HOUSE OF REPRESENTATIVES—*Wednesday, February 20, 1980*

The House met at 3 p.m.

The Reverend Karl E. Kniseley, national chaplain of the American Legion and former pastor, Glendale First Lutheran Church, Glendale, Calif., offered the following prayer:

God of our Fathers, in these tense days, grant wisdom and strength of purpose to the Members of this House. Our thoughts are sobered by both the Presidential ultimatum pointing to this day and by the plight of our fellow Americans who are held hostage.

Let the wise words of the Man of Nazareth be heard:

When a strong man armed keepeth his palace, his goods are in peace; but when a stronger than he shall come upon him, and overcome him, he taketh away from him all his armour wherein he trusted and divideth his spoils.—Luke 11: 21–22.

Now may God's prophet of old strengthen you with this timeless assurance:

They that wait upon the Lord shall renew their strength; they shall mount up with wings as eagles; they shall run, and not be weary; and they shall walk and not faint.—Isaiah 40: 31.

Amen.

THE JOURNAL

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

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

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Chirdon, one of his secretaries, who also informed the House that on February 18, 1980, the President approved and signed a bill of the House of the following title:

H.R. 2440. An act to provide assistance to airport operators to prepare and carry out noise compatibility programs, to provide assistance to assure continued safety in aviation, and for other purposes.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Sparrow, 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. 272. Concurrent resolution expressing the sense of the Congress that Andrei Sakharov should be released from internal exile, urging the President to protest the continued suppression of human rights in the Soviet Union, and for other purposes.

The message also 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. 3757. An act to amend the National Parks and Recreation Act of 1978, to establish the Channel Islands National Park, and for other purposes.

The message also announced that the Senate had passed a joint resolution and a concurrent resolution of the following titles, in which the concurrence of the House is requested:

S.J. Res. 141. Joint resolution to establish the policy of the United States with respect to items carried on space flight missions and to express the sense of the Congress that the Attorney General defend any civil action brought with respect to items carried on Apollo missions to the Moon; and

S. Con. Res. 72. Concurrent resolution expressing the sense of the Congress that the President should request the United Nations to establish an international presence in the refugee encampments on the border between Thailand and Kampuchea, and for other purposes.

THE REVEREND KARL E. KNISELEY

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

Mr. MOORHEAD of California. Mr. Speaker, I am delighted to take this moment to welcome the Reverend Karl Kniseley to the U.S. House of Representatives and to introduce this exceptional Christian gentleman to my colleagues.

For many years I have known and respected Dr. Kniseley for his dedicated involvement with his parishioners, his community, and his country.

Dr. Kniseley is the national chaplain of the American Legion for the current membership year. He was an Army chaplain during World War II, serving during the recapture of the Philippines and the occupation of Japan. He has been the chaplain of Glendale's Legion post since 1965 and was the pastor of that city's largest Lutheran church from 1954 until his retirement last year.

In addition to his activities in the American Legion, Reverend Kniseley has been active in the Kiwanis, the Community Chest, the local welfare board, the Masonic Lodge, the Moose, the Elks, the chamber of commerce, and the VFW.

He is currently coordinator of the Glendale police chaplains and a religious commentator on two Los Angeles radio stations.

I want to join with the U.S. Congress in paying tribute to this man who has served his fellow man with such care and dedication.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

WASHINGTON, D.C.,
February 19, 1980.

Hon. THOMAS P. O'NEILL, Jr.,
The Speaker, House of Representatives, Washington, D.C.

DEAR MR. SPEAKER: Pursuant to the permission granted February 19, 1980, the Clerk has received this date the following message from the Secretary of the Senate:

That the Senate passed without amendment H.J. Res. 469, a Joint Resolution designating February 19, 1980 as "Iwo Jima Commemoration Day."

With kind regards, I am,

Sincerely,

EDMUND L. HENSHAW, Jr.,
Clerk, House of Representatives.
By W. RAYMOND COLLEY,
Deputy Clerk.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair desires to announce that pursuant to the authority granted the Speaker on Tuesday, February 19, 1980, the Speaker did on that day sign the following enrolled joint resolutions:

H.J. Res. 469. Joint resolution designating February 19, 1980, as "Iwo Jima Commemoration Day"; and

H.J. Res. 477. Joint resolution to authorize and request the President to issue a proclamation honoring the memory of Walt Disney on the 25th anniversary of his contribution to the American dream.

APPOINTMENT AS MEMBER OF SELECT COMMITTEE ON NARCOTICS ABUSE AND CONTROL

The SPEAKER. Pursuant to House Resolution 13, 96th Congress, the Chair appoints as a member of the Select Committee on Narcotics Abuse and Control the gentlewoman from Illinois, Mrs. COLLINS, to fill the existing vacancy thereon.

APPOINTMENT AS MEMBERS OF U.S. DELEGATION OF THE MEXICO-UNITED STATES INTERPARLIAMENTARY GROUP

The SPEAKER. Pursuant to the provisions of Public Law 86–420, as amended, the Chair appoints as members of the U.S. delegation of the Mexico-United States Interparliamentary Group the following members on the part of the House:

Mr. DE LA GARZA of Texas, Chairman;

Mr. YATRON of Pennsylvania, vice chairman;

Mr. KAZEN of Texas;

Mr. WOLFF of New York;

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

Mr. MILLER of California;
Mr. COELHO of California;
Mr. SKELTON of Missouri;
Mr. KOGOVSEK of Colorado;
Mr. ROUSSELOT of California;
Mr. GILMAN of New York;
M. LAGOMARSINO of California; and
Mr. RUDD of Arizona.

SUPREME COURT HOLDS ANTI-ABORTION LANGUAGE UNCONSTITUTIONAL

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

Mr. WRIGHT. Mr. Speaker, the Supreme Court yesterday on a 6-to-3 vote temporarily upheld a ruling by Judge Dooling of Brooklyn, N.Y., that the anti-abortion language included by Congress in the Labor-HEW appropriation bill was unconstitutional.

In so doing, the Court ordered the Government to resume paying for abortions through the welfare program, practically on demand by any welfare recipient.

The Court did not expressly agree with that decision. It announced its intention to consider the Government's appeal. But it did clear the way for Federal financing to resume on a temporary basis in direct contravention of the act of Congress.

It is almost inconceivable to me that the Supreme Court ultimately would uphold a ruling which says in effect that taxpayer-financed abortions have somehow assumed the status of a constitutional right.

Such a legal conclusion as that would be a monstrous distortion of the Constitution and an outrageous abuse of the law-abiding, tax-paying public and its duly elected legislative branch of Government.

After many hours of agonizing deliberation and numerous votes on the floor of this House, Congress has repeatedly and very deliberately chosen to restrict the use of tax moneys to paying for only those abortions that are necessary to save a woman's life or to end a pregnancy that resulted from forcible rape or incest.

That amendment represents the deliberate decision of the U.S. Congress. It has resulted in the drastic reduction of federally funded abortions from about 300,000 cases a year to fewer than 2,000.

Whatever one's feelings may be as to the social ethics involved, surely the right of Congress to enact a specific limitation on the use of tax moneys for any such purpose is a right long established. It is a right without which Congress could not perform its duty to the American taxpayer.

That right is indispensable to the legislative branch in carrying out its constitutional responsibility, and I trust that the Supreme Court will speedily and decisively reaffirm that right in this case.

THE AAM AND THE DEPARTMENT OF AGRICULTURE'S NEW YEARBOOK

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

Mr. HANCE. Mr. Speaker, the American Agriculture Movement is having its members appear at the Capitol this week, and I would like to congratulate these people. They are to be commended for the hard work they are doing in agriculture and for their efforts toward changing the present farm bill and making it better.

Also, I say, congratulations to the president of the American Agriculture Movement, Mr. Marvin Meek from Plainview, Tex., for his hard work.

Mr. Speaker, one of the things I would like to bring to the attention of the Members has to do with the 1979 Agriculture Yearbook that just came out today. We know that the Agriculture Yearbook has in the past been a most popular item with our constituents, but this year's new book is completely different from anything we have seen in the past. It is designed, so the letter from the Secretary says, for children ages 9 to 12.

To give the Members a little indication of some of the highlights in the Yearbook, allow me to read a quiz in the book that asks:

What is the best way to thaw frozen meat?
a. Use your hair drier.
b. Sit on it.
c. Put it in the refrigerator.

Some Members may think this is a book that is designed to help promote nutrition.

But there is one line in the book that says that Babe Ruth ate 20 hotdogs just before a baseball game. I do not know the exact nutritional value that will add to any 9- to 12-year-old.

There is also a chapter in this great book where it says "did prehistoric kids eat bugs." We know that is a big issue with every 9- to 12-year-old.

The thing that perturbed me about this book is that it is completely different from anything we have had in the past Agriculture Yearbooks which have been very popular publications. In the past it gave statistics and facts about agriculture.

Mr. Speaker, I think there is going to be a lot of criticism from our constituents when they see this book. I hope the Members will let the people in the Department of Agriculture know that it is a waste of the taxpayer's money to print this type of book.

□ 1510

MOTION TO INSTRUCT ON WINDFALL PROFITS BILL

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

Mr. D'AMOURS. Mr. Speaker, as the leadership knows and as many Members of the House know, I withheld the offering of a motion to instruct conferees on the windfall profit tax yesterday in deference to some Members who wanted to oppose that motion who were not here and to give opponents an opportunity to prepare more carefully their response. I hope that in light of that fact, the opponents of that motion will agree that we should get to a vote up or down on the merits of this motion to instruct, and I would appreciate—I think most Members would appreciate—that eventuality coming about.

RESUMPTION OF FEDERAL FUNDING FOR ABORTIONS

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

Mr. HAGEDORN. Mr. Speaker, yesterday the Supreme Court refused a request by the Government to stay a district court order calling for a resumption of Federal funding for abortions. Although the Court has agreed to hear the case on an expedited appeal, the effect of the ruling is that the Department of Health, Education, and Welfare must immediately resume payments for virtually all abortions on demand.

The Supreme Court's ruling directly contravenes the express intent of Congress on this matter. The Hyde amendment, which has been adopted, permits Federal payment for abortions only in cases where a woman's life would be jeopardized without it or where a pregnancy resulting from rape or incest has been promptly reported. HEW estimates that as a result of yesterday's ruling, approximately $88 million in Federal funds could be spent over the next year to finance 470,000 abortions. That is $88 million that the Hyde amendment says cannot be spent for the purpose of providing abortions on demand.

If, after a review of the case, the Supreme Court determines that the Hyde amendment is unconstitutional, then we are faced with a different problem. But, at this point, the Supreme Court's ruling represents a judicial usurpation of legislative power.

ENERGY INSECURITY IN WINDFALL PROFITS TAX

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

Mr. JEFFORDS. Mr. Speaker, I just want to let the Members of the House know that I am going to support the D'Amours motion today to instruct conferees and tell them why it is I think they ought to take a look at what the conference committee is doing. We must realize this is the last chance we have to give them some instructions on some vitally important matters and promises that have been made. Notwithstanding the promises to use an amount of money to fight the energy crisis to create an energy security fund, it is turning into energy insecurity fund, the conferees are going

to give a mere 15 percent of the funds generated by the windfall profits tax to solve the energy crisis. Remember some of the promises that have been made here and by the President, they are zeroed out. Take a look at this bill, take a look at what they are doing to it, and support the motion.

TIDE HAS TURNED ON ECONOMIC GROWTH

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

Mr. ROUSSELOT. Mr. Speaker, the quarter-century following World War II bore witness to an unprecedented period of economic growth for the United States. With few exceptions, each successive year brought with it an ever-increasing standard of living for the average American worker. It was a period of great expectations—of not one, but two chickens in every pot and two cars in every garage.

Unfortunately, the tide has turned. Today's American is working more and enjoying it less. The U.S. standard of living is shrinking. Investments and savings are down and the golden age of the consumer is over.

Today, the American worker's paycheck is almost completely consumed in meeting the basic necessities of daily life. Soaring food, housing, and energy costs are partially to blame, but the real culprit is the ever-increasing demand of Federal, State, and local taxes.

A study recently completed by the Tax Foundation, Inc. pointed out that the average American worker put in a total of 2 hours and 45 minutes out of his 8-hour day just to pay his 1979 Federal, State, and local tax bill. That's almost 30 percent of his working day—longer than he worked to pay for any other single item and longer than he worked to pay his grocery and housing bills combined.

With all this talk of declining productivity, it is obvious that the American worker is producing for the Government. The question is, What is the Government producing for the American worker?

INTEREST RATE IS WHAT THE FEDERAL RESERVE WANTS IT TO BE

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

Mr. CARTER. Mr. Speaker, I was aroused, alarmed, and disturbed on Friday when I noticed that the Federal Reserve had raised the exchange rate to 13 percent. This means that every member bank which borrows money from the Federal Reserve must charge a minimum of 14 percent interest for its loans to small businessmen, to farmers, and to young people who are building or paying for homes.

The interest rate is what the Federal Reserve wants it to be, as the genial gentleman from Texas, the honorable Wright Patman, many times said.

This high interest rate will cause thousands of farmers to lose their farms, thousands of small businessmen to go bankrupt, and millions of young people to be unable to repay their loans. While the large fat cat banks borrow at 13 percent and lend at 15¾ percent, and while the millionaires in our country can invest in Treasury bills at 13 percent, the Federal Reserve System is making the rich richer and the poor poorer.

I trust that something will touch the heart of Chairman Volcker and focus his attention on the plight of the little people of our country.

The high interest rate also further stokes the fires of inflation.

SPENDING RECORD OF DEMOCRAT CONGRESS

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

Mr. LUNGREN. Mr. Speaker, if anyone wants to know why it is so hard to cut Federal spending, they should look at the record of the Democrat Congress itself.

While the public has been crying for cuts, the Congress has been gorging itself on bigger and better payrolls every year.

With minor exceptions, the majority has allowed the standing committees of the Congress to increase their spending astronomically since 1976.

Counting spending for both statuary and investigative staff, here is a rundown of some of the biggest increases in committee expenditures since 1976:

Merchant Marine and Fisheries, 187 percent; House Rules Committee, 97 percent; Small Business, 90 percent; Science and Technology, 85 percent; Interior Committee, 83 percent; Veterans Affairs, 82 percent; Armed Services, 79 percent; Agriculture, 57 percent; Ways and Means, 53 percent; and Judiciary, 31 percent.

But this should come as no surprise.

When President Carter took office in 1976, he promised to cut Federal spending and decrease the size of the bureaucracy.

Now we find he has increased Federal spending by 24 percent in the past 2 years, that his budget deficit this year will be $40 billion—not $29 billion—and that the civilian Government has increased by one cabinet department and 40,000 persons since he took office.

Is there any question that it is time for a change? We need some truth in spending here in the Capitol. We need a Republican majority.

THE MOST BASIC CIVIL RIGHT—THE RIGHT TO LIFE

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

Mr. HYDE. Mr. Speaker, I am saddened that the decision of Congress has been overturned by six Justices of the Supreme Court yesterday on an issue that involves the killing of so many preborn lives. I speak of the decision on the McRae against Califano case. Prudence ought to have required that the status quo be maintained pending a full hearing by the Court. Now the killing can start up again and it is tragic.

This, however, will give new momentum to the drive for a human life amendment to our Constitution so the unborn of both the rich and the poor might enjoy the most basic civil right—the right to life.

Since the Supreme Court has now usurped the appropriations function of Congress, perhaps they can handle the rest of the budget and we can go home.

ONE REVISION TO A PREVIOUSLY TRANSMITTED RESCISSION PROPOSAL AND TWO NEW DEFERRALS OF BUDGET AUTHORITY—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 96-270)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Appropriations and ordered to be printed:

(For message, see proceedings of the Senate of February 20, 1980.)

MOTION TO INSTRUCT CONFEREES TO AGREE TO CERTAIN PROVISIONS IN TITLE II OF SENATE AMENDMENT TO H.R. 3919. CRUDE OIL WINDFALL PROFIT TAX OF 1979

Mr. D'AMOURS. Mr. Speaker, I offer a motion.

The SPEAKER. The Clerk will report the motion.

The Clerk read as follows:

Mr. D'AMOURS moves that, pursuant to the provisions of clause 1(b) of Rule XXVIII, the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 3919 be instructed to agree to the provisions contained in parts 1, 2 and 4 of title II of the Senate amendment to the text of the bill.

The SPEAKER pro tempore. The gentleman from New Hampshire (Mr. D'AMOURS) is recognized for 1 hour.

Mr. D'AMOURS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I hope that those Members who are not on the floor at the moment are paying some attention to the electronic communication systems they have in their offices to stay in touch with what is going on on the House floor, because there is an awful lot of misinformation about this House concerning what has been going on with regard to the House-Senate conference which is now deciding what to do about the windfall profit tax revenues.

Since last December we have had conferees meeting to determine that tax. It has been pretty well determined at about $227 billion. But for the past few weeks, there has been some bogging down on

how the revenues will be distributed, particularly on whether any of those revenues and how much should go toward alternative energy production and conservation.

I think it is important for Members to understand that we have never had the opportunity to express ourselves as Members of the House on whether or not we would go along with funding serious conservation efforts.

The other body did consider, the other body held hearings and markup and passed the bill by a 74-to-24 vote, saying that approximately 10 percent—only 10 percent—of the revenues generated by the windfall profit tax should be used to promote conservation.

The House Committee on Ways and Means did hold hearings on the question, but did not mark up a bill, and instead went directly to conference. So while the Senators are on record saying they strongly favor conservation efforts, we are silent.

And because of perhaps this silence, on February 7, the House conferees caucused and voted 9 to 4 that they would oppose any and all tax credits that might encourage conservation.

Why did they oppose it? You are going to hear them, some of them, later today when I yield to them. I think they are going to tell the House, because this is what they are saying privately, is who needs tax credits when the price of oil is so high that people are going to go out and in a self-defensive manner purchase alternative energy development equipment and insulate and perform other acts of conservation.

Well, since that vote, there has been some retrenchment. In fact, the House conferees have voted for several items, several tax credits, which would encourage conservation.

In fact, since I offered this motion yesterday, they have been becoming increasingly more generous. They have been very nice to the people who believe in alcohol fuel. They have been rather generous just today to the people who are standing strong for small-scale hydrodevelopment.

I applaud their new-found generosity, and I submit wisdom, but I think we ought to insist that they go a lot further and take conservation as seriously as the people of America take it and as every independent or careful study on the subject takes it. Every independent and careful study on the subject says the tax credits, even with the high prices of gasoline, and other fossil fuels, tax credits are an important and a workable incentive to accelerate investment in alternative energy sources and in conservation.

Now, the argument that high prices automatically will result in the conservation we seek to promote does not bear scrutiny.

I am going to very quickly try to address myself to some of the points they make.

They say tax credits do not work. They have no studies on this. They have a deep and profound prejudice against tax credits, but every study conducted by the DOE in 1979 through Booz Allen Associates, the Harvard Energy Future Study just recently published in 1979, I submit a time of high energy cost, say that not only would tax credits work, but we ought to increase tax credits beyond what the conferees have proposed and even beyond what the Senate is now proposing.

□ 1530

But what these people overlook is that as inflation goes up, because of increasing energy costs, so does the cost of the equipment that needs to be installed to promote conservation and alternative energy development. Beyond this, there is a very profound and a very basic misunderstanding in the arguments of those that say high prices do the trick. The misunderstanding is this: Conservation should not follow rising energy costs; conservation should come ahead, to preclude, to prevent rising energy costs.

The mind-set that says, oh, it will happen anyway, that is the mind-set that for the past 7 years or so has prevented us from doing a darn thing to encourage conservation. We should, I think, at this late date come to realize that if we are going to keep costs down, we ought to start conserving now, not after costs have risen so dramatically that people cannot afford to do anything else. And they are not going to do it, they are not going to do it this year. We do not know what the price of energy has to get to before people begin conserving, but we do know they are not doing it, and we do know that the up-front costs are getting increasingly high and that they would rather pay on a monthly basis increased energy costs than pay that huge initial investment that would lower their energy monthly bills over a period of time.

Let us remember we are not just trying to promote conservation, we are trying to accelerate conservation.

The other thing they say is that it is going to happen by itself. But it is not going to happen by itself. The House-Senate conferees, because of the House pressure, omitted, removed from the bill the Senate provision that said that landlords should qualify for the credit. Well, landlords are not going to invest in conservation and alternative energy production because they are going to pass the costs on to the tenant. The tenant is not going to do it because why should the tenant spend good money in improving somebody else's property. It does not happen by itself. It needs to be encouraged. Remember, it needs all the more to be encouraged because we are even now subsidizing through our Tax Code the use of fossil fuels.

If we are going to do that, why not accelerate investment into alternative energy sources and conservation for all of the other reasons I have mentioned.

Like the weather, conservation is something everybody talks about, but we do not do anything about. Still, every study shows we could save about 40 percent of our total energy usage, not only from imports, not only from oil, 40 percent of all of our energy could be saved if we were to adopt and maximize measures to promote conservation. But unfortunately conservation is thought to be trivial. "What do we get out of this technology, what do we get out of that technology? It does not amount to a whole lot."

But here again is a mind-set that has prevented us from taking any meaningful action in 7 years. We, as Americans, are used to coming in like the United States Marines at the very last moment and saving the day, and so we naturally enough, as Energy Future points out, we naturally enough are all waiting for the big technological fix, the dramatic technological solution to all of our energy problems.

I hope, and we all do, that such a solution someday, somehow, might be found. But the reality that we are living with is that it is not one big solution, it is the implementation of hundreds, maybe even thousands of little things that we can do that might in the aggregate give us the 40-percent conservation that we have known we could get since 1973 or before and have not even begun to seriously implement.

Another problem with conservation is that it is not equally applicable to all areas of the country. In the area I come from wood energy is a very workable, meaningful solution or partial solution. But maybe it does not work in Manhattan. Maybe it does not work in some other part of the country. But that does not mean that we ought to derogate its usefulness and throw it away. There are some technologies that may work in some areas that will not work in, for instance, my section of the country, but if my colleagues think these potentials are trivial, let us look very quickly at just wood.

The New England Energy Caucus of the Congress found that by 1985 northern New England couuld save about 45 percent of all of its oil usage just by getting to a full utilization of its wood potential. The Department of Energy study I referred to earlier found that 9 quads, that is about 12 percent of all of the fuel used in 1978, could be saved if we used all of our wood potential. The Energy Future study that Harvard just completed recently came to the same conclusion as the Department of Energy and said we could save about 3 million barrels a day in oil equivalents if we would only make use of our wood potential.

Now, 3 million barrels a day, adjusted on an annual basis, is all of the heating oil consumed in this country. That is not a negligible figure. Right now wood produces about half of the amount of energy that nuclear power does, and has the potential to produce three times the amount of energy as nuclear power produces.

I am not going to talk just about wood. Others who will speak are going to talk about that and other technologies. But those that might be relatively small in the aggregate amount to a whopping 40 percent of all of our energy.

Let me make one final point. As the gentleman from Vermont (Mr. JEFFORDS) pointed out in the 1-minute speeches, this is the only chance the Members of this body are going to have to vote and express themselves on how they feel about alternative energy and conservation. Remember, the conferees, who do not like tax credits, are not writing and

are not there conferring for the purposes of finishing off a revenue bill. This is not a tax bill. This is an energy bill. We passed this law, this tax because of our embarrassing dependence on OPEC oil. We passed this bill because of our embarrassing failure to take meaningful conservation steps in the past 7 years.

Is it not reasonable that 10 percent, only 10 percent of that money generated might be used to take the steps that are going to free us from that dependence on OPEC, that are going to finally start doing something about our terrible, terrible failure to address conservation over the past several years.

Mr. ULLMAN. Mr. Speaker, will the gentleman yield?

