beneficiaries would have been paid under the new rate structure if that would have resulted in a greater monthly benefit.

The death of a veteran at an earlier age has a greater economic impact—as to loss of future earnings capacity—on the lives of his or her survivors. In the case of a young man killed on active duty, the individual's entire career has been lost to his family. It is very unlikely that much, if any, of an estate would have been accumulated. Conversely, it is believed that, by the time an individual has reached retirement age, there is a much greater likelihood that an estate has been accumulated and that the loss in future earnings capacity has been diminished. Finally, other Federal benefits, including those available under Social Security, the Survivor Benefit Plan [SBP], the Federal Employees Retirement System [FERS], the Civil Service Retirement System [CSRS], as well as Government life insurance programs, are likely to be fully available to the surviving spouse. Therefore, a lower benefit rate was provided at the higher age level—65 and over.

In addition to restructuring the DIC rate schedule, the House provision would also have achieved a 3-year phased increase, from \$68 to \$100 in fiscal year 1992, \$150 in fiscal year 1993, and \$200 in fiscal year 1994, in additional amounts of DIC paid for children of veterans whose deaths are service

connected. This was consistent with the basic compensation scheme in that it recognized the greater need of the family of a veteran who has young children.

Let me now turn to the provision which contains an increase in the maximum coverage available under the Servicemen's Group Life Insurance [SGLI] Program and the Veterans' Group Life Insurance [VGLI] Program. The maximum coverage would be increased from \$50,000 to \$100,000, effective on the date of enactment. Just as under the current law, the \$100,000 coverage under SGLI would be automatic unless the servicemember elects to purchase a lesser amount of coverage. This coverage was last increased 5 years ago from \$35,000 to the current level.

As I previously indicated, coverage under the SGLI Program is automatic unless the servicemember declines to participate. Only a very few servicemembers choose not to purchase this coverage. In fact some 99.7 percent of all servicemembers participate and, of those, over 99 percent choose full coverage. The cost of SGLI coverage at \$50,000 is \$4 per month, or 8 cents per \$1,000. This is a very good deal. Coverage under the VGLI Program at similar rates is available for veterans in the form of a 5-year term policy which can be converted to commercial insurance after that time. Normally, the SGLI Program is self-supporting through the premiums collected and interest earned on such amounts, and only when there are excess mortalities than would be expected is there a cost to the Government. At 8 cents per \$1,000 of coverage, the maximum premium would be \$6 per month.

The House bill, H.R. 1175, contained no increase in SGLI coverage. The Senate amendment increased the maximum coverage to \$100,000, and that is what this bill includes. In negotiations between the Senate and House Armed Services and Veterans' Affairs Committees, we thought that a compromise increase of \$75,000 would be appropriate, given the \$15,000 increase we enacted in 1985. However, the authors of the Senate provision also drafted a confusing and unfair gratuity payment to the beneficiaries of those who died after August 2, 1990. This is a misguided approach to compensation, particularly as compared to the House DIC reform proposal.

The Senate provision will be unfair to some families of those who died during this period. The families of servicemembers who die in line of duty not related to Operation Desert Storm will not be eligible for the death gratuity. Should we tell the family of the young servicemember killed on the streets of Detroit recently that the circumstances of his death do not merit increased governmental benefits? In addition, because the provision is tied

to the level of SGLI coverage in effect at the time of the servicemember's death, some families will receive a \$50,000 gratuity, while other families may only receive \$10,000 or \$20,000. This is unfair; it is the wrong approach. Is one servicemember's death worth five times that of another? If a private or corporal has \$20,000 of insurance and he loses his life, his wife or family will get \$20,000 insurance plus another \$20,000 death gratuity, totaling \$40,000. On the other hand, if an officer has \$50,000 life insurance and he loses his life, his wife or family will get \$50,000 insurance and \$50,000 death gratuity, a total of \$100,000. We have no way of knowing how many might be affected but even a few would be too many. It is a bad precedent for the House and for the Committees on Veterans' Affairs of both the House and Senate.

Mr. Speaker, section 334 of the compromise would provide certain health care and readjustment benefits as well.

First, it would reduce from 180 days to 90 days the minimum active-duty service requirement in the case of veterans of the Persian Gulf war for eligibility for outpatient dental treatment for a condition deemed to have been incurred in service.

Other provisions would achieve "benefits equity" for these veterans. The bill would amend section 602 of title 38. Under that section, an active psychosis developed by any veteran of World War II, the Korean conflict, or the Vietnam era within 2 years after discharge is deemed to be a service-connected condition for the purposes of eligibility for VA health care if the psychosis was developed before July 26, 1949 in the case of a World War II veteran, before February 1, 1957 in the case of a veteran of the Korean conflict, or before May 8, 1977 in the case of a Vietnam era veteran. The compromise agreement would make this presumption applicable to a veteran of the Persian Gulf war who develops a psychosis within 2 years after the veteran's discharge and the end date of the Persian Gulf war.

The compromise agreement would also amend section 612(h) of title 38. Under that provision, veterans of the Mexican border period, World War I, World War II, the Korean conflict, or the Vietnam era who receive additional VA service-connected-disability compensation, or increased VA nonservice-connected-disability pension, by reason of being permanently housebound or in need of regular aid and attendance, are eligible to receive from VA such drugs as may be prescribed by any licensed physician for the treatment of any illnesses or injuries from which they may suffer. The bill would extend this eligibility to veterans of any period of war. In conjunction with the bill's amendment of the definition of "period of war," this provision would provide eligibility to Persian Gulf war veterans,

and veterans of subsequent war periods, who meet those requirements.

The compromise would also amend section 612A to expand eligibility for readjustment counseling and required followup mental health services to any veteran who served on active duty after May 7, 1975, in areas in which U.S. personnel were subjected to danger from armed conflict comparable to that occurring in battle with an enemy during a period of war—as determined by the Secretary of Veterans Affairs in consultation with the Secretary of Defense.

The VA has long provided readjustment counseling services to Vietnam era veterans—the only veterans heretofore eligible for this benefit—in vet centers. It is important to underscore, however, that VA may provide readjustment counseling in any of its facilities. In underscoring that latitude, it is also important to note that although this provision is intended to extend to Persian Gulf veterans, among others, the kind of counseling support made available to Vietnam era veterans, we do not envision that such services would necessarily be provided exclusively or even primarily in so-called vet centers. Vet centers were established to assist veterans of a war that did not enjoy the same popular support as the gulf war. Many Vietnam era veterans expressed hostility to the VA, and the establishment of a program operated out of storefront centers in the community was a response to the unique needs of a unique war experience.

We recognize that some veterans of this conflict may be at risk of suffering from a disorder which has troubled substantial numbers of Vietnam veterans—posttraumatic stress disorder [PTSD]. Section 335 of the bill, accordingly, would require the Secretary of Defense and the Secretary of Veterans Affairs each to submit to the Congress two reports addressing this concern. The reports are to provide: First, an assessment of the need for rehabilitative services for members of the Armed Forces who participated in the Persian Gulf conflict who experience PTSD; second, a description of the available programs and resources to meet those needs; third, the specific plans of each Secretary for treatment of PTSD, particularly with respect to any specific needs of members of Reserve components; fourth, an assessment of needs for additional resources in order to carry out such plans; and fifth, a description of plans to coordinate treatment services for PTSD with the other Department. The first reports would be due not later than 90 days after enactment of this measure, and the second, a year later.

Section 337 of the compromise would provide for an increase in the amount of benefits paid under the GI bill. Under the GI Bill Program for those

serving on active duty 3 years or longer, the benefit for full-time study would increase from the current level of \$300 per month to \$350 per month. Individuals serving on active duty for 2 years, who currently receive \$250 per month, would be paid \$275 per month. For those going to school under the program for members of the Selected Reserve, the monthly benefit would increase from \$140 to \$170.

Mr. Speaker, I am very pleased that section 337 is included in the package related to Desert Shield and Desert Storm. In interview after interview, the young men and women serving in the Persian Gulf cited the opportunity to earn education benefits—while serving their country—as their primary reason for enlisting in the Armed Forces.

These bright, motivated servicemembers served with distinction and honor during the Persian Gulf war. Much has been said about the success of the sophisticated technology and weaponry used during Desert Storm, but more must be said about the smart people needed to operate and maintain those smart weapons. The All Volunteer Force is made up of the men and women the Armed Forces need—the best and the brightest—and a principal reason these young people chose to enter the armed services was to earn education assistance.

Our military personnel have kept their commitment to us. They have done their job, and they have done it very, very well. We promised these men and women that, in exchange for honorable service in the All Volunteer Force, we would provide them the funds necessary to further their education. With the enactment of section 337 of the amended bill, we will be keeping that promise.

Although I regret the benefit increase could not be more, I am satisfied with the compromise. This is a modest first step, and I intend to do everything I can to ensure this increased benefit level is not only maintained but increased in the future. The costs of education rise steadily every year, and I know all of you share my concern that the GI bill provide sufficient assistance to enable our Nation's newest wartime veterans to obtain the best possible education. They have more than earned a benefit which will enable them to go to school, to further their education, and to achieve their dreams. Unfortunately, neither the current administration, nor the previous administration, has included an increase in GI bill benefits in its budget request since the program was enacted in 1984—this in spite of the soaring costs of education. Nonetheless, I am certain that, working together, we will continue to provide the men and women who serve in the Armed Forces a meaningful education benefit.

Section 338 of the compromise would require that membership on the Veterans' Advisory Committee on Education include a veteran of the Persian Gulf war. Currently, the advisory committee members include representatives of World War II, the Korean conflict era, the post-Korean conflict era, the Vietnam era, and the post-Vietnam era. Persian Gulf war representation will enhance the ability of the committee to advise the Secretary of Veterans Affairs on education-related matters of importance to our newest wartime veterans.

Section 339 would provide additional employment and reemployment rights for disabled members of the uniformed services. 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 servicemember'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. This provision would improve existing protections by requiring that a person be considered qualified for an employment position if that individual, with or without reasonable accommodation, can perform the essential functions of the position. Additionally, section 339 would require certain employers to make reasonable accommodations to the physical and mental limitations of an otherwise qualified disabled person.

Section 340, which further improves current employment and reemployment rights for service members, would require an employer to make reasonable efforts to requalify an individual to perform the duties of his or her previous position. For example, in the event that technological advances have been made in a certain field during the individual's absence from employment related to military service, it would be expected that an employer would make reasonable efforts to provide restraining which would provide the returning employee the skills necessary to perform his or her previously held job.

I am pleased that the compromise—section 341—would extend eligibility to the Department of Veterans Affairs Home Loan Guaranty Program to Persian Gulf war veterans whose total service is for 90 days or more.

The Home Loan Guaranty Program administered by the Department of Veterans Affairs [DVA] was established under the Servicemen's Readjustment Act of 1944—Public Law 78-349. As World War II drew to a close, Congress sought ways to ease the economic and sociological readjustment of returning service men and women to civilian life. The program was an innovative means of affording veterans favorable credit which would allow them to purchase a home. Many of these veterans, because

of their service in the Armed Forces, had missed an opportunity for establishing personal credit or for accumulating enough money for a substantial downpayment on a home. By substituting the guaranty of the United States, with little or no downpayment, these veterans were better able to enter the home buying market on a competitive level with their nonveteran counterparts.

Although the objectives of the legislation were designed to assist in the readjustment of returning veterans, rather than to influencing the economy as a whole, the Home Loan Guaranty Program was perceived as a means of stimulating the economy and averting to some degree the possibility of postwar depression.

Over the years, Congress has enacted many changes to the program to enhance its viability and to respond to developments in the economy and to changes in the needs of veterans. There is now no delimiting date for a veteran to make use of this benefit, and entitlement may be regained once the veteran has paid off the initial loan in full. The Department may presently guaranty a no-downpayment loan up to \$184,000.

Historically, wartime veterans were eligible for this benefit if they had served at least 90 days. With the advent of the All Volunteer Force during peacetime, eligibility requirements were changed to require completion of 24 months of continuous active duty or the full period—at least 181 days—for which the person was called or ordered to active duty.

The compromise does not change current law on the amount of time a person must have served on active duty to be considered a veteran; however, it does provide DVA guaranteed home loan eligibility for service in the Persian Gulf war after 90 days on a similar basis as other wartime veterans.

Mr. Speaker, there follows a detailed explanation of the compromise agreement, the House-passed bill and the Senate amendment:

#### PART C OF TITLE III—VETERANS BENEFITS AND PROGRAMS

The Committees on Veterans' Affairs of the Senate and the House of Representatives have prepared the following explanation of part C of title III of S. 725, which reflects a compromise agreement on H.R. 1175 as passed by the two bodies. Differences between the provisions contained in title III-C (hereinafter referred to as "Compromise agreement"), the related provisions in the House-passed version of H.R. 1175 (hereinafter referred to as the "House bill"), and the related provisions in the Senate amendment of H.R. 1175 (hereinafter referred to as the "Senate amendment") are noted in this document, except for clerical corrections, conforming changes made necessary by the compromise agreement, and minor drafting, technical, and clarifying changes.

#### DEFINITION OF PERIOD OF WAR

*Current law:* Section 101(11) of title 38, United States Code, defines the term "period

of war" as including the Spanish-American War, the Mexican border period, World War I, World War II, the Korean conflict, the Vietnam era, and the period beginning on the date of any future declaration of war by Congress and ending on the date prescribed by Presidential proclamation or concurrent resolution of Congress.

*House bill:* Section 301(a) would add to the definition of periods of war the "Persian Gulf War", the period beginning on August 2, 1990, and ending on the date thereafter prescribed by Presidential proclamation or by law.

*Senate amendment:* Section 362 is substantively identical to the House provision.

*Compromise agreement:* Section 332 contains this provision.

#### PENSION ELIGIBILITY

*Current law:* Section 501(4) of title 38 defines certain periods of war for purposes of eligibility for VA's need-based pension programs for non-service disabled, wartime veterans and the surviving spouses and dependent children of deceased wartime veterans. Under section 541(f) of title 38, for a surviving spouse to be eligible for a pension, he or she must have married the veteran by a specified date, i.e., not later than 10 years after the termination of the period of war in the cases of veterans of periods of war after World War I.

*House bill:* Section 301(b) would (1) add the "Persian Gulf War" to the definition of periods of war for pension eligibility purposes, and (2) provide for pension eligibility for a surviving spouse of a Persian Gulf War veteran if the spouse marries the veteran before January 1, 2001.

*Senate amendment:* Section 363 is substantively identical to the House provision, but would pension eligibility for a surviving spouse if the marriage occurred not later than 10 years after the termination of the Persian Gulf War.

*Compromise agreement:* Section 333 follows the House bill.

#### PERIOD OF SERVICES FOR DENTAL BENEFITS

*Current law:* Section 612(b)(1) of title 38 requires VA to furnish outpatient dental services for a dental condition or disability which is service-connected but not compensable in degree if (1) the condition or disability is shown to have been in existence at the time of the veteran's discharge from active-duty service, (2) the veteran had served on active duty for a period of not less than 180 days immediately prior to discharge or release, (3) the veteran applied for treatment within 90 days after discharge or release, and (4) the veteran was not provided, within the 90-day period immediately before the date of discharge or release, a complete dental examination and all appropriate dental services indicated by the examination as needed. Under section 612(b)(2), the Secretary of the service branch concerned is required to furnish each individual, at the time of discharge or release from active duty, written notice of this benefit and record the member's receipt of the notice.

*House bill:* Section 303(c) would reduce from 180 days to 90 days the minimum active-duty service requirement for eligibility for this benefit (as well as for the notice provision) for veterans of the Persian Gulf War.

*Senate amendment:* No provision.

*Compromise agreement:* Section 334(a) follows the House bill.

#### PRESUMPTION RELATING TO PSYCHOSIS

*Current law:* Under section 602 of title 38, an active psychosis developed by any veteran of World War II, the Korean conflict, or the Vietnam era within two years after dis-

charge is deemed to be a service-connected condition for the purposes of entitlement to VA health care if the psychosis was developed before July 26, 1949, in the case of a World War II veteran, before February 1, 1957, in the case of a veteran of the Korean conflict, or before May 8, 1977, in the case of a Vietnam-era veteran.

*House bill:* Section 303(d) would make this presumption applicable to a veteran of the Persian Gulf War who develops a psychosis within two years after the veteran's discharge and the end date of the Persian Gulf War.

*Senate amendment:* Section 364(a) of the Senate amendment is substantively identical to the House bill.

*Compromise agreement:* Section 334(b) contains this provision.

#### ELIGIBILITY FOR MEDICINES FOR VETERANS WHO ARE HOUSEBOUND OR IN NEED OF AID AND ATTENDANCE

*Current law:* Under section 612(h) of title 38, veterans of the Mexican border period, World War I, World War II, the Korean conflict, or the Vietnam era who receive additional VA service-connected disability compensation, or increased VA non-service-connected disability pension, by reason of being permanently housebound or in need of regular aid and attendance, are entitled to be furnished such drugs and medicines as may be prescribed for the treatment of any illnesses or injuries from which they may suffer. VA is also required to continue furnishing drugs and medicines to any such veteran whose pension payments have been discontinued solely because the veteran's annual income exceeds the applicable maximum for pension payments, if the veteran's annual income does not exceed that maximum by more than \$1,000.

*House bill:* Section 303(e) would extend this entitlement to drugs and medicines to veterans of any "period of war", rather than veterans of the periods specified in present section 612(h) of title 38 who meet the requirements of section 612(h). In conjunction with the amendment proposed to be made in the definition of "period of war" by section 301(a) of the bill, this provision would provide eligibility to Persian Gulf War veterans, and veterans of subsequent war periods, who meet those requirements.

*Senate bill:* Section 364(b) would add service during the Persian Gulf War to the war service periods on which eligibility under section 612(h) may be based.

*Compromise agreement:* Section 334(c) follows the House bill.

#### EXPANSION OF READJUSTMENT COUNSELING ELIGIBILITY

*Current law:* Section 612A of title 38 provides that, upon the request of any veteran who served on active duty during the Vietnam era, the Secretary of Veterans Affairs shall furnish counseling to assist the veteran in readjusting to civilian life. The counseling must include a mental and physical assessment. A veteran who is furnished readjustment counseling under this section is also entitled to receive follow-up mental-health services to complete treatment indicated by the assessment. Immediate family members are also eligible for consultation, professional counseling, training, and mental health services if such services are determined to be essential to the effective treatment and readjustment of the veteran. In addition, VA has authority to provide the counseling and related mental health services by contract.

Section 612B of title 38 authorizes the Secretary to establish a program to furnish VA

counseling to veterans who are former prisoners of war to assist such veterans in overcoming the psychological effects of detention or internment as a prisoner of war.

**House bill:** Section 303(b) would amend section 612B to authorize the Secretary to furnish counseling services in any VA facility to any veteran who (a) is a former prisoner of war or (b) served on active duty in a theater of combat (as defined by the Secretary of Defense) after August 2, 1990, to assist the veteran in overcoming any psychological problems of the veteran associated with such service.

**Senate amendment:** Section 364(c) would amend section 612A so as to expand entitlement and eligibility for readjustment counseling and other services under that section to include veterans who served on active duty after May 7, 1975, in areas in which United States personnel were subjected to danger from armed conflict comparable to that occurring in battle with an enemy during a period of war (as determined by the Secretary of Veterans Affairs in consultation with the Secretary of Defense).

**Compromise agreement:** Section 334(d) follows the Senate amendment.

REPORTS BY SECRETARY OF DEFENSE AND SECRETARY OF VETERANS AFFAIRS CONCERNING SERVICES TO TREAT POST-TRAUMATIC STRESS DISORDER

**House bill:** Section 303(g) would require the Secretary of Defense and the Secretary of Veterans Affairs each to submit to the Congress two reports providing (1) an assessment of the need for rehabilitative services for members of the Armed Forces who participated in the Persian Gulf conflict who experience PTSD; (2) a description of the available programs and resources to meet those needs; (3) the specific plans of each Secretary to provide treatment for PTSD, particularly with respect to any specific needs of members of reserve components; (4) an assessment of needs for additional resources in order to carry out such plans; and (5) a description of plans to coordinate treatment services for PTSD with the other Department. The first reports would be due not later than 90 days after enactment of this measure and the second, a year later.

**Senate amendment:** No provision.

**Compromise agreement:** Section 335 follows the House bill.

INCREASE IN SERVICEMEN'S GROUP LIFE INSURANCE AND VETERANS' GROUP LIFE INSURANCE MAXIMUMS

**Current law:** Subchapter III of chapter 19 of title 38 sets forth the Servicemen's Group Life Insurance (SGLI) and Veterans' Group Life Insurance (VGLI) programs. Under that subchapter, the Secretary of Veterans Affairs is authorized to purchase from commercial life insurance companies a policy or policies of group life insurance to insure against death any active-duty servicemember and certain members of the Ready Reserve and Retired Reserve. Eligible servicemembers and reservists are automatically covered in the amount of \$50,000 but may elect coverage of less than \$50,000 or to not participate in the program at all. Premium payments for SGLI are deducted each month from the basic pay of servicemembers and are calculated without regard to the extra hazards of active duty service. SGLI coverage is provided free of charge for 120 days following separation from active duty. After separation from active duty, veterans who participated in the SGLI program may participate in the Veterans' Group Life Insurance (VGLI) program.

VGLI provides five-year term group life insurance in amounts ranging from \$5,000 to \$50,000. A veteran may not obtain more insurance under VGLI than the veteran had under the SGLI program. At the end of the five-year term, the veteran has the right to obtain an individual life insurance policy at a standard rate from any company participating in the SGLI program.

**House bill:** No provision.

**Senate amendment:** Section 336 would increase from \$50,000 to \$100,000 the maximum amount of Servicemen's Group Life Insurance (SGLI) and Veterans' Group Life Insurance (VGLI) and provide that, effective on the date of enactment, the amount of SGLI be increased to the amount equal to twice the amount provided for on the day before enactment. The Secretary of Veterans Affairs, in consultation with the Secretaries of the service branches, would be required to take such action as is necessary to ensure that each person affected by the increase in SGLI is notified of the increased insurance coverage and is afforded the opportunity to make an election, within 120 days after the date of enactment, not to be insured in the increased amount.

**Compromise agreement (as developed by the House and Senate Veterans' Affairs Committees):** Section 336 follows the Senate amendment with an amendment to provide that the maximum amount of SGLI and VGLI would be increased from \$50,000 to \$100,000 and making the increase effective on date of enactment.

The Committees expect that the Secretary, in consultation with the Secretaries of the service branches, will take steps to ensure that each person affected by the increase is notified of the increased insurance coverage and is afforded the opportunity to make an election, within 120 days after the date of enactment, not to be insured in the increased amount.

[Note—The bill as it came before the Senate would increase the maximum to \$100,000] INCREASES IN MONTGOMERY GI BILL (MGIB) EDUCATIONAL ASSISTANCE PAYMENTS

Amounts of Benefit Payments Under the Chapter 30 Program for Active-Duty Servicemembers

**Current law:** Section 1415 of title 38 establishes the amounts of monthly educational assistance under the chapter 30 Montgomery GI Bill (MGIB) program for active-duty servicemembers as follows: (1) \$300 for full-time study for those serving on active duty for three years or more, (2) \$250 for full-time study for those serving two years on active duty, and (3) in both cases, appropriately reduced rates determined by VA for part-time study.

**House bill:** Section 304(a) would increase the monthly chapter 30 payments for full-time study to (1) \$400 for those serving on active duty for three years or more and (2) \$300 for those serving two years on active duty.

**Senate amendment:** Section 366(a) would increase the monthly chapter 30 payments for full-time study to (1) \$310 for those serving on active duty for three years or more and (2) \$259 for those serving two years on active duty.

**Compromise agreement:** Section 337(a) would increase, in fiscal years 1992 and 1993, the monthly chapter 30 payments for full-time study to (1) \$350 for those serving on active duty for three years or more, and (2) \$275 for those serving two years on active duty. After fiscal year 1993, the Secretary of Veterans Affairs would have authority to continue the increased rates and to increase the rates to reflect increases in the cost of living.

Amounts of Benefit Payments Under the Chapter 106 Program for Reservists

**Current law:** Section 2131 of title 10 establishes the amounts of monthly educational assistance under the chapter 106 MGIB program for individuals serving at least 6 years in the Selected Reserve as follows: (1) \$410 for full-time study, (2) \$105 for three-quarter-time study, and (3) \$70 for half-time study.

**House bill:** Section 304(b) would increase the amount of monthly chapter 106 payments to (1) \$200 for full-time study, (2) \$150 for three-quarter-time study, and (3) \$100 for half-time study.

**Senate amendment:** Section 366(b) would increase the amount of monthly chapter 106 payments, but only for reservists who are ordered to active duty during the Persian Gulf War, to (1) \$145 for full-time study, (2) \$108.75 for three-quarter-time study, and (3) \$72.50 for half-time study.

**Compromise agreement:** Section 337(b) would increase, in fiscal years 1992 and 1993, the amount of monthly chapter 106 payments to (1) \$170 for full-time study, (2) \$128 for three-quarter-time study, and (3) \$85 for half-time study. After fiscal year 1993, the Secretary of Defense would have authority to continue the increased rates and to increase the rates to reflect increases in the cost of living.

Effective Date

**House bill:** Section 304(c) would make the increases in MGIB benefits effective October 1, 1991.

**Senate amendment:** Section 366 (a)(2) and (b)(2) would make the increases effective October 1, 1991.

**Compromise agreement:** Section 337 would make the increases effective October 1, 1991.

Availability of Appropriations

**House bill:** No provision.

**Senate amendment:** Section 366(b)(3) would ratably adjust the MGIB increases proposed in section 366 of the Senate amendment (discussed above) so that the appropriations necessary for fiscal years 1991 through 1995 do not exceed \$500 million less the total of the amounts appropriated for fiscal years 1991 through 1995 for the military personnel and veterans programs and benefits that would be authorized by the title III of the Senate amendment other than those for increases in MGIB payments.

**Compromise agreement:** Section 337 would make the MGIB increases in fiscal years 1992 and 1993 subject to the enactment of appropriations out of the Defense Cooperation Account.

MEMBERSHIP ON EDUCATIONAL BENEFITS ADVISORY COMMITTEE

**Current law:** Section 1792 of title 38 requires membership on the Veterans' Advisory Committee on Education (VACE) to include veterans representative of World War II, the Korean-conflict era, the post-Korean-conflict era, the Vietnam era, and the post-Vietnam era.

**House bill:** No provision.

**Senate amendment:** Section 370 would add veterans of the Persian Gulf War to those who must be represented in the membership of the VACE.

**Compromise agreement:** Section 338 follows the Senate amendment.

VETERANS' REEMPLOYMENT RIGHTS Reasonable Accommodations for Disabled Veterans

**Current law:** Section 2021 of title 38 provides that, in the case of a person who is eligible for reemployment rights under chapter 43 of title 38, who has applied for reemployment under the provisions of that chapter,

and who is no longer qualified to perform the duties of his or her previous position by reason of a disability sustained during reserve training or active-duty service, he or she shall be offered any other position in the employ of the employer for which he or she is qualified and which will provide like seniority, status, and pay, or the nearest approximation, of the previous position.

*House bill:* No provision.

*Senate amendment:* Section 373 would require an employer to make reasonable accommodations to qualify an individual to perform the duties of his or her previous position. For the purposes of this provision, the term "reasonable accommodation" would have the meaning provided in section 101(9) of the Americans with Disabilities Act of 1990 (42 U.S.C. 12111(9)).

*Compromise agreement:* Section 339 follows the Senate amendment with amendments which would (1) clarify that an employer would not be required to make accommodations if the employer can demonstrate that the accommodation would impose an undue hardship on the operation of the employer's business, and (2) would exclude certain small employers from this requirement. Until July 26, 1994, the requirement would apply to employers who have 25 or more employees for each working day in each of 20 or more calendar weeks in the current or preceding year. After that date, the requirement would apply to those who have 15 or more employees for each working day in each of 20 or more calendar weeks in the current or preceding calendar year.

#### Retraining of Former Employees

*Current law:* Section 2021 of title 38 (in conjunction with section 2024) generally requires an employer to restore to employment a person who leaves employment for active-duty service, active duty for training, or inactive-duty training, and who applies for reemployment within a prescribed period after release from service if that person is still qualified to perform the duties of the position.

*House bill:* No provision.

*Senate amendment:* Section 372 would require that an employer make reasonable efforts to requalify the individual to perform the duties of his or her previous position.

*Compromise agreement:* Section 340 follows the Senate amendment.

#### ENTITLEMENT FOR VA-GUARANTEED LOANS

*Current law:* Under section 1802(a) of title 38, basic entitlement for VA home-loan benefits is authorized for (a) veterans who served on active duty at any time during World War II, the Korean conflict, or the Vietnam era and whose total service was for 90 days or more, and (b) veterans of only peacetime service who served at least 181 days on active duty. Generally with respect to those who enter active-duty service after September 7, 1980, section 3103A of title 38 imposes a minimum-service requirement under which title 38 benefits are available only to those who serve at least two years on active duty, or the full period for which they were ordered to active duty, or who were discharged early by reason of hardship or service-connected disability or in certain other circumstances.

*House bill:* Section 308 would extend eligibility for home-loan benefits to Persian Gulf War veterans whose total service is for 90 days or more.

*Senate amendment:* Section 371 would extend home-loan eligibility to Persian Gulf War veterans whose total service is for 90 days or more and who also meet the minimum-service requirements of section 3103A of title 38 (primarily reservists whose period of activation is between 89 and 180 days).

*Compromise agreement:* Section 341 follows the Senate amendment.

#### BURIAL AND FUNERAL EXPENSES

*Current law:* Section 902 of title 38 authorizes VA to pay up to \$300 for the funeral and burial expenses of (1) veterans who were receiving compensation for pension when they died, and (2) veterans who had wartime service or were discharged for injuries incurred in the line of duty if there is no next of kin claiming the body and there are insufficient resources to cover the burial and funeral expenses. Pursuant to section 904 of title 38, a claim for such expenses must be filed within a two-year period following the death of a veteran.

*House bill:* No provision.

*Senate amendment:* Section 365 would amend section 904 of title 38 to provide that applications for burial and funeral expenses for Persian Gulf War veterans who died prior to the date of enactment of this measure could be filed within the two-year period following the date of enactment.

*Compromise agreement:* No provision.

#### ELIGIBILITY REQUIREMENTS FOR MGIB BENEFITS FOR MEMBERS OF THE SELECTED RESERVE

*Current law:* Section 2132(a) of title 10 provides eligibility for chapter 106 educational assistance benefits to those (1) who enlist, reenlist, or extend an enlistment in the Selected Reserves for at least six years; and (2) who, before completing initial active duty for training, have completed the requirements of a secondary school diploma.

*House bill:* Section 305(a) would extend chapter 106 eligibility to members of the Selected Reserve, without regard to the length of their enlistments, if they were called or ordered to active duty in connection with the Persian Gulf War and released from active duty upon completion of the period of service required by their call or order to active duty.

*Senate amendment:* No provision.

*Compromise agreement:* No provision.

#### RESTORATION OF MGIB ENTITLEMENT

##### Chapter 30 Program for Active-Duty Servicemembers

*Current law:* Under section 1413 of title 38, active-duty MGIB participants who complete the basic service requirements are entitled to 36 months of full-time educational assistance (or the equivalent in part-time assistance). Section 1795 limits to 48 months the aggregate period for which any person may receive assistance under two or more VA-administered programs.

*House bill:* Section 306(a) would provide that, in the case of a reservist or servicemember who, as a result of having to discontinue the pursuit of a course because of orders issued in connection with the Persian Gulf War, failed to receive credit or training time toward completion of an approved educational, professional, or vocational objective, the payment of chapter 30 benefits for the interrupted semester or other term would not be charged against the entitlement of the individual or counted toward the aggregate period for which the individual may receive assistance.

*Senate amendment:* Section 369(a) is substantively identical to the House provision.

*Compromise agreement:* No provision.

##### Chapter 32 Educational Assistance Program

*Current law:* Section 1631 of title 38 provides that individuals who are eligible for the Post-Vietnam Era Veterans' Educational Assistance Program (VEAP) under chapter 32 are entitled to 36 months of full-time educational assistance (or the equivalent in

part-time assistance). Section 1795 limits to 48 months the aggregate period for which any person may receive assistance under two or more VA-administered programs.

Section 1622 provides that funds contributed by a participant or the Secretary of Defense to this educational benefits program with respect to the participant are to be deposited into a fund referred to as the Post-Vietnam Era Veterans Education Account (VEAP Account).

*House bill:* Section 306(b) would provide, in the case of a reservist or servicemember who, as a result of having to discontinue the pursuit of a course because of orders issued in connection with the Persian Gulf War, failed to receive credit or training time toward completion of an approved educational, professional, or vocational objective, that (1) the payment of VEAP benefits for the interrupted semester or other term would not be charged against the entitlement of the individual or counted toward the aggregate period for which the individual may receive assistance; and (2) the amount in the VEAP Account for that individual would be restored to the amount that would have been in the fund for him or her if the payment had not been made.

*Senate amendment:* Section 369(b) is substantively identical to the House provision.

*Compromise agreement:* No provision.

##### Chapter 35 Educational Assistance Program

*Current law:* Section 1711 of title 38 provides that individuals who are eligible for the Survivors' and Dependents' Educational Assistance Program under chapter 35 are entitled to 45 months of full-time educational assistance (or the equivalent in part-time assistance). Section 1795 limits to 48 months the aggregate period for which any person may receive assistance under two or more VA-administered programs.

*House bill:* Section 306(c) would provide that, in the case of a reservist who, as a result of having to discontinue the pursuit of a course because of being called to active duty in connection with the Persian Gulf War, failed to receive credit or training time toward completion of an approved educational, professional, or vocational objective, the payment of chapter 35 benefits for the interrupted semester or other term would not be charged against the entitlement of the individual or counted toward the aggregate period for which the individual may receive assistance.

*Senate amendment:* Section 369(c) is substantively identical to the House provision.

*Compromise agreement:* No provision.

##### Chapter 106 Program for Reservists

*Current law:* Section 2131 of title 10 (a) provides that individuals who are eligible for the chapter 106 MGIB program for members of the Selected Reserve are entitled to 36 months of full-time educational assistance (or the equivalent in part-time assistance), and (b) by reference to section 1795 of title 38, limits to 48 months the aggregate period for which any person may receive assistance under two or more VA-administered programs.

*House bill:* Section 306(d) would provide that, in the case of a reservist who, as a result of having to discontinue the pursuit of a course because of being called to active duty in connection with the Persian Gulf War, failed to receive credit or training time toward completion of an approved educational, professional, or vocational objective, the payment of chapter 106 benefits for the interrupted semester or other term would not be charged against the entitlement of the indi-

vidual or counted toward the aggregate period for which the individual may receive of assistance.

*Senate amendment:* Section 369(d) is substantively identical to the House provision.

*Compromise agreement:* No provision.

**IMPROVED EDUCATIONAL ASSISTANCE FOR MEMBERS OF THE SELECTED RESERVE WHO SERVE ON ACTIVE DUTY DURING THE PERSIAN GULF WAR**

*Current law:* Section 2131 of title 10 establishes the amounts of monthly educational assistance under the chapter 106 MGIB program as follows: (1) \$140 for full-time study, (2) \$105 for three-quarter-time study, and (3) \$70 for half-time study.

*House bill:* As discussed above under the heading "Increases in Montgomery GI Bill (MGIB) Educational Assistance Payments—Amounts of Benefit Payments Under the Chapter 106 Program for Reservists", section 304(b) would increase the amount of monthly chapter 106 payments to (1) \$200 for full-time study, (2) \$150 for three-quarter-time study, and (3) \$100 for half-time study. This provision would apply to all reservists training under the chapter 106 program.

*Senate amendment:* Section 367 would provide for payment to each member of the Selected Reserve who serves on active duty during the Persian Gulf War and who is entitled to chapter 106 benefits. A monthly educational assistance allowance in the amount of (1) \$270 for each month of active-duty service for full-time study, (2) \$202.50 for each month of service for three-quarter-time study, (3) and \$135 for each month of service for half-time study.

*Compromise agreement:* No provision.

**EXTENSION OF DELIMITING DATE FOR EDUCATIONAL ASSISTANCE ENTITLEMENT**

*Current law:* Section 2133 of title 10 provides that an individual's entitlement to the chapter 106 program of educational assistance for members of the Selected Reserve expires (1) at the end of the 10-year period beginning on the date of entitlement, or (2) on the date the person is separated from the Selected Reserve, whichever occurs first.

*House bill:* Section 307 would provide that any period of active duty served by a reservist in connection with the Persian Gulf War would not be considered as either a part of the 10-year eligibility period or a separation from the Selected Reserve for eligibility purposes.

*Senate amendment:* Section 368 is substantively identical to the House provision.

*Compromise agreement:* No provision.

**REEMPLOYMENT OF RETIREES**

*Current law:* Section 108 of the Federal Employees Pay Comparability Act of 1990 (Public Law 101-509) amended sections 8344 and 8468 of title 5, United States Code, so as to permit the Director of the Office of Personnel Management, at the request of the head of an Executive branch agency, to waive the provisions of sections 8344 and 8468 of title 5, pertaining to the reduction of retirement annuities for reemployed retirees, on a case-by-case basis in emergency situations involving a direct threat to life or property or other unusual circumstances.

*House bill:* No provision.

*Senate bill:* Section 374 would (a) permit the Secretary of Veterans Affairs to waive the requirements in sections 8344 and 8468 of title 5 of reductions in annuity payments to reemployed retirees in cases in which the Secretary determines that the granting of waivers is necessary to recruit sufficient health-care specialists (1) to replace VA health-care specialists who have been ordered to active

duty during the Persian Gulf War, or (2) to enable VA to respond to the health-care needs of military personnel (pursuant to section 5011A of title 38) during the Persian Gulf War; (b) permit any such waiver to extend for the duration of the Persian Gulf War and a period of not more than two years after the termination of the war; and (c) provide that any such waiver would take effect upon receipt by the Director of the Office of Personnel Management of a written notice from the Secretary. For the purposes of this provision the term "health-care specialist" is defined as including a physician, dentist, podiatrist, optometrist, nurse, physician assistant, expanded-function dental auxiliary, medical technician, or other medical support personnel.

*Compromise agreement:* No provision.

Paragraph (to follow).

**DEPENDENCY AND INDEMNITY COMPENSATION**

*Current law:* Under chapter 13 of title 38, dependency and indemnity compensation (DIC) is paid to the surviving spouse and children of a veteran who dies of service-connected causes. The rate of DIC, set forth in section 411 of title 38, is based on the deceased veteran's rank when the veteran was in the military.

*House bill:* Section 302 would (1) revise the basis on which DIC is paid so as to base the rates on the age of the veteran at the time of the veteran's death, with the amount paid decreasing with the veteran's age, and (2) in three increments, on October 1 of 1992, 1993, and 1994, increase from \$68 to \$200 the amount paid to a surviving spouse for each dependent child.

*Senate amendment:* No provision.

*Compromise agreement:* No provision.

**DIRECT LOAN BENEFITS**

*Current law:* Under section 1811 of title 38, the Secretary of Veterans Affairs is authorized to make direct loans to veterans living in areas where housing credit is not generally available to veterans for financing home loans which may be guaranteed under VA's home-loan guaranty program.

*House bill:* Section 309 of H.R. 1175 would authorize the Secretary to make direct loans under section 1811 to certain reservists who have been unable to obtain home loans from private lenders at an interest rate not in excess of the rate authorized for VA-guaranteed loans. Eligible reservists would include those who are creditworthy and either (1) are denied credit because of the possibility of their being activated in connection with a war or action potentially involving the use of military force, or (2) were activated in connection with a war or such an action and served at least 90 days on active duty.

*Senate amendment:* No provision.

*Compromise agreement:* No provision.

**TECHNICAL AMENDMENT RELATING TO CARE IN TIME OF WAR OR NATIONAL EMERGENCY INVOLVING ARMED CONFLICT**

*Current law:* Section 5011A(b)(2)(A) of title 38 contains an outdated reference to section 612(f) and (g) relating to eligibility for outpatient care during and immediately following a period of war, or a period of national emergency declared by the President or the Congress that involves the use of the Armed Forces in armed conflict.

*House bill:* No provision.

*Senate amendment:* Section 375 would replace the outdated reference in section 5011A(b)(2)(A) to section 612(f) and (g) with a reference to the correct provision, section 612(a).

*Compromise agreement:* No provision.

**AUTHORITY TO CONTRACT FOR INPATIENT CARE UNAVAILABLE AT VA FACILITIES BECAUSE OF EMERGENCY CARE REQUIREMENT**

*Current law:* During a period in which the Secretary of Veterans Affairs is furnishing medical care and services to members of the Armed Forces to meet emergency requirements, section 5011A(b)(2)(B) of title 38 authorizes the Secretary to contract with private facilities for the provision of hospital care for a veteran who is receiving VA hospital care, or is eligible for VA hospital care and requires care in a medical emergency posing a serious threat to the veteran's life and health, if VA facilities are not capable of furnishing the care the veteran requires because they are furnishing care to members of the Armed Forces.

*House bill:* Section 303(a) would authorize the Secretary to contract with private facilities for hospital care for all veterans entitled to hospital care under section 610(a)(1) of title 38 (known as "Category A" veterans).

*Senate amendment:* No provision.

*Compromise agreement:* No provision.

**BUDGET TREATMENT**

*Current law:* Section 252(e) of the Balanced Budget and Emergency Deficit Control Act of 1985 (BBEDCA) provides a mechanism for the Congress and the President to designate certain direct spending as "emergency requirements" not subject to the "pay-as-you-go" restrictions contained in section 252. Section 251(b)(2)(D)(i) provides a similar mechanism for exempting discretionary spending for "emergency requirements" from the discretionary-spending caps enacted in the Omnibus Budget Reconciliation Act of 1990 (OBRA). Under OBRA, if direct spending is not designated as being for "emergency requirements," the costs must be offset by an equal reduction in direct spending or increase in receipts. OBRA requires total discretionary spending in three categories to fall within spending limits (caps) specified in OBRA. Legislation violating either rule would trigger a sequestration.

Section 251(b)(2)(D)(ii) of BBEDCA exempts the "incremental costs" of Operation Desert Shield from the military discretionary-spending cap in OBRA.

*House bill:* Section 503 would (1) make Congressional designations of costs in titles II (Military Personnel and Compensation Matters) and III (Veterans' Benefits and Programs) as "emergency requirements", exempting the direct spending for these provisions from the pay-as-you-go rule and exempting the discretionary spending in these titles from the caps in OBRA; (2) provide that titles II (except sections 211 and 212) and III would not take effect unless the President (in a single designation) designates each direct-spending provision as an "emergency requirement" for purposes of section 252(e) of the BBEDCA and each appropriation that is not direct spending or an incremental cost associated with Operation Desert Storm as an "emergency requirement" for purposes of section 251(b)(2)(D)(i) of the BBEDCA; and (3) prohibit expenditures during FY 1991 or 1992 for the provisions of title II from any source other than the Defense Cooperation Account or the Persian Gulf Working Capital Account pursuant to an appropriations Act.

*Senate amendment:* No provision.

*Conference agreement:* Part G (Budget Treatment) contains three sections.

Section 391 would authorize appropriations of \$655,000,000 from the Defense Cooperation Account (DCA) for payment of (1) the Montgomery GI Bill (MGIB) rate increases for FYs 1992 and 1993, and (2) title III benefits (other than MGIB rate increases) for FYs

1991-1995. Funds from the DCA would not be available for the costs of section 334 (Health Benefits). Section 391 also would (1) authorize appropriations from the funds in the DCA on October 1, 1992 (other than funds already appropriated pursuant to the authorizations in other provisions of the Conference agreement) for the costs of title III benefits, other than MGIB rate increases and costs of section 334, accruing after FY 1995, and (2) declare as "incremental costs associated with Operation Desert Storm" (A) the costs of title III benefits (other than MGIB rate increases and costs of section 334) for FYs 1991-1995, and (B) the costs of the MGIB rate increases for FYs 1992 and 1993.

Section 392 would (1) make the benefits in title III (other than the MGIB rate increases and section 334) contingent on appropriations from the DCA during FYs 1991-1995, and (2) make the MGIB rate increases in FYs 1992 and 1993 contingent on an appropriations Act either appropriating funds for the rate increases or providing for payment of the rate increases from the DCA for transfer to applicable appropriations.

Section 393(a) defines "MGIB rate increases" as the increases specified by section 337 in the monthly rates of educational assistance benefits in effect on the day before the date of enactment of the conference agreement under chapter 106 of title 10, and chapter 30 of title 38, United States Code.

Section 393(b) sets forth rules of construction for sections 391 and 392.

Mr. Speaker, I think overall this is a fair package. It is an appreciation package for those veterans who served in the Persian Gulf for the great job that they did and I urge my colleagues to support the bill.

Mrs. BYRON. Mr. Speaker, the bill before you today is a compromise between the House and Senate that incorporates many of the most important features of the House-passed bill. This legislation is a comprehensive package of benefits to assist the outstanding young men and women who have so successfully defended freedom halfway around the globe. To name only a few items, his legislation:

Increases imminent danger pay for \$110 to \$150 per month;

Increases the family separation allowance from \$60 to \$75 per month;

Corrects an inequity in current housing allowances to pay basic allowance for quarters to enlisted reservists called to active duty for the Persian Gulf war;

Ensures the payment of special pays physicians, dentists, nurses, and other health care providers who are reservists activated for Operation Desert Storm or who were involuntarily retained on active duty because of wartime requirements;

Provides a health care benefits safety net for reservists and involuntarily retained active duty personnel by providing 30 days of continuing coverage in the DOD medical care system following separation;

Increases death benefits for the families of those who made the ultimate sacrifice; and

Provides for payment of certification pays to health care providers and others unable to complete testing requirements before of deployment to the gulf.

We have attempted to tailor this package as closely as possible to personnel serving in the Persian Gulf conflict and have authorized pay-

ment out of the defense cooperation account—which is made up of the contributions by our allies to the cost of the war.

Having just returned from the gulf very early Wednesday morning, I can tell you—first-hand—how proud our servicemen and women are of themselves and the incredible job they have done. Those of us in the manpower business have been stressing for some time the top quality young people serving in the Nation's Armed Forces. When put to the test in Operation Desert Storm, they passed with flying colors.

The legislation before you today is a package of benefits targeted specifically to their needs and the needs of their families. Its cost is modest and I urge my colleagues' strong support.

Mr. DICKINSON. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. ASPIN. Mr. Speaker, I have no further requests for time, and I move the balance of my time, and I move the previous question.

The previous question was ordered.

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

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

The SPEAKER pro tempore. The question is on the passage of the Senate bill.