Mr. D'AMOURS. At this time I yield 5 minutes to the chairman of the Ways and Means Committee, the gentleman from Oregon (Mr. ULLMAN).

Mr. ULLMAN. I thank the gentleman for yielding.

Let me explain the status of the conference. In the bill of the other body they had $26 billion over a 10-year period for credits and industrial development bonds. It had been mutually agreed with the Senators and our conferees that these provisions generally shall be provided over a 5-year period, rather than the 10-year period in the Senate amendment sent to us. This reduces the revenue cost at the outset from $26 billion to $16 billion.

Despite the fact that the Ways and Means Committee is very skeptical of credits, and we held hearings on them, and the committee decided not to go forward with them, despite that fact we have moved in good faith and have already accepted almost $9 billion worth of those credits.

The resolution before my colleagues today would accept all of the other body's credits. Many of those were floor amendments, some of which were poorly considered, and a number of them were industrial development bonds. For instance, there are several billion dollars in the Senate package included in the resolution for industrial development bonds that would be used for financing major hydroelectric facilities, including a 1,400-megawatt dam in Alaska which, in our judgment, would not be justified under any circumstances. We have very carefully and very responsibly looked at all of this package.

□ 1540

Now, let me tell the Members some of the things that we have adopted in the resolution. We have an increase in the solar credit from the existing levels, which are 20 percent and 30 percent, to 40 percent of $10,000. In other words, in solar we allow $4,000 of credit for a $10,000 investment, and I do not know how much more liberal we can get.

We have increased the business energy credits for solar, wind, geothermal, and oceanthermal from 10 to 15 percent. This credit is in addition to the normal investment tax credit. We think this is a major incentive.

We have restored the regular investment credit and accelerated depreciation to equipment using petroleum, coke and pitch, which were removed in 1978. We have extended the energy credit to coke ovens, which is of some concern to people in steel areas. We have extended the energy credit to biomass, which is very important around the country. We have extended the energy credit to intercity buses. We have a transitional rule for credits expiring in 1982; if commitments specified in the bill are made before 1982, the credit will be available in those cases for costs through 1990. We have provided for expensing of tertiary injectants. We have provided the energy investment credit or tax-exempt bonds for low-head, hydroelectric equipment. In this instance, we further liberalized the Senate provision where they had no provision beyond the 25-megawatt capacity rating for an existing facility. We provided a credit and a pro rata adjustment against the total cost, which is a very great liberalization of the Senate provision.

We have also adopted the excise tax exemptions for gasohol. We also have carefully worked out, in conjunction with that, a user's credit for methanol.

In the process of doing this, we have improved the Senate bill. We have been very liberal in our acceptance of these credits and industrial development bonds which will accomplish a goal. Indiscriminately taking everything in the Senate bill, including a lot of the very loosely formed floor amendments, I think would be irresponsible. I think it is in the best interests of all of us that we do not go down the road of instructing conferees to do things that are not responsible. We are acting responsibly.

We are going to bring the Members a bill that does include what, in our judgment, are the best and the only justifiable credits and industrial development bonds provisions that were included in the Senate package.

One matter that has not been resolved is the cogeneration provision, and I am going to recommend to the House conferees that we clean that provision up and recommend its acceptance. When we have done that, I do not really know what there is left for us to argue about.

The SPEAKER pro tempore. The time of the gentleman from Oregon has expired.

Mr. D'AMOURS. Mr. Speaker, I would like at this point to say, if the gentleman will remain just a minute, that all the yielding I will do for the remainder of the time that I control will be for the purposes of debate only, whether or not I remember to add that to the statement when I yield or not.

Mr. Speaker, I yield to the gentleman from Oregon to ask him, if he would try to answer, a few questions.

Mr. ULLMAN. I would be happy to.

Mr. D'AMOURS. How much remains of the approximately $25 billion of credits the Senate bill originally proposed in these three sections?

Mr. ULLMAN. The first thing that the Senate conferees agreed to, because in their judgment it was wiser policy, was to cut the period the credits would be in effect from 10 years to 5 years, so that the Congress could look at all of these credits again and determine whether they would be useful for a longer period. In the process of doing that, all of their credits were reduced to $16 billion revenue loss. Of that $16 billion, industrial development bonds accounted for $3 billion. We have already adopted about $9 billion of those credits.

Mr. D'AMOURS. So what the gentleman is saying is, with the work the conference has done on hydro and gasohol just coming, that we have left $9 billion worth of credits out of the original $25.6 billion the Senate provisions contained?

Mr. ULLMAN. I am saying that if you relate this $25 billion to——

Mr. D'AMOURS. Am I wrong to say that?

Mr. ULLMAN. It is wrong to say it, because it misleads. If we renew these credits during the 5 years, that will add back significantly to what we have left out, but by reducing the package to 5 years we have cut it to $16 billion. I think that is advisable, and of the $16 billion we are accepting $9 billion. A lot of what we rejected is just not acceptable for public policy.

Mr. D'AMOURS. In point of fact, I applaud the conferees and their chairman, the gentleman in the well, for having acceded to several of the credits of the Senate originally proposed. But, the gentleman does not disagree that removing the only incentive landlords might have to insulate their homes is a significant omission, would he not? The eliminating of the incentive for heat pumps, for the replacement of oil and gas furnaces and boilers, credit for airtight wood stoves, replacing coal furnaces, rebuilding wood-burning furnaces—I could go on and on. That is not insignificant.

Mr. ULLMAN. Let me explain what we have done. We have not eliminated those. We have set forth a set of standards that I think encompasses a sound energy policy. We have told the Secretary that all of those items the gentlemen has listed would be acceptable under those standards. The President has already recommended some of them, such as, wood-burning stoves, so certainly the gentleman could expect that would be recommended and approved by the Secretary.

Mr. D'AMOURS. My knowledge is, Mr. Speaker, the Secretary has never been willing to come to recommend wood-burning stoves for the credit.

Mr. ULLMAN. They are recommended.

Mr. D'AMOURS. But if the Secretary does recommend these conservation measures the House conferees refuse to consider, they will probably be funded from general revenues, I would assume, rather than from moneys we are generating from the windfall profit tax. If they are worth doing it, then why are we not doing it with moneys generated from the windfall profit tax, which is, after all, created for that purpose?

Mr. ULLMAN. The whole amount goes into the general fund. It really does not make any difference whether we take it out of one pocket or the other.

But, I urge the Members not to support this motion and to stay with the responsible procedures of the House in accepting the conference report, and then they will have a chance to work their will on the conference report.

Mr. D'AMOURS. Mr. Speaker, I yield 5 minutes to the gentleman from Vermont (Mr. JEFFORDS).

Mr. JEFFORDS. Mr. Speaker, I certainly want to commend the gentleman from New Hampshire for bringing this motion before the House. I would like to briefly review where we stand so that there are no misconceptions about the motion.

First of all, instructions are not binding. I think there may be a little feeling, after the chairman spoke, that if we were to pass this we would tie them up and bind them. That is not true. All this does is send a message, and it is our last chance to send a message—the only one Members are going to have. The next vote will be up or down on the windfall profit tax. That is it, and Members can worry about all of the things they promised the people back home and be in a dilemma, because they are going to have to say yes or no on a windfall profit tax.

Let us take a look at some of these things. First of all, take a look at how a normal conference committee works. The House came in with one revenue figure, the Senate with another. The House had $277 billion in revenue, and the Senate had $178 billion. They did a remarkable thing—I do not know how many weeks it took them to do it—but they added the two together, divided by two, and increased the Senate revenues by 50 percent. Beautiful. Yes, we got more money to spend in the energy crisis.

Then they turned to tax expenditures. We never had a chance to vote on anything that had to do with tax expenditures.

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There were hearings in the Committee on Ways and Means. We all went down there with great hope in our hearts, thinking, "By gosh, they are going to come out with a bill and we are going to have a chance to tell the people back home we are in favor of these tax credits." Did we ever get a bill? No. They did a little end run. They did a little end run to the conference committee.

One would have hoped that with 50 percent more money to spend, rather than reduce the tax expenditures in the Senate bill, they might increase them. Let us see what they did. The Senate came through with, I think, a not very generous amount for helping end the energy crisis. As you will recall, that was how this whole thing was sold from the beginning. We were sold on decontrol; the President told us we have got to have decontrol to get prices up. Remember what else he said: we are going to take these excess windfall profits and spend them in three areas. We are going to spend them on assistance to low-income households. That is pretty much taken care of in this bill. We are going to increase funding for mass transit, and we are going to undertake a major program of new energy initiatives.

Let us examine that promise the President gave us, the one that we all went home and campaigned on and told the people about. Let us compare that with what the conferees are doing. As has been noted, the Senate bill contained $26 billion toward this end—not a very large proportion of the $178 billion total. One would think that with 50 percent more revenues than the Senate bill, the conferees could have raised that amount. No. Did they come down half? That is another option, taking the House position of no action on credits. But did they go to half? No. They went down to less than a quarter of what the Senate gave us.

If we take a look at some of the specific areas, the picture looks dramatically worse. The Senate bill provided $8.668 billion in residential energy tax incentives, and the House conferees accepted only $431 million, a mere 5 percent of the Senate level. We have told our constituents, if you do things to conserve, we are going to reward you. Now what has this conference committee included for residential conservation—$1 billion? $2 billion? Wrong. Absolutely nothing. That is what is in here.

If you want to go home and defend to your people that you are going to give them nothing for the efforts they have made to purchasing wood stoves and all sorts of other energy-saving devices, you can vote against this motion.

Generally, what the conferees have done is to provide a mere 15 percent of these revenues, for anything to do with the energy crisis. They have taken a monstrous amount of money and said, "We are going to set that aside for a rainy day. We are not going to tell you what to use it for. We are going to give you a little Christmas present later on."

The rainy day is here today. It is the energy crisis this bill was supposed to fix. That is what the President told us. That is what we told the people back home, and what have we done? Nothing. Less than 15 percent is related to energy, with 85 percent going in other directions.

Mr. MOFFETT. Mr. Speaker, will the gentleman yield?

Mr. JEFFORDS. I yield to the gentleman from Connecticut.

Mr. MOFFETT. I thank the gentleman for yielding. I want to congratulate the gentleman on his statement. The gentleman just talked about that rainy day being here. Paraphrasing an old song about that rainy day, there is another line: "I laughed at the thought that it might turn out this way."

We are not in any way following the conservation policy that a lot of us thought we were following when the President made the speeches and when the bill was passed, and so forth—and this is no condemnation of the conferees—but this is our one vote, as the gentleman has said correctly, on conservation. As far as this session is going, it is going to be a big conservation vote, and I applaud the gentleman for his speech and his statement.

Mr. JEFFORDS. I thank the gentleman.

Mr. DOWNEY. Mr. Speaker, will the gentleman yield?

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

Mr. DOWNEY. I thank the gentleman for yielding. I want to commend the gentleman as well. Is there any doubt in the gentleman's mind that if we do not do these things, it is only going to cost our people more and more money?

Mr. JEFFORDS. There is no question about it. If we look at the savings in oil expenditures and savings of energy all the way across the board for some of these things we promised the people, there is no justification whatsoever for not fulfilling those commitments.

On national television last July, the President made some pretty specific promises in addition to naming the windfall profit tax a major energy initiative. The White House statement on his "oil import reduction program" said:

"In addition to the Solar Bank, the President also has proposed major new tax credit initiatives for solar energy."

In particular, he outlined new credit intitiatives for passive solar construction, solar process heat and wood stoves. In line with the President's recommendations, the Senate included new credits for passive solar construction, solar process heat and wood stoves. The passive credit would have amounted to $321 million, while the wood stove credit would have totalled $189 million. Both of these credits were rejected out of hand by the House.

Many believe that the builders' credit for passive solar construction was the most important credit, with a tremendous potential for reducing residential energy consumption. The passive credit was the only credit aimed at builders, who currently have little incentive to build conservation-oriented housing. The President strongly endorsed a passive solar credit for builders in his July statement. Such a credit would have given an important signal to the homebuilding industry, and would also serve to equalize the price differential between passive solar and conventionally heated homes. California's boom in new residential solar installations is due in part to the enthusiastic response of builders to the 55-percent solar credit, according to a recent California Energy Commission analysis. The credit also helped accomplish the construction of 5,000 new solar subdivision homes between January and mid-1979.

The enormous potential for energy savings from residential conservation initiatives has been well established. These efforts should be viewed as an abundant domestic alternative energy source. Residential energy tax credits provide an extremely useful tool for encouraging homeowners to invest in energy-saving measures. But what did the House conferees agree to on conservation-related residential tax credits? Absolutely nothing. They rejected the Senate provisions granting credits for the installation of heat pumps ($401 million), replacement oil and gas furnaces and boilers ($1,561 million), replacement coal furnaces and replacement woodburning furnaces ($133 million and $35 million, respectively).

It is difficult for me to believe that the conferees refuse to acknowledge the energy-saving potential of these conserva-

tion investments, because the evidence is so sharply convincing. If 10 percent of existing oil-burning furnaces, over 15½ million barrels of oil would be saved annually. Twenty percent replacement would yield more than 31 million barrels annually, while 30 percent replacement would gain nearly 47 million barrels annually. An analysis by the New England Congressional Caucus found that the energy savings of oil equivalent would be 75.4 MMBBL. According to the Energy Future report of the Harvard Business School Energy Project, the heat pump can produce up to three times as much output in thermal energy as it receives in electrical energy input. Furthermore, solar industry people in Vermont have told me heat pumps are vital to the successful function of active solar systems.

In the solar heating area, the Senate bill would have raised the credit to 50 percent of the first $10,000 spent. A history of solar heating sales over the last few years will give Members an idea of why such an expansion of solar tax credits is a good idea. According to the Energy Future report, solar heating sales, including installation, increased tenfold in 3 years, from $25 million in 1975 to $260 million in 1977. During the first half of 1978 there were only small gains from these levels due to uncertainties over Federal tax credits. Congressional Research Service figures show that in the first half of 1977, the overall output of manufactured solar space heating and hot water devices was equivalent to 2.5 million square feet. Output went up to 3 million square feet in the second half of 1977, but by the first half of 1979 it had declined to 2.6 million square feet. These figures demonstrate that there has been no real growth in 2 years.

Furthermore, President Carter has said he wants to have 2.5 million solar installed (heated or hot water) homes by 1985. We are falling way behind in achieving this goal. In order to meet the 2.5 million-unit level by 1985, we would have had to sell 283,000 units in 1978. In fact, only 32,000 active and passive solar systems were sold in 1978. This information suggests that the tax credits provided for in the National Energy Act are insufficient and should be expanded in line with the Senate version.

It is widely recognized that the high first cost of most active systems has proven to be a major barrier to the rapid development of a solar-heating and hot-water system market. Possible customers want to recoup quickly the dollars they spend on a system through dollars saved on their fuel bills. The Energy Future report concluded that:

> The 20 to 30 percent tax credit provided by the 1978 legislation is too low. A 55 to 60 percent tax credit would seem much more appropriate, for a twelve-year payback would thereby be reduced to five years. Ours is not a far-fetched proposal, for California already offers a 55 percent credit.

In addition, a 1977 report entitled "Federal Incentives for Solar Homes: An Assessment of Program Options" by RUPI, Inc. projected that a 50-percent credit would raise solar sales 167 percent by 1986. The California experience is instructive on this point. The California Legislature passed a 55-percent credit in 1977. With about one-tenth of the U.S. population, the State now has approximately one-fourth of the Nation's solar applications. By 1985, they expect to have 1.5 million solar installations.

I want to commend the conferees for recognizing the benefits that can be derived from the advancement of hydroelectric power in their action to provide for a new 10-percent energy tax credit for hydroelectric facilities. This type of business energy tax credit will be welcomed by many in my own State of Vermont who have recognized that hydroelectric power generation is a viable alternative energy form which holds real promise for the future. I am also pleased with the action by the conferees to expand current tax law governing industrial development bonds. By exempting from tax requirements bonds underwriting electric-generating equipment at hydroelectric power dams, a powerful incentive has been given to pursue the further development of this alternative energy source.

Though the conferees action will help many in Vermont who are developing hydroelectric power at existing sites in their attempts to raise capital, I personally wish that the conferees had further expanded this provision to cover "new" hydro sites. At the same time, the fact that the conferees limited the coverage of this provision to municipally owned hydro facilities disappoints me, since it does not assist either investor or cooperative-owned utilities which have an interest in hydroelectric power.

In my own State of Vermont, there is a clear example of how this limitation would inhibit the involvement of an investor-owned utility in the development of six hydro sites. The Central Vermont Public Service Corp., currently examining the potential of six sites, one of which is in New Hampshire, has determined that these units would double the utility's in-state hydro generation and result in a replacement of electricity normally generated from peaking or intermediate units using oil. Mr. Thomas J. Hurcomb, vice president of external affairs for this Vermont corporation estimates that there would be an approximate oil savings of 175,000 barrels per year from the installation of these six units. Further, Mr. Hurcomb reveals that under conventional utility financing, these hydro sites would probably not be built. With tax-exempt financing, they become viable. This becomes obviously clear when one examines the differences in financing the $52.5 million construction costs for the six projects over a 50 year period. With conventional utility financing at 12 percent interest, the cost is $69,000,000. With tax-exempt financing at 7¾ percent interest, the cost is $40,000,000, or a $29,000,000 savings.

The potential for hydroelectric power generation nationally has already been documented by the Army Corps of Engineers as significant. Over the next two decades, conventional hydroelectric projects could provide the equivalent power capacity of 80 large nuclear or conventional power plants of 1000 MWe each, which could account for about 5 percent of the Nation's electrical generating capacity. If produced by thermal plants, this projected hydroelectric increase in electricity would require an average of approximately 80 million barrels of oil per year, with an annual cost in excess of $1 billion if the oil were imported.

While the distribution of existing small-scale hydroelectric power resources is extremely variable in the United States, it should be noted that nearly all regions of the country have the potential for incremental energy development. Additionally, the undeveloped potential for all sites and capacity ranges of hydroelectric power is widely distributed around the country, which refutes the common misunderstanding that hydro power is a potential energy source which is confined to one or two regions.

Finally, during their deliberations over the windfall profit tax bill, I was also disappointed in the conferees action to drop the proposed accelerated depreciation section of the legislation before them, which dealt with small hydroelectric generating equipment.

In the area of tax credits for the purchase of woodburning devices, I am very dismayed with the action of the conferees to direct the Secretary of the Treasury to consider inclusion under provisions of the National Energy Act of 1978 this particular item, rather than taking the opportunity of using proceeds from the windfall profit bill. With their action, the conferees are missing an opportunity to provide relief for those Americans whose income levels place them in a position of receiving the full brunt of rising home heating fuel prices, which might otherwise be displaced with the use of wood fuel.

It should be remembered that since the first cost of a wood stove is much cheaper than for any type of solar heating system, a wood-burning device tax credit offers low and moderate income persons access to energy tax credits that they might otherwise not be able to gain.

Contrary to the arguments of the conferees, there is substantial documentation in support of a tax credit for woodburning devices.

In 1977, a report from the New England Federal Regional Council, an organization of 15 Federal Government agencies in New England, recommended flatly that incentives for renewable energy should include wood. According to the final report of the New England Energy Congress, released June 1, 1979, wood use in the residential sector of New England alone could supplant a million barrels of oil per year by 1985 if assisted by Federal tax credits for wood stoves and wood furnaces.

The New England Congressional Caucus, in its February 1979 study of rural energy sources, indicated that wood, as a percentage of total energy demand in 1985, could provide the equivalent annual oil savings in Vermont alone of 38.9 percent. The fact that the percentage of Vermont homeowners who use wood as their primary source of heat has more

than doubled since 1976, indicates the interest in wood burning devices as alternatives to traditional home heating equipment.

From a national perspective, this country's wood resources are generally acknowledged to be very substantial. In its March 21, 1979, draft document "Assessment of Proposed Federal Tax Credits for Residential Wood Burning Equipment," the U.S. Department of Energy states that the overall supply of fuel wood in this country is adequate to meet vast increases in residential wood burning. The U.S. Forest Service has indicated that surplus growth from commercial forests alone could supply a significant portion of the heating load for over 10 million homes.

The DOE, in its 1979 study, indicates that although supplies vary among regions of the country no one area appears to face a shortage. Resources are relatively evenly distributed in the Northeast, Southeast, Appalachia, Pacific and Mountain regions.

It is sometimes incorrectly assumed that the Northeast is the area with the greatest timber resource. It has been estimated that the supplies of wood fuel in this country represent an annual energy potential of roughly 9 quads. Out of the aproximate 9-quad value, the Pacific, Mountain, Appalachian, and Southeast areas each represent 15 percent of the Nation's total wood resource. The Northeast represents 14 percent, the Delta States, 10 percent, the Lake States, 8 percent, the Southern Plains, 4 percent, the Cornbelt, 3 percent, and the Northern Plains, 1 percent. It is clear from these figures that there are many areas around the Nation that enjoy vast, readily available, as well as potential timber resources. For this reason, a wood-burning device tax credit would be something welcomed by millions of Americans in all regions of the country.

The popularity of wood-burning equipment among Americans is demonstrated by the fact that since 1972, sales of residential devices have grown fivefold. Wood fuel is now used in upwards of 5 percent of U.S. households for part or all of space heating requirements. By 1985, between 10 and 15 million homes will rely on wood fuel.

The problem today is the need for an incentive to those lower- and middle-income homeowners who are feeling the squeeze of rising oil heating costs, on one side, and the rising investment costs of purchasing new devices, on the other.

The desire to employ the wood burning device system is one many Americans have, especially since wood heating is cheaper than oil based on current wood fuel costs. To bolster this, the 1979 DOE study reveals that equipment tax credits would have a beneficial impact on annual wood heating costs and have a significant effect on a taxpayer's cash flow and on reducing equipment payback period. Where people cut their own wood supply—and this is the case for about 50 percent of wood burners—tax credits will have a relatively greater impact since the prime economic consideration is on equipment, not fuel costs. Additionally, it is suggested that the tax credits will likely have a considerable promotional value for the sale of wood burning devices.

One of the major objectives of the Energy Tax Act of 1978, as well as that of the President's 1979 energy proposals, was to promote the purchase and installation of energy saving devices. A 15-percent tax credit alone would result in a public oil saving of 160 million barrels, cumulative, through 2005, if eligibility is limited to airtight stoves and furnaces. At the same time, such a tax credit would result in a direct Federal revenue loss of $500 million cumulative through 1985 if eligibility was limited to airtight stoves and furnaces. This translates to a tax revenue loss per barrel of oil saved, from $3 to $6 for airtight stoves, while solar home tax credits comparatively cost more at $11 per barrel. Obviously, wood-burning devices are proven energy savers. Add to this the fact that the fuel efficiency of the modern wood-burning stove is between 50 and 65 percent, nearly as high as that for gas or oil furnaces, while outranking electric generating plants, which are only 30 to 40 percent efficient.

The Environmental Protection Agency has informed us that it is not their belief that the increased sales of wood burning stoves would have any significant pollutant effect, since there are no sulfates emitted from wood burning, and that the ash is useful as a fertilizer. DOE, in their 1979 study on wood-burning stove tax credits revealed while increased wood cutting activities might pose some negative environmental effects, these effects could be avoided or controlled through the application of sound forest management practices. At the same time though, increased wood harvesting could result in positive impact on wildlife habitats and forest productivity.

In reference to our Nation's balance of payments, it is not expected, that tax credits for wood heating will significantly increase the ratio of imported to domestic sales. It is also anticipated that rigorous safety and performance standards would exclude many of the current models of imported units from tax credit eligibility.

There are several other employment and social aspects which a tax credit on wood burning devices would impart. First, in a new home where one or two stoves will be the primary heat source, the backup heating system can often be reduced in size and simplified, resulting in significantly improved wood heating economics. Additionally, properly sequenced wood heating systems can also be used to moderate winter demand profiles for electric and gas utilities. Finally, wood heating can help insure against fuel delivery interruptions and power blackouts.