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

Mr. WALKER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 396, nays 4, not voting 31, as follows:

[Roll No. 58]

YEAS—396

|              |               |              |               |               |                |
|--------------|---------------|--------------|---------------|---------------|----------------|
| Abercrombie  | Billirakis    | Clinger      | Dixon         | Kennedy       | Pickett        |
| Alexander    | Bliley        | Coble        | Donnelly      | Kennedy       | Pickle         |
| Allard       | Boehlert      | Coleman (MO) | Dooley        | Kildee        | Porter         |
| Anderson     | Boehner       | Coleman (TX) | Doolittle     | Klecicka      | Poshard        |
| Andrews (ME) | Bonior        | Collins (IL) | Dorgan (ND)   | Klug          | Price          |
| Andrews (NJ) | Borski        | Collins (MI) | Dornan (CA)   | Kolbe         | Pursell        |
| Andrews (TX) | Boucher       | Combest      | Downey        | Kolter        | Quillen        |
| Annuzio      | Boxer         | Condit       | Dreier        | Kopetski      | Rahall         |
| Anthony      | Brewster      | Conyers      | Duncan        | Kostmayer     | Ramstad        |
| Applegate    | Brooks        | Cooper       | Durbin        | Kyl           | Rangel         |
| Archer       | Broomfield    | Costello     | Dwyer         | Lagomarsino   | Ravenel        |
| Armey        | Browder       | Coughlin     | Early         | Lancaster     | Ray            |
| Aspin        | Brown         | Cox (CA)     | Eckart        | Lantos        | Reed           |
| Atkins       | Bruce         | Cox (IL)     | Edwards (CA)  | LaRocco       | Regula         |
| AuCoin       | Bryant        | Coyne        | Edwards (OK)  | Laughlin      | Rhodes         |
| Bacchus      | Bunning       | Cramer       | Edwards (TX)  | Leach         | Richardson     |
| Baker        | Burton        | Crane        | Emerson       | Lehman (CA)   | Ridge          |
| Ballenger    | Byron         | Cunningham   | Engel         | Lehman (FL)   | Riggs          |
| Barnard      | Callahan      | Dannemeyer   | English       | Lent          | Rinaldo        |
| Barrett      | Camp          | Darden       | Erdreich      | Levin (MI)    | Ritter         |
| Barton       | Campbell (CA) | Davis        | Espy          | Lewis (CA)    | Roberts        |
| Bateman      | Campbell (CO) | DeFazio      | Evans         | Lewis (GA)    | Roe            |
| Bateman      | Cardin        | DeLauro      | Fascell       | Lightfoot     | Roemer         |
| Bellenson    | Carper        | DeLay        | Fawell        | Lipinski      | Rogers         |
| Bennett      | Chandler      | Derrick      | Fazio         | Livingston    | Rohrabacher    |
| Bentley      | Chapman       | Dickinson    | Feighan       | Long          | Ros-Lehtinen   |
| Bereuter     | Clay          | Dicks        | Fields        | Lowery (CA)   | Rose           |
| Berman       | Clement       | Dingell      | Fish          | Lowey (NY)    | Rostenkowski   |
| Bevill       |               |              | Foglietta     | Luken         | Roth           |
|              |               |              | Ford (MI)     | Machtley      | Roukema        |
|              |               |              | Ford (TN)     | Markey        | Rowland        |
|              |               |              | Franks (CT)   | Marlenee      | Roybal         |
|              |               |              | Frost         | Martin        | Russo          |
|              |               |              | Gallely       | Martinez      | Sabo           |
|              |               |              | Gallo         | Matsui        | Sanders        |
|              |               |              | Gaydos        | Mavroules     | Sangmeister    |
|              |               |              | Geldenson     | Mazzoli       | Santorum       |
|              |               |              | Gephardt      | McCandless    | Sarpallus      |
|              |               |              | Geren         | McCloskey     | Sawyer         |
|              |               |              | Gibbons       | McCollum      | Saxton         |
|              |               |              | Gilchrist     | McCrery       | Scheuer        |
|              |               |              | Gillmor       | McCurdy       | Schiff         |
|              |               |              | Gilman        | McDade        | Schroeder      |
|              |               |              | Gingrich      | McDermott     | Schulze        |
|              |               |              | Glickman      | McEwen        | Schumer        |
|              |               |              | Goodling      | McGrath       | Sensenbrenner  |
|              |               |              | Gordon        | McHugh        | Serrano        |
|              |               |              | Goss          | McMillan (NC) | Sharp          |
|              |               |              | Gradison      | McMillen (MD) | Shaw           |
|              |               |              | Grandy        | McNulty       | Shays          |
|              |               |              | Gray          | Meyers        | Shuster        |
|              |               |              | Green         | Mfume         | Sikorski       |
|              |               |              | Guarini       | Michel        | Siskis         |
|              |               |              | Gunderson     | Miller (CA)   | Skaggs         |
|              |               |              | Hall (OH)     | Miller (WA)   | Skeen          |
|              |               |              | Hall (TX)     | Mineta        | Skelton        |
|              |               |              | Hamilton      | Mink          | Slattery       |
|              |               |              | Hammerschmidt | Moakley       | Slaughter (VA) |
|              |               |              | Hancock       | Molinar       | Smith (FL)     |
|              |               |              | Hansen        | Mollohan      | Smith (IA)     |
|              |               |              | Harris        | Montgomery    | Smith (OR)     |
|              |               |              | Hastert       | Moody         | Smith (TX)     |
|              |               |              | Hatcher       | Moorhead      | Snowe          |
|              |               |              | Hayes (IL)    | Moran         | Solarz         |
|              |               |              | Hayes (LA)    | Morella       | Solomon        |
|              |               |              | Hefley        | Morrison      | Spence         |
|              |               |              | Hefner        | Mrazek        | Spratt         |
|              |               |              | Henry         | Murtha        | Staggers       |
|              |               |              | Herger        | Myers         | Stark          |
|              |               |              | Hertel        | Nagle         | Stearns        |
|              |               |              | Hoagland      | Natcher       | Stokes         |
|              |               |              | Hobson        | Neal (NC)     | Studds         |
|              |               |              | Hochbrueckner | Nichols       | Stump          |
|              |               |              | Holloway      | Nowak         | Sundquist      |
|              |               |              | Hopkins       | Oberstar      | Swett          |
|              |               |              | Horn          | Obey          | Swift          |
|              |               |              | Horton        | Olin          | Synar          |
|              |               |              | Houghton      | Ortiz         | Tallon         |
|              |               |              | Hoyer         | Orton         | Tauzin         |
|              |               |              | Hubbard       | Owens (UT)    | Taylor (MS)    |
|              |               |              | Huckaby       | Oxley         | Taylor (NC)    |
|              |               |              | Hunter        | Packard       | Thomas (CA)    |
|              |               |              | Hutto         | Pallone       | Thomas (GA)    |
|              |               |              | Inhofe        | Panetta       | Thomas (WY)    |
|              |               |              | Ireland       | Parker        | Thornton       |
|              |               |              | James         | Patterson     | Torres         |
|              |               |              | Jefferson     | Paxon         | Torrice        |
|              |               |              | Jenkins       | Payne (NJ)    | Towns          |
|              |               |              | Johnson (CT)  | Payne (VA)    | Trafficant     |
|              |               |              | Johnson (SD)  | Pease         | Traxler        |
|              |               |              | Johnston      | Pelosi        | Unsold         |
|              |               |              | Jones (GA)    | Penny         | Upton          |
|              |               |              | Jones (NC)    | Perkins       | Valentine      |
|              |               |              | Jontz         | Peterson (FL) | Vander Jagt    |
|              |               |              | Kanjorski     | Peterson (MN) | Vento          |
|              |               |              | Kasich        | Petri         | Visclosky      |

|            |          |            |
|------------|----------|------------|
| Vucanovich | Weldon   | Wyden      |
| Walker     | Wheat    | Wyllie     |
| Walsh      | Whitten  | Yates      |
| Washington | Williams | Yatron     |
| Waters     | Wilson   | Young (AK) |
| Waxman     | Wise     | Young (FL) |
| Weber      | Wolf     | Zeliff     |
| Weiss      | Wolpe    | Zimmer     |

**NAYS—4**

|          |            |
|----------|------------|
| Gonzalez | Owens (NY) |
| Nussle   | Savage     |

**NOT VOTING—31**

|             |             |                |
|-------------|-------------|----------------|
| Ackerman    | Hyde        | Oakar          |
| Bilbray     | Jacobs      | Schaefer       |
| Bustamante  | Kaptur      | Slaughter (NY) |
| Carr        | LaFalce     | Smith (NJ)     |
| de la Garza | Levine (CA) | Stallings      |
| Dellums     | Lewis (FL)  | Stenholm       |
| Dymally     | Lloyd       | Tanner         |
| Flake       | Manton      | Udall          |
| Frank (MA)  | Miller (OH) | Volkmer        |
| Gekas       | Murphy      |                |
| Hughes      | Neal (MA)   |                |

□ 1627

Mr. QUILLEN changed his vote from "nay" to "yea."

So the Senate bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

**GENERAL LEAVE**

Mrs. BYRON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the Senate bill just passed.

The SPEAKER pro tempore (Mr. GRAY). Is there objection to the request of the gentlewoman from Maryland?

There was no objection.

**PERSONAL EXPLANATION**

Ms. OAKAR. Mr. Speaker, inadvertently I missed the vote on S. 725. Had I been here, I certainly would have voted yes.

**PERSONAL EXPLANATION**

Ms. KAPTUR. Mr. Speaker, on roll-call 58 on S. 725, the Persian Gulf Conflict Supplemental Authorization and Personal Benefits Act of 1991, I would like the RECORD to show my vote would have been aye. I was on the floor at the time with my card, but the machine did not register my vote.

**APPOINTMENT OF CONFEREES ON H.R. 1281—DIRE EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR CONSEQUENCES OF OPERATION DESERT SHIELD/DESERT STORM; FOOD STAMPS, UNEMPLOYMENT COMPENSATION ADMINISTRATION, VETERANS COMPENSATION AND PENSIONS, AND OTHER URGENT NEEDS ACT OF 1991**

Mr. WHITTEN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 1281)

making dire emergency supplemental appropriations for the consequences of Operation Desert Shield/Desert Storm, food stamps, unemployment compensation administration, veterans compensation and pensions, and other urgent needs for the fiscal year ending September 30, 1991, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments, and agree to the conference asked by the Senate.

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

There was no objection.

**MOTION TO INSTRUCT CONFEREES**

Mr. MCDADE. Mr. Speaker, I offer a motion to instruct conferees.

The Clerk read as follows:

Mr. MCDADE moves that the managers on the part of the House, at the conference on the disagreeing votes of the two Houses on H.R. 1281, be instructed to take no action that would cause the discretionary budget authority totals for domestic, international or defense programs to violate last year's budget agreement by exceeding the spending caps for the Fiscal Year ending September 30, 1991 enacted in P.L. 101-508, the Omnibus Budget Reconciliation Act of 1990, and thereby cause a categorical sequester to come into effect under the provisions of that Act.

□ 1630

The SPEAKER pro tempore (Mr. GRAY). The gentleman from Pennsylvania [Mr. MCDADE] will be recognized for 30 minutes, and the gentleman from Mississippi [Mr. WHITTEN] will be recognized for 30 minutes.

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

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

Mr. Speaker, both the House and the Senate-passed dire emergency supplementals are close to staying within the discretionary spending caps passed as part of last year's budget deal. But because both of them contain spending that the administration does not believe to be emergency and therefore is not exempt from the caps, both exceed the domestic discretionary caps by a small amount. As a result, the Office of Management and Budget has indicated that if the House bill was enacted in its current form, it would result in an across-the-board cut hitting all domestic programs of approximately \$50 million, and the Senate bill would result in an across-the-board cut of \$17 million.

Hopefully, that will be cured in conference. But if it is not, then last year's Budget Enforcement Act requires a categorical sequester to come into play 15 days after the bill is signed into law. I don't think anyone wants to see that outcome, because it will serve as a sign that Congress is having trouble sticking to the path of spending restraint.

For that reason I offer this motion to instruct conferees. It says the House

conferees should take no action to cause the fiscal year 1991 spending caps to be breached. If you have to cut back by a small amount, cut back. But do not breach the spending caps. That would send the wrong signal at the wrong time.

Given the choice between staying within the spending limits, or exceeding those limits, I ask my colleagues to vote to stay within the spending limits. It is the fiscally responsible thing to do.

Mr. WHITTEN. Mr. Speaker, I yield myself such time as I may require.

We have no opposition to this motion, but along that line we are going to have to give some attention to taking care of the country.

I repeat again that our Committee on Appropriations since 1945 has been \$180.8 billion below the recommendations of our Presidents.

Our financial situation has come from backdoor spending and entitlements.

I say insofar as the current year, and that is what this bill applies to, we have kept the 13 appropriation bills below the recommended amount; but I say again and I said it at the time, when we try to control expenditures for 4 years in advance, it amounts to a target. You are going to be faced with waiving it from time to time in order to look after the country—for emergency needs such as earthquakes, drought, flood control and all the rest. Insofar as this motion is concerned, I have no objection, but I am pointing out that in the future in order to look after our country you are going to have to give some thought to what we do.

Mr. MCDADE. Mr. Speaker, I yield 3 minutes to the gentleman from Pennsylvania [Mr. WALKER].

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

I just wanted to raise a couple questions. I certainly rise in support of this motion. I think it is something which is very important, given the budget agreement that we did last year.

Is it the gentleman's information that the appropriation measures coming out of the Senate are somewhat over the spending caps?

Mr. MCDADE. Mr. Speaker, if the gentleman will yield, the gentleman is correct.

Mr. WALKER. So this particular motion does have some practical effect in that if complied with would force the conference to stay within the spending caps of last year's budget, despite the fact that the Senate bill is presently over those caps, is that right?

Mr. MCDADE. Mr. Speaker, if the gentleman will yield further, the gentleman is correct.

Mr. WALKER. We would hope then to bring back to the House a measure fully in compliance with last year's

budget actions under the motion of the gentleman?

Mr. MCDADE. That is the hope of the motion to instruct and the will of the body, we hope.

Mr. WALKER. Well, Mr. Speaker, I thank the gentleman. I certainly do want to endorse the gentleman's motion to instruct.

If in fact we are dealing with bills that have exceeded the budget limits, it is clear that this is something that we do need to act on. Last year we had a budget process that produced a final document. It was not one that I was wholly happy with, largely because of the taxes, but the taxes have now been imposed. We are paying the taxes.

The question is whether Congress is going to comply with the spending caps. This particular motion says then that we are going to live up to that part of the bargain in this bill as well. I think we ought to support the motion of the gentleman from Pennsylvania unanimously.

Mr. WHITTEN. Mr. Speaker, I yield such time as she may require to the gentlewoman from Ohio [Ms. OAKAR].

Ms. OAKAR. Mr. Speaker, I want to support the gentleman from Mississippi [Mr. WHITTEN], the committee chairman.

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

Mr. MCDADE. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the motion.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania [Mr. MCDADE].

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

Mr. WALKER. Mr. Speaker, I object to the vote on ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 398, nays 2, not voting 31, as follows:

[Roll No. 59]

YEAS—398

|              |            |               |
|--------------|------------|---------------|
| Abercrombie  | Barnard    | Brooks        |
| Alexander    | Barrett    | Broomfield    |
| Allard       | Barton     | Browder       |
| Anderson     | Bateman    | Brown         |
| Andrews (ME) | Bellenson  | Bruce         |
| Andrews (NJ) | Bennett    | Bryant        |
| Andrews (TX) | Bentley    | Bunning       |
| Annunzio     | Bereuter   | Burton        |
| Anthony      | Bevill     | Byron         |
| Applegate    | Billbray   | Callahan      |
| Archer       | Billtrakis | Camp          |
| Armey        | Bliley     | Campbell (CA) |
| Aspin        | Boehlert   | Campbell (CO) |
| Atkins       | Boehner    | Cardin        |
| AuCoin       | Bonior     | Carper        |
| Bacchus      | Borski     | Chandler      |
| Baker        | Boucher    | Chapman       |
| Ballenger    | Brewster   | Clay          |

|               |               |                |
|---------------|---------------|----------------|
| Clement       | Hefner        | Murtha         |
| Clinger       | Henry         | Myers          |
| Coble         | Herger        | Nagle          |
| Coleman (MO)  | Hertel        | Natcher        |
| Coleman (TX)  | Hoagland      | Neal (NC)      |
| Collins (IL)  | Hobson        | Nichols        |
| Collins (MI)  | Hochbrueckner | Nowak          |
| Combest       | Holloway      | Nussle         |
| Condit        | Hopkins       | Oakar          |
| Conyers       | Horn          | Oberstar       |
| Cooper        | Horton        | Olin           |
| Costello      | Houghton      | Ortiz          |
| Coughlin      | Hoyer         | Orton          |
| Cox (IL)      | Hubbard       | Owens (NY)     |
| Coyne         | Huckaby       | Owens (UT)     |
| Cramer        | Hunter        | Oxley          |
| Crane         | Hutto         | Packard        |
| Cunningham    | Inhofe        | Pallone        |
| Dannemeyer    | Ireland       | Panetta        |
| Darden        | James         | Parker         |
| Davis         | Jefferson     | Patterson      |
| DeFazio       | Jenkins       | Paxon          |
| DeLauro       | Johnson (CT)  | Payne (NJ)     |
| DeLay         | Johnson (SD)  | Payne (VA)     |
| Derrick       | Johnston      | Pease          |
| Dickinson     | Jones (GA)    | Pelosi         |
| Dingell       | Jones (NC)    | Penny          |
| Dixon         | Jontz         | Perkins        |
| Donnelly      | Kanjorski     | Peterson (FL)  |
| Doolley       | Kaptur        | Peterson (MN)  |
| Doolittle     | Kasich        | Petri          |
| Dorgan (ND)   | Kennedy       | Pickett        |
| Dornan (CA)   | Kennelly      | Pickle         |
| Downey        | Kildee        | Porter         |
| Dreier        | Kiecicka      | Poshard        |
| Duncan        | Klug          | Price          |
| Durbin        | Kolbe         | Pursell        |
| Dwyer         | Kolter        | Quillen        |
| Dymally       | Kopetski      | Rahall         |
| Early         | Kostmayer     | Ramstad        |
| Eckart        | Kyl           | Rangel         |
| Edwards (CA)  | Lagomarsino   | Ravenel        |
| Edwards (OK)  | Lancaster     | Ray            |
| Edwards (TX)  | Lantos        | Reed           |
| Emerson       | LaRocco       | Regula         |
| Engel         | Laughlin      | Rhodes         |
| English       | Leach         | Richardson     |
| Erdreich      | Lehman (CA)   | Ridge          |
| Espy          | Lehman (FL)   | Riggs          |
| Evans         | Lent          | Rinaldo        |
| Fascell       | Levin (MI)    | Ritter         |
| Fawell        | Lewis (GA)    | Roberts        |
| Fazio         | Lewis (GA)    | Roe            |
| Feighan       | Lightfoot     | Roemer         |
| Fields        | Liptinski     | Rogers         |
| Fish          | Livingston    | Rohrabacher    |
| Foglietta     | Long          | Ros-Lehtinen   |
| Ford (MI)     | Lowery (CA)   | Rose           |
| Ford (TN)     | Lowey (NY)    | Rostenkowski   |
| Franks (CT)   | Luken         | Roth           |
| Frost         | Machtley      | Roukema        |
| Galleghy      | Markey        | Rowland        |
| Gallo         | Martin        | Roybal         |
| Gaydos        | Martinez      | Russo          |
| Gejdenson     | Matsui        | Sabo           |
| Gekas         | Mavroules     | Sanders        |
| Gephardt      | Mazzoli       | Sangmeister    |
| Geren         | McCandless    | Santorum       |
| Gibbons       | McCloskey     | Sarpallius     |
| Gilchrest     | McCollum      | Savage         |
| Gillmor       | McCrery       | Sawyer         |
| Gilman        | McDade        | Saxton         |
| Gingrich      | McDermott     | Scheuer        |
| Glickman      | McEwen        | Schiff         |
| Gonzalez      | McGrath       | Schroeder      |
| Goodling      | McHugh        | Schulze        |
| Gordon        | McMillan (NC) | Schumer        |
| Goss          | McMillan (MD) | Sensenbrenner  |
| Gradison      | McNulty       | Serrano        |
| Grandy        | Meyers        | Sharp          |
| Gray          | Mfume         | Shaw           |
| Green         | Michel        | Shays          |
| Guarini       | Miller (CA)   | Sikorski       |
| Gunderson     | Miller (WA)   | Sisisky        |
| Hall (OH)     | Mineta        | Skaggs         |
| Hall (TX)     | Mink          | Skeen          |
| Hamilton      | Moakley       | Skelton        |
| Hammerschmidt | Molinari      | Slattery       |
| Hancock       | Mollohan      | Slaughter (NY) |
| Hansen        | Montgomery    | Slaughter (VA) |
| Harris        | Moody         | Smith (FL)     |
| Hashert       | Moorhead      | Smith (IA)     |
| Hatcher       | Moran         | Smith (OR)     |
| Hayes (IL)    | Morella       | Smith (TX)     |
| Hayes (LA)    | Morrison      | Snowe          |
| Hefley        | Mrazek        | Solarz         |

|             |             |            |
|-------------|-------------|------------|
| Solomon     | Thomas (WY) | Waxman     |
| Spence      | Thornton    | Weber      |
| Spratt      | Torres      | Weiss      |
| Staggers    | Torricelli  | Weldon     |
| Stark       | Towns       | Wheat      |
| Stearns     | Traficant   | Whitten    |
| Stokes      | Traxler     | Williams   |
| Studds      | Unsoeld     | Wilson     |
| Stump       | Upton       | Wise       |
| Sundquist   | Valentine   | Wolf       |
| Swett       | Vander Jagt | Wolpe      |
| Swift       | Vento       | Wyden      |
| Synar       | Visclosky   | Wyllie     |
| Tallon      | Volkmer     | Yatron     |
| Tauzin      | Vucanovich  | Young (AK) |
| Taylor (MS) | Walker      | Young (FL) |
| Taylor (NC) | Walsh       | Zeliff     |
| Thomas (CA) | Washington  | Zimmer     |
| Thomas (GA) | Waters      |            |

NAYS—2

Obey Yates

NOT VOTING—31

|             |             |            |
|-------------|-------------|------------|
| Ackerman    | Hughes      | Murphy     |
| Berman      | Hyde        | Neal (MA)  |
| Boxer       | Jacobs      | Schaefer   |
| Bustamante  | LaFalce     | Shuster    |
| Carr        | Levine (CA) | Smith (NJ) |
| Cox (CA)    | Lewis (FL)  | Stallings  |
| de la Garza | Lloyd       | Stenholm   |
| Dellums     | Manton      | Tanner     |
| Dicks       | Marlenee    | Udall      |
| Flake       | McCurdy     |            |
| Frank (MA)  | Miller (OH) |            |

□ 1656

So the motion to instruct was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore (Mr. GRAY). Without objection, the Chair appoints the following conferees: Messrs. WHITTEN, NATCHER, SMITH of Iowa, YATES, OBEY, ROYBAL, BEVILL, DIXON, FAZIO, HEFNER, MCDADE, MYERS of Indiana, COUGHLIN, PURSELL, EDWARDS of Oklahoma, GREEN, and ROGERS.

#### PERSONAL EXPLANATION

Mr. LEWIS of Florida. Mr. Speaker, due to an illness in the family, I was unable to participate in the business of the House of Representatives on the days of March 20 through 22, 1991. Had I been present, I would have voted as follows:

March 21, 1991:

Rollcall 54. Approving the Journal, "no."

Rollcall 55. H.R. 355, Drought Assistance Act, "yea."

Rollcall 56. S. 419, Resolution Trust Corporation funding, "no."

Rollcall 57. Motion to close conference on H.R. 1282, "yea."

Rollcall 58. S. 725, Persian Gulf Conflict Supplemental Authorization and Personnel Benefits Act, "yea."

Rollcall 59. Motion to instruct conferees on H.R. 1281 to remain within budget guidelines, "yea."

#### HOUR OF MEETING ON FRIDAY, MARCH 22, 1991

Mr. HOYER. Mr. Speaker, I ask unanimous consent that when the

House adjourns today it adjourn to meet at 10 a.m. on tomorrow, March 22, 1991.

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

Mr. GINGRICH. Mr. Speaker, reserving the right to object, I will not object, and on our side we are willing to go in at 10 in the morning, but I would make the point to the Democratic leadership that, if we could get a signable Desert Storm supplemental finished and out of here early tomorrow so Members could leave as they had planned, it would make a great deal more sense than to come in with a large number of motions in disagreement and having a very long process, possibly going well into the evening, involving the second bill. As I understand it, the second supplemental, the dire emergency supplemental, is not necessarily dire and emergency and, in fact, does not have to get through tomorrow. The administration does not need that money until after we get back, and it just seems to our side that it would be foolish to keep the Members sitting around here for hours all day, all afternoon, on Friday while the conferees went to work. There are a lot of differences between the House and the Senate on that bill, so I would urge the Democratic leadership to consider bringing in the relatively clean Desert Storm supplemental that is voted out of here by about noon, and then let Members go on their way and come back after the session.

Mr. Speaker, I withdraw my reservation of objection.

Mr. HOYER. Mr. Speaker, I thank the gentleman from Georgia [Mr. GINGRICH] for withdrawing his reservation and would tell the gentleman that some of our Members on this side, I am sure the gentleman would not be shocked to hear, are also interested in a timely conclusion of tomorrow's session.

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

There was no objection.

□ 1700

#### GENERAL LEAVE

Mr. RANGEL. 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 today.

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

There was no objection.

#### HONORING WOMEN WHO SERVED IN THE PERSIAN GULF WAR

The SPEAKER pro tempore (Mr. GRAY). Under a previous order of the

House, the gentleman from New York [Mr. RANGEL] is recognized for 60 minutes.

Mr. RANGEL. Mr. Speaker, each year during the month of March, women of this country are honored in a special way with the commemoration of Women's History Month. This time the honor is especially fitting in light of the historic action from which our Nation has recently emerged in the Persian Gulf.

Each war has its heroes and each war has its forgotten heroes. Today I rise in the belief that the women of our military have played a special heroic role in the Persian War that will forever change our perception of the military capabilities of the gentler sex, and, hopefully, the attitude of our society toward all women.

To those women who fell during this brief, but terrible war, I offer my prayers, and to their families, my deepest sympathies. The memory of these brave women will forever be etched in our military history, for they have made the ultimate sacrifice, as have their families and loved ones.

Mr. Speaker, our rollcall of honor:

First, those killed in action:

Adrienne Mitchell, 20, of Moreno Valley, CA, killed by an Iraqi Scud missile.

Cindy Beaudoin, 19, of Plainfield, CT, killed by a land mine.

Beverly Clark, 23, of Armagh, PA; and Christine Mayes, 23, of Rochester Mills, PA; both killed by Scuds.

Cheryl O'Brien, 24, of Long Beach, CA, killed in action.

Those killed in nonhostile circumstances:

Cindy Bridges, 20, of Trinity, AL.

Marie Rossi, 32, of Oradell, NJ.

Kathleen Sherry, 23, of Tonawanda, NY.

Pamela Gay, 19, of Surrey, VA.

There were two prisoners of war:

Melissa Nealy, 20, of Grand Rapids, MI.

Rhonda Cornum, 36, of Freeville, NY.

Thankfully, both have been freed, along with our men who were prisoners of war.

Nineteen other women were among the 350 U.S. troops who were wounded in the war.

These women are important, not only because they gave their lives, shed their blood, or gave up their freedom for their country. They are also unique in that Operation Desert Storm provided the first experience in our history with casualties among fighting women.

In Operation Desert Storm, women piloted some of the 300 helicopters that airlifted men and equipment more than 50 miles inside Iraqi territory.

The Persian Gulf war is not the first experience with women in combat situations, but it indicates the extent to which women have become an integral part of the armed services. 600 women

also were among the forces that invaded Panama, including Capt. Linda Bray, who was awarded an Army Commendation Medal.

Today, women represent almost 11 percent of our total Armed Forces, and the 32,000 women deployed to the Persian Gulf made up 6 percent of the total U.S. force. I would also mention that approximately 48 percent of the women deployed to the gulf were members of minority groups.

Women who served in the Persian Gulf, because there is no more intimate relationship than that between mother and child, made some of the greatest emotional sacrifices we have ever asked our women to endure. In the Persian Gulf deployment, more than 16,000 single parents were deployed; most of them were women. In addition, more than 1,200 military couples with children were deployed.

The Persian Gulf war is likely to permanently change the image of American women in the Armed Forces, married and single. Not only fathers and husbands, but mothers and wives are now leaving loved ones at home.

We rejoice in the accomplishments of women in the military—from the two highest ranking who are brigadier generals to the thousands of other officers and enlisted women.

To quote Army Lt. Col. O.J. Williams of Monticello, MI, who left her 12-year-old adopted son at home to serve in Saudi Arabia, "I'm here because I can do it."

Mrs. MORELLA. Mr. Speaker, it is an honor to pay tribute to the many women who served their country so courageously in Operation Desert Storm. Through their service, these women did more than contribute to one military operation; they spurred a dramatic reshaping of society's perception of women in our Armed Forces.

Never before have so many women in the military been deployed, so close to combat. About 32,700 women—6 percent of the Armed Forces—have served in the Persian Gulf. They served on the front lines preparing fighter jets for missions, managing supply lines during the ground assault, and staffing crucial military hospitals. Women chopper pilots flew airborne troops into Iraqi territory. Women joined their male counterparts in virtually all aspects of Operation Desert Storm.

I am especially proud to acknowledge the service of Lt. Cheryl Peterson, a former member of my staff who is serving as a head nurse in the 350th Evacuation Hospital in Saudi Arabia. Cheryl arrived in the Persian Gulf shortly after Christmas and immediately began her duties at the hospital. I know that Cheryl's parents have missed her greatly, as we have missed her in my office. But they know, as we all know, that without the participation of servicewomen like Cheryl, Operation Desert Storm could not have been the success that it was.

We in the United States eagerly await the homecoming of all of our servicewomen in the gulf. As a nation we must remember that, just as these women pledged their lives in defending their country, we at home must pledge our

commitment to them—to their concerns not only as women in the military, but as women in society. Honoring this commitment would be the greatest tribute of all.

Mr. SWETT. Mr. Speaker, I am honored to join my colleagues in paying tribute to the brave women who are such an integral part of our modern military forces. I commend my distinguished friend from New York, Mr. RANGEL, for calling this special order to celebrate the honorable employment of women in our modern military structure. Recognizing that March is Women's History Month, that yesterday a hearing was held on this issue by the Armed Services Committee and that the Persian Gulf war has ended, it is highly appropriate and necessary to honor the women who have given their time, energy and in some tragic cases, even their lives for the United States of America.

Mr. Speaker, in 1943 the capability of women to serve in the Armed Forces was eloquently recognized by Lt. Gen. Thomas Holcomb, Commandant of the Marine Corps, when he stated:

There's hardly any work at our Marine stations that women can't do as well as men. They do some work far better than men . . . What is more, they're real Marines. They don't have a nickname, and they don't need one. They get their basic training in a Marine Atmosphere, at a Marine Post. They are Marines.

Over the last 11 years the percentage of women serving in our Armed Forces has increased by 90 percent. In 1970 less than 2 percent of our Armed Forces were women. In 1990 there were 230,000 women on active duty—10.8 percent of our total forces. By 1995 that number will rise to 15 percent. Women are truly making their mark in our Nation's armed services.

For too many years the abilities of women have been underestimated and overlooked. Today, women are finally receiving the recognition they so richly deserve. The time has arrived for society to push aside the remaining barriers to women and to promote their full integration into our Armed Forces. Although we have made much progress, much bias remains to be overcome.

Mr. Speaker, I am proud to commend the 32,000 women who served in the Persian Gulf. Their presence was invaluable for the success of our forces. During this time of celebration as our troops return home, it is appropriate that we pay special homage to these brave and valiant women who put their lives on the line for our great country.

Mr. Speaker, I urge my colleagues to join me in saluting the outstanding women of our Armed Forces. Their courage and strength is absolutely essential to the combat readiness and power of the greatest military might in the world, the Armed Forces of the United States of America.

Mr. STOKES. Mr. Speaker, I want to commend my colleague, Mr. RANGEL, for reserving this time to recognize the significant contributions of our Nation's women in military service.

Mr. Speaker, since the turn of the century, women have served in the Armed Forces of the United States. However, until the Persian Gulf war, their participation was relatively restricted. Until the early seventies, women com-

prised less than 2 percent of our total military strength and were often relegated to health care, administrative, and communications duties.

Military historians tell us that in every war prior to the 20th century, a number of women resorted to disguising themselves as men, in order to participate in military action. The best known of these women is Deborah Sampson, who enlisted in the 4th Massachusetts Regiment during the Revolutionary War, under the name of Robert Shurtleff. She served courageously and was wounded in battle. It was not until she was hospitalized that it was discovered that she was a woman.

Despite tremendous obstacles, women continued to fight to overcome barriers preventing their full participation in the Armed Forces. Mr. Speaker, today, women constitute almost 11 percent of our All Volunteer Force, the highest number of women in any armed forces in the world. Unlike the women who were restricted to all-women's corps during World War II, women are now directing missiles, arming attack planes, driving trucks, and guarding supply depots. Although women still cannot serve in combat units, they do fill a number of combat-support slots.

Women in the Persian Gulf conflict served in more diverse assignments than in any other war, serving side-by-side with their male counterparts. Over 32,000 women were deployed to the Persian Gulf; almost half of which were African-Americans. In the Persian Gulf, women found that Saddam Hussein's Scud missiles did not discriminate. Three women were killed in the Scud missile attack on their barracks in Dhahran, Saudi Arabia. Furthermore, women found that the line between direct combat and support missions became blurred when it came to the prisoners of war. Army Specialist Melissa Rathburn-Nealy was the first American female prisoner of war since World War II.

For the first time in any war, as a matter of policy, women were deployed to a combat zone with weapons which they were trained to use. Moreover, women like Army Maj. Marie Rossi piloted cargo-carrying Chinook helicopters into Iraqi territory on a mission carrying fuel and ammunition to advancing U.S. Forces in the opening hours of the ground war. Unfortunately, we mourn the loss of Major Rossi, who was one of the first female casualties of the war, when her helicopter crashed near a base camp in northern Saudi Arabia. A total of six brave women reportedly lost their lives in service to their country during Operation Desert Storm.

Major Rossi will long be remembered for her statement to reporters, which was televised nationwide after her mission into Iraq on February 24. She said, "I think if you talk to the women who are professionals in the military, we see ourselves as soldiers \* \* \*. What I am doing is no greater or less than the man who is flying next to me."

Women in our military service have demonstrated that it is possible to achieve success despite great odds. Today's All Volunteer Force is known as the best and brightest in history. We pay tribute, today, Mr. Speaker, to all of the women in military service. They deserve this special commendation and our Nation's eternal gratitude.

Ms. LONG. Mr. Speaker, I commend my colleague, the gentleman from New York [Mr. RANGEL] for calling this special order. It is only appropriate that we take a moment to recognize the growing presence and increasingly critical role that women have assumed in the U.S. military. The unprecedented numbers of women participants in Operation Desert Storm reflects this new military.

Women comprise more than 10 percent of the total Department of Defense force. They serve in more nontraditional roles now than ever before in the history of our Armed Forces, ranging from crew chiefs in charge of loading ordnance onto fighter jets to officers commanding forward maintenance units that repair tanks to military police charged with securing safe routes for convoys moving to the front. This is evidenced by the fact that more than 28,000 women were assigned to Saudi Arabia for the Desert Shield and Desert Storm operations. Women performed their jobs with the risks that come with being assigned to a combat theater and sadly, like many American soldiers before them, six women performed the ultimate duty by sacrificing their lives. Two women were taken prisoner of war and to a grateful Nation's relief, were returned safely. Women played an unparalleled and historic military role in Operation Desert Storm and Desert Shield and they served distinctively, reflecting great pride and professionalism on our nation.

There is no denying that the makeup of our Nation's Armed Forces has changed dramatically over the years. Not only were there very few women in the military prior to the termination of the draft, but the number of dual-married military couples, single-parent military personnel, and the number of dependents was very low. Gone are the days when service members had to get permission from their commanding officer before they got married. Gone are the days when we relied solely on young males to defend our country.

With the advent of the All Volunteer Force, and marketplace incentives, the composition of our military has changed dramatically. Now, our military services are comprised of more than 55,000 dual-married military couples. Now, over 91,000, or 3 percent, of our service personnel are single parents. More than 45 percent of junior enlisted and more than 85 percent of the officer corps are married. Now, there are more than 1.6 million dependents of our military service personnel.

The question before us is: Can we strike a reasonable balance between the new realities of our force composition and the primary responsibilities of our service personnel to defend our country?

Because of the major buildup of forces required for Operation Desert Storm and Desert Shield, coupled with the unique composition of today's military families, the Congress continues to hold hearings on the issue of military families. Along with other Members, I have introduced legislation addressing military family policy. Although the legislation we introduced was not incorporated into the Desert Storm/ Shield authorization bill, two very worthy provisions with regard to new parents had been a part of the original bill passed by the House. Unfortunately, these two provisions were re-

moved from the authorization bill we passed earlier today.

The first provision would have prohibited the assignment of a female member of the active duty Armed Forces with a child under 6 months, without her consent, to duty at a location where the child cannot reside. The second, but similar, provision would have provided that a female reservist with such a child may not be activated without her consent. These provisions would have applied to male single parents, only if they have sole custody of a child under 6 months.

I feel these provisions are critical to the immediate and long-term development of a sound military family policy. I am very disappointed that these provisions were removed from the bill. I strongly encourage members of the Armed Services Committee to incorporate these provisions into the Department of Defense authorization bill for fiscal year 1992 to reflect a sound policy that is critical to the readiness of our Armed Forces.

Some of us in Congress believe we should go even further than adopting these provisions with respect to military families. In fact, I believe the legislation I introduced, the Military Family Presentation Act, H.R. 738, although not passed, if it had been adopted, would have gone a long way in developing an effective family policy to account for the military's readiness and mission concerns, while equally balancing the family responsibilities and emotional needs of service members. Nonetheless, the 102d Congress is discussing and recognizing as never before, the growing, not diminishing role and vital importance of women in the military.

Again, I thank the gentleman from New York [Mr. RANGEL] for calling for this special order and creating an opportunity to discuss the important issue of women in the military.

Mr. SCHROEDER. Mr. Speaker, I applaud the more than 27,000 women who served and continue to serve in the Persian Gulf. They join a long list of unsung war heroines that deserve our recognition and gratitude.

Deborah Sampson passed herself off as Robert Shirliffe in order to fight in the Massachusetts regiment of the Continental Army. Mary Ludwig went down in history as Molly Pitcher for taking her husband's place at his cannon when he was wounded during the Battle of Monmouth. Women also contributed significantly to war efforts during the War of 1812, the Civil War, and the Spanish-American War.

In World War I, 2 of the 10,000 women serving overseas as nurses received the Distinguished Service Cross; 350,000 women served in the Armed Forces between 1941 and 1945. Of those women four received the Silver Star, 82 were captured by the Japanese, and 200 lost their lives overseas. Army, Navy, and Air Force nurses served in Korea. Eight of the 7,500 female soldiers who served in Vietnam lost their lives in the conflict.

The tradition of women serving in the military is as old as our country. According to one female pilot in the gulf: "What I am doing is no greater or less than the man who is flying next to me or in back of me." The point is, however, that she was there and performing just as well as her male colleagues. This time around let's not let anyone forget it.

Mr. LAFALCE. Mr. Speaker, I would like to join today with my colleagues in paying a special tribute to the women who served their country in Operations Desert Storm and Desert Shield.

As chairman of the Small Business Committee I can readily attest to the growing importance of women entrepreneurs. Women already own 30 percent of all U.S. companies. Between 1983 and 1987, the number of women-owned firms grew 57 percent and, by all estimates, the number is continuing to grow.

Given the past and growing success of American women in small business, it was only a matter of time before American women proved themselves in military conflict. And women, as we know, did just that in Operations Desert Storm and Desert Shield. Women served in a wide variety of supporting roles, doing everything from technical repairs to flying helicopters. Time after time, women proved themselves the equal of men in the performance of their jobs; something which no one should ever have doubted.

A little over 6 years ago, it was my great pleasure to nominate a young woman from Sweet Home Senior High School in suburban Buffalo to West Point. That woman, Kathleen Marie Sherry, graduated in the top 5 percent of her high school class and later graduated from the military academy in 1989. Lieutenant Sherry was assigned to a signal corps unit based in Germany and last August was married to Army Lt. James A. Buck.

Last fall, she was assigned to the Persian Gulf as part of Operation Desert Shield. At the conclusion of Operation Desert Storm, Kathleen was scheduled to soon leave the Persian Gulf. Tragically, however, her family was notified last week that she had been shot while still on assignment in Kuwait and had died of her injuries.

While the incident is currently under investigation, I have extended my personal condolences to her mother, Mary Ann Sherry, a nurse at Sweet Home High School and to her father, Kenneth, a teacher at Kenmore West High School. It is a sad and untimely loss that is felt deeply by her family, friends, and community.

Kathleen's tragic death is a reminder to me of the risks encountered and the sacrifices made by the men and women who serve in our Armed Forces. And while I would not wish to overlook the sacrifices made by the men of Operation Desert Storm, I do want to join today with my other colleagues in expressing deep appreciation to the women who served their country in Operations Desert Storm and Desert Shield.

#### H.R. 1543, THE COMPREHENSIVE ENERGY POLICY ACT OF 1991

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York [Mr. LENT] is recognized for 60 minutes.

Mr. LENT. Mr. Speaker, as ranking Republican member of the Committee on Energy and Commerce, I am pleased to introduce the Comprehensive Energy Policy Act of 1991 on behalf of a distinguished group of House Repub-

licans. This legislation is the product of months of work by the Republican Leader's Energy Task Force under the leadership of JERRY LEWIS, the chairman of the House Republican Conference, without whose direction we could not have completed our work in a timely manner.

The Republican leader, BOB MICHEL, is to be commended for putting this task force together back in the latter months of 1990. The task force brought together House Republicans from the key energy-related committees and Members from various regions of the country. Those who follow energy issues know that regional considerations and the jurisdiction of multiple House committees have been key factors on energy issues in the past. The task force provided a forum to discuss and examine various energy options and work out consensus positions for further consideration as the legislative process moves forward. It is one thing to talk about energy, it is another to show the leadership needed to craft a comprehensive energy plan. Through this bill, House Republicans have demonstrated that leadership.

The task force coordinated its work with that of the President in his efforts on a national energy strategy. President Bush is to be commended for having had the foresight way back in July 1989, long before the Iraqi invasion of Kuwait put energy back on the front pages, to direct Secretary of Energy James Watkins to coordinate efforts to develop a National Energy Strategy.

The Republican Leader's Energy Task Force carefully considered the elements of the national energy strategy issued on February 20, 1991. The task force decided that the national energy strategy is a solid foundation on which to build a comprehensive energy plan. As a result, the legislation we are introducing today adopts all but a handful of the President's recommendations. The task force also decided that additional steps, over three dozen in all, should be added to complement the national energy strategy in terms of bringing about even more energy conservation, efficiency, and production. Those measures are summarized in the section-by-section summary of the legislation which I will ask be inserted at the conclusion of my remarks.

House Republicans are serious about taking action on energy issues in the 102d Congress. Last year, I introduced a bill on behalf of Energy and Commerce Committee Republicans, H.R. 5735, which was referred to no less than seven committees. On March 6, 1991, I joined in introducing the President's National Energy Strategy Act, by request, which was referred to no less than nine committees. While the Energy and Commerce Committee demonstrated during consideration of the Clean Air Act amendments last year

that we can work well with other committees which have a piece of a complex bill largely within our jurisdiction, we need the cooperation of the majority leadership to bring a comprehensive energy bill to the House floor. The task force sent a letter to the Speaker back in January on this point, but has yet to receive a reply.

The measures in the national energy strategy which are not included in the bill include issues which should be carefully considered as we continue to work on energy legislation and other bills in this Congress. For example, in my view, nuclear waste matters must be resolved. We look forward to continuing to work with the administration on appropriate measures in this area. Similarly, the administration has proposed abolishing the Federal Energy Regulatory Commission and transferring its functions to the Department of Energy. We need to learn more about how this would work and whether it is more important to concentrate on reform of the statutes administered by FERC than on the organizational structure of the agency which implements them.

In conclusion, Mr. Speaker, we look forward to working with you and others in the House on energy legislation. The bill we introduce today is broad in scope, but balanced between conservation, efficiency, and production, and balanced in terms of its impact on regions of the country. A second energy policy is too important to a growing economy, a cleaner environment, and a safer world for us to miss this opportunity to act. The President provided the basic direction we should take with his national energy strategy. Today, the members of the House Republican Leader's Energy Task Force and other House Republicans are adding our constructive additions to the President's recommendations.

Mr. Speaker, I ask permission to insert the section-by-section summary of the Comprehensive Energy Policy Act of 1991 at this point in the RECORD:

COMPREHENSIVE ENERGY POLICY ACT OF 1991—

SECTION-BY-SECTION ANALYSIS

TITLE I—CONSERVATION AND ENERGY EFFICIENCY IN THE ELECTRICITY SECTOR

Subtitle A—Electricity and Utilities

Section 101—Least Cost Planning

Encourages State public utility commissions to consider revising their ratemaking practices for electric utilities so that investments in conservation, energy efficiency, and other demand-side measures are rewarded to the same extent as are utility investments in new generating capacity.

Section 102—TVA Least Cost Planning

Requires the Tennessee Valley Authority to do least cost planning so that it considers conservation, energy efficiency, and other demand-side measures when it makes electricity supply decisions.

Section 103—Federal Utility Least Cost Planning

Requires all new contracts for supply of Federal power to a utility be predicated on

that utility conducting a least-cost plan, and promoting cost-effective conservation and efficiency in its service territory.

Section 104—Least Cost Planning Grants

Authorizes grants to State regulatory authorities (no more than \$100,000 per authority; authorization thus totals \$5 million) to encourage conservation, energy efficiency, and other demand side measures as means of meeting electricity supply needs.

Subtitle B—Residential, Commercial, and Federal Energy Use

Section 111—Residential and Commercial Building Energy Efficiency Codes

Directs DOE to provide technical assistance to States to update residential and commercial building codes.

Section 112—Home Energy Rating System

Directs DOE to develop a uniform, voluntary home energy rating system for use by States, local governments and others.

Section 113—Federal Energy Management Amendments

Directs Federal Agencies to install energy conservation measures with a payback of 10 years.

Also sets up a fund administered by DOE to finance, on a competitive basis, energy saving projects in facilities run by other agencies. This is to help overcome institutional barriers to the financing of such improvements. Agencies are also encouraged to participate in utility efficiency programs. Also sets up a cash bonus program to reward agency personnel that do outstanding jobs of improving energy efficiency.

Also authorizes Federal agencies to participate in utility incentive programs.

Section 114—Performance Standards For Federal Buildings

Extends deadlines from 1984 to two years after date of enactment.

Subtitle C—Standards and Information

Section 121—Labeling For Windows and Window Systems

Energy efficiency labeling for windows and window systems.

Section 122—Industrial Insulation Voluntary Standard

Requires DOE to develop testing and labeling requirements for industrial insulation guidelines.

Section 123—Procedures For Energy Audits In Commercial, Agricultural, and Industrial Sectors

Requires DOE to review or develop energy auditing procedures in the commercial, agricultural, and industrial sectors.

Section 124—Energy Conservation Standards for Lamps, Motors, and Certain Air-Conditioners

Requires DOE to set minimum energy efficiency standards for a limited number of lamps (lights bulbs and fluorescent tubes), small package commercial air conditioners, and electric motors. These products come in various levels of efficiency and, due to market imperfections, the most efficient are not widely used. Amends existing appliance efficiency law. This provision is estimated by one conservation group to save the energy equivalent of twenty-seven, 1,000 megawatt powerplants.

Section 125—Transformer Efficiency Study

Study of efficiency standard for transformers.

Section 126—Utility Contributions to Equipment Manufacturers for Efficient Equipment

Authorizes program whereby DOE coordinates utility contributions to equipment manufacturers to produce more efficient equipment.

Subtitle D—Tax Provisions

Section 131—Utility Rebates for Energy Efficient Equipment

Excludes from Federal taxable income any rebates from utilities to residential, commercial and industrial consumers for purchase of energy efficient equipment.

Section 132—Conservation Retrofits of Existing Oil-Heated Homes

Establishes a tax credit for conservation retrofits of existing oil-heated homes.

TITLE II—CONSERVATION IN THE

TRANSPORTATION SECTOR

Subtitle A—Alternative Fuels

Part I—Alternative and dual fuel vehicle credits

Section 201—Alternative and Dual Fuel Cap Removal

Repeals the cap in the Alternative Motor Fuels Act on the fuel economy credit which manufacturers of alternative fuel vehicles may earn.

Part II—Alternative transportation fuels

Section 211—217—Alternative Transportation Fuels in Fleets

Expands the use of alternative fuels in fleet vehicles, as proposed by the President, beyond the requirements of the Clean Air Act Amendments of 1990.

Subtitle B—Natural Gas as a Transportation Fuel

Sections 221—224—Removing Regulatory Impediments to Natural Gas as a Transportation Fuel

Amends the Natural Gas Act, the Public Utility Holding Company Act, and preempts state laws in order to remove regulatory impediments to the entry into the marketplace of companies which desire to sell compressed natural gas as a transportation fuel at retail outlets.

Subtitle C—Fuel Economy

Section 231—234—Amendments Relating to Corporate Average Fuel Economy

Requires the Secretary of Transportation to conduct a rulemaking to determine the maximum feasible corporate average fuel economy (CAFE) levels for passenger cars and light trucks effective after model year 1996. Within 18 months of enactment, DOT will set a level or levels effective with the fourth full model year after enactment and the tenth full model year after enactment. DOT is provided flexibility to determine the approach to use—i.e., the current approach of a set number applicable to all manufacturers, a percentage approach, or some other approach selected by DOT. In addition, the impact of fuel economy levels on highway safety is added as a factor for DOT to consider. The role of the Secretary of Energy in commenting on fuel economy issues is enhanced. Propane-fueled vehicles are added to the list of those for which manufacturers receive a CAFE credit. The Secretary of Transportation is also directed to determine an appropriate credit for electric vehicles.

Subtitle D—Miscellaneous

Section 236—Employer-Provided Mass Transit Benefits

Raises from \$15.00 to \$75.00 the monthly employer-provided mass transit benefit which is not subject to federal income tax.

**Section 237—Scrapping Of Older Less Fuel Efficient Vehicles**

Requires DOE, in consultation with DOT, to provide guidance to the States on setting up programs to encourage the scrapping of older, less fuel efficient vehicles. Requires EPA and DOE to do a rulemaking on providing Clean Air Act credits to firms which operate old car scrapping programs.

**Section 238—Unnecessary Use of Premium Gasoline**

Requires DOE, in consultation with EPA, to carry out a study to determine whether consumers use automotive fuel with an octane rating higher than the rating needed to operate their vehicles. If DOE determines that there is such excess use, DOE/EPA would, with the FTC, establish by rule a label of gasoline pumps and other appropriate consumer education to reduce such excess use.