In the employment area, two studies on wood energy potential which were completed in the past 2 years concluded that increased wood usage would benefit local economies and employment primarily by increasing the demand for firewood. One of these reports suggested that between 10,000 and 16,500 jobs could be created in New England alone.

The future development of even more efficient wood-burning devices is encouraging. In Stowe, Vt., a wood energy firm is working on a prototype device which would be attached to home heating furnaces and boilers already in residential use. This device uses highly compressed wood pellets which are burned at high temperatures and produce methane gas which ultimately heats a residence in a fashion similar to traditional fuels. The pellets are fed automatically from a storage bin and home heating temperature is thermostatically controlled.

In Sweden, an Italian wood energy specialist is developing a high combustion device which produces a gas from burning wood pellets similar to the Stowe, Vt., prototype. The upshot of these advances and those which the woodheating industry is exploring, portend greater, efficient use of this renewable resource and lend credence to the necessity for purchase incentives a tax credit would provide.

Finally, I have a great deal of disappointment in the apparent decision by the conferees to recommend that any tax credit that might be given in the future be retroactive to July 1979. This seems unfair, in my mind, to all those people around the country who have joined the effort to reduce our use of traditional fossil fuels to heat their homes by converting to wood burning. My own legislative approach to this issue of a tax credit for the purchase of wood-burning devices, called for a retroactive payment to April 1977.

Mr. MOORE. Mr. Speaker, will the gentleman yield?

Mr. D'AMOURS. I yield 5 minutes to the gentleman from Louisiana.

Mr. MOORE. Mr. Speaker, I rise in opposition to the motion to instruct. I understand the concern of those who have taken the well today for energy conservation and for bringing on new forms or alternative forms of energy. But I submit there are five reasons why this motion to instruct ought to be voted down.

First, our Committee on Ways and Means has had no hearings this year, or in recent history, on the issue of using tax credits to bring on energy conservation, energy savings, or new forms of energy.

Mr. D'AMOURS. Mr. Speaker, will the gentleman yield? I would like to ask him to yield at this point.

Mr. MOORE. I yield to the gentleman from New Hampshire.

Mr. D'AMOURS. I testified at those hearings. I testified in favor of tax credits for energy, for that very specific purpose. I know members of the committee have been saying there have not been hearings, but I was there testifying at those hearings.

Mr. MOORE. When were those hearings?

Mr. D'AMOURS. July or August, as I recall. As a matter of fact, the gentleman from California (Mr. ROUSSELOT) was sitting next to the gentleman from Louisiana (Mr. MOORE) when I testified.

Mr. MOORE. I appreciate that. The point I am trying to make is we have not had hearings on all or even many of

these specific tax credits that are in the Senate bill. We have had people like the gentleman from New Hampshire who have come in and made comments, which we appreciated, but not hearings on specific provisions which we now face. Some of these credits may be needed, and some not, but we do not know which is the case and should not legislate blindly. Further, the biggest bulk of these tax credits go to industry and business, not individuals as some would believe. We have not had hearings to determine how efficient the spending of that money is. What the Chairman of the Committee on Ways and Means offered is to let us go about this in a normal legislative fashion. Let us hold hearings on these particular points. Let us bring in a bill to the floor that we can amend and debate. Therefore, we will give you a better chance, far better than a motion to instruct, to work what may be the true will of the House on these matters.

Second, it should be voted down because we are giving tax credits in many of these instances to encourage people to do things they are doing anyway, things that are going to happen anyway, and we are going to lose tax funds coming to the Treasury by so doing. To given an example, heat pumps are being bought right now. I just purchased one and put it in my home in Washington. I need no tax credit for that. That was done. Insulation is being done now. Many of the industrial tax credits are going to industry that is doing the desired activity already. I do not think we need to give Exxon, Gulf, Texaco, and Shell tax credits, which are in the Senate proposal, to do the things they are already doing, to build the plants that are already on the drawing board and are going to be built anyway. We have absolutely no evidence yet that would come from hearings on these things that there are plants that will not be built without those tax credits.

The point is we are actually going to be paying for things that the high and increasing cost of oil will cause them to do anyway by normal marketplace decisions.

Third, you cause a distortion in the marketplace. Any time you give a tax credit for some new device in a bill as the Senate does, then you cause people to buy that device, not because it saves energy or is cheap, but because we have a tax credit to make it sell. Then when an inventor comes along subsequently with a new device that does not have a tax credit, he cannot get into the market because of a competitive disadvantage caused by his competitors having a tax credit he was able to get in the bill in the Senate. They should compete on merit in the marketplace, not on which one has a tax credit.

Fourth, in many instances the credit will not increase usage due to limited supply, but will only cause the price to go up to the consumer because of the credit-stimulated additional demand.

I served on the Energy Subcommittee for 3 years. We looked into the situation of giving tax credits then for insulation. We found only so much insulation could be produced in this country and that a tax credit was not going to cause any increase in its production. There was only so much in the marketplace to be bought and all that was going to happen, and in fact did happen, is that the cost of those materials went up. The consumer paid more after the credit than before. That could happen again.

Fifth, and finally, this is an inefficient way to go about bringing on new forms of energy or energy development. We are doing the same thing Congress has done many times. We are throwing money at a problem to get votes back home, or in frustration because we cannot think of anything else to do immediately to solve the problem. We already have grants in other bills; we already have loans; we already have a number of incentive programs to help people develop new forms of energy. Some of that money is not even being spent. So we are going to have a duplication, if we are not careful, of giving tax credits for things that are happening anyway and are already subsidized or stimulated.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. D'AMOURS. I yield one-half additional minute to the gentleman to compensate for the time he yielded to me.

Mr. MOORE. I thank the gentleman. So basically in conclusion what I am saying is that this motion to instruct demands that every single one of these credits, regardless of whether it is good or bad, must be accepted for 10 years—regardless of whether they are needed for 1 year or 2. Such a demand is inefficient; it is wasteful and a terrible way to legislate.

I urge the Members to let us work this through the normal procedure and will of the Congress.

Mr. D'AMOURS. Mr. Speaker, I yield 3 minutes to the gentlewoman from Massachusetts (Mrs. HECKLER).

Mrs. HECKLER. I thank the gentleman for yielding.

Mr. Speaker, I rise in support of the motion to instruct the conferees. If we are to meet this energy crisis head on, we must continue to encourage the development and use of environmentally sound and reliable alternate energy resources. The availability of energy credits would provide a stimulus to business to expand research and development of alternative energy resources.

I want to say that I appreciate the difficult role that the Committee on Ways and Means must play and I congratulate the committee for the steps they have taken thus far. The House Ways and Means Committee's recognition of hydroelectric power projects are an important development for the generation of power in New England certainly and possibly in other sections of the country—one which I have strongly advocated.

The Army Corps of Engineers has estimated there are up to 5,000 existing dam and other water projects in the United States which have the potential of being developed as small-scale hydropower projects. This is an energy resource which is renewable, nonpolluting and not affected by price increases for oil. These dams have the potential of saving more than 123,000 barrels of oil each day and could provide power for 2 to 4 million families.

More than 2,000 of these existing dam sites are located in the New England area, which is the home of some of the Nation's highest electric bills. Rehabilitation of these dams as hydropower sites of up to 25,000 kilowatts could provide a significantly daily savings in the use of oil to this area of the country. The technology for hydropower is proven, the sites are there, the need is evident, and the economic feasibility becomes clearer day by day. If small-scale hydropower is vigorously pursued now, it can make a badly needed contribution to our lagging energy growth in the short run and save us from some serious shortages in the next few years. The time period needed to develop the facilities is relatively short—3 to 4 years—in comparison to other forms of alternative energy which could take up to 13 years for development. The energy tax credits contained in the windfall oil profit tax bill would provide the incentive to promote development of these small-scale hydropower facilities and increase the amount of power generated from domestic energy sources.

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I think as well the gasoline excise tax relief for gasohol to which the committee has agreed is also a very important provision.

In this regard I would like to ask the distinguished chairman of the Committee on Ways and Means (Mr. ULLMAN) a question on tax relief.

Mr. ULLMAN. Mr. Speaker, I would be happy to respond.

Mrs. HECKLER. I would like to say, Mr. Speaker, I am very concerned not only about the potential, the existing potential for gasohol, which would use virtually every feedstock available from the agricultural community, but looking down the road, and not too far down the road, it is quite obvious we are going to be able to develop gasohol from urban waste. In that regard, I think it is very important that we consider treatment of the revenue bonds which a community would float in order to fund the construction of a plant to convert urban waste into ethanol and to produce gasohol from urban waste conversion. I wonder what action the conference committee has taken on the treatment of revenue bonds for that purpose.

Mr. ULLMAN. Will the gentlewoman yield?

Mrs. HECKLER. I would be happy to yield.

Mr. ULLMAN. Mr. Speaker, that is still an open issue. We will be considering it within the next couple of days. I believe I would agree with the gentlewoman, it is a matter that could be of very important national interest and I think I will recommend to the conferees that we accept it but it still is an open status.

Mr. BEDELL. Mr. Speaker, would the gentlewoman yield?

Mrs. HECKLER. I would be glad to yield to the gentleman from Iowa.

Mr. BEDELL. I thank the gentlewoman for yielding.

Mr. Speaker, my understanding is that it is in the Senate bill. If we pass the D'Amours amendment, what we are saying here on the floor is that we indeed support that and would hope that they would accept such an amendment.

Mrs. HECKLER. Mr. Speaker, I would like to say to the distinguished chairman of the Committee on Ways and Means that I particularly appreciate his support because I have spearheaded the drive for the development of the enzymatic hydrolysis technology which uses a cellulosic waste feedstock to create fermentable sugars and the subsequent production of alcohol. At this moment the National Alcohol Fuels Commission is meeting across the country and has visited the U.S. Army Natick Laboratories located in my district, where the world renowned research team developed the process under the competent direction of Leo Spano. Though this process has not yet reached the pilot plant phase, that would be the next developmental step. It is going to be one of the answers to the production of gasohol in America in the very near future.

Mr. Speaker, I would hope the committee would be sufficiently farsighted to include that. I am happy to hear the expression of support from the distinguished chairman of the Committee on Ways and Means (Mr. ULLMAN).

Mr. ULLMAN. I appreciate the comments and I agree with the gentlewoman's remarks.

Mrs. HECKLER. Mr. Speaker, I would also like to say I feel very strongly that the question of conservation is indeed the best energy policy for America and unless we take that approach, we are not really going to resolve our energy crisis.

Mr. D'AMOURS. Mr. Speaker, I yield 3 minutes for purposes of debate only to the gentleman from Massachusetts (Mr. CONTE).

Mr. CONTE. Mr. Speaker, I support the motion. I want to compliment the chairman of the Committee on Ways and Means and the conferees for what they have done on low-head hydroelectric dams. I filed the first bill for a 10-percent tax credit on that, and I have many cosponsors here in the House, and I understand they came out with 11 percent, which is even better than the bill we had.

Mr. Speaker, I rise in support of the motion to instruct conferees on H.R. 3919, the windfall profit tax bill, to recede and concur in Senate amendments which provide residential and business tax credits for energy conservation and alternative energy sources.

As we all know, the windfall profit tax is designed to allow the middle- and low-income American consumer to recoup some $227 billion of the nearly $1 trillion in anticipated additional profits to the oil industry. These additional profits will be the result of the decision to decontrol the price of domestic crude oil.

It is imperative that the conferees recognize the fact that tax incentives encourage conservation and promote the use of renewable resources. We must all realize the significance of weaning ourselves from foreign crude oil supplied by the OPEC oil barons. We must forge ahead at flank speed to develop a comprehensive energy plan, designed to eliminate oil imports which currently represent 50 percent of our daily oil consumption.

We can most effectively accomplish this goal with a concerted effort by all citizens. However, it is imperative that the Federal Government offer the leadership with proper incentives. Current estimates show that conservation could reduce consumption by 30 to 40 percent of all imported oil. Solar, hydroelectric power, the use of woodstoves and more efficient oil and gas furnaces and other renewable resources could provide more than 20 percent of our Nation's energy needs by the year 2000.

This $227 billion tax measure, as negotiated by the conferees, is scheduled to offer tax credits in the order of $6.6 billion, or just 2 percent of the total expected revenues. The residential and business tax credits, which are so important to this Nation's energy future, would amount to $26 billion, or merely 11 percent of the total expected revenues. This measure may prove to be the single—most significant bill to emerge from this Chamber in the next decade.

The windfall profit tax bill, with these comprehensive residential and business energy tax credits, reflects a deep, national commitment to reduce our dependence on foreign oil. A windfall profit tax bill, without these energy tax credits, reflects an attitude to the rest of the world that our addiction to crude oil will never be overcome. The public will perceive our oil-dependency rehabilitation program as merely a half-way house approach. It is once again, a "business as usual" approach if we fail to pass this resolution. We can ill afford to avoid our responsibility to the entire country. The stakes are too great at this time in our history. I urge your support on this motion.

Mr. D'AMOURS. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. DOWNEY).

Mr. DOWNEY. Mr. Speaker, I support the gentleman's motion, recognizing the hard work of the conferees serving on the Ways and Means Committee. I can appreciate some of the difficulties they have had with the Senate trying to iron out compromises.

Mr. Speaker, we owe it to the American people to have a bold program and what the tax credit staff and the conference has worked out so far is not a bold program. It is going to cost money now. Unless we are willing to spend the money now, it is going to cost us that much more in the future.

We have heard references here to the fact that we can save between 30 percent and 40 percent of our dependence on foreign oil if we conserve. That is true. Those of us who have read the Harvard energy study know that in the final chapter they outline a program of bold approaches. They talk about conservation and they talk about a large solar energy credit, which is what the Senate has included. They talk about large residential credits. That is what we need.

If conservation is going to mean anything for our people who cannot really afford to buy heat pumps because they can hardly afford the cost of home heating oil, they need an additional incentive, and incentives are provided in the Senate package.

Mr. Speaker, is it precise? Of course it is not precise. Is anything we ever do here precise? Is there any guarantee that if we wait 3 or 4 months we will have a better program, more carefully tailored to the economic needs of our country? That is preposterous. This is the best thing we have right now. Let us run with it.

I understand the inequities and some of the inefficiencies, but if we decide to do nothing it will cost us that much more in the future.

Mr. Speaker, I strongly support this motion to instruct the windfall profits conference committee to recede and concur in the Senate amendments which provide residential and business tax credits for the use of alternative sources of energy. Specifically, I address the heating tax credit for middle-income consumers, the addition of high efficiency boilers and furnaces to the residential conservation tax credit, and the credit extended to expenditures for airtight wood-burning stoves and/or wood-burning boilers or furnaces which are part of a central heating system.

The Senate passed version of the windfall profit tax legislation provides for critically needed energy assistance to low- and middle-income Americans. The assistance for middle-income taxpayers is in the form of a tax credit which refunds a portion of the increase of residential heating costs through the tax mechanism. The credit would be available for 3 years. This is the only energy assistance proposed for middle income consumers. It would be available to those earning less than $20,000 annually. This provision was not considered by the Ways and Means Committee.

The credit would return to consumers one-quarter of the increased cost of their heating bill since September 1978, less normal inflation increases in that cost. In other words, if the price of home heating fuel has risen from 50 cents to 85 cents, and 10 percent is due to inflation, 25 percent of the remaining increase, or 7.5 cents, would be the credit amount. Consumers would be entitled to this per gallon amount times the volume consumed, with a maximum of $200 per family. The credit would be available to all residential energy consumers.

The provision implements in part the administration's home heating oil tax rebate proposed and passed by the House in 1977. At that time, President Carter proposed that increased cost of home

heating oil due to enactment of the crude oil equalization tax (COET) be rebated to all consumers in full. The same consumer price increase now results from crude oil decontrol, yet the revenues flow to the Federal Government through the windfall profit tax rather than from COET.

This credit would cushion the burdensome impact of crude oil decontrol on middle-income consumers. It is temporary, and is only a partial refund of increased costs.

Congress enacted a comparable cushion for residential natural gas users in the form of the incremental pricing provisions of the Natural Gas Policy Act. The Senate passed version of the windfall profit bill also includes a conservation tax credit of great significance to residential oil and gas consumers—the inclusion of high efficiency boilers and furnaces in the list of energy conservation measures.

Currently, an enormous amount of energy is wasted in energy inefficient homes. These inefficiencies are the result of two separate but related problems. First, the energy losses in the building envelope are included in existing law. However, until now, there has not been a significant incentive to homeowners to upgrade the efficiency of their heating equipment. This tax credit would provide a well-targeted incentive precisely to meet this need.

The inclusion of high efficiency boilers and furances in the residential conservation credit would provide a 15-percent tax credit to purchasers of only the highest efficiency equipment commercially available. Oil heat equipment must exceed 80 percent average fuel efficiency to qualify; gas heat equipment must meet a 75-percent efficiency level. Through this limitation the provision achieves two principal effects. First, it strongly encourages homeowners to purchase the most efficient equipment of much higher efficiency. Currently, home heating equipment varies in efficiency from approximately 60 to 80 percent efficiency. In many homes the existing heating equipment is only 50 percent efficient or less. Therefore, the tax credit incentive could lead to increases of 20 or even 30 percent in the efficiency of residential heating equipment. This becomes particularly critical when homeowners reinsulate, since this causes the existing boiler or furnaces to perform even less efficiently.

The third credit in the Senate-passed bill provides low and moderate income residential users with a tax credit of up to $200 per year for installation of wood-burning stoves.

For each household, the credit is allowed to only one person, the individual who furnishes the largest portion of the household expenses. In my opinion, there is a great need for this credit. Already over two-tenths of one quad—a significant amount of energy—comes from the use of wood burning stoves in the residential sector. In the Northeast, well over half of the homeowners use wood as a source of energy. More imported oil could be displaced if costly wood burning heating equipment could be made more affordable to low- and moderate-income people. I believe that the resultant revenue loss associated with such a tax credit is displaced as a result of the increased use of wood energy. This proposed credit, would induce the installation of enough additional units to displace about 8,600 barrels per day. If we make the conservative assumption that the average price of oil will be just $25 per barrel between now and 1983, it is clear that we will be displacing at the very least, $78 million of oil imports yearly. For a $10 million investment per year, we may well be decreasing our oil imports by $78 million per year.

These three provisions should be included in the conference report on the windfall profit tax. My constituents are in need of these incentives. The effects of decontrol of crude oil prices are already being felt, and this is why I so earnestly ask that we act in these three ways to assist homeowners in easing those burdens.

Mr. D'AMOURS. Mr. Speaker, I yield 2 minutes for purposes of debate only to the gentleman from Connecticut (Mr. DODD).

Mr. DODD. Mr. Speaker, I, too, would like to compliment the conferees for wrestling with one of the most difficult issues to face this Congress. However, I also would like to join in support of this motion. It seems to me that nearly a year ago when we were talking about the windfall profits tax it was quite clear to all of us that the revenues that would be generated through that tax would be devoted almost exclusively to energy production.

When the House passed its windfall profit tax bill last June, the specifics of where the new revenues would be spent were not included in the legislation. The Senate, in its version of the bill, provided a package of tax credits for residential and business investment in energy saving equipment. Today, the full House will have the chance to take a stand on how a portion of the windfall revenues should be used, and I would urge House Members to instruct the windfall proft tax conferees to adopt the Senate's tax incentives for investment in alternative energy technologies.

The Senate energy conserving credits amount to $25.7 billion of the $227 billion in revenues that will be generated by crude oil decontrol—a very small price to pay for a reduction in our dependence on foreign oil. $8.7 billion in residential energy tax credits would encourage the use of heat pumps, replacement boilers and furnaces, wood-burning stoves, coal and wood furnaces, and solar and wind equipment. The remaining $17 billion would be used to foster industry investment in solar, wind, hydro, geothermal, and biomass energy systems as well as cogeneration, heat pump, and coke and pitch fuel equipment.

Approval of these energy tax credits is particularly important to New England, a region that imports more than 80 percent of the fuel it uses. New England has led the Nation in reducing energy consumption, but incentives for investment in alternative fuels would not only reduce our use of foreign energy supplies but also help to alleviate the energy price burden that is being exacerbated by decontrol of domestic crude oil.

Solar, woodstove, and biomass energy sources are most appealing to the Northeast and experts have estimated that solar energy, in conjunction with conservation efforts, could reduce our consumption of conventional fuel by more than 50 percent by the end of this century. Statistics show that in the 1980's tax credits for wood-burning stoves and replacement boilers and furnaces could save upwards of 220 million barrels of oil.

Raising the solar and wind tax credit rate from 30 to 50 percent, as has been proposed in the Senate bill, could save the equivalent of 900 million barrels of oil by the year 2000. Business tax incentives show an event greater return in energy savings. A 10-percent increase in the business credits for solar and wind property could supplant 1,450 million barrels of oil by 2000, and passive solar and small scale hydro credits could potentially save 480 million barrels of fuel over the same time period.

In their book, "Energy Future," authors Stobaugh and Yergin emphasize the importance of providing adequate energy tax credits to encourage conservation and the use of renewable energy sources:

> The 1978 National Energy Act provides a 10 percent tax credit for conservation investment. But given the subsidies and external costs of other energy sources, as well as the high hurdle rates, 10 percent seems much too low. Significantly greater tax credits, up to 40 percent, plus accelerated depreciation, and energy conservation loans, are required. These are especially important in a period of lagging economic confidence, high uncertainty, and consequent low investment.

The House conferees on the windfall profit tax bill have already agreed to discard all but two of the residential energy credit provisions including woodstoves, heat pumps, replacement boilers and furnaces, and electric vehicles. Passive solar heating has also been scratched and the 50 percent solar credit has been reduced to 40 percent.

The conferees have made these reductions without a clear idea of the extent of House support for energy tax credits. The resolution to instruct the windfall profit tax conferees will give Members the opportunity to demonstrate how vital they believe passage of energy tax incentives is to the effort to encourage conservation and stimulate the market for new energy technologies. Approval of the motion would further indicate the importance of using windfall profit tax revenues to fund related programs.

For the sake of our Nation's economic and energy welfare, we must speed the process of alternative energy development through mechanisms like energy tax credits. Without substantial improvements in the current level of credits, as included in the Senate bill, we could significantly retard the progress toward America's energy goals.

Mr. Speaker, we have heard a great many speeches and impressive rhetoric in

this Chamber during the past several months about our Nation's willingness to defend against Soviet aggression in the Middle East and protect our vital interests in the Persian Gulf. Now we are going to be engaging in debates here on the House floor in the coming weeks on national security issues. There will be all sorts of motions and amendments made to strengthen our defense capabilities. We are about to vote on an issue that is just as important to our national security interests as any motion that will be made to buy an additional piece of military equipment.

Mr. Speaker, if we are truly committed to the rhetoric we have been using in the past several months about being strong and about being independent and showing our resolve, this is the place to do it this afternoon. We have an opportunity to put some teeth in the conservation effort, to provide some assistance to people who cannot afford the high cost of replacement of furnaces, of heat pumps, and a variety of other energy equipment used in the residential and the business sector where the bulk of this money is going. This will contribute as much, I would suggest, as anything we might do in terms of a military context. Let us send a message today not only to people in this country but to our allies and adversaries as well, that we are committed to reducing our dependency on foreign oil and we are committed to providing adequate incentives to encourage people in this country to conserve energy.

A barrel conserved is a barrel found, and that is what this motion will allow us to do.

I, for one, am not willing to risk prolonging our dependency on foreign fuel another decade, and I would recommend that my colleagues take a firm stance in favor of energy tax credits and our Nation's energy future

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Mr. D'AMOURS. Mr. Speaker, I yield 1½ minutes for purposes of debate only to the gentlewoman from Maryland (Mrs. BYRON).

Mrs. BYRON. Mr. Speaker, I rise in support of the motion.

The conservation of energy is even more important today than it was when the House first drafted the residential energy conservation tax credits in 1977. Wood stoves were not included in the list of improvements which homeowners could make to qualify for the tax credit and I feel this omission was a serious mistake. In many districts, wood stoves are probably the most important, most effective, most practical, and most popular energy conservation improvement available. I have received letters from constituents who report that they are able to reduce their heating bill by more than 50 percent through the use of wood stoves.

Heating oil was 53 cents per gallon last May and 91 cents per gallon yesterday. Many low-income people in my district use kerosene as a source of heat and we are facing the prospects that kerosene may no longer be available in our area in the future. If our country is to become independent of foreign energy supplies, we must utilize our own domestic resources to the maximum extent possible, particularly coal and our renewable resources such as solar energy and wood. While the average family cannot afford the $8000 to $10,000 which solar energy systems often cost, they can afford several hundred dollars for a wood stove.

If the goal of the residential energy conservation tax credit is to encourage families to take the necessary action to save energy and bring our country one step closer to energy independence, then clearly wood stoves should be eligible for the credit. Without distracting from the importance of solar energy, it is important to note that extending the tax credits to wood stoves is estimated to be more than twice as cost-effective to the Treasury when the amount of energy saved is evaluated in comparison with the amount of revenue loss to the Treasury.

It is also most important to include all of the necessary components of wood energy in the tax credit, such as the stove pipe as well as the cost of the wood stove itself. This is both realistic and fair and will help encourage installation techniques that will not cut corners and possibly pose a fire hazard. Furthermore, the tax credit should be retroactive to April 20, 1977, in order to be fair to the many citizens who have already responded to the national appeal for energy conservation.

Wood supplied the vast majority of our energy needs our first 100 years. By the beginning of the 20th century coal replaced wood as our major source of energy and continued in that position until 1950, when it was replaced by oil as our No. 1 source of energy. This trend clearly must be reversed. With the exception of hydroelectric power, wood energy currently supplies more energy than all other sources of renewable energy combined.

Mr. D'AMOURS. Mr. Speaker, I yield 2 minutes for purposes of debate only to the gentleman from Indiana (Mr. FITHIAN).

Mr. FITHIAN. Mr. Speaker, I thank the gentleman for yielding.

Let me just say, first of all, that I want to express my personal appreciation to the conferees for having done today what I believe is the single most important measure taken on energy since I came to the House 6 years ago. That was the extension of the waiver of the road tax on blended fuels until the year 1992, for it is my judgment that it is in the biomass area that we will get the quickest turnaround time, with one exception; that exception is what the gentleman from New Hampshire is proposing here today, that is the conservation measures.

Now, it has been said here that it is inefficient to go by way of tax credits to get energy. It is my information that if we went on the most expensive energy conservation program that all of us could think up, that the barrels of oil saved would cost us less than $10 a barrel. I have seen estimates at $6 a barrel. I have seen estimates at $8 a barrel. In any event, it would cost us less than $10 a barrel. Obviously, then, a vigorous conservation program is cheap at twice the price, for nowhere in the world today are you going to buy oil for that price.

I would argue, therefore, that we ought to support this motion, simply because we have for one reason or another not been able in this House to deal with a variety of energy options.

I have risen, therefore, to support the gentleman from New Hampshire and would urge a "yes" vote on the resolution.

Mr. D'AMOURS. Mr. Speaker, I yield such time as he may consume to the gentleman from Ohio (Mr. LUKEN).

Mr. LUKEN. Mr. Speaker, I urge my House colleagues to support the motion of the distinguished gentleman from New Hampshire (Mr. D'AMOURS) to instruct the House conferees to recede and concur with Senate amendments to the crude oil windfall profit tax regarding residential and business energy credits.

These increased tax credits are needed to promote the use of alternate sources of energy. At a time when foreign oil prices continue their reckless escalation, wreaking havoc with our Nations' economy, Congress should be doing everything possible to encourage the use of alternative forms of energy. The proposed tax credits provide a major step in this direction.

The benefits of using alternate sources of energy—specifically solar energy—are numerous. Solar energy lessens our dependence on foreign oil, so that American currency used to pay for this oil remains in the U.S. economy. In addition, by using solar energy, consumers' utility bills will stabilize and possibly decrease. Finally, a new solar industry will emerge, creating jobs for the American economy.

However, with all of these benefits, the public has not readily accepted solar energy; incentives are needed.

The House Small Business Subcommittee on Energy, Environment, Safety and Research, which I chair, has held numerous hearings on solar energy. When asked what incentives are most effective in promoting the increased use of solar energy, most witnesses stated, without hesitation, that increased tax credits constitute a major incentive.

The tax credits included in the Senate version are not excessive. I introduced legislation in the first session of the 96th Congress to increase the tax credits for businesses and residences to 50 percent. California has similar legislation currently in effect. The results there have been very positive and installation of solar equipment has increased.

The Senate is to be commended for including these increased tax credits for renewable energy sources in the windfall profit tax bill. The existing credits have been a start, but they must be increased. I urge my colleagues to support the motion.

Mr. D'AMOURS. Mr. Speaker, I yield 2 minutes to the gentleman from Iowa (Mr. BEDELL).

Mr. BEDELL. Mr. Speaker, like the others, I would like to commend the conference committee most particularly for what they did today as they extended the exemption on gasohol for the 4-cent tax up until 1992.

I realize the difficult problem that

they have. I hope that the Members of the House will realize that in giving these instructions, we do not require them to approve every tax credit in the Senate version. What we are simply telling those conferees is that the Members of the House believe that we need to have tax credits to move us forward in regard to energy conservation and energy production.

I would like to also agree with the statement of the gentleman from Connecticut when he said that when we passed this tax bill, it was at least the understanding of many of us, that some of the revenues were to be used to help solve our energy problem, and I went back and told my people that we were going to use this tax to help us solve our energy problems. We now are arguing whether we should take roughly 10 percent of the tax and use it for conservation and for efforts to try to increase production on such items as alcohol fuels, whether or not we should encourage our communities to build alcohol fuel facilities by exempting the bonds that they sell for that purpose to make them tax exempt.

One of the gentlemen said we have to wait, we have to wait until we have hearings. We have to wait for this. I can tell you what my people think. My people think we have been waiting, waiting, waiting too long. They think we have an energy problem. I think we have an energy problem. This is one opportunity we have right now to tell the conferees and to tell everybody else that we think we should start to do something about our energy problems.

I urge the Members here to support this resolution.

Mr. D'AMOURS. Mr. Speaker, I yield such time as he may consume to the gentleman from Maine (Mr. EMERY).

Mr. EMERY. Mr. Speaker, I rise in support of the resolution to instruct the House conferees to concur with the Senate position on tax credits for wood stoves and wood and coal furnaces.

I was very disappointed to receive news that the House conferees to the Windfall Profit Tax Act had deleted tax credit provisions that would have encouraged the direct use of wood as an energy resource.

New England is overwhelmingly dependent on imported oil. But we have made great efforts to utilize those resources that are locally available and renewable in supply. Wood for heating ranks foremost among these energy sources. The New England Energy Congress estimated that wood heating could contribute the equivalent of 74.1×10^6 barrels of heating oil by the year 2000 if proper financial tax incentives were established.

As one New England Congressman who recogn'zes that the United States, and particularly New England, needs to shift away from a dangerous dependency on imported oil, I have supported deregulation of oil and gas and numerous other energy incentive programs to increase the production of oil and alternative energy sources. Yet, when the House of Representatives had the opportunity to help that region of the country that is hit the hardest by these unfortunate circumstances, it failed to provide any incentive to the single resource that offers the greatest hope—wood.

Ultimately, the discarding of these tax credits will impede the struggle to ease New England from the stranglehold of imported oil.

Mr. D'AMOURS. Mr. Speaker, I yield such time as he may consume to the gentleman from New York (Mr. SOLOMON).

Mr. SOLOMON. Mr. Speaker, I rise in support of the gentleman's motion. One of the first bills I sponsored after coming to Congress was one to provide a residential energy credit for the installation of wood-burning stoves. Home wood-burning does save energy and, if it is encouraged, can make an immediate, measurable impact on this Nation's energy shortage.

A study prepared for the Department of Energy last year gave evidence to the fact that a tax credit for wood burning equipment will stimulate the purchase of wood stoves. When one considers that a wood stove saves the equivalent of at least 10 barrels of oil annually over a lifetime of 20 years, we are talking about a savings of $6,000 per person in imported oil at today's world price.

Mr. Speaker, the people who have installed wood stoves are saving money and making a contribution to energy self-sufficiency. A large portion of the wood stoves used in this country are used in the northeast, which is also the largest user of high priced foreign oil. By providing an incentive for the purchase of wood stoves, we can markedly lower the cost of energy to the consumer and at the same time reduce reliance on oil imports where the demand for imports is currently the greatest.

Mr. Speaker, for the life of me, I cannot understand why anyone would oppose this energy tax credit legislation which is designed to do two things, produce domestic energy and save energy through conservation, both of which would result in importing less foreign oil into this country. Mr. Speaker, American dependency on foreign oil is threatening our national security, it is wrecking our economy and it is fueling inflation which is breaking the backs of the American people. I urge support of this motion.

Mr. D'AMOURS. Mr. Speaker, I yield such time as he may consume to the gentleman from Kansas (Mr. GLICKMAN).

Mr. GLICKMAN. Mr. Speaker, I rise in strong support of the motion offered by our colleague from New Hampshire. He obviously recognizes, as I do, that we have a critical need to move ahead without further delay in developing alternatives to our dwindling, increasingly expensive petroleum supply.

The one argument that I have heard most often about the windfall profit tax legislation is that it will have the effect of discouraging increased energy production. Given the fact that we designed the House bill to focus the tax on "old oil" and the actions by the Senate which had the effect of furthering that perspective, I do not buy that argument. If I did, I would not have supported the House version of the bill.

However, the fact that that argument is being used against the bill is a very good reason for us to make sure—by adopting this motion to instruct—that the bill includes incentives to get us into widespread commercial use of alternatives across the board.

I would give particular attention to the fact that this motion includes item 41 dealing with alcohol fuels and, particularly, the Senate-passed provision to extend until the year 2000 the present exemption from the Federal gasoline excise tax sales of "gasohol." I personally have talked and written to the House conferees on this issue over and over again during the last few weeks about item 41 and how vital it is that that exemption be extended. Without that assurance of steady, long-term tax help, investors who are planning to move into alcohol for fuel production just will not do so. They see that tax exemption as vital to the success of their endeavors. Certainly at a time when we have shown a willingness to invest Federal dollars to support alcohol production, we do not want to with the other hand discourage private investment in that same important work. Approval of this motion and subsequent action by our House conferees will assure that we do not end up with that kind of contradictory policies.

Mr. D'AMOURS. Mr. Speaker, I yield such time as he may consume to the gentleman from Massachusetts (Mr. BOLAND).

Mr. BOLAND. Mr. Speaker, I rise in strong support of the motion to instruct conferees on the windfall oil profit tax bill.

The decision to decontrol the price of domestic crude oil has provided an additional impetus to efforts to conserve energy and utilize alternative energy sources. The effects of decontrol will be especially substantial for those who rely on oil to heat their homes and businesses. These people recognize that switching to fuels other than oil, and implementing strict conservation measures offer the best means of dealing with the increased cost of oil. They understand that in modern, efficient equipment, and new technologies, lie their best hope of lessening their personal dependence on oil. Unfortunately, for many, the cost of investing in this equipment or making use of this technology is prohibitive.

The revenues to be generated by the windfall profit tax represent an opportunity for the Federal Government to stimulate energy conservation, and the utilization of alternative sources of energy. The residential and business energy tax credits, which the Senate adopted in its version of the windfall profit tax bill, are an important means of accomplishing that result. To many of the people now using oil to heat their houses, or their places of business, those credits could make the difference in determining whether or not to invest in a more fuel efficient boiler or furnace, or whether or not to try to meet some of their energy needs with a fuel other than petroleum. The Senate's tax credit for

residential energy use is of particular importance to those of our citizens hardest hit by the rapidly rising cost of home-heating oil.

Mr. Speaker, I believe that these credits are an altogether appropriate use for a portion of the windfall profit tax revenues. They will provide a clear indication that Congress is committed to an energy policy that recognizes the need to encourage both conservation and a shift from petroleum as an energy source. I urge that the House adopt the motion to instruct its conferees with the hope that the conference report on the windfall profit tax bill will contain a strong package of energy tax credits.

Mr. D'AMOURS. Mr. Speaker, I yield such time as he may consume to the gentleman from South Dakota (Mr. DASCHLE).

Mr. DASCHLE. Mr. Speaker, I rise in support of the motion offered by the gentleman from New Hampshire. Our Nation is much too dependent on foreign energy resources, resources which are increasingly costly not only to individual consumers, but to our Nation as a whole.

One consequence of this dependence has been the President's recent call for reinstitution of the military draft, the first step toward our country waging war half a world away. A war to defend oil pipelines and insure the continued flow of oil from the Middle East. A war once unthinkable, now threatened, but a war which need not become unavoidable.

Conservation and accelerated use of renewable energy resources comprise an alternative to conflict—a viable, realistic, and effective alternative which can reduce our unwelcome dependence on precarious supplies of foreign energy. To accelerate the use of alcohol fuel, solar energy, other renewable energy resources and conservation efforts, incentives are appropriate and, in the truest sense, in the national interest.

However, I want to associate myself with the remarks of the gentlemen from Indiana (Mr. FITHIAN) and Iowa (Mr. BEDELL) in their eloquent praise of the conference committee's actions today. By setting the tax-exempt status on alcohol fuels through the year 1992, we have given investors, producers, retailers and consumers an opportunity to make alcohol fuels an important transportation fuel.

I have little doubt that because of this action alcohol fuel development will continue to expand exponentially. While we continue to advance other legislation which will insure alcohol fuel development in the years ahead, it is with confidence that we know that the way has now been paved.

Mr. D'AMOURS. Mr. Speaker, I yield 1 minute to the gentleman from Wisconsin (Mr. BALDUS).

Mr. BALDUS. Mr. Speaker, I rise in support of the motion.

I would simply like to make two points in the 1 minute I have. One is, and I think this should be remembered by everyone, that is, that when they vote for this motion they are not tying the hands of the conferees from negotiations, but they are giving them an instruction. They are giving them support. They are giving them direction. I think that is a very necessary vote and I think everyone in the House should vote for it.

The other reason that has been given for voting against it, because we have not had hearings in the House, is preposterous. In the 5 years that I have been here, and I am sure in the years before that since the first oil embargo, we have been discussing and discussing alternatives. Certainly every one of these has been turned over by four or five committees in the House of Representatives since that time; so I urge very strongly that we maintain these incentives for conservation; wood-burning stoves, heat pumps, the whole bunch of things that need to be considered.

Mr. D'AMOURS. Mr. Speaker, I yield two minutes for purposes of debate only to the gentleman from California (Mr. CORMAN).

Mr. CORMAN. Mr. Speaker, I rise in opposition to the motion. I make a plea to retain some integrity in the tax code. If there is one thing that is wrong with the code, it is too complex. It is riddled with exemptions, exclusions and deductions, known as tax expenditures. We try too much to control the lives of Americans and to control their businesses through the tax code. That is bad tax policy.

□ 1620

Mr. Speaker, we will be spending hundreds of millions and into the billions of dollars to try to solve our energy problems and the worst way to do it is through the tax code.

Several of the provisions in the Senate bill call for the financing of energy projects through the use of tax exempt bonds. These bonds are purchased by individuals in the 50 percent or $60,000 tax bracket and above. They are purchased by people who can afford to receive lower interest rates in order to reduce their taxable income, and in some cases to avoid paying taxes altogether.

Mr. Speaker, this is a terribly inefficient way of financing any project, no matter how worthy. It creates the kind of distortion in the tax system that leads to outrage and revolt among those taxpayers whose incomes are not high enough to take advantage of such devices. Those projects that are worthy of Government support should be able to stand the test of the appropriations process and be financed directly rather than through loopholes in the tax code. It is because of this effort to rely on the tax code to solve all our problems that we have found ourselves with a system that is devilishly complex and blatantly unfair.

I have voted to accept some credits because I think we have to reach an accommodation with the Senate. We must tax the windfall profit of oil companies. We must use some of the revenue to keep very poor people from freezing to death in that part of the country where we hear so much about the virtues of the wood-burning stove. We must supply some across-the-board tax cuts to the working poor and those of moderate means because they are not going to be able to maintain their standard of living, pay increased energy costs and pay the taxes they are now paying.

But, Mr. Speaker, if we are going to carve out $6 to $7 billion from the windfall profit tax revenues for people who live on the tax-exempt income from their investments, we will not be able to meet our responsibilities to those Americans who most need help. I urge a no vote on this motion to instruct, Mr. Speaker, and I yield back the balance of my time.

Mr. D'AMOURS. Mr. Speaker, I yield such time as he may consume to the gentleman from Connecticut (Mr. RATCHFORD).

Mr. RATCHFORD. Mr. Speaker, I rise in support of the motion.

Mr. Speaker, I rise today to voice my strong support for the motion to instruct the House conferees on the windfall profit tax legislation to recede and concur in Senate amendments providing residential and business tax credits for energy conservation and alternative energy sources.

As my colleagues in the House are well aware, the House has yet to have the opportunity to consider the issues of tax incentives for energy conservation and alternative energy development. The House consideration of H.R. 3919 was limited strictly to the structure of the windfall profit tax itself, with no discussion of the future use of the windfall profit tax revenues. I believe there is a broad consensus in the House that the revenues of the windfall profit tax offer our only hope of financing the expensive initiatives of a national energy program that are so vital to our future independence from a reliance of foreign oil.

In this context, it is disturbing to learn of the apparent decision by the House conferees to oppose the Senate provisions for residential and business tax credits that are the cornerstone of Federal efforts to promote energy conservation and alternative energy development. While it would be nice to have the luxury of a more leisurely consideration of tax incentives in the House, the time for an increased Federal commitment to energy conservation and alternative energy development is long overdue. If we fail to approve at least some of these tax measures as part of the windfall profit tax legislation now in conference, any meaningful steps toward the goal of energy independence may be impossible prior to the close of the second session of the 96th Congress.

Mr. Speaker, in acting to expand the Federal commitment to energy conservation and alternative energy development, we are hardly embarking on a new mission in uncharted waters. The effectiveness of tax incentives—the result of their simplicity and their direct assistance to homeowners and businessmen—has been clearly documented by the experience of the past 2 years under the provisions of the Energy Tax Act of 1978. The importance of energy conservation and alternative energy development—and the dangers of our current dependence on foreign oil—have been made painfully clear by the international tur-

moil of the past few months. We have an opportunity to act now, to strengthen proven incentives which offer some hope of moving away from our reliance on the imports of OPEC nations—and we cannot afford to delay in our fight for energy independence any longer.

The Senate provisions of the windfall-profit tax take some prudent steps to increase the tax credits available to homeowners and businessmen who invest in solar energy and in energy conservation and weatherization measures. The Senate bill also expands the coverage of existing tax credits to include a number of other energy investments with significant potential for reducing our dependence on fossil fuels, including woodburning stoves and furnaces, heat pumps, more efficient replacement oil and gas furnaces, and coal furnaces. Finally, for businesses, the Senate version of the windfall-profit tax increases the tax credits for alternative energy sources, and provides new Federal incentives for conservation efforts in mass transit (carpooling and vanpooling, electric vehicles, and some intercity buses).

In considering today's motion to instruct the House conferees on this issue of tax credits, there is no attempt to bind the conferees to except each and every provision in the Senate version of the windfall-profit tax legislation. The proper balance between various incentives for conservation and alternative energy development certainly should remain open for debate by my colleagues in the House. Yet if we fail to express a commitment now to an expansion of Federal efforts in promoting energy conservation and alternative energy development, we both delay our all-important effort to reduce our consumption of fossil fuels and we run the risk of having the revenues of the windfall-profit tax diverted to nonenergy-related purposes.

Mr. Speaker, the President's decision to decontrol the price of domestic oil has already placed a heavy burden on oil consumers across the Nation. As the profits of the oil industry already begin to skyrocket, the House has a responsibility to recover some of the additional revenues which decontrol will bring and to insure that they are wisely invested in our Nation's energy future. The motion to instruct the House conferees to recede and concur in Senate amendments providing residential and business tax credits for energy conservation and alternative energy sources provides our opportunity to fulfill this commitment to the American people. I urge my colleagues to lend their full support to the motion, and to start us on the long road to energy independence in the years ahead.

The SPEAKER pro tempore. The Chair will state that the gentleman from New Hampshire (Mr. D'AMOURS) has 10 minutes remaining.

Mr. D'AMOURS. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. PICKLE).

Mr. PICKLE. Mr. Speaker, the difficulty of arriving at a compromise between our two bodies with respect to the windfall profit tax bill is enormous. We have been meeting days and weeks, mornings, afternoons, and into the evenings, trying to arrive at some kind of a sensible compromise.

If we now instruct the conferees at this hour, we are in effect destroying the work of our conference that has been going on for weeks. This is not the right way to go about it.

When this bill passed the House, we had an agreement on both sides of the aisle within our committee that we would not have any tax credits. The Senate saw fit to put in $26 billion on a 10-year basis. They did reduce that amount to 5 years for $16 billion. Some of us from the House conferees thought we ought to have some tax credits, and that that would be in order, although our House conferees by tentative vote at one time had agreed on no tax credits at all. Some of the conferees felt, though, that there should be some selective areas of tax credits, and we have carefully and, we hope, thoughtfully gone about the process of trying to find out where to make tax cuts, or give tax credits. We arrived at some reasonable amount, and, in some areas, such as gasohol, I think these people should be enormously satisfied with what we have done. Those of us who have labored to reach some compromise now find it very difficult to understand why they would now want to force the entire Senate version on us.

If you tie our hands, I think in effect you are destroying the committee's work, because there is mightly little difference between tying our hands and giving us instructions.

The gentleman from California (Mr. CORMAN) has said that we ought to maintain the integrity of the tax code. He is right.

Mr. Speaker, everybody wants a lot of credits. The committee and the conferees have thus far done a good job, and we ought not to instruct the conferees at this point.

Mr. D'AMOURS. Mr. Speaker, I yield 3 minutes to the gentleman from Georgia (Mr. FOWLER).

Mr. FOWLER. Mr. Speaker, as a member of the Committee on Ways and Means and as one who has the highest respect for its chairman and for my colleagues, I take the floor only because of what I see to be the urgency and the special circumstances of this particular case.

Many months ago, when the House considered and approved this substantial excise tax, many of us who supported a strong tax did so with the clear understanding that we were developing a bill to address our most serious national problem—energy. We have now passed the largest single revenue measure in our Nation's history.

What it appears to me is happening is what we used to call in my part of the country the "doctrine of the full till." That is, when the coffers look to be overflowing and it appears that the $227 billion and possibly $500 billion over the next 10 years is coming in, the doctrine of the full till creates enormous pressure on the conferees to convert this tax bill into a general tax bill and to forget about the initial purpose, that being to lessen our dependency on foreign oil.

I do not like to instruct the conferees of the Committee on Ways and Means or anybody else, but it is advisory only. If we are going to do anything about our economic problems in this country, if we are going to do anything about our energy problems, if we are not going to continue to have pressure to increase the defense budget, because of our present dependency upon that region of the world that produces this energy, we have got to find a way to develop alternative sources of energy, to inspire conservation efforts, and to put money from this tax into the pockets of businesses and individuals in this country that will take strong antidependency action that will somehow lessen our dependency upon this oil.

Ten percent, 12 percent, or 11 percent of an energy tax bill for energy conservation credits cannot be too much. We can go from there to a consideration of all the other needs of the American people and all the other agendas in the U.S. Congress if we are going to go into a general tax bill.