**Section 239—Conservation Requirements For Large Employers in Urban Areas**

Extend Clean Air Act mandates for employers of 100 or more in severe ozone non-attainment areas to reduce vehicle miles travelled (VMT) and commuting trips, etc., to such employers in all areas with a 1980 population in excess of 250,000.

**Section 240—Alternative Fuel Use Goal**

Establish federal policy of having at least 10 percent of the nation's vehicle transportation needs derived from domestic non-petroleum fuels by the year 2000. Require DOE to determine by 6-30-94 whether that level will be achieved by that deadline under current law (Clean Air amendments, new energy law, etc.). If DOE determines that the level will not be achieved, DOE is required to take reasonable steps to make certain that this level will be achieved and report to Congress on additional steps to meet this goal.

**Section 241—Electric Vehicle Research and Development**

Requires DOE to establish an electric vehicle research and demonstration grant program. Under this program, DOE would provide \$20 million over two years to fund joint venture demonstrations on a 50/50 cost share basis to develop electric vehicle infrastructure.

**Section 242—Vehicular Natural Gas**

Amends the Natural Gas Act to clarify that the interstate movement of a vehicle fueled with compressed natural gas will not subject a utility which sold the natural gas to such an interstate vehicle to regulation by FERC.

**Section 243—Use Of MMT in Unleaded Gasoline**

Require EPA to approve MMT as an oil-saving fuel additive.

**TITLE III—RENEWABLE ENERGY**

**Subtitle A—PURPA Size Cap and Co-Firing Reform**

**Section 301—PURPA Size Cap and Co-firing Reform**

Lifts the size cap off solar, wind, waste, geothermal, biomass, and hydroelectric powerplants contingent upon the State of the purchasing utility determining the price of such power by competitive bidding.

Also permits natural gas to provide up to 50 percent of emergency backup power for such renewable energy powerplants contingent upon the State of the purchasing utility determining the price of such power by competitive bidding.

**Subtitle B—Hydroelectric Power Regulatory Reform**

**Section 311—Amendments To The Federal Power Act On Hydroelectric Licensing**

Streamlines FERC hydroelectric licensing procedure and eliminates FERC jurisdiction over five megawatt or less hydroelectric facilities.

**Subtitle C—Credit For Electricity Generated Using Solar, Wind, Or Geothermal Energy**

**Section 321—Tax Credit For Electricity Generated Using Solar, Wind, Or Geothermal Energy.**

Option of one year extension of existing solar and geothermal 10 percent investment tax credit on year you place in service or 2.5 cent kilowatt-hour tax credit for electricity generated by solar, wind, or geothermal energy for first five years after enactment and 1 cent kilowatt-hour tax credit for such electricity for two more years, for a total of seven years.

**Subtitle D—Study of Tax and Rate Treatment**

**Section 331—Study of Tax and Rate Treatment For Renewable Energy Projects**

Requires DOE, in conjunction with State utility regulators, to study tax and rate treatment of renewable energy projects.

**Subtitle E—Energy Recovery From Waste**

**Section 341—Encourage Energy Conservation Through Energy Recovery From Waste**

Requires each Federal agency to pursue energy recovery from the burning of high-BTU secondary materials as a substitute for conventional fossil fuels.

**TITLE IV—GENERATION OF ELECTRICITY**

**Subtitle A—Public Utility Holding Company Act Reform**

**Section 401—Public Utility Holding Company Act Reform**

Exempts certain electric power generators from the Public Utility Holding Company Act (PUHCA) in order to increase competition. Also contains consumer protections against utility self dealing and cross subsidies and codifies existing Federal/State jurisdiction over purchases of electricity.

**Subtitle B—Miscellaneous**

**Section 411—Compliance with Least-Cost Planning**

Authorizes FERC to require purchasing utility self certification of compliance with least-cost planning or if no such plan exists, of conformance with avoided cost.

**Section 412—Electronic Switching Research**

Authorizes \$500,000 for the research and development of electronic equipment and computer software designed to increase the speed and responsiveness of electric transmission switching and control systems.

**Section 413—Reliability Council Study**

Requires DOE to study legislative and regulatory reforms which could be implemented to provide greater and more reliable electric transmission transfer capability within and between the reliability councils of the North American Electric Reliability Council.

**TITLE V—NATURAL GAS REGULATORY REFORM**

**Section 501—Expediting Pipeline Certification Rules**

Requires the Federal Energy Regulatory Commission, within 12 months of enactment, to issue regulations to expedite the administrative procedures used to consider applications under section 7 of the Natural Gas Act.

**Section 502—NEPA Compliance**

The environmental impact statement prepared by the Federal Energy Regulatory

Commission is the only EIS required for natural gas facilities.

**Section 503—Amendment To NGPA Section 311**

Amends section 311 of the Natural Gas Policy Act of 1978 to make it clear that transportation of natural gas can be performed on behalf of any person as well as other pipelines and local distribution companies. In addition, this section expressly authorizes construction of facilities incidental to the provision of transportation service under section 311.

**Section 504—Optional Certificate Producers**

Provides a process by which an applicant who elects not to put the costs of the proposed project in the rate base may obtain approval on a faster timetable.

**Section 505—Nonjurisdictional Option**

Provides a basis to construct a project without prior approval if the sponsor gives up the benefits of doing so as a regulated natural gas company.

**Section 506—Natural Gas Act Rehearing Time Limits**

Requires FERC to take action on rehearing petitions within 60 days, unless an extension is granted, but no later than 90 days after the petition is filed.

**Section 507—Utilization Of Rulemaking Procedures**

Make it clear that FERC can use rulemaking procedures as well as adjudicatory processes to consider and act on natural gas projects.

**Section 508—Certificate Not Required For Replacement Facilities**

States that the replacement or repair of certain natural gas facilities may proceed without prior FERC approval.

**Section 509—Unopposed Projects**

Requires approval of natural gas projects as to which no objection is made.

**Section 510—Procedures For Priority Natural Gas Facilities**

Establishes procedures by which the Secretary of Energy or the Chairman of FERC may designate priority natural gas projects for expedited consideration.

**TITLE VI—OIL AND GAS PRODUCTION**

**Subtitle A—Arctic Coastal Plain Domestic Energy Leasing**

**Sections 601-607—Arctic National Wildlife Refuge (ANWR)**

Directs the Secretary of the Interior to lease the Coastal Plain of the Arctic National Wildlife Refuge (ANWR) with appropriate environmental and other terms and conditions.

**Subtitle B—Tax Incentives For Oil and Natural Gas Exploration and Production**

**Part I—National energy security tax credits**

**Section 611—Crude Oil And Natural Gas Exploration Credit**

Provides a 15 percent tax credit for qualified expenditures incurred in drilling exploratory oil and gas wells. The credit would apply against the regular and the alternative minimum tax.

**Section 612—Marginal Production Credit**

Provide a 15 percent tax credit for the costs of operating marginal wells. Marginal wells include stripper wells (10 barrels or less per day), heavy oil wells, and "harsh environment" oil (Alaska and deep offshore).

*Part II—Additional exploration and production incentives*

**Section 621—Intangible Drilling Costs Include Geological, Geophysical, and Surface Casing Costs**

Provide for the expensing of geological, geophysical, and surface casing costs.

**Section 622—Repeal Of Taxable Income Limitation On Percentage Depletion**

Repeal the 65 percent of taxpayer of income limitation on sustainable depletion.

**Section 623—Internal Revenue Code Definition Of Tar Sands**

Replace out-dated definition of tar sands production to qualify for section 29 credit for fuels produced from non-conventional sources.

*Part III—Amendments to the alternative minimum tax*

**Section 631—Amendments To Alternative Minimum Tax (AMT)**

Eliminate intangible drilling costs and percentage depletion as preference items under the Alternative Minimum Tax.

*Part IV—Miscellaneous tax and administrative amendments*

**Section 641—Repeal Of Revenue Ruling 877-176**

Repeal IRS Revenue Ruling 77-176 relating to "demand" income resulting from certain farm-out agreements where oil and gas acreage is earned outside the drill site.

*Subtitle D—Oil Pipeline Deregulation*

**Sections 661-666—Oil pipeline deregulation**

Lift economic regulation on common carrier oil pipeline in competitive markets as proposed by the President.

*Subtitle E—Leasing of Naval Petroleum Reserve*

**Sections 671-679—Naval Petroleum Reserve Leasing**

Authorizes the President to lease Naval Petroleum Reserve Number 1 located at Elk Hills, California, if the President determines that the reserve is not needed for national defense purposes.

*Subtitle F—OCS Local Impact Assistance*

**Sections 681-685—Local Impact Assistance In New OCS Development Areas**

Establish an OCS impact assistance fund and program for local communities with new OCS oil or natural gas development off their coastlines.

*Subtitle G—Western Hemisphere Energy Policy*

**Section 691—Western Hemisphere Energy Policy**

Declares U.S. policy to be to focus attention in trade negotiations on the desirability of investment policies that expand production capacity and diversity of oil suppliers to the United States and requires an annual report thereon.

**TITLE VII—COAL AND COAL TECHNOLOGY**

**Section 701—Coal Research, Development and Demonstration Program**

Authorizes a research, development and demonstration program for advanced coal-based technologies that are capable of controlling sulphur oxides and nitrogen oxides at levels greater than commercially available at the present time.

**Section 707—Restoration of Investment Tax Credit For Pollution Devices**

Restores the investment tax credit (repealed in 1986) for pollution control equipment, but limits it to equipment installed pursuant to the Clean Air Act Amendments of 1990.

**TITLE VIII—NUCLEAR POWER**

**Section 801—Nuclear Power Plant Standardization and Licensing Reform**

Encourages the development and use of pre-approved standardized designs for nuclear powerplants and streamlines the nuclear powerplant licensing process. Provides for a second hearing, legislative rather than adjudicatory, prior to plant operation.

**Section 821—Amendment of PUHCA**

Amends the Public Utility Holding Company Act to allow utilities with superior nuclear operating histories to form subsidiaries to operate, on a contract basis, nuclear powerplants owned by other utilities.

**Section 831—Fast Flux Test Facility**

Establishes Hanford's Fast Flux Test Facility as an international research and development center which will produce industrial and medical isotopes, provide irradiation services, and produce steam for power production or other purposes. Authorizes DOE to charge non-Federal customers for use of the plant. A study by the State of Washington and Westinghouse estimates potential revenues of \$164 million per year to the Federal Treasury by the year 2000.

Mr. SCHAEFER. Mr. Speaker, today, I am joined by many of my colleagues on the Energy and Commerce Committee and the full House in sponsoring the Comprehensive Energy Policy Act. For those of us who have long stressed the need for a national energy plan, it is an occasion as welcome as it is overdue.

A comprehensive energy strategy must be an action, not a reaction. It should be the result of careful planning and the thorough study of many alternatives, focusing on their collective impact on energy security, the environment and the economy. It should serve as a blueprint for the future, preparing for, rather than responding to, the challenges of tomorrow. But most importantly, a successful strategy must rely on industry, Government, science and the American people to share in the responsibility of bringing about national energy security.

The legislation we are introducing today meets each of these important criteria. And it does so by encouraging the American ingenuity and spirit of enterprise so prevalent in a market not overburdened with Government regulation. As we've proven so many times in the past, incentives—not controls—are the way to produce desired results.

That was certainly the message of the President's recently released national energy strategy. The administration should be commended for putting the NES together, providing the Congress with the framework on which to build a sound energy policy. It is our role to take advantage of the momentum the White House has created, incorporating many of our priorities into a final energy package. That is the goal of H.R. 1543.

As with any comprehensive legislation of this magnitude, there are elements which I support without hesitation and provisions that warrant further thought. The issue of Public Utility Holding Company Act Reform, for example, must be thoroughly examined for its actual impact on the electric ratepayer. As a package, however, H.R. 1543 is unquestionably a positive step toward an America far less dependent on foreign—and too often unstable—sources of energy.

As a member of the Energy and Commerce Committee, I look forward to considering the critical issue of energy security in great detail. H.R. 1543 highlights many of my priorities, especially its positive impact on oil and gas production in the Lower 48 States. I encourage its adoption.

Mr. LEWIS of California. Mr. Speaker, as chairman of the Republican leader's energy task force, I am pleased that the task force has today released its omnibus legislative package. The 19 member task force, established by the Republican leader Mr. Michel, represents several committees of the House and all regions of the country.

H.R. 1543, the Comprehensive Energy Policy Act of 1991 results from 6 months of study and research. It is an innovative package encouraging conservation, greater use of alternative fuels, and expanded use of renewable energy resources. The bill sets the direction for a balanced approach to environmentally sound and efficient use of U.S. energy resources.

At the Republicans' annual issues-retreat in Princeton the Republican conference recently discussed the need to encourage more energy conservation, increase production of domestic energy resources and diversify foreign sources of supply. The proposed package encompasses all these elements of a long-term energy policy. It builds on the bill introduced by the Republicans on the Energy and Commerce Committee last September, and the President's national energy strategy released at the end of February. The bill encourages conservation and efficiency in the electricity and transportation sectors. It takes an innovative approach to renewable energy resources and encourages the sound and safe use of our nuclear and coal resources. It will allow expedited approval of natural gas pipeline projects. The bill also encourages production of domestic oil and gas resources.

Much of what we can do is to get outdated restrictions out of the way of individuals, businesses and local and State government. If we won't rely on the ingenuity of these sectors—where real improvements have occurred during the 1980's—then we will be taking a step backwards.

The Persian Gulf war focused heightened attention on U.S. energy policy. The Congress has a window of opportunity to act on energy policy. House Republicans and the administration are making oral proposals that deserve open and urgent debate in the house. The Congress has a window of opportunity, a responsibility to act and to leap over the constraints of business as usual.

The formulation of a national energy policy will be one of the most difficult tasks we face in the 102d Congress and our task force has already asked the Democratic leadership to expedite procedures for consideration of omnibus energy legislation.

President Bush has an energy package on the table. House Republicans have an energy package on the table. House Democrats have nothing on the table. Unfortunately, around here it is their table.

During the recent crisis in the gulf, the executive branch showed that it could move quickly and wisely. Now it is Congress' turn to show

the country that we can move quickly and wisely, too.

#### LEAVE OUR PEANUT PROGRAM ALONE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia [Mr. RAY] is recognized for 5 minutes.

Mr. RAY. Mr. Speaker, I have taken out this special order to bring to the attention of the Members of this House a very serious problem facing our agricultural sector.

On Friday, March 15, the International Trade Commission voted on a proposal to increase the allotment of peanuts being imported into this country by an additional 300 million pounds. The vote, taken by four ITC Commissioners, was not unanimous. All of the Commissioners based their findings on data provided by the U.S. Department of Agriculture. Two Commissioners recommended that the current import quota on peanuts be immediately raised to 300 million pounds for a period ending on July 31 of this year. The Acting chairman recommended an indefinite suspension of the import quota. However one Commissioner after reviewing the same set of data, said,

The U.S. Department of Agriculture did not pursue the clear statutory route provided for emergency action on this quota, nor did it recommend an increase in this investigation. I am unpersuaded that there is a shortage of peanuts sufficient to warrant any action on current quota levels.

Mr. Speaker, this morning I, along with my colleagues Congressman LINDSAY THOMAS and Congressman CHARLES HATCHER, visited our new Secretary in the U.S. Department of Agriculture, Secretary Ed Madigan. According to the ITC Commissioners one might expect the Secretary to be an advocate of increased peanut importation. Nothing could be further from the truth. Secretary Madigan clearly understands the peanut industry, and the adverse effect that importation at this time in the growing season will have. Toying with the Peanut Program will have very serious, negative implications for the American peanut producers and the American taxpayer. The Peanut Program, which operates at virtually no cost to taxpayers, is one of the most efficient, well-crafted farm programs we have. Moreover, there is no indication that there is a shortage of peanuts in the United States. Importing foreign peanuts into the United States, especially in mid-season, disrupts the delicate planting and contracting balance upon which the livelihood of our producers depends. The mere mention of an importation of this magnitude at this date has brought contracting to a standstill. In addition, importing peanuts from such areas as China will significantly increase the risk of infecting American peanuts with stripe virus. If infected peanuts were to enter the U.S. seed market, yields could be reduced by as much as 20 percent. American peanut farmers have worked too hard, and invested too much of their time, their money, and their expertise to have an ill-conceived recommendation by the International Trade Commission destroy their business.

Mr. Speaker, we cannot stand by and watch a sound American business be destroyed. The American peanut producers, processors, consumers and taxpayers have a stake in preserving the Peanut Program. The policy recommended by the International Trade Commission has the potential to cost taxpayers thousands of dollars, and if the reaction to the proposed recommendation is any indication, implementation of the ITC's proposal will have a severe impact on the American peanut industry.

Mr. Speaker, I urge the President to disregard this misguided recommendation and leave our Peanut Program alone.

#### INTRODUCTION OF THE 1991 AGRICULTURE DISASTER ASSISTANCE ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. PANETTA] is recognized for 5 minutes.

Mr. PANETTA. Mr. Speaker, today I am introducing legislation to provide much needed assistance to farmers and others in agriculture-related industries who have suffered severe losses due to the consecutive disasters farmers have been recently faced with. Representatives CONDIT, DOOLEY, FAZIO, HERGER, and RICK LEHMAN and I have together formed a comprehensive bill which addresses the unique needs of California farmers. I would like to take this opportunity to thank these Members for their assistance in this collaborative effort. The bill I am introducing, the Agriculture Disaster Assistance Act of 1991, will help to fill a void in Federal assistance programs currently helping those in need in California, and provide a means to help our farmers, their families, and their communities get back on their feet.

Nearly every American has been made aware of the 1989 Loma Prieta Earthquake, the 1990 December freeze, and now the fact that California is facing its fifth year of drought. Media coverage has most recently switched from its coverage of the freeze to the seriousness of the drought. Much of this new attention is focused on blaming farmers for hoarding precious water away from municipalities. However, the majority of farmers have been working hard to conserve water and do their part in this crisis. Unfortunately, the various drought relief bills that have recently been introduced leave out our Nation's farmers once again. Farmers in over half of California's counties have been left hurting, and although I have introduced agriculture disaster assistance legislation before, my colleagues and I are trying to meet the additional needs of our farmers.

On February 11, the President determined that the damage in 31 California counties, which resulted from the December 19, 1990, through January 3, 1991, freeze, warranted a major disaster declaration. The total estimated losses

to this date for these counties is over \$852 million. Unemployment and food and nutrition assistance has been directed by the President, and Farmers Home Administration [FmHA] and the Small Business Administration have low-interest emergency loan programs to provide assistance as well. The only assistance program available to farmers are FmHA emergency loans. The way these loans stand now, it is hard to call them "assistance," as there are several serious problems with these not only in California, but throughout the Nation.

Legislation is sorely needed for the severe damage and loss caused by the freeze and the continuing drought. The request of a Presidential disaster declaration for the hardships farmers face because of the drought has not been initiated by the Governor of California at this time. However, this does not mean help is not needed or that we should put off legislation to expand and reauthorize disaster assistance programs to prepare for a possible declaration.

The bill I am introducing provides extended needs for various types of farmers and agriculture-related operations. Three provisions amend the Food, Agriculture, Conservation, and Trade Act of 1990. The first of these provisions amends the disaster coverage of Valencia oranges so that oranges considered as 1990 crops would be covered as such even though part of the damage was done to the trees and fruit in January 1991. Valencia oranges go across calendar years and so cannot be covered if they are included as a 1990 crop affected strictly by a 1990 disaster. Citrus growers experienced some of the heaviest damage of all California crops.

The second provision amends the list of crops considered "nonprogram" to include food and nonfood crops grown in nurseries. Nurseries suffered severe damage in the freeze, and the status of these important agriculture commodities has been vague in the recent wave of disasters California has experienced.

The third provision amends the amount of assistance given to orchardists to include tree rehabilitation. Tree restoration is extremely valuable when you consider the expense of replanting. If trees cannot be rehabilitated, it often means the orchardists must start their groves from scratch, which in previous natural disasters has led many to bankruptcy.

Another key provision in amending the Farm, Agriculture, Conservation, and Trade Act of 1990 is the expansion of the existing emergency grant program to assist low-income farmworkers. Currently, the farm bill provides up to \$20 million to public agencies and nonprofit organizations to provide assistance grants to migrant workers. My bill provides for an additional \$10 million and an expansion to include permanent farmworkers and

packinghouse laborers in areas declared as emergencies. This provision would help to insure that the Government not only helps the farmers and businesses, but takes care to address the needs of those who have a harder time securing their livelihood outside of farm-related labor.

Rural businesses are another victim of disasters and my bill amends the Disaster Assistance Act of 1989 to include the effective year of eligibility for disasters to include 1989, 1990, or 1991. So often in a disaster when a farming community collapses due to farm foreclosures and agriculture-related business failures, the remaining businesses are hurt as well. This provision would enable rural businesses to recover losses and help rebuild the community.

Drought-related assistance for farmers has been a point of contention among my colleagues. However, my district relies almost exclusively on groundwater wells for its water supply. A lot of the wells are experiencing salt water intrusion and can be of no use to either farmers or municipalities. Conservation measures have been developed and new wells are being dug as often as is fiscally feasible. While some areas of California are green and lush because of the particular water availability in those areas many of our districts are simply running dry with no help in sight. My bill establishes a revolving drought relief fund so that the Secretary of Agriculture, if he designates an area as drought stricken, can assist such producers to plan and carry out projects to improve water availability. As it is only my intent to supply water to those who truly need it, the Secretary shall be in charge of this fund and deem appropriate interest rates for any loans granted.

The Federal Crop Insurance Act of 1980 was enacted with the objective of permanently replacing direct disaster payments. Assurance of crop coverage is the primary and key factor concerning how farmers decide whether or not to purchase crop insurance. Federal crop insurance has always been interpreted by agents, growers, and lenders that they would be covered if the water supply failed after the insurance policy attached. Crop insurance policy also states that the Federal Crop Insurance Corporation [FCIC] will cover uncontrollable events that happen within the insurance period. A recent bulletin by the Federal Crop Insurance Corporation has indicated very differently.

The February 12 bulletin, in essence, states that California growers who purchased crop insurance will not be covered for failure of the irrigation water supply in 1991, since the announced reduction of water supplies in the State was not defined as a failure of the irrigation water supply. This is an outrage and a radical departure from current interpretation and practices of Federal

crop insurance. The FCIC is completely responsible and obligated to provide coverage for those farmers who purchased crop insurance for the current crop year and fulfilled all policy requirements.

I have included a provision in the bill to ensure that those who purchased crop insurance will be covered should their irrigation supply fail for the designated policy year. This is a gross inequity being handed to the farmers of California by the FCIC. The Federal Crop Insurance Corporation must know that it cannot renege on its responsibilities and obligations to its policyholders.

The waiver and the extension of the crop insurance requirement under the Consolidated Farm and Rural Development Act for those who suffered extensive damage to an annual crop planted for harvest in 1991 is another important provision in my bill. Not only does it provide for the waiver of insurance, but also extends the Federal Crop Insurance multiperil purchase deadline date for citrus crops so they are better able to qualify for emergency assistance programs. Only around 10 percent of California growers had purchased crop insurance prior to the freeze. To ignore this number would simply leave too many growers, their families, laborers, businesses, and communities in serious hardship.

One of the largest problems with disaster assistance loans for farmers across the country, and especially with family farms in California, has been that of Farmers Home Administration [FmHA] emergency loans. For 10 years, not one farmer in my district or the three counties surrounding it has qualified for a FmHA emergency loan. My district was one of the hardest hit from the 1989 Loma Prieta earthquake, and family farmers were among the largest group affected. Still, they did not qualify. My district is in the same situation with the freeze. Crop damage alone was over \$35 million and family farmers are again not qualifying. I do not want this situation to happen yet another time if there is a drought disaster declaration. In order to insure that farmers hit by the freeze are able to qualify for FmHA emergency loan provision amendments in my bill, I have allowed for a grandfather clause of February 11, 1991, the day of the Presidential disaster declaration for the freeze.

My bill contains amendments to the Consolidated Farm and Rural Development Act to provide for an expansion of eligibility of FmHA emergency loans. The first amendment is to clear up any confusion on the labor requirements for what constitutes a family farm under the act. Although much of the decision to determine eligibility of a family farm is left up to a FmHA local country committee, the regulations state that two outside full-time

employees should be seen as a base guideline for determining what constitutes a family farm. I have extended this to four, as most family farms in California have at least four full-time outside employees due to the many labor intensive crops grown. Another qualification requirement is that the applicant of the loan must manage his or her farm. Unfortunately, again, due to the labor intensive crops in much of California, an outside manager is not uncommon for family farms. I have extended the eligibility so that the applicant can jointly manage his or her farm.