Mr. LOWRY. Mr. Speaker, will the gentleman yield?

Mr. FOWLER. I yield to the gentleman from Washington.

Mr. LOWRY. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I commend the gentleman on the points he is making. We are paying $80 billion this year for what in 1973 we paid $5 billion. We cannot stand that.

I commend the gentleman on making that point, and I urge a yes vote on the motion.

Mr. D'AMOURS. Mr. Speaker, I yield 2 minutes, for purposes of debate only, to the gentleman from New Jersey (Mr. HOWARD).

Mr. HOWARD. Mr. Speaker, we are going to vote in a few minutes on this motion, but first I would like to point out one or two things we are going to be voting on.

If we vote for this motion, we are going to be voting for a lot of things that are very popular and several things that are very necessary, but if we vote for this motion, we are also voting for the final destruction of the highway trust fund.

The highway trust fund has come from the tax on fuel. Whether we talk about the Dole amendment in the other body that exempted the tax that goes into the highway trust fund for gasohol during the year 2000 or whether, by the conference committee's action this morning, we exempt gasohol through the year 1992, we are not going to have the funds necessary for improvements in our highway system.

We have been trying to conserve energy in the past. We get more miles per gallon from our automobiles, we have preferential bus lanes, we have carpooling and vanpooling programs. We have cut the use of gasoline by 8 percent in the months of October, November, and December—a worthwhile goal. We have also depleted the funds going to the highway trust fund.

We want to fix 105,000 unsafe bridges that exist today. We want to eliminate the situation where a bridge collapses on the average of one every 2 days. We want to modernize the existing system.

If we vote for this motion, if we ex-

empt gasohol through 1992 or the year 2000, on top of the savings we are getting in fuel now, this will ultimately destroy the highway trust fund.

Mr. Speaker, I hope that we all realize that, because we will not have any decent highway programs anywhere in the United States if we exempt gasohol right through the year 1992 or the year 2000.

□ 1630

Mr. D'AMOURS. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, I am going to be brief in summation, but there are some points which absolutely have to be made, beginning with the point made by the gentleman from New Jersey (Mr. HOWARD), the last speaker. I think it is important that we all understand that the point just made is irrelevant to the motion I am making, because the point the gentleman addressed himself to has already been resolved by the conferees. So it is not covered in any way by this motion, whether one agrees with it or not. So please keep in mind that nothing we are doing today will have any direct effect or indirect effect on the question just raised by the gentleman from New Jersey (Mr. HOWARD).

Now, it has been said by the gentleman from California (Mr. CORMAN) that what we should be doing is cutting taxes. This is a tax cut. It is a tax cut. It is a targeted tax cut, though.

You can cut taxes generally and give people more money, and they can use that money to go out and buy more oil and more gas, or you can cut taxes this way and target the cuts to be used for conservation.

This argument is not original with me. It was made by Chairman LONG of the conference. I think it is persuasive. I agree with it.

Second, this is not too late, as the gentleman from Texas (Mr. PICKLE) said. It is not too late. I think, if anything, we are just in time. If you go down and watch the conference, the Senate is very aware of what we are doing on the floor today. They have already begun to change their stance because of what we are doing. It is not too late. If anything, it is in the nick of time.

I want the Members here to know that in the course of this debate I have yielded to every Member who wanted to speak in opposition to this motion that I am making. I have not prevented any Member from speaking, at least in opposition. The unanimous-consent requests were granted to those who were supporting my motion.

Mrs. SNOWE. Mr. Speaker, will the gentleman yield?

Mr. D'AMOURS. I yield to the gentlewoman from Maine.

Mrs. SNOWE. I thank the gentleman for yielding.

Mr. Speaker, I rise in support of the motion by my distinguished colleague from New Hampshire (Mr. D'AMOURS) to instruct House conferees on the windfall profit tax bill, H.R. 3919. This resolution would instruct conferees to agree with the Senate in adopting residential energy credits and business energy investment credits. Most of these credits are for energy conservation and alternative energy sources, and I think it is important for us to recognize and affirm that such credits encourage conservation and promote the use of renewable resources. It is in the best interest of this Nation to provide tax credits designed to reduce America's dependence on foreign oil.

Under the Senate version, homeowners and businesses would be eligible for credits in a number of areas from solar to geothermal. I would like to address my remarks to a specific area, wood stoves and wood furnaces. Wood is abundant, immediately available and has the potential to significantly expand its contribution to the country's energy needs. The people of Maine have long recognized this fact, and I think the country can greatly profit from their example. There are a number of reasons to support a tax credit for wood stoves and furnaces:

It is one tax credit which will help those being most severely hurt by the energy crisis, both lower and middle income families.

Wood now provides half as much energy as does nuclear power and according to a recent DOE study on wood burning, the overall supply of wood fuel is adequate to meet vast increases in residential wood use. "The supplies of wood fuel in this country represents an annual energy potential of roughly 9 quads," the report found. The country's total energy consumption 1978 equaled 76 quads.

Residential wood heating alone could be expected to save us 95 million barrels of oil annually. The long-term incremental savings resulting specifically from a 15-percent tax credit is estimated at 120 million barrels. When viewed in the light of the estimated $418 million revenue loss from 1979 to 1985, this computes to a revenue loss of $2.53 per barrel of oil saved.

DOE has calculated that a tax credit for wood burning equipment could accelerate the move to wood by a rate equal to the credit level. In other words, a 15-percent tax credit would accelerate the use of food heating by 15 percent.

The DOE Booz Allen study found any potential environmental impacts from large scale wood burning to be controllable.

The people of Maine are taking advantage of this abundant energy supply. Two years ago the Department of Energy initiated a wood stove program which is presently sponsoring five projects designed to develop a quantitative base of knowledge on wood stoves and the availability of wood fuel. Two of these five projects are being conducted within my State of Maine. The University of Maine at Orono is studying the use of wood stoves as supplementary heaters in new homes which are designed to be primarily solar-heated homes; and the Maine Audubon Society is conducting a regional study to quantify present and projected demand for firewood.

According to Aubudon's draft report which was submitted in March of last year, almost one-half (46 percent) of the homeowners in Maine burned firewood during the winter of 1977–78. An average of 3.6 cords of wood was burned by each household which represents an annual equivalent oil savings of 685 gallons per home. Two-thirds of the households burning wood estimated an energy savings of 25 percent, while the remaining woodburners estimated savings of 50 percent or more. An average saving of $283 per household was attributed to firewood use.

Given the annual average income in Maine of $5,700, this credit would provide vital relief for middle- and low-income persons who will face the brunt of this winter's crisis. We need to be gearing our energy measures toward those individuals who can ill afford to experience escalating energy costs. In this regard, a nonprofit community development corporation called Coastal Enterprises in Bath, Maine is concentrating its efforts in the development and financing of wood-energy businesses aimed at assisting those with low incomes. The major objective of this organization is to increase the flow of fuelwood to the consumer. Along these lines, Coastal Enterprises just received a grant to construct a low-cost fuelwood processing mill which they hope to integrate into a demonstration scale concentration yard. Encouragement of efforts of this nature is necessary, if we are to insure a sound fuelwood market.

Wood is New England's most abundant energy resource with over 80 percent of the region forested. Given the growing interest displayed by various organizations and individuals, I believe that home wood-burning is becoming a way of life for a growing number of New Englanders. I have cosponsored legislation which would provide a 15-percent tax credit, I would support a higher credit. As it stands the present tax credit would help offset the initial investment necessary to convert to wood heat, and it would increase our reliance on local, renewable energy resources.

Without strong tax incentives for conservation and the use of renewable energy resources, windfall profit tax revenues will not ease the burden of oil decontrol on this Nation. I urge my colleagues to support this motion.

● Mr. DRINAN, Mr. Speaker, I rise in strong support of H.R. 3919, a motion to instruct the House conferees on the windfall profits tax to accept the energy credits adopted by the Senate. These credits would encourage the development of a wide range of conservation and alternative energy technologies at a cost of about $26 billion, approximately 11 percent of the revenue the windfall profits tax is expected to generate.

Unfortunately, on February 7 the House conferees voted to oppose these energy credits, despite the fact that virtually every recent study of our Nation's energy situation has concluded that we would save 30 to 40 percent of our energy

use through the use of conservation technologies; that solar and other renewable energy sources could provide at least 20 percent of the energy we require; and that tax credits are an effective means of encouraging people and business to adopt these new energy technologies which could substantially reduce our crippling dependence on expensive foreign oil.

Subsequently, the House conferees voted to eliminate the tax credits for wood stoves, for passive solar heating, for industrial heat pumps, and for new energy efficient boilers and furnaces. They also eliminated a provision extending the energy credits to landlords, and reduced the credits designed to encourage conservation and industrial use of renewable energy sources. As this legislation is currently written, only 2 percent of the vast resources that this mild tax on the profits of decontrol will yield will be spent to increase our energy independence. This is a pathetically small investment in the effort to solve our Nation's most important problem.

The credits which the conferees have opposed are particularly important to the people of New England, a region which is severely dependent on foreign sources of oil. New England has no significant indigenous coal or petroleum resources and it is located at the end of the oil, gas, and coal distribution systems. New Englanders are acutely aware of our dependence and over the last few years we have seriously addressed ourselves to this problem. Last summer, for instance, the New England Energy Congress, a 120-member grassroots organization sponsored by the New England Congressional Caucus, released an unprecedented 500-page report, "New England Blueprint for Energy Action." This report concluded, in part, that New England could meet 25 percent of its energy needs by the year 2000 with wood, hydroelectric, solar, and other renewable sources.

The day this report was released, the New England Congressional Caucus announced the introduction of a 25-bill legislative package which was designed to implement most of the recommendations of the Energy Congress. Included in this package were bills providing tax credits for wood stoves, energy conserving furnaces, passive solar design features, and industrial energy conservation investments—precisely the kind of credits that the House conferees have opposed.

There is really no doubt that wood has tremendous potential for the United States. Recent studies document that this Nation's wood resources are sufficient to support a vast increase in wood burning and that the environmental problems associated with wood burning are controllable. Perhaps most importantly, wood stoves are an available, down-to-earth,and relatively inexpensive means of reducing our use of petroleum. This is a technology that low- and moderate-income people—those who are the most severely hurt by the recent drastic increases in energy costs—can take advantage of.

I cannot overstate the importance of these tax credits to the people of New England, over 70 percent of whom heat their homes with oil. The wood stove, for instance, would significantly increase the use of wood stoves in our region. Wood is one natural resource which New England does possess in abundance. The energy congress concluded that wood can realistically be expected to replace over 50,000 barrels of oil per day in New England by 1985 if the proper incentives are provided by the Government. Primary among these proposed incentives is the establishment of a tax credit for wood stoves. A DOE study indicates that wood stove installations would be accelerated at a rate directly proportional to the amount of a tax credit. In other words, a 15-percent credit would accelerate installation by 15 percent.

In conclusion, Mr. Speaker, I strongly urge the adoption of this motion. It will not bind the conferees to accept every one of the Senate's provisions, but it will clearly express the will of the House that this legislation should contain strong provisions to encourage the use and development of conservation, renewable, and alternative energy sources. The President's decision to decontrol the price of domestic crude oil will cost American consumers hundreds of billions of dollars in higher energy costs. The windfall profits tax will recover a modest portion of these billions of dollars which will accrue to the oil companies as unearned profits as a result of decontrol. It is not only proper, but essential that a substantial portion of this revenue be used to enable the American people to invest in the new energy technologies which will reduce our dependence on petroleum and increase our Nation's energy self-sufficiency.●

Mr. D'AMOURS. Mr. Speaker, I remind the Members of the House that this is the only change we are apt to have on the question of whether we favor or oppose what we have been talking about for so long and doing nothing about for so long, the question of conservation and promoting alternative energy development. I urge, for the purposes of instructing the conferees in the House and for the benefit of the Senators who support our position, a very strong vote in support of this motion.

Mr. Speaker, I move the previous question on the motion to instruct.

Mr. ULLMAN. Mr. Speaker, I move to table the motion offered by the gentleman from New Hampshire (Mr. D'AMOURS).

The SPEAKER pro tempore. The question is on the motion to table offered by the gentleman from Oregon (Mr. ULLMAN).

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

Mr. ULLMAN. 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 130, nays 272, not voting 31, as follows:

[Roll No. 59]

YEAS—130

Alexander	Giaimo	Pickle
Andrews, N.C.	Gibbons	Preyer
Anthony	Goldwater	Pritchard
Archer	Gonzalez	Rahall
Ashley	Gradison	Railsback
Badham	Gramm	Rangel
Bafalis	Guyer	Regula
Bennett	Hall, Tex.	Rostenkowski
Bolling	Hance	Rousselot
Bowen	Harsha	Russo
Brademas	Hefner	Sabo
Brodhead	Hightower	Schulze
Brooks	Hinson	Shannon
Brown, Calif.	Holland	Shumway
Brown, Ohio	Holt	Shuster
Broyhill	Hopkins	Simon
Burgener	Howard	Slack
Burlison	Hubbard	Snyder
Burton, Phillip	Ireland	Spence
Butler	Jones, Okla.	Stack
Cheney	Kelly	Stanton
Coelho	Kindness	Stark
Collins, Tex.	Latta	Steed
Conyers	Leach, La.	Stenholm
Corcoran	Leath, Tex.	Stockman
Corman	Lloyd	Stratton
Cotter	Lott	Stump
Danielson	Lungren	Symms
de la Garza	McCormack	Synar
Dellums	McDonald	Udall
Diggs	Martin	Ullman
Dixon	Michel	Van Deerlin
Duncan, Oreg.	Miller, Ohio	Vander Jagt
Duncan, Tenn.	Mollohan	Vanik
Eckhardt	Montgomery	Vento
Edwards, Calif.	Moore	Volkmer
Edwards, Okla.	Moorhead, Calif.	White
Erlenborn	Murphy, N.Y.	Whitley
Evans, Del.	Murtha	Whitten
Fary	Natcher	Wright
Foley	Paul	Wyatt
Fountain	Pepper	Young, Fla.
Frenzel	Perkins	Zablocki
Frost		

NAYS—272

Abdnor	Collins, Ill.	Glickman
Addabbo	Conte	Goodling
Akaka	Coughlin	Gore
Albosta	Courter	Grassley
Ambro	Crane, Daniel	Gray
Anderson, Calif.	D'Amours	Green
Annunzio	Daniel, Dan	Grisham
Applegate	Daniel, R. W.	Guarini
Aspin	Daschle	Gudger
Atkinson	Deckard	Hagedorn
AuCoin	Derrick	Hall, Ohio
Bailey	Derwinski	Hamilton
Baldus	Devine	Hanley
Barnard	Dickinson	Hansen
Barnes	Dicks	Harkin
Bauman	Dingell	Harris
Beard, R.I.	Dodd	Hawkins
Beard, Tenn.	Donnelly	Heckler
Bedell	Dornan	Heftel
Bellenson	Dougherty	Hillis
Benjamin	Downey	Hollenbeck
Bereuter	Drinan	Holtzman
Bethune	Early	Horton
Bevill	Edgar	Huckaby
Biaggi	Edwards, Ala.	Hughes
Bingham	Emery	Hutto
Blanchard	English	Hyde
Boggs	Erdahl	Ichord
Boland	Ertel	Jacobs
Boner	Evans, Ga.	Jeffords
Bonior	Evans, Ind.	Jeffries
Bonker	Fascell	Jenkins
Bouquard	Fazio	Johnson, Calif.
Breaux	Fenwick	Johnson, Colo.
Brinkley	Ferraro	Jones, N.C.
Broomfield	Findley	Jones, Tenn.
Buchanan	Fish	Kastenmeier
Burton, John	Fisher	Kildee
Byron	Fithian	Kogovsek
Carr	Flippo	Kostmayer
Carter	Florio	Kramer
Cavanaugh	Ford, Tenn.	LaFalce
Chappell	Forsythe	Lagomarsino
Chisholm	Fowler	Leach, Iowa
Clausen	Fuqua	Lederer
Clay	Garcia	Lee
Cleveland	Gaydos	Lehman
Clinger	Gilman	Leland
Coleman	Gingrich	Lent
	Ginn	Levitas

Lewis	O'Brien	Smith, Iowa
Livingston	Oakar	Smith, Nebr.
Loeffler	Oberstar	Snowe
Long, La.	Obey	Solarz
Long, Md.	Ottinger	Solomon
Lowry	Panetta	Spellman
Lujan	Pashayan	St Germain
Luken	Patterson	Staggers
Lundine	Pease	Stangeland
McCloskey	Petri	Stokes
McDade	Peyser	Studds
McHugh	Porter	Swift
Madigan	Pursell	Tauke
Maguire	Quayle	Taylor
Markey	Quillen	Thomas
Marks	Ratchford	Thompson
Marlenee	Reuss	Traxler
Marriott	Rhodes	Trible
Mathis	Richmond	Walgren
Matsui	Rinaldo	Walker
Mattox	Ritter	Wampler
Mavroules	Robinson	Waxman
Mazzoli	Rodino	Weaver
Mica	Roe	Weiss
Mikulski	Rose	Whitehurst
Miller, Calif.	Rosenthal	Whittaker
Mineta	Roth	Williams, Mont.
Minish	Roybal	Williams, Ohio
Mitchell, Md.	Royer	Wilson, Bob
Mitchell, N.Y.	Rudd	Wilson, C. H.
Moakley	Santini	Wilson, Tex.
Moffett	Satterfield	Winn
Mottl	Sawyer	Wirth
Murphy, Pa.	Scheuer	Wolff
Myers, Ind.	Schroeder	Wolpe
Neal	Sebelius	Wydler
Nedzi	Seiberling	Wylie
Nelson	Sensenbrenner	Yates
Nichols	Sharp	Yatron
Nolan	Shelby	Young, Mo.
Nowak	Skelton	Zeferetti

NOT VOTING—31

Anderson, Ill.	Ford, Mich.	Moorhead, Pa.
Andrews, N. Dak.	Gephardt	Murphy, Ill.
Ashbrook	Hammer-schmidt	Myers, Pa.
Campbell	Jenrette	Patten
Carney	Kazen	Price
Conable	Kemp	Roberts
Crane, Philp	McClory	Runnels
Dannemeyer	McEwen	Stewart
Davis, Mich.	McKay	Treen
Davis, S.C.	McKinney	Watkins
		Young, Alaska

□ 1640

The Clerk announced the following pairs:

Mr. Jenrette with Mr. McKinney.

Mr. McKay with Mr. Kemp.

Mr. Moorhead of Pennsylvania with Mr. Hammerschmidt.

Mr. Murphy of Illinois with Mr. Anderson of Illinois.

Mr. Roberts with Mr. Campbell.

Mr. Watkins with Mr. Ashbrook.

Mr. Myers of Pennsylvania with Mr. Philip M. Crane.

Mr. Patten with Mr. Andrews of North Dakota.

Mr. Price with Mr. Davis of Michigan.

Mr. Gephardt with Mr. McClory.

Mr. Kazen with Mr. McEwen.

Mr. Runnels with Mr. Dannemeyer.

Mr. Stewart with Mr. Young of Alaska.

Mr. Ford of Michigan with Mr. Davis of South Carolina.

Mr. Carney with Mr. Conable.

Messrs. CHARLES WILSON of Texas, MATSUI, GUARINI, BREAUX, NEDZI, and RUDD changed their votes from "yea" to "nay."

Messrs. DE LA GARZA, VOLKMER, DIXON, and PHILLIP BURTON changed their votes from "nay" to "yea."

So the motion to table was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to instruct.

There was no objection.

□ 1650

PARLIAMENTARY INQUIRY

Mr. BROWN of Ohio. Mr. Speaker, I have a parliamentary inquiry.

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

Mr. BROWN of Ohio. Mr. Speaker, on the screens in the offices when this vote was called it indicated that the vote was on the issue of the motion to instruct and not until some of us came to the floor did we discover that the vote was actually on a motion to table the motion to instruct.

Now, before we vote again could we get a clear statement of what is at issue in whatever the next vote is, because it occurs to me that there may have been some confusion on the last vote, given what appeared on the screens in Members' offices.

The SPEAKER pro tempore. The Chair put the question properly then and will now.

The question is on the motion to instruct the House conferees.

Mr. BROWN of Ohio. This question, this question we will vote on now is a vote on the motion to instruct the conferees?

The SPEAKER pro tempore. The question that will occur now is on the motion to instruct the conferees.

(By unanimous consent Mr. GIBBONS was allowed to speak out of order.)

REQUEST THAT MEMBERS NOT INSTRUCT CONFEREES

Mr. GIBBONS. Mr. Speaker, I cannot believe the last vote. It is absolutely astounding.

What my colleagues voted for was to instruct the conferees to throw away $26 billion on some tax credits of doubtful value. The gentleman from New Hampshire wanted wood-burning stoves, and he got wood-burning stoves and a bunch of biomass along with it.

Now, I would hope that the Members would have some faith and trust in the conferees. We are working hard. We have done all that anybody wanted on the gasohol problem this morning, and we took care of that problem, and I hope my colleagues understand that.

But, please, do not instruct us. We are about to complete this conference. We are about to get things wound up and get it out here where we can either accept it or reject it. But if my colleagues instruct us now we are going to have to go back to square one, and we will be drawing away money and everything under the Sun.

PARLIAMENTARY INQUIRY

Mr. JONES of Oklahoma. Mr. Speaker, I have a parliamentary inquiry.

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

Mr. JONES of Oklahoma. The parliamentary inquiry, Mr. Speaker, pertains to precisely what we are voting on and what we are instructing the conferees to do. It is my understanding that the gentleman wishes to instruct the conferees to accept the Senate tax credit. It does not pertain to gasohol, it does not pertain to industrial development bonds; is that correct?

The SPEAKER pro tempore. The question is on the motion and the motion has already been read. The Chair cannot characterize the instructions in the motion.

Mr. JONES of Oklahoma. Is it on tax credits only or what?

The SPEAKER pro tempore. The question is on the motion to instruct the conferees offered by the gentleman from New Hampshire (Mr. D'AMOURS).

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

RECORDED VOTE

Mr. D'AMOURS. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device and there were—ayes 195, noes 207, not voting 31, as follows:

[Roll No. 60]

AYES—195

Abdnor	Fithian	Murphy, Pa.
Addabbo	Flippo	Neal
Albosta	Florio	Nedzi
Ambro	Forsythe	Nelson
Anderson, Calif.	Fowler	Nolan
Aspin	Gaydos	Nowak
Atkinson	Gilman	Oakar
AuCoin	Ginn	Oberstar
Bailey	Glickman	Obey
Baldus	Goodling	Ottinger
Barnard	Gore	Pashayan
Barnes	Grassley	Patterson
Bauman	Gray	Pease
Beard, R.I.	Green	Petri
Beard, Tenn.	Guarini	Peyser
Bedell	Hall, Ohio	Porter
Bellenson	Hamilton	Pursell
Benjamin	Hanley	Quayle
Bereuter	Harkin	Quillen
Bevill	Heckler	Ratchford
Bingham	Hillis	Reuss
Blanchard	Hollenbeck	Richmond
Boggs	Holtzman	Rinaldo
Boland	Horton	Ritter
Boner	Huckaby	Rodino
Bonior	Hughes	Roe
Bonker	Ichord	Rose
Bouquard	Jeffords	Rosenthal
Brinkley	Jenkins	Roth
Broomfield	Johnson, Colo.	Royer
Buchanan	Jones, Tenn.	Santini
Burton, John	Kastenmeier	Satterfield
Byron	Kildee	Sawyer
Carr	Kogovsek	Schroeder
Cavanaugh	Kostmayer	Sebelius
Chisholm	Kramer	Sensenbrenner
Clausen	LaFalce	Shelby
Cleveland	Lagomarsino	Shumway
Coleman	Lederer	Skelton
Conte	Lee	Smith, Nebr.
Coughlin	Lent	Snowe
Courter	Levitas	Solomon
Crane, Daniel	Lewis	St Germain
D'Amours	Livingston	Stangeland
Daschle	Loeffler	Studds
Deckard	Long, La.	Tauke
Derrick	Lowry	Thompson
Derwinski	Lujan	Traxler
Devine	Luken	Vento
Dingell	Lundine	Walgren
Dodd	McHugh	Wampler
Donnelly	Maguire	Waxman
Dougherty	Markey	Weaver
Downey	Marks	Whittaker
Drinan	Marlenee	Williams, Mont.
Early	Marriott	Williams, Ohio
Edgar	Mathis	Wilson, Tex.
Emery	Mavroules	Winn
Erdahl	Mikulski	Wirth
Ertel	Mineta	Wolff
Evans, Ga.	Minish	Wolpe
Fazio	Mitchell, Md.	Yatron
Fenwick	Mitchell, N.Y.	Young, Mo.
Ferraro	Moakley	Zeferetti
Fish	Moffett	
	Mottl	

NOES—207

Akaka	Archer	Biaggi
Alexander	Ashley	Bolling
Andrews, N.C.	Badham	Bowen
Annunzio	Bafalis	Brademas
Anthony	Bennett	Breaux
Applegate	Bethune	Brodhead

Brooks	Harris	Rahall
Brown, Calif.	Harsha	Railsback
Brown, Ohio	Hawkins	Rangel
Broyhill	Hefner	Regula
Burgener	Heftel	Rhodes
Burlison	Hightower	Robinson
Burton, Phillip	Hinson	Rostenkowski
Butler	Holland	Rousselot
Carter	Holt	Roybal
Chappell	Hopkins	Rudd
Cheney	Howard	Russo
Clay	Hubbard	Sabo
Clinger	Hutto	Scheuer
Coelho	Hyde	Schulze
Collins, Ill.	Ireland	Seiberling
Collins, Tex.	Jacobs	Shannon
Conyers	Jeffries	Sharp
Corcoran	Johnson, Calif.	Shuster
Corman	Jones, N.C.	Simon
Cotter	Jones, Okla.	Slack
Daniel, Dan	Kelly	Smith, Iowa
Daniel, R. W.	Kindness	Snyder
Danielson	Latta	Solarz
de la Garza	Leach, Iowa	Spellman
Dellums	Leach, La.	Spence
Dicks	Leath, Tex.	Stack
Diggs	Lehman	Staggers
Dixon	Leland	Stanton
Dornan	Lloyd	Stark
Duncan, Oreg.	Long, Md.	Steed
Duncan, Tenn.	Lott	Stenholm
Eckhardt	Lungren	Stockman
Edwards, Ala.	McCloskey	Stokes
Edwards, Calif.	McCormack	Stratton
Edwards, Okla.	McDade	Stump
English	McDonald	Swift
Erlenborn	Madigan	Symms
Evans, Del.	Martin	Synar
Evans, Ind.	Matsui	Taylor
Fary	Mattox	Thomas
Fascell	Mazzoli	Trible
Findley	Mica	Udall
Fisher	Michel	Ullman
Foley	Miller, Calif.	Van Deerlin
Ford, Tenn.	Miller, Ohio	Vander Jagt
Fountain	Mollohan	Vanik
Frenzel	Montgomery	Volkmer
Frost	Moore	Walker
Fuqua	Moorhead, Calif.	Weiss
Garcia	Murphy, N.Y.	White
Glaimo	Murtha	Whitehurst
Gibbons	Myers, Ind.	Whitley
Gingrich	Natcher	Whitten
Goldwater	Nichols	Wilson, Bob
Gonzalez	O'Brien	Wilson, C. H.
Gradison	Panetta	Wright
Gramm	Paul	Wyatt
Grisham	Pepper	Wydler
Gudger	Perkins	Wylie
Guyer	Pickle	Yates
Hagedorn	Preyer	Young, Fla.
Hall, Tex.	Price	Zablocki
Hance	Pritchard	
Hansen		

NOT VOTING—31

Anderson, Ill.	Dickinson	McKinney
Andrews, N. Dak.	Ford, Mich.	Moorhead, Pa.
Ashbrook	Gephardt	Murphy, Ill.
Campbell	Hammer-schmidt	Myers, Pa.
Carney	Jenrette	Patten
Conable	Kazen	Roberts
Crane, Philip	Kemp	Runnels
Dannemeyer	McClory	Stewart
Davis, Mich.	McEwen	Treen
Davis, S.C.	McKay	Watkins
		Young, Alaska

□ 1720

The Clerk announced the following pairs:

On this vote:

Mr. McKay for, with Mr. Gephardt against.

Mr. Myers of Pennsylvania for, with Mr. Conable against.

Until further notice:

Mr. Moorhead of Pennsylvania with Mr. Anderson of Illinois.

Mr. Kazen with Mr. Hammerschmidt.

Mr. Jenrette with Mr. Young of Alaska.

Mr. Ford of Michigan with Mr. Ashbrook.

Mr. Murphy of Illinois with Mr. McClory.

Mr. Patten with Mr. Kemp.

Mr. Roberts with Mr. Andrews of North Dakota.

Mr. Stewart with Mr. Campbell.

Mr. Runnels with Mr. Dannemeyer.

Mr. Watkins with Mr. Dickinson.

Mr. Davis of South Carolina with Mr. Davis of Michigan.

Mr. McEwen with Mr. Philip M. Crane.

Mr. McKinney with Mr. Carney.

Messrs. HOLLAND, McCLOSKEY, ROBINSON, TAYLOR, and WEISS changed their votes from "aye" to "no."

So the motion to instruct was rejected.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF HOUSE RESOLUTION 571, DIRECTING ATTORNEY GENERAL OF UNITED STATES TO FURNISH CERTAIN INFORMATION TO HOUSE OF REPRESENTATIVES

Mr. RODINO, from the Committee on the Judiciary, submitted an adverse report (Rept. No. 96–778) on the resolution (H. Res. 571) directing the Attorney General of the United States to furnish certain information to the House of Representatives, which was referred to the House Calendar and ordered to be printed.

ESTABLISHING CHANNEL ISLANDS NATIONAL PARK

Mr. PHILLIP BURTON. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 3757) to amend the National Parks and Recreation Act of 1978, to establish the Channel Islands National Park, and for other purposes with Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Strike out all after the enacting clause, and insert:

TITLE I

SEC. 101. The National Parks and Recreation Act of 1978, approved November 10, 1978 (92 Stat. 3467), is amended as follows:

(a) Section 318, re: Point Reyes National Seashore is amended by:

(1) in subsection (a), change the period following "May 1978" to a comma and insert "plus those areas depicted on the map entitled 'Point Reyes and GGNRA Amendments, dated October 25, 1979'.".

(2) in subsection (b), changing the word "The" at the beginning of section 5(a) to "Except for property which the Secretary specifically determines is needed for interpretive or resources management purposes of the seashore, the";

(3) in subsection (c), after "May 1, 1978", inserting "or, in the case of areas added by action of the Ninety-sixth Congress, May 1, 1979", and at the end of the subsection, following the word "property", inserting "that were in existence or under construction as of May 1, 1978";

(4) in subsection (d), changing the phrase "subsection (c)" to read "subsections (c), (d), and (e)" and adding the following at the end thereof:

"(d) The Secretary is authorized to accept and manage in accordance with this Act, any lands and improvements within or adjacent to the seashore which are donated by the State of California or its political subdivisions. He is directed to accept any such lands offered for donation which comprise the Tomales Bay State Park, or lie between said park and Fish Hatchery Creek. The boundaries of the seashore shall be changed to include any such donated lands.

"(e) Notwithstanding any other provision of law, no fee or admission charge may be levied for admission of the general public to the seashore.";

(5) adding a new subsection (f) as follows:

"(f) Section 9 of such Act is amended by adding at the end thereof: 'In addition to the sums heretofore authorized by this section, there is further authorized to be appropriated $5,000,000 for the acquisition of lands or interests therein.'.".

(b) Section 551, re: the National Trails System Act is amended by:

(1) in paragraph (9), add the following at the end thereof:

"(8) The North Country National Scenic Trail, a trail of approximately thirty-two hundred miles, extending from eastern New York State to the vicinity of Lake Sakakawea in North Dakota, following the approximate route depicted on the map identified as 'Proposed North Country Trail-Vicinity Map' in the Department of the Interior 'North Country Trail Report', dated June 1975. The map shall be on file and available for public inspection in the office of the Director, National Park Service, Washington, District of Columbia. The trail shall be administered by the Secretary of the Interior.".

(2) in paragraph (15), subsection (e), delete the "," after Continental Divide National Scenic Trail, and insert "and the North Country National Scenic Trail,".

(3) in paragraph (15), subsection (f), after the phrase "Continental Divide National Scenic Trail", insert "or the North Country National Scenic Trail".

(4) in paragraph (23), revise subsection (c) to read as follows:

"(c) There is hereby authorized to be appropriated such sums as may be necessary to implement the provisions of this Act relating to the trails designated by paragraphs 5(a) (3), (4), (5), (6), (7), and (8): *Provided*, That no such funds are authorized to be appropriated prior to October 1, 1978: *And provided further*, That notwithstanding any other provisions of this Act or any other provisions of law, no funds may be expended by Federal agencies for the acquisition of lands or interests in lands outside the exterior boundaries of existing Federal areas for the Continental Divide National Scenic Trail, the North Country National Scenic Trail, the Oregon National Historic Trail, the Mormon Pioneer National Historic Trail, the Lewis and Clark National Historic Trail, and the Iditarod National Historic Trail.".

(c) Section 320, re: Chesapeake and Ohio Canal National Historic Park, is amended by changing the colon following the word "acres" to a period, and by deleting the proviso in its entirety.

SEC. 102. The Wild and Scenic Rivers Act of 1968 (82 Stat. 906), as amended (16 U.S.C. 1271), is further amended—

(a) in section 5(a) by adding the following new clause at the end thereof:

"(76) Birch, West Virginia: The main stem from the Cora Brown Bridge in Nicholas County to the confluence of the river with the Elk River in Braxton County.".

(b) in section 5(b) by deleting "(75)" and inserting "(76)".

SEC. 103. The Act of October 27, 1972, (86 Stat. 1299), as amended (16 U.S.C. 459), is further amended as follows:

(a) In subsection 2(a), change the period following "October 1978" to a comma and insert "plus those areas depicted on the map entitled 'Point Reyes and GGNRA Amendments and dated October 25, 1979.".

(b) In section 6, after "$61,610,000" insert "plus $15,500,000", after "herein", insert "said total development ceiling to be reduced by $10,000,000".

SEC. 104. The Act of August 18, 1970 (84 Stat. 825), as amended, is further amended as follows:

(a) In section 8 near the end thereof, delete the sentence "Each report and an-

nual listing shall be printed as a House document.", and insert in lieu the following: "Each report and annual listing shall be printed as a House document: *Provided*, That should adequate supplies of previously printed identical reports remain available, newly submitted identical reports shall be omitted from printing upon the receipt by the Speaker of the United States House of Representatives of a joint letter from the chairman of the Committee on Interior and Insular Affairs of the United States House of Representatives and the chairman of the Committee on Energy and Natural Resources of the United States Senate indicating such to be the case."; and

(b) Insert "(a)" after "SEC. 8." and add a new subsection (b) as follows:

"(b) Within six months of the date of enactment of this subsection, the Secretary shall submit to the Committee on Interior and Insular Affairs of the United States House of Representatives and the Committee on Energy and Natural Resources of the United States Senate, a comprehensive, 'National Park System Plan', which document shall constitute a professional guide for the identification of natural and historic themes of the United States, and from which candidate areas can be identified and selected to constitute units of the National Park System. Such plan shall be revised and updated annually.".

SEC. 105. (a) The Secretary of the Interior is authorized to revise the boundaries of the following units of the National Park System:

(1) Carl Sandburg Home National Historic Site, North Carolina: to add approximately seventeen acres.

(2) Chickamauga and Chattanooga National Military Park, Georgia and Tennessee: to add approximately one acre.

(3) Fredericksburg and Spotsylvania County Battlefields Memorial National Military Park, Virginia: to add approximately twenty acres.

(b) Sections 302, 303, and 304 of the National Parks and Recreation Act of 1978 (92 Stat. 3467) shall be applicable to the boundary revisions authorized in subsection (a) of this section, except that for the purposes of this section, the date of enactment referred to in section 302 of such Act shall be deemed to be the date of enactment of this section.

(c) For the purposes of acquiring the lands and interests in lands added to the units referred to in subsection (a), there are authorized to be appropriated from the Land and Water Conservation Fund such sums as may be necessary, but not to exceed $304,000 for Chickamauga and Chattanooga National Military Park and not to exceed $234,000 for Fredericksburg and Spotsylvania County Battlefields Memorial National Military Park.

SEC. 106. The Secretary of the Interior is authorized and directed to take such measures as may be necessary to provide for the continued protection of the historic Palmer's Chapel in the Cataloochee Valley of the Great Smoky Mountains National Park. The importance of the chapel in memorializing the early settlement of the valley and in providing an opportunity for interpreting the cultural traditions of the former residents of the valley is hereby recognized, and the Secretary is authorized to make suitable arrangements for the history of the chapel to be communicated to park visitors and for the chapel to continue to be used for memorial purposes by former residents and their descendants.

SEC. 107. Section 304(a) of the Act of October 21, 1976 (90 Stat. 2732), is amended by inserting after "to the jurisdiction of the" the following: "Secretary of the Army, the land under the jurisdiction of the".

SEC. 108. The Act of June 30, 1944 (58 Stat. 645), as amended (16 U.S.C. 450bb), is further amended (1) by changing "Boundary Map, Harpers Ferry National Historical Park", numbered 385–40,000D and dated April 1974 to "Boundary Map, Harpers Ferry National Historical Park", numbered 385–80,021A and dated April 1979 and changing "two thousand acres" to "two thousand four hundred and seventy-five acres" in the first section; and (2) by changing "$1,300,000" to "$1,600,000" in section 4.

SEC. 109. Subsection 5(b) of the Act of October 13, 1964 (78 Stat. 1087), an Act "To authorize the Secretary of the Interior to cooperate with the State of Wisconsin in the designation and administration of the Ice Age National Scientific Reserve in the State of Wisconsin, and for other purposes", as amended (16 U.S.C. 469h), is further amended by changing "$425,000" to "$2,500,000".

SEC. 110. Section 320 of the Act of October 21, 1976 (90 Stat. 2732), is amended in subsection (j) by changing "$13,000,000" to "$23,700,000".

SEC. 111. Paragraph (13) of section 101 of the Act entitled "An Act to provide for increases in appropriation ceilings and boundary changes in certain units of the National Park System, and for other purposes", approved October 21, 1976 (90 Stat. 2732, 2733), is amended by changing the period to a semicolon and inserting the following thereafter: "the Secretary of the Interior is authorized to revise the boundary of the seashore to add approximately two hundred and seventy-four acres and to delete approximately two thousand acres, and sections 302 and 303 of the Act of April 11, 1972 (86 Stat. 120, 121), shall apply to the boundary revision authorized herein.".

SEC. 112. (a) In order to commemorate the first European settlement in Louisiana, Fort Saint Jean Baptiste de Natchitoches (hereinafter called the "fort"), the Secretary is authorized to render the State of Louisiana such assistance, in the form of technical advice, grants of funds for land acquisition and development, and other help necessary to reconstruct the fort: Provided, That no funds shall be expended for reconstruction unless the Secretary determines that such reconstruction can be based on historical documentation.

(b) The Secretary is authorized to enter into a cooperative agreement with the State of Louisiana and affected local governmental authorities which agreement shall include but not limited to—

(1) assurances that the State of Louisiana shall operate and maintain the fort as a public area;

(2) assurances that the State of Louisiana shall incur all operation and maintenance costs;

(3) assurances by the State of Louisiana that they will manage the fort consistent with its historic character; and

(4) authority for the Secretary to obtain reimbursement from or offset against the State of Louisiana of all Federal funds previously granted under this section, including subsequent violation of paragraph (3) of this subsection.

(c) There is hereby authorized to be appropriated not to exceed $2,813,000 for the purposes of this section: *Provided*, That the Secretary may expend not to exceed 75 per centum of the total cost incurred in the reconstruction of the fort.

SEC. 113. (a) The United States Navy Memorial Foundation is authorized to erect a memorial on public grounds in the District of Columbia in honor and in commemoration of the men and women of the United States Navy who have served their country in war and peace.

(b)(1) The Secretary is authorized and directed to select, with the approval of the National Commission of Fine Arts and the National Capital Planning Commission, a suitable site on public grounds of the United States, in the District of Columbia or on such grounds principally serving as a site for national monuments along the Potomac River in Northern Virginia, upon which may be erected the memorial authorized in subsection (a).

(2) The design and plans for such memorial shall be subject to the approval of the Secretary, the National Commission of Fine Arts, and the National Capital Planning Commission.

(3) Other than as to the land authorized for the erection of the memorial in paragraph (1) of this subsection, neither the United States nor the District of Columbia shall be put to any expense in the erection of this memorial.

(c) The authority conferred pursuant to this section shall lapse unless (1) the erection of such memorial is commenced within five years from the date of enactment of this section, and (2) prior to its commencement funds are certified available in an amount sufficient, in the judgment of the Secretary to insure completion of the memorial.

(d) The maintenance and care of the memorial erected under the provisions of this section shall be the responsibility of the Secretary.

SEC. 114. Section 206 of the Act of October 15, 1966 (80 Stat. 915), is amended by deleting all of subsection 6(c) and inserting in lieu thereof the following:

"(c) For the purposes of this section there is authorized to be appropriated an amount equal to the assessment for United States membership in the Centre for fiscal years 1979, 1980, 1981, and 1982: *Provided*, That no appropriation is authorized and no payment shall be made to the Centre in excess of 25 per centum of the total annual assessment of such organization. Authorization for payment of such assessments shall begin in fiscal year 1981, but shall include earlier costs.".

SEC. 115. (a) The Secretary of the Interior is authorized to revise the boundary of the Saratoga National Historic Park to add approximately one hundred and forty-seven acres.

(b) For the purposes of acquiring land and interest in land added to the unit referred to in subsection (a) there are authorized to be appropriated from the Land and Water Conservation Fund such sums as may be necessary but not to exceed $74,000 for Saratoga National Historic Park.

SEC. 116. The Secretary of the Interior shall designate the David Berger Memorial located at the Jewish Community Center in Cleveland Heights, Ohio, as a national memorial. The significance of the memorial in preserving the memory of the eleven Israeli athletes who were assassinated at the Olympic games in Munich, Germany, in 1972 is, by this designation, recognized by the Congress.

SEC. 117. The Secretary of the Interior is authorized to acquire by purchase with donated or appropriated funds not to exceed two and one-half acres of land and submerged lands, waters, or interest therein, at Charleston, South Carolina, known generally at the Fleet Landing Site, for purposes of a mainland tour boat facility for access to Fort Sumter National Monument. Property so acquired shall be administered as a part of Fort Sumter National Monument. There are hereby authorized to be appropriated such sums as may be necessary to carry out the purposes of this section.

SEC. 118. Subsection 507(q) of the Act of November 10, 1978 (92 Stat. 3506) is amended in clause (2)(E) by changing "5" to "9".

SEC. 119. (a) In order to protect the unique scenic, scientific, educational, and recreational values of certain lands in and around Yaquina Head, in Lincoln County, Oregon, there is hereby established, subject to valid existing rights, the Yaquina Head Outstanding Natural Area (hereinafter re-

ferred to as the "area"). The boundaries of the area are those shown on the map entitled "Yaquina Head Area", dated July 1979, which shall be on file and available for public inspection in the Office of the Director, Bureau of Land Management, United States Department of the Interior, and the State Office of the Bureau of Land Management in the State of Oregon.

(b)(1) The Secretary of the Interior (hereinafter referred to as the "Secretary") shall administer the Yaquina Head Outstanding Natural Area in accordance with the laws and regulations applicable to the public lands as defined in section 103(e) of the Federal Land Policy and Management Act of 1976, as amended (43 U.S.C. 1702), in such a manner as will best provide for—

(A) the conservation and development of the scenic, natural, and historic values of the area;

(B) the continued use of the area for purposes of education, scientific study, and public recreation which do not substantially impair the purposes for which the area is established; and

(C) protection of the wildlife habitat of the area.

(2) The Secretary shall develop a management plan for the area which accomplishes the purposes and is consistent with the provisions of this section. This plan shall be developed in accordance with the provisions of section 202 of the Federal Land Policy and Management Act of 1976, as amended (43 U.S.C. 1712).

(3) Notwithstanding any other provision of this section, the Secretary is authorized to issue permits or to contract for the quarrying of materials from the area in accordance with the managment plan for the area on condition that the lands be reclaimed and restored to the satisfaction of the Secretary. Such authorization to quarry shall require payment of fair market value for the materials to be quarried, as established by the Secretary, and shall also include any terms and conditions which the Secretary determines necessary to protect the values of such quarry lands for purposes of this section.

(c) The reservation of lands for lighthouse purposes made by Executive order of June 8, 1866, of certain lands totaling approximately 18.1 acres, as depicted on the map referred to in subsection 119(a), is hereby revoked. The lands referred to in subsection 119(a) are hereby restored to the status of public lands as defined in section 103(e) of the Federal Land Policy and Management Act of 1976, as amended (43 U.S.C. 1702), and shall be administered in accordance with the management plan for the area developed pursuant to subsection 119 (b), except that such lands are hereby withdrawn from settlement, sale, location, or entry, under the public land laws, including the mining laws (30 U.S.C., ch. 2), leasing under the mineral leasing laws (30 U.S.C. 181 et seq.), and disposals under the Materials Act of July 31, 1947, as amended (30 U.S.C. 601, 602).

(d) The Secretary shall, as soon as possible but in no event later than twenty-four months following the date of the enactment of this section, acquire by purchase, exchange, donation, or condemnation all or any part of the lands and waters and interests in lands and waters within the area referred to in subsection 119(a) which are not in Federal ownership except that State land shall not be acquired by purchase or condemnation. Any lands or interests acquired by the Secretary pursuant to this section shall become public lands as defined in the Federal Land Policy and Management Act of 1976, as amended. Upon acquisition by the United States, such lands are automatically withdrawn under the provisions of subsection 119(c) except that lands affected by quarrying operations in the area shall be subject to disposals under the Materials Act of July 31, 1947, as amended (30 U.S.C. 601, 602). Any lands acquired pursuant to this subsection shall be administered in accordance with the management plan for the area developed pursuant to subsection 119(b).

(e) The Secretary is authorized to conduct a study relating to the use of lands in the area for purposes of wind energy research. If the Secretary determines after such study that the conduct of wind energy research activity will not substantially impair the values of the lands in the area for purposes of this section, the Secretary is further authorized to issue permits for the use of such lands as a site for installation and field testing of an experimental wind turbine generating system. Any permit issued pursuant to this subsection shall contain such terms and conditions as the Secretary determines necessary to protect the values of such lands for purposes of this section.

(f) The Secretary shall develop and administer, in addition to any requirements imposed pursuant to paragraph 119(b)(3), a program for the reclamation and restoration of all lands affected by quarrying operations in the area acquired pursuant to subsection 119(d). All revenues received by the United States in connection with quarrying operations authorized by paragraph 119(b)(3) shall be deposited in a separate fund account which shall be established by the Secretary of the Treasury. Such revenues are hereby authorized to be appropriated to the Secretary as needed for reclamation and restoration of any lands acquired pursuant to subsection 119(d). After completion of such reclamation and restoration to the satisfaction of the Secretary, any unexpended revenues in such fund shall be returned to the general fund of the United States Treasury.