The last provision would amend the act so that applicants are not required to sell their nonessential assets prior to being approved for a loan. Currently, the FmHA loan process takes 60 to 90 days. This amendment would eliminate any unnecessary sale of an asset prior to qualifying for a loan and the time involved in the sale. These farmers are already facing the loss of their farms and should not have to lose their dignity as well. I feel there is room for a little compassion in this situation. However, if the farmer fails to make a payment on the loan, FmHA should be able to sell his or her nonessential assets.

Mr. Speaker, most of the farmers in my district do not benefit from Federal price supports and subsidies. They have never asked for Government support in the past, and I sincerely doubt they would seek it today if it were not really needed. Natural disasters are in themselves a painful event for the people involved. Expanding the law to address the unique needs of today's farmers is sorely needed to help the agriculture industry and all those affected by it.

I urge my colleagues to join me in supporting the Agriculture Disaster Assistance Act of 1991. The text of the legislation is as follows:

H.R. 1550

*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 "Agricultural Disaster Assistance Act of 1991".

**TITLE I—DISASTER ASSISTANCE**

**SEC. 101. COVERAGE OF VALENCIA ORANGES DAMAGED IN 1990.**

Section 2244 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 1421 note) is amended by adding at the end the following new subsection:

"(e) SPECIAL RULE FOR VALENCIA ORANGES.—For purposes of this section, the 1990 crop of valencia oranges shall include any crop of valencia oranges, regardless of the year in which those oranges would be harvested, that was destroyed or damaged by damaging weather or related condition in 1990."

**SEC. 102. NONPROGRAM CROPS TO INCLUDE NURSERY GROWN CROPS.**

Section 2244(d)(1) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 1421 note) is amended by striking "and sweet

potatoes" and inserting ", sweet potatoes, and food and nonfood crops while grown in nurseries".

**SEC. 103. EMERGENCY CROP LOSS ASSISTANCE FOR ORCHARDISTS.**

(a) **REHABILITATION EXPENSES COVERED.**—Section 2256(1) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 1421 note) is amended by inserting after "replanting trees lost" the following: "and rehabilitating or restoring trees damaged".

(b) **LIMITATION ON ASSISTANCE.**—Section 2257(a) of such Act is amended by striking "\$25,000" and inserting "\$75,000".

**SEC. 104. APPLICATION FOR ASSISTANCE.**

(a) **PRODUCERS AFFECTED BY AMENDMENTS.**—In the case of agricultural producers who are affected by the amendments made by this title, the Secretary of Agriculture shall allow those producers to submit applications for initial or additional assistance under chapter 3 of subtitle B of title XXII of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 1421 note) until the later of—

(1) the date established by the Secretary under section 2267(a) of such Act for final submission of applications; and

(2) the end of the 60-day period beginning on the date of the enactment of this Act.

(b) **NOTICE OF DETERMINATION.**—Not later than 60 days after the date on which the Secretary receives an application for assistance under subsection (a), the Secretary shall inform the producer submitting the application of the Secretary's determination with regard to the application.

**TITLE II—CROP INSURANCE**

**SEC. 201. CROP LOSSES RESULTING FROM A FAILURE OF THE IRRIGATION WATER SUPPLY.**

The Federal Crop Insurance Act (7 U.S.C. 1501 et seq.) is amended by inserting after section 508A the following new section:

**"SEC. 508B. FAILURE OF IRRIGATION WATER SUPPLY.**

"In the case of acreage irrigated for at least three out of the previous five crop years, the Corporation may not reject a claim (or any portion of a claim) under a multiperil crop insurance policy provided to a producer under this Act on the grounds that the losses occurred as a result of a failure of the irrigation water supply or that the producer failed to follow good irrigation practices with respect to that acreage, if—

"(1) on the date that the insurance attached—

"(A) in the case of a producer receiving irrigation water through an irrigation district, the producer had not been officially notified by the irrigation district that the producer would not be allocated adequate water to irrigate that acreage; or

"(B) in the case of a producer receiving irrigation water from wells under the control of the producer, the wells were capable of pumping at normal capacity; and

"(2) the producer made all reasonable efforts to prevent and limit damage to the insured crop caused by a subsequent reduction in water allocation by the irrigation district or by a drop in the water table that adversely affected the producer's wells."

**SEC. 202. WAIVER OF AVAILABILITY OF CROP INSURANCE AS A CONDITION ON ELIGIBILITY FOR EMERGENCY LOANS.**

Section 321(b) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961(b)) shall not apply to persons who otherwise would be eligible for an emergency loan under subtitle C of such Act, if such eligibility is the result of damage to an annual crop planted for harvest in 1991.

**SEC. 203. EXTENSION OF DEADLINE FOR PURCHASE OF CROP INSURANCE FOR CITRUS CROPS.**

(a) **EXTENSION.**—In the case of producers of citrus crops who failed to purchase multiperil crop insurance under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.) for those crops before the November 30, 1990, deadline for the insurance period that began on December 1, 1990, the Secretary of Agriculture shall provide those producers with an additional opportunity to purchase that insurance during the 60-day period beginning on the date of the enactment of this Act.

(b) **EFFECT OF PURCHASE.**—The purchase of multiperil crop insurance for a citrus crop pursuant to subsection (a) shall be considered to satisfy the purchase requirement specified in section 2247(a) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 1421 note) for purposes of eligibility for the assistance programs specified in that section.

**TITLE III—EMERGENCY LOANS**

**SEC. 301. REAUTHORIZATION OF DISASTER ASSISTANCE FOR RURAL BUSINESS ENTERPRISES.**

(a) **REAUTHORIZATION.**—Section 401(a) of the Disaster Assistance Act of 1989 (7 U.S.C. 1929a note) is amended—

(1) by striking "the drought" in paragraph (1) and inserting "drought"; and

(2) by striking "or 1989" both places it appears and inserting ", 1989, 1990, or 1991".

(b) **RULEMAKING.**—In implementing the amendments made by subsection (a), the Secretary of Agriculture may waive any comment period required by section 553(c) of title 5, United States Code.

**SEC. 302. LOANS FOR WATER DEVELOPMENT PROJECTS.**

(a) **ESTABLISHMENT OF REVOLVING FUND.**—There is hereby established in the Treasury of the United States a revolving fund to be known as the "Drought Relief Fund", hereinafter in this section referred to as the "Fund". The Fund shall consist of—

(1) such amounts as may be appropriated to the Fund;

(2) interest from, and repayments of, loans made under subsection (b)(1); and

(3) interest from investments made under subsection (c).

(b) **USE OF FUND.**—(1) The Secretary of Agriculture shall make loans, in such aggregate amount as is provided in advance in appropriation Acts, from the Fund to agricultural producers in areas designated by the Secretary as drought stricken to assist such producers to plan and carry out projects to improve water availability and use on the farms of such producers. Projects assisted under this section may include projects to drill wells to increase water availability for agricultural use.

(2) For each area designated as drought stricken, loans made under this section shall bear interest at a rate determined by the Secretary, but not to exceed the average rate charged in the area by commercial establishments for similar loans.

(c) **INVESTMENTS.**—The Secretary of the Treasury may invest in obligations issued or guaranteed by the United States any monies in the Fund that the Secretary of Agriculture determines are not currently needed to make loans under this section.

**SEC. 303. CLARIFICATION OF MEANING OF FAMILY FARM FOR PURPOSES OF FMHA EMERGENCY LOANS.**

(a) **IN GENERAL.**—Section 322 of the Consolidated Farm and Rural Development Act (7 U.S.C. 1962) is amended by adding at the end the following:

"(c) The farm of an applicant under this subtitle who is described in section 321(a)(1) shall not be treated as larger than a family farm solely because the farm meets 1 or more of the following:

"(1) The farm is jointly managed by the applicant and an employee of the applicant.

"(2) The farm uses 4 or less individuals for labor on the farm at all times."

(a) **EFFECTIVE DATE.**—The amendment made by subsection (a) shall take effect on the date of the enactment of this Act and shall apply to applications submitted on or after February 11, 1991.

**SEC. 304. LIMITATION ON AUTHORITY TO REQUIRE FARMERS RECEIVING EMERGENCY LOANS FROM FMHA TO SELL ASSETS NOT ESSENTIAL TO OPERATE THE FARM.**

(a) Section 324(d) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1964(d)) is amended by adding at the end of the following: "The Secretary may not require a borrower to whom a loan has been made under this subtitle to sell any asset that is not essential to the operation of the borrower's farm unless the borrower has failed to make a payment due on the loan."

**SEC. 305. EMERGENCY GRANTS TO ASSIST LOW-INCOME FARMWORKERS AND PACKINGHOUSE WORKERS.**

(a) **EXPANSION OF PROGRAM.**—Section 2281 of the Food, Agriculture, Conservation, and Trade Act of 1990 (42 U.S.C. 5177a) is amended—

(1) by inserting ", permanent," after "migrant" each place it appears;

(2) in subsection (a)—

(A) by striking "\$20,000,000" and inserting "\$30,000,000"; and

(B) by inserting the period at the end of the second sentence and inserting ", including assistance for the payment of housing costs."; and (3) in subsection (b)—

(A) by inserting "(including a packinghouse worker)" after "an individual"; and

(B) by inserting "or packinghouse work" after "farm work" both places it appears.

(b) **CLERICAL AMENDMENTS.**—(1) The section heading of such section is amended to read as follows:

**"SEC. 2281. EMERGENCY GRANTS TO ASSIST LOW-INCOME FARMWORKERS AND PACKINGHOUSE WORKERS."**

(2) The item relating to such section in the table of contents at the beginning of such Act is amended to read as follows:

"Sec. 2281. Emergency grants to assist low-income farmworkers and packinghouse workers."

**BANK EFFICIENCY ACT HELPS CONSUMERS**

The **SPEAKER** pro tempore. Under a previous order of the House, the gentleman from North Carolina [Mr. NEAL] is recognized for 5 minutes.

Mr. NEAL of North Carolina. Mr. Speaker, I have introduced H.R. 1480, the Bank Efficiency Act, to permit banks operating in more than one State to consolidate their operations as branches of their home State bank. Senator TERRY SANFORD has introduced the same legislation in the other body.

Mr. Speaker, current law prohibits interstate branching. If a bank wishes to expand into another State, it must establish a wholly separate institution within that State. The new bank must be separately capitalized and regulated, with a redundant corporate structure at every level.

H.R. 1480 would not permit banks to enter States where interstate banking is prohibited, but would help multistate banking organizations streamline their operations, saving hundreds of millions of dollars. Spreading risk geographically would improve the safety and soundness of the banking system, and would help build capital by permitting greater efficiencies. Perhaps most importantly, a safer, more efficient banking system would provide consumers banking services at a lower cost.

Like the Treasury proposal on bank restructuring, Mr. Speaker, H.R. 1480 would allow banks to branch in States where they are permitted to operate. In recent testimony before the House Banking Committee, Treasury Secretary Brady said that "authorizing nationwide banking and branching \* \* \* will make banks safer through diversification and more efficient through substantially reduced operating costs."

Likewise, the General Accounting Office [GAO], in its March 4, 1991, report, "Deposit Insurance, a Strategy for Reform" noted that:

Restrictions on interstate banking make it harder for well-capitalized, well-managed banking organizations to diversify and meet customer needs. Improved diversification \* \* \* should reduce FDIC's exposure to deposit insurance losses.

FDIC Chairman Bill Seidman, Comptroller of the Currency Bob Clarke, Federal Reserve Chairman Alan Greenspan and Securities and Exchange Commission Chairman Richard Breeden have all indicated their support for expanded interstate banking.

Mr. Speaker, interstate banking is good for consumers. By lowering the cost of doing business, banks would be able to offer lower interest rates to borrowers or reduced fees for transactions. Greater efficiency should also improve profitability and increase capital, lessening the likelihood of a taxpayer bailout. Consumers transacting business could do so more quickly and easily, with immediate access to their funds over broader geographic areas. H.R. 1480 would in no way permit banks to escape their responsibilities under the Community Reinvestment Act [CRA].

There is no conclusive evidence that interstate banking would force smaller banks out of business or siphon deposits out of local communities. Indeed, the GAO report concludes that despite the competition interstate banking may bring the "evidence appears to be strong that adequately capitalized, well-managed smaller banks are able to compete successfully in markets where larger banks also have a presence." Furthermore, a large interstate bank is not likely to place a branch in a small community where it will not be able to make loans.

Mr. Speaker, our banking laws need to be updated. Advances in transportation and communication technology have made arbitrary geographical barriers to banking obsolete and dangerous. H.R. 1480 represents a modest change that will go a long way toward making the banking industry more efficient and hence safer, sounder, and more beneficial to consumers.

#### IRVIN "OBIE" OBERMAN RETIRES FROM DOORKEEPER'S OFFICE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland [Mr. HOYER] is recognized for 5 minutes.

Mr. HOYER. Mr. Speaker, I rise today to pay tribute to Irvin "Obie" Oberman, who will soon retire after 35 years here on Capitol Hill.

Obie started working on the Hill in 1954, in the House Post Office, under the sponsorship of Congressman Samuel Friedel of Baltimore. Two years later, on April 5, 1956, he started work for Doorkeeper William "Fishbait" Miller as a House doorman.

Obie worked in most of the galleries around the House Chamber, and then became the Assistant Chief Doorman. He's been a very valuable asset to Chief Doorman Jim Jenkins and Bill Simms, and to the Doorkeeper, Jim Molloy.

As Assistant Chief Doorman, Obie was responsible for planning and organizing many events on the floor of the House, including numerous State of the Union Addresses by the President.

Obie is retiring to spend more time with his wife of 52 years, Frances, his daughter Susan and her husband Joe, his grandchildren Gina, Todd, and Geary, and his great-granddaughter Gabrielle.

Obie and Frances will be retiring to their home city of Baltimore, where he will be involved in local politics as an elections judge.

We will all miss Obie, his sense of humor, assistance, and, most of all, his leadership. Our best wishes and prayers go with him and his family.

#### HONORING "OBIE" OBERMAN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York [Mr. GILMAN] is recognized for 5 minutes.

Mr. GILMAN. Mr. Speaker, I rise today to pay tribute to Irvin "Obie" Oberman who has announced his retirement from the Doorkeepers office. Obie has been a fixture here on Capitol Hill for 35 years. He started working in the House Post Office in 1954. He changed jobs on April 5, 1956, when he went to work for the Doorkeeper, Fishbait Miller as a doorman. Obie worked in most of the galleries around the House Chamber and then became the Assistant Chief Doorman. He was a valuable asset to Chief Doormen, Jim Jenkins and Bill Simms as well as to the Doorkeeper, Jim Molloy. As Assistant Chief Doorman Obie helped to plan and organize many events on the floor of the House. The most important of which were the President's State of the Union Addresses.

Obie has announced his retirement so that he would be able to spend more time with his lovely wife of 52 years, Frances, his daughter Susan and her husband Joe, his grandchildren Gina, Todd, and Geary and his great-granddaughter Gabrielle. He will be retiring to his home city of Baltimore, MD,

where he will be able to pursue his love of local politics.

We will all miss Obie, his sense of humor, his winning assistance, and most of all, his leadership. We all wish him good health and happiness in his retirement. Our best wishes and our prayers go with him and his family.

#### RULES OF PROCEDURE OF THE JOINT ECONOMIC COMMITTEE FOR THE FIRST SESSION OF THE 102D CONGRESS

(Mr. HAMILTON asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. HAMILTON. Mr. Speaker, the Joint Economic Committee held its organizational meeting on March 14, 1991, elected Senator PAUL S. SARBANES as chairman, and adopted committee rules.

I am submitting herewith for the RECORD a copy of the committee's rules, as follows:

##### RULES OF THE JOINT ECONOMIC COMMITTEE\*

RULE 1. The rules of the Senate and House, insofar as they are applicable, shall govern the committee and its subcommittees. The rules of the committee, insofar as they are applicable, shall be the rules of any subcommittee of the committee.\*

RULE 2. The meetings of the committee shall be held at such times and in such places as the chairman may designate, or at such times as a quorum of the committee may request in writing, with adequate advance notice provided to all members of the committee. Subcommittee meetings shall not be held when the full committee is meeting. Where these rules require a vote of the members of the committee, polling of members either in writing or by telephone shall not be permitted to substitute for a vote taken at a committee meeting, unless the ranking minority member assents to waiver of this requirement.

RULE 3. Ten members of the committee shall constitute a quorum. A majority of the members of a subcommittee shall constitute a quorum of such subcommittee.

RULE 4. Written or telegraphic proxies of committee members will be received and recorded on any vote taken by the committee, except at the organization meeting at the beginning of each Congress, or for the purpose of creating a quorum.

RULE 5. The chairman may name standing or special subcommittees. Any member of the committee shall have the privilege of sitting with any subcommittee during its hearings or deliberations, and may participate in such hearings or deliberations, but no such member who is not a member of the subcommittee shall vote on any matter before such subcommittee.

RULE 6. The chairmanship and vice chairmanship of the committee shall alternate between the House and the Senate by Congresses. The senior member of the minority party in the House of Congress opposite to that of the chairman shall be the ranking minority member of the committee. In the event the House and Senate are under different party control, the chairman and vice chairman shall represent the majority party in their respective Houses.

RULE 7. Questions as to the order of business and the procedure of the committee

\*As amended, originally approved Dec. 6, 1955.

shall in the first instance be decided by the chairman, subject always to an appeal to the committee.

**RULE 8.** All hearings conducted by the committee or its subcommittees shall be open to the public except where the committee or subcommittee, as the case may be, by a majority vote orders an executive session. Whenever possible, all public hearings shall include some sessions held on the Senate side and some on the House side. House and Senate Members shall alternate in order of seating and interrogation.

**RULE 9.** So far as practicable all witnesses appearing before the committee shall file advance written statements of their proposed testimony, and their oral testimony shall be limited to brief summaries. Brief insertions of additional germane material will be received for the record, subject to the approval of the chairman.

**RULE 10.** An accurate stenographic record shall be kept of all testimony and each witness provided with a copy thereof. Witnesses may make changes in testimony for the purpose of correcting grammatical errors, obvious errors of fact, and errors of transcription. Brief supplemental materials when required to clarify the transcript may be inserted in the record subject to the approval of the chairman. Witnesses shall be allowed 3 days within which to correct and return the transcript of their testimony. If not so returned, the clerk may close the record whenever necessary.

**RULE 11.** Each member of the committee shall be provided with a copy of the hearings transcript for the purpose of correcting errors of transcription and grammar, and clarifying questions or remarks. If another person is authorized by a committee member to make his corrections, the clerk shall be so notified.

Members who have received unanimous consent to submit written questions to witnesses shall be allowed 2 days within which to submit these to the executive director for transmission to the witnesses. The record may be held open for a period not to exceed 1 week awaiting response by witnesses.

**RULE 12.** Testimony received in executive hearings shall not be released or included in any report without the approval of a majority of the committee.

**RULE 13.** The chairman shall provide adequate time for questioning of witnesses by all members, and the rule of germaneness shall be enforced in all hearings.

**RULE 14.** None of the hearings of the committee shall be telecast or broadcast, whether directly or through such devices as recordings, tapes, motion pictures, or other mechanical means, if in conflict with a rule or practice of the House on the side of the Capitol where hearings are being held. If no general rule or practice prevails in regard to such telecasts or broadcasts, none of the hearings of the committee shall be telecast or broadcast unless approved by a majority of the members of the committee.

Telecasts or broadcasts of any such portion of hearings of the committee as may include testimony of a witness, shall not be authorized if such witness objects to such telecast or broadcast: *Provided*, That such witness shall be afforded the opportunity to make such objection, if any, to the committee at a time when the proceedings are not being telecast or broadcast.

**RULE 15.** No committee report shall be made public or transmitted to the Congress without the approval of a majority of the committee except that when the Congress has adjourned, subcommittees may by ma-

majority vote and with the express permission of the full committee submit reports to the full committee and simultaneously release same to the public: *Provided*, That any member of the committee may make a report supplementary to or dissenting from the majority report. Such supplementary or dissenting reports should be as brief as possible. Factual reports by the committee staff may be printed for the distribution to committee members and the public only upon authorization of the chairman of the full committee either with the approval of a majority of the committee or with the consent of the ranking minority member.

**RULE 16.** No summary of a committee report, prediction of the contents of a report, or statement of conclusions concerning any investigation shall be made by a member of the committee or of the committee staff prior to the issuance of a report of the committee.

**RULE 17.** There shall be kept a complete record of all committee proceedings and action. The clerk of the committee, or a designated member of the committee staff, shall act as recording secretary of all proceedings before the committee and shall prepare and circulate to all members of the committee the minutes of such proceedings. Minutes circulated will be considered approved unless objection is registered prior to the next committee meeting. The records of the committee shall be open to all members of the committee.

**RULE 18.** The committee shall have a professional and clerical staff under the supervision of an executive director. The committee shall appoint and remove the executive director with the approval of not less than ten members of the committee. Staff operating procedures shall be determined by the executive director, with the approval of the chairman of the committee, and after notification to the ranking minority member with respect to basic revisions. The executive director, under the general supervision of the chairman, is authorized to deal directly with agencies of the Government and with non-Government groups and individuals on behalf of the committee.

The professional members of the committee staff shall be appointed and removed on the recommendation of the executive director with approval by majority vote of the committee. The professional staff members, including the executive director, shall be persons selected without regard to political affiliations who, as a result of training, experience, and attainments, are exceptionally qualified to analyze and interpret economic developments and programs. The clerical and temporary staff shall be appointed and removed by the executive director with the approval of the chairman, and after notification to the ranking minority member. The committee staff shall serve all members of the committee in an objective, nonpartisan manner. From time to time, upon request, the executive director shall designate individual members of the staff to assist subcommittees, individual committee members, and the minority members. The staff, to the extent possible, shall be organized along functional lines to permit specialization.

**RULE 19.** Attendance at executive sessions shall be limited to members of the committee and of the committee staff. Other persons whose presence is requested or consented to by the committee may be admitted to such sessions.

**RULE 20.** Selection of witnesses for committee hearings shall be made by the committee staff under the direction of the chair-

man. A list of proposed witnesses shall be submitted to the members of the committee for review sufficiently in advance of the hearings to permit suggestions by the committee members to receive appropriate consideration.

**RULE 21.** The chairman of the committee shall have the overall responsibility for preparing and carrying out the committee's program, including staff studies, subject to prior approval of each item on the program by a majority of the committee or, alternatively, by the ranking minority member. Prior to and during the transition from one Congress to another, the outgoing committee shall prepare and have ready a plan for the consideration of the President's Economic Report and the preparation of the committee's report thereon in order to meet the March 1 deadline established by Public Law 304 (79th Cong.), as amended. (See historical note at top of p. 14.)

**RULE 22.** Proposals for amending committee rules shall be sent to all members at least 1 week before final action is taken thereon, unless the amendment is made by unanimous consent. Approval by at least 11 members of the committee shall be required to amend these rules.

**RULE 23.** The information contained in any books, papers, or documents furnished to the committee by any individual, partnership, corporation, or other legal entity shall, upon the request of the individual, partnership, corporation, or entity furnishing the same, be maintained in strict confidence by the members and staff of the committee, except that any such information may be released outside of executive session of the committee if the release thereof is effected in a manner which will not reveal the identity of such individual, partnership, corporation, or entity: *Provided*, That the committee by majority vote may authorize the disclosure of the identity of any such individual, partnership, corporation, or entity in connection with any pending hearing or as a part of a duly authorized report of the committee if such release is deemed essential to the performance of the functions of the committee and is in the public interest.

#### LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. MANTON (at the request of Mr. GEPHARDT) for today on account of illness in the family.

Mrs. LLOYD (at the request of Mr. GEPHARDT) for today afternoon on account of personal business.

#### 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. SANTORUM) to revise and extend their remarks and include extraneous material:)

Mr. DORNAN of California, for 5 minutes, today.

Mr. LENT, for 60 minutes, today.

Mr. FAWELL, for 60 minutes, on April 10.

Mr. BALLENGER, for 60 minutes, on April 10.

Mr. REGULA, for 5 minutes, today.

(The following Members (at the request of Mr. PAYNE of Virginia) to revise and extend their remarks and include extraneous material:)

Mr. RAY, for 5 minutes, today.

Mr. ESPY, for 5 minutes, today.

Mr. KLECZKA, for 5 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mr. ROSTENKOWSKI, for 5 minutes, today.

(The following Member (at the request of Mr. GONZALEZ) to revise and extend his remarks and include extraneous material:)

Mr. PANETTA, for 5 minutes, today.

(The following Members (at the request of Mr. DREIER of California) to revise and extend their remarks and include extraneous material:)

Mr. MCEWEN, for 60 minutes, today.

Mr. DREIER of California, for 60 minutes, today.

(The following Member (at the request of Mr. HOYER) to revise and extend his remarks and include extraneous matter:)

Mr. NEAL of North Carolina for 5 minutes, today.

(The following Member (at the request of Mr. RANGEL) to revise and extend his remarks and include extraneous material:)

Mr. REED, for 15 minutes, on tomorrow, March 22.

#### EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. STENHOLM, and to include extraneous matter, notwithstanding the fact that it exceeds two pages of the RECORD and is estimated by the Public Printer to cost \$3,735.00.

(The following Members (at the request of Mr. SANTORUM) and to include extraneous matter:)

Mr. FIELDS.

Mr. SCHULZE.

Mr. RIGGS.

Mr. ARCHER.

Mr. RINALDO.

Mr. VANDER JAGT.

Mr. LEWIS of California in two instances.

Mr. DICKINSON.

Mr. CRANE.

Mr. HYDE.

Mr. DOOLITTLE.

(The following Members (at the request of Mr. PAYNE of Virginia) and to include extraneous matter:)

Mr. DORGAN of California.

Mr. TRAFICANT.

Mr. ROWLAND.

Mr. SWETT in two instances.

Mr. HAMILTON.

Mr. ROE.

Mr. NEAL of Massachusetts.

Mr. GRAY.

Mr. PAYNE of New Jersey.

Mr. CLEMENT.

Mr. DE LUGO.

Mr. MINETA.

Mr. YATRON.

Mr. SMITH of Florida in four instances.

Mr. VENTO.

Mr. MANTON in two instances.

Mr. DWYER of New Jersey.

Mr. PENNY.

Mr. RANGEL.

Mrs. KENNELLY.

Mr. KLECZKA.

Mr. KOLTER.

Mr. GUARINI.

#### SENATE CONCURRENT RESOLUTION REFERRED

A concurrent resolution of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. Con. Res. 22. Concurrent resolution extending the appreciation of Congress to all American Indian veterans for their service in the Armed Forces of the United States; to the Committees on Armed Services and Interior and Insular Affairs.

#### ENROLLED BILL SIGNED

Mr. ROSE, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 1316. An act to amend chapter 54 of title 5, United States Code, to extend and improve the Performance Management and Recognition System, and for other purposes.

#### SENATE ENROLLED BILL AND JOINT RESOLUTIONS SIGNED

The SPEAKER announced his signature to an enrolled bill and joint resolutions of the Senate of the following titles:

S. 419. An act to amend the Federal Home Loan Bank Act to enable the Resolution Trust Corporation to meet its obligations to depositors and others by the least expensive means;

S.J. Res. 53. Joint resolution to designate April 9, 1991 and April 9, 1992, as "National Former Prisoner of War Recognition Day"; and

S.J. Res. 83. Joint resolution entitled "National Day of Prayer and Thanksgiving."

#### BILLS AND JOINT RESOLUTION PRESENTED TO THE PRESIDENT

Mr. ROSE, from the Committee on House Administration, reported that that committee did on the following date present to the President, for his approval, bills and a joint resolution of the House of the following title:

On October 20, 1991:

H.J. Res. 133. Authorizing and requesting the President to designate the second full week in March 1991 as "National Employ the Older Worker Week";

H.R. 1284. To authorize emergency supplemental assistance for Israel for additional

costs incurred as a result of the Persian Gulf conflict; and

H.R. 1176. To provide authorizations for supplemental appropriations for fiscal year 1991 for the Department of State and the Agency for International Development for certain emergency costs associated with the Persian Gulf conflict, and for other purposes.

#### ADJOURNMENT

Mr. RANGEL. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 8 minutes p.m.), under its previous order, the House adjourned until tomorrow, Friday, March 22, 1991, at 10 a.m.

#### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

918. A letter from the Deputy Director for Administration, Central Intelligence Agency, transmitting a report on its activities under the Freedom of Information Act during calendar year 1990, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

919. A letter from the Secretary of Labor, transmitting the first report on compliance by State Prison Industry Enhancement Projects with section 1761(c) of title 18, United States Code, pertaining to prisoner compensation, pursuant to Public Law 101-647, section 2908; to the Committee on the Judiciary.

920. A letter from the Acting General Counsel, Federal Emergency Management Agency, transmitting a draft of proposed legislation to authorize appropriations for activities under the Federal Fire Prevention and Control Act of 1974, as amended; to the Committee on Science, Space, and Technology.

#### 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. LENT (for himself, Mr. LEWIS of California, Mr. MICHEL, Mr. EDWARDS of Oklahoma, Mr. GINGRICH, Mr. HUNTER, Mr. VANDER JAGT, Mr. ARCHER, Mr. YOUNG of Alaska, Mr. MOORHEAD, Mr. DANNEMEYER, Mr. RITTER, Mr. BLILEY, Mr. FIELDS, Mr. OXLEY, Mr. SCHAEFER, Mr. BARTON of Texas, Mr. CALLAHAN, Mr. McMILLAN of North Carolina, Mr. HASTERT, Mr. HOLLOWAY, Mr. UPTON, Mr. RHODES, Mrs. VUCANOVICH, Mr. INHOPE, Mr. HANSEN, Mr. MCCREERY, Mr. ZELIFF, Mr. GEKAS, Mr. HOUGHTON, and Mr. THOMAS of California):

H.R. 1543. A bill to encourage cost effective energy conservation and energy efficiency, and to permit the exploration, development, production, purchase, and sale of domestic energy resources to the maximum extent practicable and in a manner consistent with, and in furtherance of, environmental values, and for other purposes; jointly, to the Committees on Energy and Commerce, Ways and

Means, Science, Space, and Technology, Interior and Insular Affairs, Merchant Marine and Fisheries, Public Works and Transportation, and Armed Services.

By Mr. BRUCE (for himself, Mr. COSTELLO, Mr. POSHARD, Mr. INHOFE, Mr. DELLUMS, Mr. WILSON, and Mr. RAHALL):

H.R. 1544. A bill to amend title XIX of the Social Security Act to assure minimum payment adjustments for disproportionate share hospitals; to the Committee on Energy and Commerce.

By Mr. ANTHONY:

H.R. 1545. A bill to amend the Internal Revenue Code of 1986 to prohibit the retroactive application of Treasury Department regulations; to the Committee on Ways and Means.

By Mr. BARNARD:

H.R. 1546. A bill to amend the Congressional Budget Act of 1974 to minimize the impact on State and local governments of unexpected provisions of legislation proposing the imposition of large unfunded costs on such governments, and for other purposes; to the Committee on Rules.

H.R. 1547. A bill to reduce the growing costs imposed on State and local governments by unfunded Federal mandates; jointly, to the Committees on Government Operations, the Judiciary, and Rules.

By Mr. BARRETT:

H.R. 1548. A bill to amend the Wild and Scenic Rivers Act to designate a certain portion of the Niobrara River in the State of Nebraska for study for potential addition to the wild and scenic rivers system; to the Committee on Interior and Insular Affairs.

By Mr. BATEMAN:

H.R. 1549. A bill to amend the Internal Revenue Code of 1986 to allow individuals to transfer separation pay from the Armed Forces into eligible retirement plans; to the Committee on Ways and Means.

By Mr. PANETTA (for himself, Mr. CONDIT, Mr. DOOLEY, Mr. FAZIO, Mr. LEHMAN of California, and Mr. HERGER):

H.R. 1550. A bill to provide certain authorizations to the Secretary of Agriculture to relieve agricultural producers and other persons in the United States who are suffering economic hardship as a result of drought conditions; to the Committee on Agriculture.

By Mr. CLEMENT (for himself, Mr. SLAUGHTER of Virginia, Mr. WYDEN, Mr. BLILEY, Mr. GORDON, Mr. SHUSTER, Mr. OXLEY, Mr. MANTON, Mr. BACCHUS, Mr. LIPINSKI, Mr. JONTZ, Mr. WALSH, Mr. SKELTON, Mr. DE LUGO, Mr. KLUG, Mr. LEWIS of Florida, Mr. JENKINS, Mr. HATCHER, Mr. ZELIFF, Mr. EMERSON, Mrs. MEYERS of Kansas, Mr. NEAL of Massachusetts, Mr. MFUME, Mr. TANNER, Mr. RICHARDSON, Mr. JEFFERSON, Mr. LEACH, Mr. STUMP, Mr. HERGER, Mr. UPTON, Mr. GILMAN, Ms. KAPTUR, and Mr. SANTORUM):

H.R. 1551. A bill to amend the Controlled Substances Act to increase penalties for the distribution of controlled substances at truck stops and rest areas; jointly, to the Committees on Energy and Commerce and the Judiciary.

By Mr. DONNELLY:

H.R. 1552. A bill to amend the Internal Revenue Code of 1986 to allow a deduction for fees for sewer and water services to the extent such fees exceed 1 percent of adjusted gross income, and for other purposes; to the Committee on Ways and Means.

By Mr. DOOLITTLE:

H.R. 1553. A bill to authorize the conveyance of the addition to the Lassen Memorial Hospital in Susanville, CA, and to waive any debt relating to the conveyance owed to the Federal Government by Lassen County, CA; to the Committee on Public Works and Transportation.

By Mr. DORGAN of North Dakota:

H.R. 1554. A bill to amend the Internal Revenue Code of 1986 to deny any deduction for interest incurred on junk bonds used in hostile takeovers, to provide that the deemed sale rules shall apply in the case of hostile stock purchases, and to provide for the treatment of certain high yield discount obligations; to the Committee on Ways and Means.

By Mr. ROSTENKOWSKI:

H.R. 1555. A bill to make technical corrections relating to the Revenue Reconciliation Act of 1990, and for other purposes; jointly, to the Committees on Ways and Means and Energy and Commerce.

By Mr. DORGAN of North Dakota (for himself and Mr. CHANDLER):

H.R. 1556. A bill to amend the Internal Revenue Code of 1986 to allow individuals who do not itemize deductions a deduction for charitable contributions to the extent in excess of \$100 per year; to the Committee on Ways and Means.

By Mr. DOWNEY (for himself, Mr. GRADISON, Mr. JACOBS, Mr. GUARINI, Mr. MATSUI, Mr. ANDREWS of Texas, Mr. ARCHER, Mr. CRANE, Mr. SHAW, Mr. SUNDQUIST, Mrs. JOHNSON of Connecticut, Mr. BOUCHER, Mr. NEAL of North Carolina, Mr. BUSTAMANTE, Mr. DERRICK, and Mr. DICKINSON):

H.R. 1557. A bill to amend the Internal Revenue Code of 1986 to provide that charitable contributions of appreciated property will not be treated as an item of tax preference; to the Committee on Ways and Means.

By Mr. FIELDS:

H.R. 1558. A bill to amend the Panama Canal Act of 1979 to provide for a Chairman of the Board of the Panama Canal Commission, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. GIBBONS (for himself, Mr. RUSSO, Mr. GUARINI, Mr. COYNE, Mr. MOODY, Mr. STARK, Mr. RANGEL, and Mr. FORD of Tennessee):

H.R. 1559. A bill to prohibit the importation of semiautomatic assault weapons, large capacity ammunition feeding devices, and certain accessories; to the Committee on Ways and Means.

By Mr. GREEN of New York (for himself and Mr. NEAL of North Carolina):

H.R. 1560. A bill to reestablish the Solar Energy and Energy Conservation Bank, and for other purposes; to the Committee on Banking, Finance and Urban Affairs.

By Mr. GUARINI (for himself, Mr. SCHULZE, Mr. GIBBONS, Mr. MOODY, Mr. RANGEL, Mr. LIPINSKI, Ms. KAPTUR, Mr. FROST, Mr. JONTZ, Mr. DWYER of New Jersey, Mr. VENTO, Mr. BUSTAMANTE, Mr. HUGHES, Mr. SCHEUER, Mr. MACHTLEY, Mr. SANTORUM, and Mr. NEAL of North Carolina):

H.R. 1561. A bill to amend the Internal Revenue Code of 1986 to deny any deduction for certain oil and hazardous substance cleanup costs; to the Committee on Ways and Means.

By Mr. HAMMERSCHMIDT:

H.R. 1562. A bill to repeal the provisions of the Revenue Reconciliation Act of 1989 which require the withholding of income tax from wages paid for agricultural labor; to the Committee on Ways and Means.

By Mr. HERGER (for himself, Mr. LEHMAN of California, Mr. RIGGS, Mr. CONDIT, Mr. DOOLITTLE, Mr. DOOLEY, Mr. DANNEMEYER, Mr. DYMALLY, Mr. YOUNG of Alaska, Mr. DAVIS, and Mr. JONES of North Carolina):

H.R. 1563. A bill to establish an Upper Sacramento River fishery resources restoration program; to the Committee on Merchant Marine and Fisheries.

By Mr. HOPKINS:

H.R. 1564. A bill to place contingencies on the divestiture of certain locks and dams; to the Committee on Public Works and Transportation.

By Mrs. JOHNSON of Connecticut (for herself, Mr. CHANDLER, Mr. GOSS, Mr. SHAYS, and Mr. THOMAS of Wyoming):

H.R. 1565. A bill to increase to health care and affordable health insurance, to contain costs of health care in a manner that improves health care, and for other purposes; jointly, to the Committees on Energy and Commerce, Ways and Means, Education and Labor, and the Judiciary.

By Mrs. KENNELLY (for herself, Mr. SCHULZE, Mr. MOODY, Mr. NAGLE, Mr. BARNARD, Mr. MAZZOLI, Mr. NOWAK, Mr. BRYANT, Mr. LEWIS of Georgia, and Mrs. MINK):

H.R. 1566. A bill to amend the Internal Revenue Code of 1986 with respect to the treatment of the low-income housing credit and the rehabilitation credit under the passive activity limitations; to the Committee on Ways and Means.

By Mr. LEVINE of California:

H.R. 1567. A bill to suspend temporarily the duty on certain machined electronic connector contact parts; to the Committee on Ways and Means.

By Mr. LEVINE of California (for himself and Mr. BOEHLERT):

H.R. 1568. A bill to direct the Administrator of the Federal Aviation Administration to initiate a rulemaking proceeding for the purpose of improving access to overwing emergency exits of aircraft; to the Committee on Public Works and Transportation.

By Mr. LIPINSKI:

H.R. 1569. A bill to amend the Internal Revenue Code of 1986 to provide a credit against tax for employers who provide onsite, day-care facilities for dependents of their employees, and to restrict the credit for dependent care services to taxpayers with adjusted gross incomes of \$50,000 or less; to the Committee on Ways and Means.

By Mr. MATSUI (for himself, Mr. JACOBS, Mr. VANDER JAGT, Mr. JENKINS, Mr. CRANE, Mr. MOODY, Mr. SCHULZE, Mr. CHANDLER, Mr. MCGRATH, Mr. SUNDQUIST, Mr. GRANDY, Mr. HARRIS, Mr. WOLF, Mr. BEREUTER, Mr. TALLON, Mr. PETRI, Mr. ROE, Mr. GUNDERSON, Mr. RAHALL, Mr. SMITH of Florida, Mr. DICKINSON, Mr. HOAGLAND, Mr. ALEXANDER, Mr. ERDREICH, Mr. SLATTERY, Mr. DERRICK, Mr. QUILLEN, Mr. WOLPE, and Mr. ECKART):

H.R. 1570. A bill to amend the Internal Revenue Code of 1986 to clarify portions of the Code relating to church pension benefit plans, to modify certain provisions relating to participants in such plans, to reduce the complexity of and to bring workable consistency to the applicable rules, to promote retirement savings and benefits, and for other purposes; to the Committee on Ways and Means.

By Mr. MILLER of Washington (for himself, Mr. ROSE, Mr. PORTER, Mr. GILMAN, Mr. LANTOS, and Ms. PELOSI):

H.R. 1571. A bill to encourage liberalization inside the People's Republic of China and Tibet; to the Committee on Foreign Affairs.

By Mr. OLIN (for himself, Mr. ROBERTS, Mr. ESPY, Mr. MCEWEN, Mr. STENHOLM, Mr. COMBEST, Mr. PENNY, Mr. ROHRBACHER, Mr. ENGLISH, Mr. PETRI, Mr. LAFALCE, Mr. HAMMERSCHMIDT, Mr. PAYNE of Virginia, Mr. SUNDQUIST, Mr. MONTGOMERY, Mr. MARTIN, Mr. BRUCE, Mr. HANSEN, Mr. STALLINGS, Mr. HERGER, Mr. SKEEN, Mr. LIVINGSTON, Mr. DUNCAN, Mr. HORTON, Mr. LIGHTFOOT, Mr. YOUNG of Alaska, and Mr. SOLOMON):

H.R. 1572. A bill to ensure that agencies establish the appropriate procedures for assessing whether or not regulation may result in the taking of private property, and to direct the Secretary of Agriculture to report to the Committee on Agriculture of the House and Senate with respect to such takings under programs of the Department of Agriculture; jointly, to the Committees on the Judiciary and Agriculture.

By Mr. OWENS of Utah (for himself, Mr. ORTON, and Mr. HANSEN):

H.R. 1573. A bill to amend the amount of grants received under chapter 1 of title I of the Elementary and Secondary Education Act of 1965; to the Committee on Education and Labor.

By Mr. PACKARD (for himself, Mr. CRANE, Mr. QUILLEN, and Mr. ROHRBACHER):

H.R. 1574. A bill to amend the Internal Revenue Code of 1986 to repeal the taxation of Social Security and tier 1 railroad retirement benefits; to the Committee on Ways and Means.

By Mr. PACKARD (for himself, Mr. HUNTER, Mr. PETRI, Mr. FROST, Mr. LAGOMARSINO, Mr. INHOFE, Mr. DANEMEYER, Mr. ROE, Mr. ROHRBACHER, Mr. KOLTER, and Mr. PARKER):

H.R. 1575. A bill to amend title II of the Social Security Act so as to eliminate the earnings test; to the Committee on Ways and Means.

By Mr. PANETTA:

H.R. 1576. A bill to equalize the retired pay of persons who served during World War II as Philippine scouts with the retired pay of other members of the Armed Forces of the United States of corresponding grades and length of service; to the Committee on Armed Services.

By Mr. PENNY:

H.R. 1577. A bill to amend the Fair Labor Standards Act of 1938 to permit nurses to make additional arrangements respecting the overtime requirement of such act; to the Committee on Education and Labor.

By Mr. PENNY (for himself, Mr. SMITH of New Jersey, Mr. MONTGOMERY, and Mr. STUMP):

H.R. 1578. A bill to amend title 38, United States Code, with respect to employment and reemployment rights of veterans and other members of the uniformed services; to the Committee on Veterans' Affairs.

By Mr. PICKETT:

H.R. 1579. A bill to amend the Merchant Marine Act, 1920, to redefine rebuilding of vessels permitted to engage in coastwise trade, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. REGULA:

H.R. 1580. A bill to require the lowest possible cost resolution with respect to any insured depository institution and the implementation of limits on reimbursement for loss to uninsured portions of deposits; to the

Committee on Banking, Finance and Urban Affairs.

By Mr. ROWLAND:

H.R. 1581. A bill to provide for establishment of a revolving loan fund for the development of wayports and to establish a commission to propose areas suitable for the location of such wayports; jointly, to the Committees on Public Works and Transportation and Rules.

By Mr. ROYBAL:

H.R. 1582. A bill to amend title XVIII of the Social Security Act to require institutions to include a rotation in geriatric medicine for residents as a condition for payment of direct medical education costs under the Medicare Program; jointly, to the Committees on Ways and Means and Energy and Commerce.

By Mr. SCHEUER:

H.R. 1583. A bill to require the Administrator of the Environmental Protection Agency to take certain action for the purpose of encouraging the purchase of fuel-efficient new motor vehicles through a revenue-neutral rebate and fee system based on the carbon dioxide emissions levels of those vehicles, and for other purposes; to the Committee on Energy and Commerce.

By Mr. SCHIFF (for himself and Mr. SKEEN):

H.R. 1584. A bill to increase Federal payments in lieu of taxes to units of general local government, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. SMITH of Oregon:

H.R. 1585. A bill to amend section 303 of Public Law 96-451 to authorize the Secretary of the Interior to expend funds from the Reforestation Trust Fund for the reforestation of certain lands in the State of Oregon, and for other purposes; jointly to the Committee on Interior and Insular Affairs and Agriculture.

By Mr. SPRATT:

H.R. 1586. A bill to extend the existing suspension of duty on tetraamino biphenyl; to the Committee on Ways and Means.

By Mr. STOKES:

H.R. 1587. A bill to amend the Internal Revenue Code of 1986 to provide that certain distributions to unemployed individuals will not be subject to the additional tax on early distributions from qualified retirement plans; to the Committee on Ways and Means.

By Mr. TRAFICANT (for himself, Mr. RANGEL, Mr. MURPHY, Mr. APPELGATE, Mr. FOGLIETTA, Mr. KOLTER, Mr. HAYES of Illinois, Mr. JONES of North Carolina, Mrs. LLOYD, Mr. KENNEDY, Mr. RIGGS, Mr. LANCASTER, Mr. BUSTAMANTE, Mr. POSHARD, Mr. TOWNS, Mr. FRANK of Massachusetts, Mr. ESPY, Mr. DYMALLY, Mr. MARTINEZ, and Mr. MFUME.):

H.R. 1588. A bill to authorize the Secretary of Housing and Urban Development to carry out a demonstration program to make grants to community development corporations for reducing interest rates on loans for economic development activities in five federally designated enterprise zones; to the Committee on Banking, Finance and Urban Affairs.

By Mrs. UNSOELD:

H.R. 1589. A bill to amend the Communication Act of 1934 to regulate the use of telephones in making commercial solicitations with the use of automatic dialing and announcing devices and to protect the privacy of telephone subscribers; to the Committee on Energy and Commerce.

By Mr. VENTO (for himself, Mr. UDALL, Mr. KOSTMAYER, Mr. DE LUGO,

Mr. RAHALL, Mrs. BYRON, Mr. DARDEN, Mr. VISCLOSKEY, Mr. OWENS of Utah, Mr. LEWIS of Georgia, Mr. HOAGLAND, Mr. BLAZ, Mr. MCDERMOTT, Mr. BONIOR, Mr. BEILENSON, Mr. PEASE, Ms. NORTON, Mr. LANCASTER, Mr. GUARINI, Mr. WEISS, and Mr. BERREUTER):

H.R. 1590. A bill to provide for designation by the Secretary of the Interior and the Secretary of Agriculture of an ancient forest reserve system, including lands managed by the Bureau of Land Management and portions of national forests established by reservations from the public domain; to require the Secretary of the Interior and the Secretary of Agriculture to enhance economic stability in the Pacific Northwest; and for other purposes; jointly, to the Committees on Agriculture, Interior and Insular Affairs, and Education and Labor.

By Ms. WATERS:

H.R. 1591. A bill to amend the Internal Revenue Code of 1986 to include veterans participating in Operation Desert Storm and other veterans as eligible for veterans' mortgage bond financing; to the Committee on Ways and Means.

By Mr. WILSON:

H.R. 1592. A bill to increase the size of the Big Thicket National Preserve in the State of Texas by adding the Village Creek Corridor unit, the Big Sandy Corridor unit, the Canyonlands unit, the Sabine River Blue Elbow unit, and addition to the Lower Neches Corridor unit; to the Committee on Interior and Insular Affairs.

By Mr. WISE:

H.R. 1593. A bill to provide for the increased use by the Federal Government of alternative fuel vehicles, and for other purposes; jointly, to the Committees on Government Operations, Energy and Commerce, and Armed Services.

By Mr. PANETTA:

H.J. Res. 203. Joint resolution designating October 20, 1991, as "Leyte Landing Day"; to the Committee on Post Office and Civil Service.

By Mr. PORTER:

H.J. Res. 204. Joint resolution noting the findings of the commission of inquiry into aspects of the forest industry in Papua, New Guinea, and calling for appropriate actions; to the Committee on Foreign Affairs.

By Mr. SCHEUER (for himself, Mr. AUCCOIN, Mr. ASPIN, Mr. MRAZEK, and Mr. WAXMAN):

H.J. Res. 205. Joint resolution to designate May 1991 as "Neurofibromatosis Awareness Month"; to the Committee on Post Office and Civil Service.

By Mr. STENHOLM:

H.J. Res. 206. Joint resolution entitled "National Day of Prayer and Thanksgiving"; to the Committee on Post Office and Civil Service.

By Mr. CRANE (for himself, Mr. APPELGATE, Mr. SPENCE, Mr. ANDERSON, Mr. HANCOCK, Mr. STUMP, Mr. HAMMERSCHMIDT, and Mr. DANEMEYER):

H. Con. Res. 103. Concurrent resolution expressing the sense of the Congress that the President should seek to negotiate a new base rights agreement with the Government of Panama to permit the United States Armed Forces to remain in Panama beyond December 31, 1999, and to permit the United States to act independently to continue to protect the Panama Canal; to the Committee on Foreign Affairs.