(g) There are hereby authorized to be appropriated in addition to that authorized by subsection 119(f), such sums as may be necessary to carry out the provisions of this section.

SEC. 120. (a) The Secretary of the Interior (hereinafter referred to as the "Secretary") is authorized to conduct a survey of sites which he deems exhibit qualities most appropriate for the commemoration of each former President of the United States. The survey may include sites associated with the deeds, leadership, or lifework of a former President, and it may identify sites or structures historically unrelated to a former President but which may be suitable as a memorial to honor such President.

(b) The Secretary shall, from time to time, prepare and transmit to the Committee on Interior and Insular Affairs of the House of Representatives and the Committee on Energy and Natural Resources of the United States Senate reports on individual sites and structures identified in the survey referred to in subsection (a), together with his recommendations as to whether such site or structure is suitable for establishment as a national historic site or national memorial to commemorate a former President. Each such report shall include pertinent information with respect to the need for acquisition of lands and interests therein, the development of facilities, and the operation and maintenance of the site or structure and the estimated cost thereof. If during the six-month period following the transmittal of a report pursuant to this subsection neither Committee has by vote of a majority of its members disapproved a recommendation of the Secretary that a site or structure is suitable for establishment as a national historic site, the Secretary may thereafter by appropriate order establish the same as a national historic site, including the lands and interests therein identified in the report accompanying his recommendation. The Secretary may acquire the lands and interests therein by donation, purchase with donated or appropriated funds, transfer from any other Federal agency, or exchange, and he shall administer the site in accordance with the Act of August 25, 1916 (39 Stat. 535), as amended and supplemented, and the Act of August 21, 1935 (49 Stat. 666), as amended.

(c) Nothing in this section shall be construed as diminishing the authority of the Secretary under the Act of August 21, 1935 (49 Stat. 666), as amended, or as authorizing the Secretary to establish any national memorial, creation of which is hereby expressly reserved to the Congress.

(d) There is authorized to be appropriated such sums as may be necessary to carry out the provisions of this section.

SEC. 121. Authorizations of moneys to be appropriated under this Act shall be effective on October 1, 1980. Notwithstanding any other provisions of this Act, authority to enter into contracts, to incur obligations, or to make payments under this Act shall be effective only to the extent, and in such amounts, as are provided in advance in appropriation Acts.

TITLE II

SEC. 201. In order to protect the nationally significant natural, scenic, wildlife, marine, ecological, archaeological, cultural, and scientific values of the Channel Islands in the State of California, including, but not limited to, the following:

(1) the brown pelican nesting area;

(2) the undisturbed tide pools providing species diversity unique to the eastern Pacific coast;

(3) the pinnipeds which breed and pup almost exclusively on the Channel Islands, including the only breeding colony for northern fur seals south of Alaska;

(4) the Eolian landforms and caliche;

(5) the presumed burial place of Juan Rodriguez Cabrillo; and

(6) the archaeological evidence of substantial populations of Native Americans;

there is hereby established the Channel Islands National Park, the boundaries of which shall include San Miguel and Prince Islands, Santa Rosa, Santa Cruz, Anacapa, and Santa Barbara Islands, including the rocks, islets, submerged lands, and waters within one nautical mile of each island, as depicted on the map entitled, "Proposed Channel Islands National Park" numbered 159-20,008 and dated April 1979, which shall be on file and available for public inspection in the offices of the Superintendent of the park and the Director of the National Park Service, Department of the Interior. The Channel Islands National Monument is hereby abolished as such, and the lands, waters, and interests therein withdrawn or reserved for the monument are hereby incorporated within and made a part of the new Channel Islands National Park.

SEC. 202. (a) Within the boundaries of the park as established in section 201, the Secretary of the Interior (hereinafter referred to as the "Secretary") is authorized to acquire lands, waters, or interests therein (including but not limited to scenic easements) by donation, purchase with donated or appropriated funds, transfer from any Federal agency, exchange, or otherwise. Unless the property is wholly or partially donated, the Secretary shall pay to the owner the fair market value of the property on the date of its acquisition, less the fair market value on that date of any right retained by the owner. Any lands, waters, or interests therein owned by the State of California or any political subdivision thereof shall not be acquired. Notwithstanding any other provision of law, Federal property located within the boundaries of the park shall with the concurrence of the head of the agency having custody thereof, be transferred to the administrative jurisdiction of the Secretary for the purposes of the park: *Provided*, That the Secretary shall permit the use of federally

owned park lands and waters which (i) have been transferred from another Federal agency pursuant to this section or which (ii) were the subject of a lease or permit issued by a Federal agency as of the date of enactment of this title, for essential national security missions and for navigational aids, subject to such terms and conditions as the Secretary deems necessary to protect park resources.

(b) Notwithstanding the acquisition authority contained in subsection 202(a), any lands, waters, or interests therein, which are owned wholly or in part, by or which hereafter may be owned by, or under option to, the National Park Foundation, the Nature Conservancy (including any lands, waters, or interests therein which are designated as "Nature Conservancy Lands" on the map referred to in section 201 of this title) or any similar national, nonprofit conservation organization, or an affiliate or subsidiary thereof shall be acquired only with the consent of the owner thereof: *Provided*, That the Secretary may acquire such property in accordance with the provisions of this Act if he determines that the property is undergoing or is about to undergo a change in use which is inconsistent with the purposes of this title.

(c) With respect to the privately owned lands on Santa Rosa Island, the Secretary shall acquire such lands as expeditiously as possible after the date of enactment of this title. The acquisition of these lands shall take priority over the acquisition of other privately owned lands within the park.

(d)(1) The owner of any private property may, on the date of its acquisition and as a condition of such acquisition, retain for himself a right of use and occupancy of all or such portion of such property as the owner may elect for a definite term of not more than twenty-five years, or ending at the death of the owner, or his spouse, whichever is later. The owner shall elect the term to be reserved. Any such right retained pursuant to this subsection with respect to any property shall be subject to termination by the Secretary upon his determination that property is being used for any purpose which is incompatible with the administration of the park or with the preservation of the resources therein, and it shall terminate by operation of law upon notification by the Secretary to the holder of the right, of such determination and tendering to him the amount equal to the fair market value of that portion which remains unexpired.

(2) In the case of any property acquired by the Secretary pursuant to this title with respect to which a right of use and occupancy was not reserved by the former owner pursuant to this subsection, at the request of the former owner, the Secretary may enter into a lease agreement with the former owner under which the former owner may continue any existing use of such property which is compatible with the administration of the park and with the preservation of the resources therein.

(3) Any right retained pursuant to this subsection, and any lease entered into under paragraph (2), shall be subject to such access and other provisions as may be required by the Secretary for visitor use and resources management.

SEC. 203. (a) The Secretary is directed to develop, in cooperation and consultation with the Secretary of Commerce, the State of California, and various knowledgeable Federal and private entities, a natural resources study report for the park, including, but not limited to, the following:

(1) an inventory of all terrestrial and marine species, indicating their population dynamics, and probable trends as to future numbers and welfare;

(2) recommendations as to what actions should be considered for adoption to better protect the natural resources of the park. Such report shall be submitted within two complete fiscal years from the date of enactment of this title to the Committee on Interior and Insular Affairs of the United States House of Representatives and the Committee on Energy and Natural Resources of the United States Senate, and updated revisions of such report shall be similarly submitted at subsequent two year intervals to cover a period of ten years after the date of enactment of this title.

(b) The Secretary is authorized and directed to enter into and continue cooperative agreements with the Secretary of Commerce and the State of California for the enforcement of Federal and State laws and regulations on those lands and waters within and adjacent to the park which are owned by the State of California. No provision of this title shall be deemed to affect the rights and jurisdiction of the State of California within the park, including, but not limited to, authority over submerged lands and waters within the park boundaries, and the marine resources therein.

SEC. 204. (a) Subject to the provisions of section 201 of this title, the Secretary shall administer the park in accordance with the provisions of the Act of August 25, 1916 (39 Stat. 535), as amended and supplemented (16 U.S.C. 1 et seq.). In the administration of the park, the Secretary may utilize such statutory authority available for the conservation and management of wildlife and natural and cultural resources as he deems appropriate to carry out the purposes of this title. The park shall be administered on a low-intensity, limited-entry basis.

(b) In recognition of the special fragility and sensitivity of the park's resources, it is the intent of Congress that the visitor use within the park be limited to assure negligible adverse impact on the park resources. The Secretary shall establish appropriate visitor carrying capacities for the park.

(c)(1) Within three complete fiscal years from the date of enactment of this title, the Secretary, in consultation with The Nature Conservancy and the State of California, shall submit to the Committee on Interior and Insular Affairs of the United States House of Representatives and the Committee on Energy and Natural Resources of the United States Senate, a comprehensive general management plan for the park, pursuant to criteria stated in the provisions of section 12(b) of the Act of August 18, 1970 (84 Stat. 825), as amended (16 U.S.C. 1a–1 et seq.). Such plan shall include alternative considerations for the design and operation of a public transportation system connecting the park with the mainland, with such considerations to be developed in cooperation with the State of California and the Secretary of Transportation. The Secretary shall seek the advice of the scientific community in the preparation of said plan, and conduct hearings for public comment in Ventura and Santa Barbara Counties.

(2) Those aspects of such a plan which relate to marine mammals shall be prepared by the Secretary of Commerce, in consultation with the Secretary and the State of California.

SEC. 205. The head of any Federal agency having direct or indirect jurisdiction over a proposed Federal or federally assisted undertaking with respect to the lands and waters within or adjacent or related to the park, and the head of any Federal agency having authority to license or permit any undertaking with respect to such lands and waters, shall, prior to the approval of the expenditure of any Federal funds on such undertaking or prior to the issuance of any license or permit, as the case may be, afford the Secretary a reasonable opportunity to comment with regard to such undertaking and shall give due consideration to any comments made by the Secretary and to the effect of such undertaking on the purposes for which the park is established.

SEC. 206. Within three complete fiscal years from the date of enactment of this title, the Secretary shall review the area within the park and shall report to the President, in accordance with subsections 3 (c) and (d) of the Wilderness Act (78 Stat. 890), his recommendations as to the suitability or nonsuitability of any area within the park for designation as wilderness. Any designation of any such areas as wilderness shall be accomplished in accordance with said subsections of the Wilderness Act.

SEC. 207. Notwithstanding any other provision of law, no fees shall be charged for entrance or admission to the park.

SEC. 208. The Secretary is authorized to expend Federal funds for the cooperative management of The Nature Conservancy and other private property for research, resources management, and visitor protection and use. All funds authorized to be appropriated for the purposes of the Channel Islands National Monument are hereby transferred to the Channel Islands National Park. Effective October 1, 1980, there are hereby authorized to be appropriated such further sums as may be necessary to carry out the purposes of this title, but not to exceed $500,000 for development. From the Land and Water Conservation Fund there is authorized to be appropriated $30,100,000 for the purposes of land acquisition. For the authorizations made in this section, any amounts authorized but not appropriated in any fiscal year shall remain available for appropriation in succeeding fiscal years.

Amend the title so as to read: "An Act to establish the Channel Islands National Park, and for other purposes.".

Mr. PHILLIP BURTON (during the reading). Mr. Speaker, I ask unanimous consent that the Senate amendments be considered as read and printed in the RECORD.

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

Mr. LAGOMARSINO. Mr. Speaker, reserving the right to object, I would like to inquire of the gentleman from California if he would explain what the Senate amendments do to the bill as it was passed by the House.

Mr. PHILLIP BURTON. Mr. Speaker, I urge my colleagues to accept the amendments made by the Senate with respect to H.R. 3757.

I first wish to commend our counterpart committee in the Senate for their contributions to this legislation. H.R. 3757 treats a number of issues in a single bill. Chairman DALE BUMPERS is to be commended for this action, as are his colleagues and the committee staff. I must also express my appreciation to Senator ALAN CRANSTON and his staff for their diligent and effective efforts which have made this legislation possible.

There are a number of our colleagues in the House who should be recognized for their efforts on behalf of this legislation, and whose bills were incorporated into H.R. 3757.

BOB LAGOMARSINO is the principal author of H.R. 2975, the legislation in this Congress to preserve the Channel Islands in California. His leadership and effort was decisive in this successful effort. As the author of H.R. 16190 in 1966 (the 89th Congress), and H.R. 6108 in 1967 (the 90th Congress), bills to establish a Channel Islands National Park,

I am particularly pleased to see the House take final action to send this measure to the President.

JOHN SLACK introduced H.R. 1251 to provide for a study of the Birch River in West Virginia as a potential wild and scenic river.

BILL WHITEHURST introduced H.R. 1307 to designate the North Country National Scenic Trail, an initiative which the House approved last Congress in our omnibus parks bill, but which was later deleted by the Senate.

LAMAR GUDGER is the author of H.R. 1038, to protect historic Palmer's Chapel in the Great Smoky Mountains National Park.

JOE FISHER introduced H.R. 4317 to enhance the protection of historic Harper's Ferry by including an additional area for scenic protection downstream from the National Historical Park.

HENRY REUSS has acted to assure the continuation of the cooperative State and Federal effort to manage the Ice Age National Scientific Reserve in Wisconsin through the authorization of needed additional funding.

The good efforts of DON BONKER to complete the protection of the remarkable Point of Arches area of Olympic National Park are continued here with a needed increase in the land acquisition authorization level for the park.

I would like to comment now on the items in the legislation which have undergone some modification in the Senate.

In section 101(a), the Senate has approved the acquisition of additional lands for Point Reyes National Seashore in the vicinity of Tomales Bay. Other lands in this same area are included in Golden Gate National Recreation Area in section 102 of the bill. The effects of these additions are to protect this highly scenic area from uncontrolled development, and to take advantage of the good efforts which have already been made by both the State of California and the private sector to protect these lands.

In the Fish Hatchery Creek area, the Senate changes include the addition of a parcel owned by Pauline Bradley, the deletion of several acres of a parcel owned by David Weerts, and the agreement to a boundary adjustment conforming to a bargain sale of portions of the Adams property to the trust for public land, with the understanding that the sale will be consummated without change from the price agreed in the option.

I expect that all the properties in the Fish Hatchery Creek area will be expeditiously acquired, and I also expect that the Secretary of the Interior will make every effort to acquire all the additions to both Point Reyes National Seashore and Golden Gate National Recreation Area within 3 years, in view of the rapidly rising land prices in these areas.

The Giacomini Ranch at the south end of Tomales Bay is a vital property in maintaining the pastoral character of this area. The property is expected to continue to be managed in a pastoral manner consistent with the responsibilities of the Secretary. Mr. Giacomini's present use of the property as it relates to his duck club should be considered for the remainder of his life as consistent with the protection of this area.

Thanks to the Senate amendment, the Secretary will also be able to complete the acquisition program initiated by the State of California in the Inverness Ridge (Tomales Bay) area to protect by acquisition only the remaining undeveloped land in that vicinity. Shoreline areas along Tomales Bay will also be protected.

The details of this additional protection for both Point Reyes National Seashore and Golden Gate National Recreation Area are shown on the following list:

I. POINT REYES NATIONAL SEASHORE ADDITIONS—1979

1. Tomales Bay State Park (incl. 82.59 acres—private), 1,041.2 acres.

2. Other: California Dept./Parks & Recreation (see III) (adjacent to Point Reyes National Seashore), 383.64 acres.

3. Nature Conservancy (see IV–3), 303.2 acres.

4. Audubon Canyon Ranch (2.04+0.62) (see IV–4), 2.66 acres.

5. Inverness Water Company (see IV–5), (adjacent to 2. or 3. or Point Reyes National Seashore), (To be donated to Marin Conservation League), 129.58 acres.

6. Adams Property—Fish Hatchery Creek (subject to acreage increase if bargain sale option not implemented), 130.36 acres.

Subtotal, 1,990.64 acres.

7. Other: Fish Hatchery Creek Private Property (include 1 acre Bradley property), no acreage estimate.

8. Undeveloped lots as of October 1, 1979 from White House Pool—going north to Chicken Ranch Beach, on the East side of Sir Francis Drake Blvd. (between Tomales Bay and Sir Francis Drake Blvd.), no acreage estimate.

9. Wedge between Tomales Bay State Park and Point Reyes National Seashore, 6 acres.

10. Other: Inverness Ridge Private Property, 300.0+ acres.

II. GOLDEN GATE NAT'L. RECREATION AREA ADDITIONS—1979

1. Public—California:

Samuel P. Taylor State Park, 2,543.16 acres, and on lease and permit, 92.22 acres.

Other Dept./Parks & Recreation (on East side of Tomales Bay) (see V–1), 457.38 acres.

Wildlife Conservation Board (see V–2), 586.2 acres.

State of California total 3,678.96 acres.

2. Audubon Canyon ranch (see V–3), 271.07 acres.

Does not include 26 acres donated to Cal. Parks & Recreation Angress deal, nor 19.6 acres sold to Wildlife Conservation Board.

3. Private:

(a) Waldo Giacomini Ranch, 519.41 acres.

(b) George and Robert Gallagher Ranch (Lagunitas Loop), 331.00 acres.

(c) Ottinger Estate (Lagunitas Loop), 320.00 acres.

Large private; subtotal, 1,170.41 acres.

GGNRA subtotal this page, 5,331.44 acres.

(d) 1. All of the undeveloped lots, parcels, lands and interests in lands West of Highway 1 (to Tomales Bay)—from the southernmost point where lands owned, or administered, by the State of California Wildlife Conservation Board abut Highway 1—going North thru Miller Point Park are included within the boundary; except as provided below in this subsection.

The Town of Marshall, from the Post Office Building on the North to the last undeveloped lot on the south of the Town, and the area known as Marconi Cove, are excluded from the boundary, and

2. All of the lands and interests in land bounded by Tomales Bay and Highway 1 and by (and including) the former Angress Property on the North and the northernmost point (the Post Office Building) of the Town of Marshall on the South are included within the boundary.

(No acreage estimate for 3(d) 1 and 2 above.)

III. OTHER CALIFORNIA STATE DEPARTMENT OF PARKS AND RECREATION OWNED LANDS

Proposed 1979 Additions to Point Reyes National Seashore-Inverness Ridge.

	PCL No.	Acreage
20	109–330–16	28.34
21	109–330–26	10.04
22	109–140–36	40.22
23	109–150–07	44.86
25	109–150–25	3.07
26	109–150–24	4.05
27	109–150–23	2.62
28	109–150–17	7.12
29	109–140–31	44.86
39	114–011–86	47.79
43	114–061–07	1.0
44	114–061–16	1.10
45	114–061–17	2.64
47	114–040–53	25.16
52	114–040–41	7.68
59	114–040–03	110.0
71		1.04
72		2.05
Total		[1]383.64

[1] Excluding Tomales Bay State Park (See IV for Private Lands).

Source: California State Department of Parks and Recreation—October, 1979.

IV. PRIVATE LANDS (SEE I, ITEMS 3, 4, 5)

Proposed 1979 Additions to Point Reyes National Seashore–Inverness Ridge.

3. *Nature Conservancy*

Assessor's PCL No.	Acres
120–300–26	29.44
114–040–50	163.12
114–040–49	26.00
114–040–43	44.60
114–040–48	40.16
	303.32

4. *Audubon Canyon Ranch*

Assessor's PCL No.	
112–151–01	0.62
114–062–02	2.04
	2.66

5. *Inverness Water Company*

(To be donated to Martin Conservation League)

Assessor's PCL No.	
109–330–08	10.0
109–140–19	66.14
109–140–32	53.44
	129.58

Recap

Nature Conservancy	303.32
Audubon Canyon Ranch	2.66
Inverness H20 Company	129.58
	435.56

V. BREAKDOWN OF 1979—GGNRA ADDITIONS—TOMALES BAY-EAST SIDE

1. California Dept. of Parks & Recreation

Parcel No.	Acres
15 (Former Angress Property)	22.1
16 (Audubon—gift to State—Angress Deal) 10/20/79	26
35	64.99
36	9.4
37	12.63
38	11.3
39	64.35
54	16.9
55	18.08

	Acres
56	10.28
57	8.13
	264.16
33 Tomassini & Bottari [1]	165
34 Johanson Property [1]	28.22
Other Dept./Parks & Recreation	457.38

2. California Wildlife Conservation Board Purchased

From Waldo Giacomini (initial)	482.3
Same—White House Pool	13.2
Same—Paper Mill Creek/Highway No. 1/Pt. Reyes	11.4
Along Highway 1—Marsh	21.2
From Bianci (along Highway 1)	14.22
From M. J. Carton	16.38
From Audubon — 3 parcels (Creekside between Highway 1 and Keys/Walker	19.6
Lease from California Lands Commission	7.9
Total	586.2

3. Audubon Canyon Ranch

South of Cypress Grove—Angress

Parcel No.	
119-020-01 (across Highway 1 from Giacomini Ranch)	9.0
106-050-10	Negligible
106-020-33	1.33
Cypress Grove (excl. 26 Acres donation—Angress Deal)	129.23

North of Cypress Grove—Angress

Parcel No.	
104-030-07 (Between Highway 1 & Keys/Walker	96.74
104-030-08 Creek-Preston Point Area)	23.71
104-160-01 (Just South of Nick's Cove)	8.52
104-190-32	1.0
104-210-08	0.5
104-230-21	1.04

Condemnation.

In section 101(b), the Senate has made a constructive correction of a flaw in the National Trails System Act which was made by Senate amendments adopted last Congress. The Senate correction restores the ability of Federal agencies to make needed acquisitions for trail purposes within existing Federal areas. I understand that this would apply to Federal areas with specified external boundaries, such as National Forests, but is not to be construed as permitting Federal acquisition in undefined areas of Federal lands such as are managed by the Bureau of Land Management. The amendment also permits Federal matching grants to be used by State or local governments for trail purposes.

In section 106, the Senate adjusts land acquisition limitations to reflect the latest cost estimates for the affected areas.

In title I, the Senate also adds new sections which permit the Congress to treat several additional items which have come to our attention, as follows:

Section 112 provides the necessary authority to complete a boundary adjustment at Padre Island National Seashore in Texas. This completes the intent of a provision authorized in the 94th Congress.

Section 113 authorizes the Secretary of the Interior to assist the State of Louisiana in the protection of Fort Saint Jean Bapiste de Natchitoches, and provides for continued State and local participation on this project.

Section 114 authorizes the erection, at no Federal expense, of a Navy memorial in the District of Columbia.

Section 114 extends the authorization for the United States participation as a member of the International Centre for the Study of the Preservation and Restoration of Cultural Property.

Section 115 authorizes the addition of some 147 acres to the Saratoga National Historical Park in New York. This addition is currently in the ownership of the Nature Conservancy, and will be a welcome addition to the park. An authorization limit of $74,000 is included for this acquisition.

Section 116 designates an existing property in Ohio as a national memorial to the 11 Israeli athletes who were killed at the 1972 Olympics. This would give appropriate recognition to the existing David Berger Memorial, named for one of the athletes who lost his life in such tragic circumstances. I understand that the memorial would continue under local ownership and control.

Section 117 authorizes the purchase of an access site in Charleston, S.C., to improve visitor access to Fort Sumter National Monument.

Section 118 enlarges the Santa Monica Mountains National Recreation Area Advisory Commission by four members, which will provide a better opportunity for full representation on this important panel. My special thanks to Congressman TONY BEILENSON for calling this need to our attention.

Section 119 establishes the Yaquina Head Outstanding Natural Area in Oregon. This area would be administered by the Bureau of Land Management in accordance with a management plan to be developed which would conserve the important scenic qualities of this impressive segment of the Oregon coast.

Section 120 establishes a procedure whereby the Secretary of the Interior will survey various properties which may be appropriate to commemorate former Presidents of the United States. The Secretary is to transmit reports on such sites to the authorizing committees, and may establish appropriate national historic sites after a period of review before the Senate and House authorizing committees.