By Mr. SCHULZE:

H. Con. Res. 104. Concurrent resolution recognizing and commending the bill of respon-

sibilities of the Freedoms Foundation at Valley Forge; to the Committee on Post Office and Civil Service.

By Mr. YATRON:

H. Con. Res. 105. Concurrent resolution calling for a U.S. policy of strengthening and maintaining indefinitely the current International Whaling Commission moratorium on the commercial killing of whales, and otherwise expressing the sense of the Congress with respect to conserving and protecting the world's whale, dolphin, and porpoise populations; to the Committee on Foreign Affairs.

By Mr. GLICKMAN:

H. Res. 117. Resolution expressing the sense of the House of Representatives respecting the establishment of a system providing universal access to health care; jointly, to the Committees on Energy and Commerce and Ways and Means.

By Mr. HERTEL:

H. Res. 118. Resolution amending the rules of the House of Representatives to grant floor and speaking privileges to former Presidents of the United States (other than a former President who resigned from office); to the Committee on Rules.

MEMORIALS

Under clause 4 of rule XXI,

45. The Speaker presented a memorial of the Senate of the State of West Virginia, relative to the desecration of the U.S. flag; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BILBRAY:

H.R. 1594. A bill for the relief of Peter J. Montagnoli; to the Committee on the Judiciary.

By Mr. YOUNG of Alaska:

H.R. 1595. A bill to clear certain impediments to the licensing of a vessel for employment in the coastwise trade and fisheries of the United States; to the Committee on Merchant Marine and Fisheries.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 2: Mr. DE LUGO and Mr. KLUG.  
 H.R. 5: Mr. BEVILL, Mr. VOLKMER, Mr. SMITH of New Jersey, and Mr. MCGRATH.  
 H.R. 14: Mr. SCHAEFER, Mr. KOLTER, Mr. SKAGGS, Mr. DE LUGO, Mr. ABERCROMBIE, Mr. MCGRATH, Mr. BOEHLERT, Mr. DURBIN, Mr. KOPETSKI, Mr. MARTINEZ, and Mr. PARKER.  
 H.R. 33: Mr. ROWLAND, Mr. WYDEN, Mr. ECKART, Mr. SLATTERY, Mr. SIKORSKI, Mr. BRYANT, Mr. SCHEUER, Mrs. COLLINS of Illinois, Mr. RICHARDSON, Mr. BRUCE, Mr. TOWNS, Mr. KOSTMAYER, Mr. HARRIS, Mr. BERMAN, Mr. COLEMAN of Missouri, Mr. COLEMAN of Texas, Mr. DELLUMS, Mr. DE LUGO, Mr. DWYER of New Jersey, Mr. FROST, Mr. FAZIO, Mr. FOGLIETTA, Mr. GALLO, Mr. GILMAN, Mr. GUARINI, Mr. HERTEL, Mr. HOCHBRUECKNER, Mr. HORTON, Mr. JEFFERSON, Mr. JONES of Georgia, Ms. KAPTUR, Mr. KLECZKA, Mr. KLUG, Mr. LEVIN of Michigan, Mr. LIPINSKI, Ms. LONG, Mrs. LOWEY of New York, Mr. MACHTLEY, Mr. MARTINEZ, Mr.

MCGRATH, Mr. MCDERMOTT, Mr. OLIN, Mr. PAYNE of New Jersey, Ms. PELOSI, Mr. RAHALL, Mr. RANGEL, Mr. ROE, Mr. SANTORUM, Mr. SISISKY, Mr. WALSH, and Mr. WEISS.

H.R. 77: Mr. TAUZIN, Mr. QUILLEN, and Mr. SENSENBRENNER.

H.R. 78: Mr. BOEHNER, Mr. KOLBE, Mr. LEWIS of Florida, Mr. ZELIFF, Mr. QUILLEN, Mr. LENT, and Mr. SPENCE.

H.R. 102: Mr. NEAL of North Carolina, Mr. GALLO, Mrs. LOWEY of New York, Mr. INHOFE, and Mr. RAMSTAD.

H.R. 103: Mr. RINALDO and Mr. AUCOIN.

H.R. 105: Mr. RAMSTAD.

H.R. 107: Mr. MANTON and Mr. FRANK of Massachusetts.

H.R. 118: Mr. KYL, Mr. VANDER JAGT, Mr. ANTHONY, and Mr. FAZIO.

H.R. 127: Mr. BOEHLERT, Mr. AUCOIN, Mr. UPTON, Mr. BRYANT, Mr. TALLON, Mr. DERICK, Mr. WEISS, Mr. LIPINSKI, Mr. SCHAEFER, Mr. SPRATT, Mr. RAVENEL, and Mr. KILDEE.

H.R. 179: Mr. NEAL of Massachusetts, Mr. SCHIFF, Mr. BARNARD, and Mr. WILSON.

H.R. 341: Mr. LENT, Mr. HUCKABY, and Mr. VOLKMER.

H.R. 394: Ms. NORTON, Mr. YATRON, Mr. RAMSTAD, Mr. FOGLIETTA, Mr. BOUCHER, Mr. GEJDENSON, Mr. JEFFERSON, Mr. KANJORSKI, and Mr. PARKER.

H.R. 413: Mr. HUBBARD, Mr. MOODY, Mr. PARKER, Mr. RAMSTAD, Mr. BONIOR, Ms. SNOWE, Mr. STALLINGS, and Mr. FLAKE.

H.R. 418: Mr. HUTTO.

H.R. 500: Mr. AUCOIN, Mr. CLAY, Mr. COLEMAN of Texas, Mr. COX of Illinois, Mr. COYNE, Mr. FLAKE, Mr. GORDON, Mr. HENRY, Mr. HOAGLAND, Mr. HYDE, Mr. KASICH, Mr. LUKEN, Mr. MOAKLEY, Ms. OKAR, Mr. SARPALIUS, Mr. SCHAEFER, Mr. SIKORSKI, Mr. SKAGGS, Mr. SLAUGHTER of Virginia, Mr. TORRICELLI, Ms. WATERS, and Mr. ZELIFF.

H.R. 516: Mr. WILSON, Mr. SANDERS, Mr. WILLIAMS, and Mr. TORRICELLI.

H.R. 524: Mr. QUILLEN and Mr. DOOLITTLE.

H.R. 572: Mr. HASTERT.

H.R. 582: Mr. ABERCROMBIE and Mr. LOWERY of California.

H.R. 632: Mr. WEISS.

H.R. 647: Mr. ECKART.

H.R. 670: Mr. NEAL of North Carolina, Mr. DWYER of New Jersey, Mr. VALENTINE and Mr. PARKER.

H.R. 673: Mr. JOHNSON of South Dakota, Mr. GORDON, Mr. PAYNE of Virginia, Mr. BRYANT, Mr. SCHEUER, Mr. LEWIS of Florida, Mr. VALENTINE, Mr. VOLKMER, Mr. FRANK of Massachusetts, Mr. COSTELLO, Ms. NORTON, Mr. KILDEE, and Mr. JEFFERSON.

H.R. 677: Mr. FORD of Michigan, Mr. KOLTER, Mrs. UNSOELD, Mr. LENT, Mr. FORD of Tennessee, Mr. WILSON, Mr. SMITH of New Jersey, Mr. PENNY, Mr. OBERSTAR, Mr. HEFNER, Mr. MCCLOSKEY, Mr. QUILLEN, Mr. OWENS of New York, Mr. OWENS of Utah, Mr. CARDIN, Mr. PERKINS, Mr. MACHTLEY, Mr. GUARINI, Mr. KANJORSKI, Mr. ANDERSON, Ms. SLAUGHTER of New York, Mr. SANDERS, and Mr. FIELDS.

H.R. 699: Mr. WEISS.

H.R. 713: Mr. ROE, Mr. MOAKLEY, Mr. CARPER, Mr. HATCHER and Mr. PARKER.

H.R. 741: Mr. HERTEL, Mr. LIPINSKI, and Mr. SOLOMON.

H.R. 747: Mr. SHAW and Mr. RAMSTAD.

H.R. 766: Ms. NORTON.

H.R. 784: Mr. ECKART, Mr. UPTON, Mr. GEKAS, Mr. COSTELLO, Mr. JACOBS, Mr. BRYANT, Mr. DEFazio, Mr. MILLER of Ohio, Mr. MAZZOLI, Mr. STEARNS, and Mr. JONES of Georgia.

H.R. 812: Mr. MURPHY, Mr. KOSTMAYER, Mr. ENGLISH, Mr. HALL of Ohio, Mr. FISH, Mrs. UNSOELD, Mr. GILMAN, Mr. SHAYS, Mr.

PENNY, Mr. ROE, Mr. BEREUTER, Mr. TOWNS, Mr. MILLER of California, Mr. DICKINSON, Mr. LEHMAN of Florida, Mr. RANGEL, Mr. LIPINSKI, Mrs. SCHROEDER, Mr. HOAGLAND, Mr. MFUME, Mr. FROST, Mr. BEVILL, Mr. GORDON, Mr. TORRES, Mr. RAMSTAD, and Mr. WOLPE.

H.R. 828: Mr. ESPY, Mr. KILDEE, Mr. SANDERS, Mr. SANGMEISTER, and Mr. SPRATT.

H.R. 841: Mrs. BOXER, Mrs. KENNELLY, Mr. PRICE, and Mr. WILLIAMS.

H.R. 842: Mr. JEFFERSON.

H.R. 863: Mr. RINALDO and Mr. QUILLEN.

H.R. 945: Mr. BAKER, Mr. HASTERT, Mr. BRUCE, Mr. ESPY, Mr. LUKEN, Mr. WILSON, and Mr. COX of California.

H.R. 961: Mr. WILSON, Mr. SISISKY, Mr. JACOBS, Mr. FIELDS, Mr. YATRON, and Mr. BERMAN.

H.R. 976: Ms. SLAUGHTER of New York, Mr. ASPIN, Mr. BORSKI, Mr. ROE, Mr. BONIOR, Ms. OKAR, and Mr. MOAKLEY.

H.R. 1001: Mr. ROHRBACHER.

H.R. 1063: Mr. LANTOS, Mr. DICKS, Mr. BONIOR, Mr. MANTON, Mr. MINETA, and Ms. SLAUGHTER of New York.

H.R. 1066: Mr. MARKEY, Mrs. COLLINS of Illinois, and Mr. WEISS.

H.R. 1093: Mr. OWENS of Utah.

H.R. 1107: Mr. CONYERS, Mr. DAVIS, Mr. DEFazio, Mr. DOOLEY, Mr. DOWNEY, Mr. EDWARDS of Texas, Mr. ENGLISH, Mr. FASELL, Mr. KILDEE, Mr. LEVIN of Michigan, Mr. MCHUGH, Mr. MAVROULES, Mr. NOWAK, Mr. PANETTA, Mr. RUSSO, Mr. SABO, Mr. SANDERS, and Mr. WOLPE.

H.R. 1113: Mr. SANDERS.

H.R. 1114: Mr. SANDERS.

H.R. 1135: Mr. ABERCROMBIE, Mr. LIVINGSTON, Mr. LUKEN, Mr. STALLINGS, and Mr. FAZIO.

H.R. 1144: Mr. RANGEL, Mr. ROGERS, Mr. LAGOMARSINO, and Mr. VALENTINE.

H.R. 1145: Mr. SWIFT, Mr. GORDON, Mr. CHANDLER, Mr. ENGEL, and Mr. MORAN.

H.R. 1181: Mr. AUCOIN, Mr. FROST, Mr. JONTZ, Mr. KENNEDY, Mr. DELLUMS, Mr. LANCASTER, Mr. LAFALCE, Mr. GEJDENSON, Mr. WOLPE, Mr. MFUME, Mr. WHEAT, Mr. MARTINEZ, and Mr. STARK.

H.R. 1184: Mr. DELAY and Mr. PARKER.

H.R. 1188: Mr. KILDEE.

H.R. 1190: Mrs. LOWEY of New York, Mr. OWENS of Utah, Mr. KANJORSKI, and Mr. FLAKE.

H.R. 1200: Mr. KOPETSKI, Mr. DWYER of New Jersey, Mr. SCHIFF, Mr. BOUCHER, and Mr. VALENTINE.

H.R. 1205: Mr. FRANK of Massachusetts, Mr. TALLON, Mr. DOOLEY, Ms. PELOSI, Mr. INHOFE, Mr. FROST, Mr. BILBRAY, and Mr. HORTON.

H.R. 1212: Mrs. MEYERS of Kansas.

H.R. 1213: Mrs. MEYERS of Kansas.

H.R. 1233: Mrs. LLOYD.

H.R. 1234: Mr. DOOLEY and Ms. KAPTUR.

H.R. 1239: Mr. BLAZ, Mr. BEREUTER, Mr. PAYNE of Virginia, Mr. HEFNER, Mr. HOCHBRUECKNER, Mr. GREEN of New York, Mr. DE LUGO, Mr. FALCOMA, Ms. DELAURIO, Mr. GUARINI, Mr. MARTINEZ, Mr. DEFazio, Mr. ANDREWS of Maine, and Mr. COSTELLO.

H.R. 1240: Mr. FAZIO.

H.R. 1241: Mr. BURTON of Indiana, Mrs. BYRON, Mr. COBLE, Mr. DANNEMEYER, Mr. DORNAN of California, Mr. EMERSON, Mr. HENRY, Mr. JEFFERSON, Mrs. JOHNSON of Connecticut, Mr. JOHNSTON of Florida, Mr. KLUG, Mr. LAFALCE, Mr. LIPINSKI, Mr. MCGRATH, Mr. MANTON, Ms. MOLINARI, Mrs. MORELLA, Mr. OLIN, Mr. SANGMEISTER, Mr. SMITH of New Jersey, Mr. SMITH of Texas, Mr. DWYER of New Jersey, Mr. VALENTINE, Mr. FIELDS, and Mr. PARKER.

H.R. 1244: Mr. PERKINS, Mrs. BOXER, Mr. FRANK of Massachusetts, Mr. RANGEL, Mr. NEAL of North Carolina, Mrs. JOHNSON of Connecticut, Mr. OWENS of Utah, Mr. JEFFERSON, Mr. EVANS, Mr. WEISS, and Ms. PELOSI.

H.R. 1250: Mr. DELLUMS and Mr. FAZIO.

H.R. 1296: Mr. ATKINS, Mr. SOLARZ, Mr. RANGEL, Mr. THOMAS of Georgia, Mrs. VUCANOVICH, Mr. BATEMAN, Mr. TORRES, Mr. ANNUNZIO, Mr. STARK, Mr. RIGGS, Mr. FRANK of Massachusetts, Mr. PACKARD, Mr. BRYANT, Mrs. LLOYD, Mr. CAMP, Mr. ZIMMER, and Mr. ESPY.

H.R. 1308: Mrs. BOXER and Mr. HOCHBRUECKNER.

H.R. 1326: Mr. EVANS and Mr. COSTELLO.

H.R. 1343: Mr. MACTHLEY.

H.R. 1348: Mr. EVANS, Mrs. COLLINS of Illinois, Mr. SARPALIUS, Mr. BRYANT, Mr. DWYER of New Jersey, Mr. COUGHLIN, Mr. ALEXANDER, Mr. STUDDS, Mr. CUNNINGHAM, Mr. HAMMERSCHMIDT, Mr. KANJORSKI, Mr. WYLIE, Mr. SMITH of Florida, Mr. CLAY, Mr. BUNNING, Mr. BUSTAMANTE, Mr. SAWYER, Mr. WILSON, Mrs. MINK, Mr. SMITH of Texas, Mr. KOSTMAYER, Mr. JEFFERSON, Mr. LUKEN, Mr. SUNDQUIST, and Mr. BARTON of Texas.

H.R. 1375: Mr. WYLIE and Mr. DREIER of California.

H.R. 1386: Ms. NORTON, Mr. WEISS, and Mr. ENGEL.

H.R. 1387: Mr. BILBRAY, Mrs. BOXER, Mr. DOOLEY, Mr. FALCOMA, Mr. KOPETSKI, Ms. NORTON, Mr. PETERSON of Minnesota, Mr. RAHALL, Mr. TOWNS, Mr. WOLPE, and Mr. YATES.

H.R. 1388: Mr. BILBRAY, Mrs. BOXER, Mr. EVANS, Mr. FALCOMA, Mr. KOPETSKI, Ms. NORTON, Mr. PETERSON of Minnesota, Mr. RAHALL, Mr. WOLPE, and Mr. YATES.

H.R. 1400: Mr. DREIER of California, Mr. VANDER JAGT, Ms. ROS-LEHTINEN, Mr. DICKINSON, Mr. IRELAND, and Mr. BOEHNER.

H.R. 1430: Mr. PANETTA, Mr. ANDREWS of New Jersey, and Mr. KOPETSKI.

H.R. 1443: Ms. NORTON and Mr. FAWELL.

H.R. 1445: Mr. PETERSON of Minnesota.

H.R. 1472: Mr. GRANDY and Mr. THOMAS of California.

H.R. 1494: Mr. SOLOMON, Mrs. BYRON, Mr. JOHNSON of South Dakota, and Mr. FISH.

H.R. 1510: Mrs. KENNELLY.

H.R. 1511: Mrs. KENNELLY.

H.J. Res. 56: Ms. HORN, Mr. LAFALCE, Mr. THOMAS of California, Mr. FAZIO, Mr. COUGHLIN, and Mr. PAYNE of New Jersey.

H.J. Res. 66: Mr. MOORHEAD, Mr. ECKART, Mr. PRICE, Mr. KOPETSKI, Mr. PAXON, Mr. MAVROULES, Mr. SMITH of New Jersey, Mr. ORTON, Mr. NATCHER, Mr. GILCHREST, Mr. CHAPMAN, Mr. BOUCHER, Mr. CARPER, Mr. ANDREWS of New Jersey, Mr. HAYES of Louisiana, Mr. MRAZEK, Mr. OXLEY, Mr. JONES of Georgia, Mr. MFUME, Mr. PAYNE of New Jersey, Mr. HERTEL, Mr. PANETTA, and Mr. COX of California.

H.J. Res. 83: Mr. MORRISON, Mr. BILEY, Mr. DUNCAN, Mr. DICKINSON, and Mr. LEWIS of Florida.

H.J. Res. 134: Mr. ABERCROMBIE, Mr. BONIOR, Mr. CRAMER, Mr. FAZIO, Mr. FEIGHAN, Mr. GOODLING, Mr. GORDON, Mr. INHOFE, Mr. KENNEDY, Mrs. KENNELLY, Ms. NORTON, Mr. PALLONE, Mr. REED, Mr. SPENCE, Mr. THOMAS of Georgia, Mr. TRAFICANT, Mr. VANDER JAGT, and Mr. WILSON.

H.J. Res. 140: Mr. BENNETT, Ms. SLAUGHTER of New York, Mr. KASICH, Mr. HAMMERSCHMIDT, Mr. GALLO, Mr. DYMALLY, Mr. DANEMEYER, Mr. SHAW, Mrs. VUCANOVICH, Mr. JONTZ, Mr. CALLAHAN, Mr. CRANE, Mr. BATEMAN, Ms. KAPTUR, Mr. RITTER, Mr. EMERSON, Mr. RAMSTAD, Mr. LANCASTER, Mr. MANTON, and Mr. QUILLEN.

H.J. Res. 164: Mr. APPEGATE, Mr. BILLIRAKIS, Mr. EMERSON, Mr. FROST, Mr. GILCHREST, Mr. HOCHBRUECKNER, Mr. LIPINSKI, Mr. RAMSTAD, Mr. TRAFICANT, and Mr. SCHAEFER.

H.J. Res. 166: Mr. McNULTY, Mr. CLEMENT, Mr. APPEGATE, and Mr. LIPINSKI.

H.J. Res. 171: Mr. BENNETT, Mr. MCDERMOTT, Mr. GOODLING, Mr. MILLER of Washington, Mr. HOYER, Mr. REGULA, Mr. SCHEUER, Mr. SPENCE, Mr. COUGHLIN, Mr. TRAFICANT, Mr. McMILLEN of Maryland, Mr. JONES of Georgia, and Mr. NOWAK.

H.J. Res. 175: Mrs. JOHNSON of Connecticut, Mr. MCDERMOTT, Mr. KENNEDY, Mr. THOMAS of Georgia, Mr. SMITH of Florida, Mr. GORDON, Mr. TANNER, Mr. SOLOMON, Mr. TOWNS, Mr. FUSTER, Mr. SLATTERY, Mr. WOLPE, Mr. SAXTON, Mr. CLEMENT, Ms. LONG, Mr. CARPER, Mr. STEARNS, Mr. BARNARD, Ms. NORTON, Mr. NICHOLS, Mr. GUARINI, Mr. McNULTY, Mr. NEAL of Massachusetts, Mr. McGRATH, Mr. LEVIN of Michigan, Mr. ROE, Mr. BROWN, Mr. KOPETSKI, Mr. HORTON, Mr. HARRIS, Mr. WOLF, Mr. GRADISON, Mr. COUGHLIN, Mr. BILBRAY, Mr. WILSON, Mr. ROYBAL, Mr. McDADE, Mr. McMILLEN of Maryland, Mr. JONTZ, and Mr. COSTELLO.

H.J. Res. 183: Mr. RAMSTAD, Mr. YATRON, Mr. CHAPMAN, Mr. TRAFICANT, Mr. QUILLEN, Mr. FAZIO, Mr. PANETTA, Mr. BILEY, and Mr. PORTER.

H. Con. Res. 23: Mr. NEAL of Massachusetts.

H. Con. Res. 50: Mr. JEFFERSON, Mrs. MEYERS of Kansas, Mr. ERDREICH, and Mr. RANGEL.

H. Con. Res. 66: Mr. SANDERS.

H. Con. Res. 88: Mr. RAMSTAD, Ms. HORN, Mr. DEFAZIO, Mr. FRANK of Massachusetts, Mr. CUNNINGHAM, Mr. BERMAN, Mr. BRUCE, Mr. KOSTMAYER, Mr. ZIMMER, Mr. FAWELL, Mr. ANDERSON, Mr. ATKINS, Mr. DWYER of New Jersey, Mr. SCHEUER, Mr. PALLONE, Mr. ABERCROMBIE, Mr. OWENS of Utah, Mr. SISISKY, Mr. LEWIS of Georgia, Mr. MILLER of Washington, Mr. UDALL, Mr. DICKS, Mr. WISE, Mrs. UNSOELD, Mr. CARR, Mr. MATSUI, Mr. MCDERMOTT, Mr. NEAL of Massachusetts, Mr. TAUZIN, Mr. MILLER of California, Ms. PELOSI, Mr. INHOFE, Mr. RICHARDSON, and Mr. STALLINGS.

H. Con. Res. 91: Mr. FASCELL, Ms. ROSLEHTINEN, Mr. LIGHTFOOT, Mr. RAMSTAD, Mr. SCHIFF, Mr. DWYER of New Jersey, Mr. KYL, Mr. DURBIN, Mr. REGULA, Mr. FAZIO, Mr. ENGEL, Mr. GOSS, Mr. GLICKMAN, Mr. SMITH of Florida, Mr. LEVIN of Michigan, and Mr. LOWERY of California.

H. Con. Res. 96: Mr. GALLEGLY and Mr. FAWELL.

H. Con. Res. 102: Mr. IRELAND, Mr. GILMAN, Mr. GUNDERSON, and Mrs. BENTLEY.

H. Res. 99: Mr. MOORHEAD, Mr. BATEMAN, and Mr. QUILLEN.

H. Res. 106: Ms. LONG, Mr. FROST, Mr. KOLTER, Mr. MACTHLEY, Mr. GUARINI, Mr. DE LUGO, Mr. SKAGGS, Mr. SWETT, Ms. KAPTUR, Mr. McNULTY, Mr. RAVENEL, Mr. HEFNER, Mr. BERMAN, Mr. DONNELLY, Mr. FORD of Tennessee, Mr. BEVILL, Mr. ABERCROMBIE, Mr. ATKINS, Mrs. BOXER, Mr. KENNEDY, Mr. PALLONE, Mr. ANDREWS of Maine, Mr. KOPETSKI, Mr. JONTZ, and Mr. PERKINS.

H. Res. 113: Mr. MILLER of Washington, Mr. SCHEUER, Mr. GUARINI, Mr. HUGHES, Mr. JONES of North Carolina, and Mr. WEISS.

#### PETITIONS, ETC.

Under clause 1 of rule XXII,

43. The Speaker presented a petition of the Lieutenant Governor, State of Alaska, relative to Operation Desert Storm; to the Committee on Armed Services.