I want to especially commend the Senator from Oregon, Mr. HATFIELD, for his initiative in authoring this provision, which is similar to language approved by the House last Congress. This authorization will encourage a more complete program of preservation of sites important to interpreting the history of the Presidency. I expect the National Park Service to be responsible for conducting these studies and making timely reports to the committees. The agency should act promptly to begin this important review.

In title II of the bill, which establishes the Channel Islands National Park in California, the Senate has made several changes. In addition to several technical amendments, the Senate bill authorizes the immediate acquisition of Santa Rosa Island, a superb natural resource which will be a great asset to the park. The Senate bill directs that the Santa Rosa acquisition will be the first priority for acquisition at the Channel Islands National Park. We expect that the present owners of the island will continue their existing uses while acquisition is pending. I would also expect that the Secretary of the Interior would make every reasonable effort to rapidly acquire any other privately owned lands in the park if the owner or owners of those lands desire to sell at an early date.

The Channel Islands National Park will be a remarkable addition to our national park system. H.R. 3757 also disposes of a number of other items which will be important gains for our programs.

To summarize, title I of the bill will accomplish the following:

10 boundary adjustments for various units of the national park system are authorized;

Point Reyes National Seashore.

Chesapeake and Ohio Canal National Historical Park.

Golden Gate National Recreation Area.

Carl Sandburg Home National Historic Site.

Chickamauga and Chattanooga National Military Park.

Fredericksburg and Spotsylvania County Battlefields Memorial National Military Park.

Harpers Ferry National Historical Park.

Padre Island National Seashore.

Saratoga National Historical Park.

Fort Sumter National Monument.

8 increases in acquisition funding are accomplished;

Point Reyes National Seashore.

Golden Gate National Recreation Area.

Chickamauga and Chattanooga National Military Park.

Fredericksburg and Spotsylvania County Battlefields Memorial National Military Park.

Harpers Ferry National Historical Park.

Olympic National Park.

Saratoga National Historical Park.

Fort Sumter National Monument.

The North Country National Scenic Trail is designated, adding a route of some 3,200 miles to the national trails system.

A wild and scenic river study of the Birch River in West Virginia is directed.

A cooperative assistance program with the State of Louisiana to preserve Fort Saint Jean Baptiste de Natchitoches is authorized.

A development ceiling increase is made to continue the cooperative program at the Ice Age National Scientific Reserve.

Continuation of the United States participation in the International Centre for the Study of the Preservation and Restoration of Cultural Property is authorized.

Authorization is made for the United States Navy Memorial Foundation to erect a suitable memorial on public grounds in the District of Columbia.

The David Berger Memorial is designated as a national memorial.

The Santa Monica Mountains National Recreation Area Advisory Commission is enlarged.

The Yaquina Head Outstanding Natural Area in Oregon is established.

A generic procedure for identifying and protecting historic sites to memorialize former Presidents is instituted.

Numerous technical and correcting amendments are made.

I urge my colleagues to join in adopting the Senate amendments and clearing this measure for signing by the President.

Mr. LAGOMARSINO. Mr. Speaker,

further reserving the right to object, I yield to the gentleman from Kansas (Mr. SEBELIUS).

Mr. SEBELIUS. I thank the gentleman for yielding. I rise in support of the motion.

Mr. Speaker, I support passage of this bill now under consideration, H.R. 3757, which establishes the Channel Islands National Park in California, and incorporates numerous miscellaneous provisions principally related to the National Park Service.

This bill originally passed the House on May 7, 1979, and has finally found its way back from the Senate with various amendments. I must say that there are several of these amendments which I find to be nonmeritorious, but I am reluctantly willing to accept them in order to salvage the main parts of the bill and get it into law.

I would first like to offer some comments on title II of the bill, which deals with the Channel Islands National Park.

I have long been disturbed, as this bill has moved along, and particularly as worked over by the Senate, that with all the strong statements as to the great importance of this new park's protection of marine mammals and wildlife, it actually offers very little in that regard. The bill even started off at one time carrying the label of "Channel Islands Marine National Park." As it now moves to the threshold of going into law. the bill contains very meager protective provisions for marine associated wildlife, and I think that is most unfortunate. For that reason, it is all the more important that the National Park Service fully respond to the provisions of section 203(a) regarding the study of and the reporting on the populations and welfare of all species, especially marine related. This should at least serve as an early warning system for any jeopardy that may come to these species resulting from any adverse impact brought upon them due to commercial fishing, kelp harvest, oil drilling. space technologies activities and the like. Since this is a national park, the highest protective designation available for a unit of the national park system, I would expect the National Park Service to fully utilize all legal means available to them in this bill and existing law to properly protect the native species of the park.

I am sorry to see the Senate deletion of authority for the National Park Service to perhaps eventually acquire the waters portion of the park. I do hope that the State will continue to act in full concert with the National Park Service to do everything possible to protect the marine resources of the park to national park standards.

I am pleased with the Senate provision to permit conventional acquisition of Santa Rosa Island, but I question the wisdom of prioritizing acquisition for this one landowner over others. I would expect that all private landowners (of which there are a grand total of two) and the National Park Service might find it mutually beneficial to have some flexibility in acquisition programing, and I would expect that some acquisition among the landowners could be somewhat simultaneous and still be within the intent and constraints of the bill's language in section 202(c).

I am concerned, with regard to section 204(c)(1), that as a matter of principle the National Park Service retain final control over all parts of the finally approved general management plan for the park, and it is important that the part of the plan to be developed by the Secretary of Commerce relative to marine mammals be properly oriented to park policy and objectives, and that it so conforms properly when finally approved and adopted by the National Park Service as a part of the overall general management plan.

Mr. Speaker, I am very pleased to see this part of California's Channel Islands destined for the increased environmental protection it will receive from this legislation. This area has long been desired for addition to the national park system, and I am glad to have been able to be a part of the process to bring it about. Again, I want to commend my good friend and colleague, BOB LAGOMARSINO, for his excellent leadership in bringing about this very important legislation, and special acknowledgement is also due our very able subcommittee chairman, PHIL BURTON, for his excellent guidance of this measure.

Mr. Speaker, there are numerous other miscellaneous features in this bill, most of which already passed the House last May. There is only one item that I wish to amplify on here.

With regard to section 104(b) dealing with the National Park System Plan, I can not stress enough how important it is that the National Park Service take this matter seriously of using this plan as the guide for adding to and rounding out the national park system. The National Park Service has already begun to revise the plan pursuant to the provision in this bill, and it is my recent understanding that they are about ready to be able to submit the revised plan as called for in this amendment provision.

There are two other thoughts relative to the new park area studies (section 8) which I believe need attention. I believe that henceforth, with each new area study submitted, that each such study should include an indication of which themes in the National Park System plan are satisfied by the study. Moreover, I believe that, in conformance with the existing mandate of law in section 8 of Public Law 91–383, as amended, relative to continually monitoring the welfare of areas studied, the National Park Service should simultaneously submit to the Congress annually each October 1, a synopsis of the current condition of the integrity and welfare of each area studied, as it currently exists or has changed since the previous such submission or initial study report submission one year earlier. This would be helpful in documenting the change of conditions, if any, since the Congress was last notified of the merit of any of these candidate areas. This should be a relatively easy task to perform, and this action is also designed to assure that the National Park Service will continually monitor and document the welfare of these areas to assure that the values warranting initial listing still remain, prior to the time the Congress may take action to protect the areas.

With regard to several of the amendments added to this bill in the Senate Committee as well as earlier this week on the Senate floor, I can only say that I am less than enthusiastic.

Mr. Speaker, I urge the adoption of this bill.

Mr. LAGOMARSINO. Mr. Speaker, further reserving the right to object, I strongly support this bill and ask for its passage this afternoon. I commend the gentleman from California for his leadership in bringing it back to the House.

I would like to take a few moments to express my complete support for H.R. 3757, the omnibus parks bill which includes, as title II, my legislation to establish the new Channel Islands National Park in California.

I would first like to thank and commend my colleagues on the National Parks Subcommittee, especially our distinguished chairman, PHIL BURTON, and DON CLAUSEN and KEITH SEBELIUS for their excellent efforts in expeditiously approving this legislation in the committee and in the House last May. I would also like to particularly commend my friend and colleague, Senator CRANSTON, who introduced the companion bill in the Senate, my California colleague, Senator S. I. HAYAKAWA, and Senate subcommittee chairman, DALE BUMPERS, whose efforts there made the new park a reality. Further, I wish to recognize the superb work of the present Superintendent of the Channel Islands National Monument, Bill Ehorn, for his tireless efforts in preserving these extraordinary natural values and for the cooperation he has shown in working with the many interests involved, especially with the affected landowners. I would also like to commend the landowners, especially Dr. Carey Stanton, for their efforts in preserving the islands.

H.R. 3757, the omnibus parks bill, contains a collection of technical improvements in park policy and corrects technical errors in previous parks bills as well as boundary adjustments. As already mentioned, title II of the bill represents the Channel Islands National Park legislation, expanding the existing national monument on Santa Barbara and Anacapa Islands to include San Miguel, Santa Cruz, and Santa Rosa Islands in a new national park.

The five islands, which lie at a distance of 11 to 60 miles off the coast of Santa Barbara and Ventura Counties in my district contain nationally significant scenic, ecological, cultural, and scientific features which deserve to be protected as a national park for the benefit of future generations.

Because of their relative remoteness

from the mainland, the islands have evolved separately, sustaining a remarkably pristine environment apart from the various competing pressures of man's technological activities. The waters surrounding the islands contain marine resources unparalleled in the eastern Pacific, including sheltered tide pools teeming with kelp beds and marine life which nurture the more visible species of sea birds and pinnipeds found there.

The Channel Islands offer crucial habitat for sea birds including the only nesting area for the endangered brown pelican on the west coast. In addition, the islands embody the largest pinniped rookery in the world where six varieties of seals and sea lions coexist and/or breed and pup at Point Bennet, on San Miguel Island. The islands also foster a larger number of endangered flora and fauna, many of which are unique to the islands.

Culturally, the islands offer a rich past, containing a wealth of relics from the time they were inhabited by the Chumash Indians, as well as the presumed burial place of the founder of California, Juan Cabrillo.

Because of the unique delicacy of the islands' resources, this legislation directs that the park be administered on a low-intensity, limited-entry basis, so that visitor use would be limited to levels which do not endanger the precariously balanced environment found here. It is my intention, and I believe that of the many cosponsors and Senator CRANSTON, that the islands to comprise the new park be treated as gently as are the islands now constituting the Channel Islands National Monument.

As already indicated, two of the islands are now in public ownership as national monuments—Anacapa and Santa Barbara. San Miguel Island is presently owned by the Navy and administered by the National Park Service through a cooperative agreement. This agreement has served well the needs of both parties in managing San Miguel's extraordinary resources and the legislation allows this working relationship to continue until such time that the island is no longer required for naval purposes at which point it would automatically transfer to the National Park Service.

The bill, as amended by the Senate, calls for acquisition of all privately owned lands with the exception of the Nature Conservancy property on Santa Cruz Island which will continue in private ownership as a nature preserve. The bill directs the Secretary to acquire Santa Rosa Island, owned by the Vail & Vicker Cattle Corp. as quickly as possible, and specifies that acquisition of Santa Rosa Island take priority over acquisition of other privately owned lands within the park. It is my intent that all the privately owned property, excepting the Nature Conservancy, be acquired as expeditiously as possible. It is also my intention that, pending acquisition, the landowners be permitted to continue existing uses of their land.

This legislation insures the exclusive ownership and jurisdiction of the State of California over marine resources by specifying that these waters shall remain in the hands of the State and shall not be acquired. One of the reasons for this prohibition is to allay the concerns of sport and commercial fishermen and other natural resource users about Federal Government interference with their activities. This provision upholds the U.S. Supreme Court decision which granted the State authority over the submerged lands and waters within 3 miles of the islands. The 1-nautical mile administrative boundary included in the new park will allow the Park Service to assist the State in enforcement of State laws, continuing the present situation around the Channel Islands National Monument. This boundary is vital for allowing the State to grant Park Service rangers such authority to assist them in these marine areas.

Finally, I would like to point out that some opponents of establishment of the Channel Islands National Park have argued that the new park would adversely affect oil development in the Santa Barbara Channel. No provision of this act would affect oil and gas development. I would like to state for the record that the 1-mile administrative boundary proposed for the park is within the 3-mile State buffer zone which already prohibits oil and gas activity in this area. In this regard, I call the attention of my colleagues to Senator JACKSON'S comments in the CONGRESSIONAL RECORD, February 18, 1980, p. 2892.

Mr. Speaker, the National Park Service has for two decades sought national park status for the Channel Islands. This year, the islands were identified as the top priority for inclusion in the National Park System. The Channel Islands provide us with a special view of what the mainland must have looked like thousands of years ago. I am delighted that they will be protected in this manner for the benefit of generations to come.

Mr. Speaker, I urge that my colleagues support H.R. 3757, the omnibus parks bill, including the creation of the Channel Islands National Park.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California (Mr. PHILLIP BURTON) to dispense with the reading of the Senate amendments?

There was no objection.

The SPEAKER pro tempore. Is there objection to the initial request of the gentleman from California (Mr. PHILLIP BURTON)?

There was no objection.

A motion to reconsider was laid on the table.

RESOURCE CONSERVATION AND RECOVERY ACT AMENDMENTS OF 1979

Mr. FLORIO. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 3994) to amend the Solid Waste Disposal Act to authorize appropriations for the fiscal year 1980, to make certain technical changes, to strengthen the regulatory and enforcement mechanisms, and for other purposes.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. FLORIO).

The motion was agreed to.

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. 3994, with Mr. FITHIAN in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the first reading of the bill is dispensed with.

Under the rule, the gentleman from New Jersey (Mr. FLORIO) will be recognized for 30 minutes, and the gentleman from Illinois (Mr. MADIGAN) will be recognized for 30 minutes.

The Chair now recognizes the gentleman from New Jersey (Mr. FLORIO).

□ 1720

Mr. FLORIO. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, H.R. 3994 is a bill to amend the Resource Conservation and Recovery Act and to reauthorize the Federal hazardous and nonhazardous solid wastes regulatory program. The bill provides a total of $156.5 million for fiscal year 1980 and mandates that $42 million be used to implement the Federal regulatory and enforcement program and to provide technical assistance to States.

During the past year, there have been an increasing number of incidents where the improper disposal of hazardous wastes seriously threatened the public health and environment. The committee responded to these events by taking steps to strengthen the existing Federal hazardous wastes program by expanding the enforcement authority of the EPA Administrator.

The bill now authorizes the Administrator to initiate appropriate civil action and issue any order necessary to protect the public and the environment from an imminent and substantial danger that may result from exposure to hazardous wastes. This provision enhances the ability of the Administrator to take precautionary measures where necessary in order to protect the residents of our communities from becoming the unwitting victims of improper disposal practices. The bill provides that $30 million of the total authorization be used for grants to States to implement the hazardous wastes planning program.

Although the discovery of hazardous wastes sites continues, there has been no systematic attempt to determine the actual number of sites or the full scope of this problem. In response to this situation, the bill requires a State-by-State inventory of hazardous wastes sites and authorizes $20 million to conduct the inventory. The bill also empowers the EPA Administrator to perform the inventory in the event a State fails or is unable to

comply with this requirement adequately. The committee feels that this inventory is a vital element in moving toward resolving the problem of cleanup and containment of abandoned and inactive hazardous waste sites.

The bill also strengthens the nonhazardous solid waste provisions by reauthorizing $30 million for grants to States for planning and implementation of State plans and $18 million for grants to municipalities for solid waste management and resource recovery planning and programs. At a time when our natural materials and energy resources are at a premium, it is critical for us to begin to utilize our domestic sources for fulfilling these needs.

In order to strengthen the existing provision which encourages Federal procurement of goods with recycled materials, the bill provides a series of deadlines by which the EPA is to fulfill the Federal procurement requirements under the act. The committee agreed that this measure would serve to stimulate the recovery of valuable materials that would otherwise be discarded.

The bill is amended to authorize $3 million to the Secretary of the Department of Commerce to assist the Administrator of EPA in fulfilling the Federal procurement requirements and to develop private sector markets for recovered materials.

The committee gave lengthy consideration to both hazardous and nonhazardous solid waste matters and feels that the provisions in this bill serve to enhance the objectives of the act. I look forward to favorable consideration on the House floor today.

Mr. MADIGAN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in support of H.R. 3994.

This legislation addresses several associated problems—the management of municipal and industrial waste, the storage and disposal of hazardous waste, the recycling and reuse of materials, and the conversion of trash and garbage into fuel and energy.

Three years ago, with the adoption of the Resource Conservation and Recovery Act, the Congress provided the regulatory authority to the Environmental Protection Agency for the management and control of hazardous waste. Pursuant to congressional directive, EPA was to propose regulations which would put into place a "cradle to grave" regulatory program for those who generate, transport, treat, store, and dispose of hazardous waste.

There is general agreement that EPA has not acted expeditiously in implementing that regulatory program. And while environmentalists, industry, State and local government officials have all been extremely critical of EPA, and are understandably dismayed at the delays, the agency has made some progress in implementing this important environmental program.

But this painfully slow regulatory process underscores the fact that the time has come for the Congress to insist that agencies maximize their resources and focus their regulatory attention on the problems that represent the greatest hazard to public welfare. EPA must exercise more commonsense and should take into account the economic impact of their actions as compared to the public benefits of a particular proposed regulation or standard.

This bill does not totally address the problems of the inadequate hazardous waste disposal or the problems with abandoned dump sites. The recent report by the Interstate and Foreign Commerce Subcommittee on Oversight and Investigations outlines the hazardous waste disposal problem. It dramatically shows how little we really know about the magnitude of this problem. Our country presently lacks the ability to determine where hazardous sites are; to clean up unsafe active and inactive sites; and to provide sufficient facilities for the safe disposal of hazardous waste for the future.

This bill will help EPA focus its activities. It strengthens the enforcement and inspection authority of the Administrator of EPA. It gives the Administrator much needed discretion and provides EPA with the opportunity to use commonsense and when appropriate establish separate standards for new and existing facilities.

Mr. Chairman, in this bill we have provided the Secretary of Commerce with money to accelerate the development of markets for recovered materials and promotion of new technologies for resource recovery. In addition, we have reenforced the Federal procurement sections of RCRA. The Federal Government has been negligent in its efforts to assist significantly in the early attainment and maintenance of maximum industrial resource recovery, and recycling and conservation in the United States. We found that Federal agencies have largely ignored these provisions provided under RCRA. Hopefully, these agencies will respond to the initiatives that we have provided in this legislation.

This bill continues the maximum involvement of State and local authorities in the implementation of programs under RCRA. It also provides much needed technical and financial assistance to these units of Government.

Mr. Chairman, H.R. 3994 is significant and effective environmental legislation and I urge that Members support it.

Mr. FLORIO. Mr. Chairman, I yield 5 minutes to the gentleman from Michigan (Mr. TRAXLER).

Mr. TRAXLER. Mr. Chairman, I extend my deep appreciation to the gentleman for giving me this 5 minutes. I do intend to take all of it. I rarely take this floor. This is a matter, however, of great importance to me and the contituency that I represent. The town that I come from, Saginaw, Mich., has the largest cast iron foundaries in the world. More tonnage of castings are poured there than any other place in the world.

In the bill before us today, the Commerce Committee has included an amendment to section 3001 of the Solid Waste Disposal Act. This section deals with the identification and listing of hazardous waste. It is also my understanding that the distinguished gentleman from Alabama (Mr. BEVILL) will later be offering an amendment which would also amend section 3001. Both of these amendments would limit EPA's ability to classify certain wastes as "hazardous" pending further comprehensive and detailed studies. Aside from the particular justifications that have led to this call to exempt certain wastes from being classified as hazardous, it seems to me that the spirit behind these amendments is to address overzealous and perhaps unjustified regulatory action by the Environmental Protection Agency.

As all my colleagues are aware, the Resource Conservation and Recovery Act requires EPA to identify the characteristics of hazardous waste, and list particular hazardous wastes, which are to be regulated from their generation to their final disposal. This task has proven to be onerous, particularly in light of the strict timetable imposed on the Agency. EPA has missed statutory deadlines, and is now scrambling to issue final rules under pressure from a court order. The Agency's motives may be generally commendable, but from my perspective, it appears that EPA may be hastily classifying wastes as hazardous—and imposing burdensome costs on businesses—without proper or sufficient data to support their classification.

In recent weeks, I have become aware of a listing EPA has made under section 3001 which will have a major effect on my own district, but it will also impact nationwide. EPA is attempting to classify as hazardous lead-bearing wastewater treatment sludges from gray iron foundries. They have proposed this listing—remember, under the pressure of court-ordered deadlines—and yet they do not appear to have the data to back up their claim. Even the Administrator's reasons for making the classification are not consistent with EPA's own hazardous waste criteria.

The Agency has already once revised its listing dealing with waste from iron foundries. On August 22, 1979, EPA listed as a proposed hazardous waste "lead/phenolic sand-casting waste from malleable iron foundries." When documentation to support this listing was requested from the Agency, none was forthcoming. Finally, on November 26, EPA withdrew its earlier listing and substituted "lead-bearing wastewater treatment sludges from gray iron foundries." Documentation was again requested from the Agency, and ultimately EPA did come forth with some documentation—but it still does not support the listing as a hazardous waste.

Part of the problem with the documentation is that it is based on studies performed pursuant to regulations implementing the Clean Water Act. Inasmuch as the objective of those studies was to develop water regulations, no analytical

data were collected to characterize foundry sludges.

In the absence of sludge data, EPA's Office of Solid Waste has extrapolated the water studies to conclude that foundry wastewater treatment sludges are hazardous due to the presence of lead. Furthermore, the documentation contains no information dealing with lead concentrations in the extract from foundry sludges, which, according to EPA's own criteria, is the key consideration in classifying a waste as hazardous.

In summary, EPA has said lead is present and, per se, is hazardous. But what EPA has not done is show that the lead from the foundry sludges is actually reaching the environment and posing a threat to health.

It is my understanding of this law that the burden of establishing that a waste is hazardous is on the Government. In this instance, the Government has not proven its case. EPA really seems to be saying to industry: "You tell us why we shouldn't list it." That is not the way this act should work. I think it would be a mistake and most unfortunate for EPA to finalize this listing without accurate and substantiated proof that they are really dealing with a hazardous waste.

Mr. Chairman, I was considering offering an amendment, along the lines of the one adopted by the Commerce Committee and that proposed by the gentleman from Alabama, to deal specifically with this listing of lead-bearing sludge from gray iron foundries. But I will not do so. I am, however, calling upon EPA to withdraw this classification pending further study and analysis of whether this waste can be clearly viewed as hazardous under this act. It is important to remember that the withdrawal of this listing does not mean that these foundry sludges will go unregulated—they will still be subject to disposal regulations under subtitle D. I feel this is the most responsible route for the Agency to take in light of the lack of evidence that a hazard to the environment actually exists. I will have an opportunity to discuss this particular problem further with EPA officials when they appear before the Appropriations Committee next month, and I am hopeful that some resolution will be reached.

The Agency's intentions may be good, but EPA is working under a strict timetable and seems overly eager to classify all it can within that timeframe. In the final analysis, unnecessary regulations will only add to the already high costs that industry faces from Government regulation, and this cost will ultimately be shared by the American consumer and taxpayer. I would hope that EPA would be more responsive to these concerns.

□ 1730

Mr. FLORIO. Mr. Chairman, I yield 3 minutes to the gentleman from Pennsylvania (Mr. EDGAR).

Mr. EDGAR. Mr. Chairman, last Thursday I had the distressing experience of inspecting the Chester-Wade site, a dump full of hazardous wastes located in my district.

When I say it is a "dump site," many people think of it as being in an open space area. This happens to be in the town of Chester, and it is a dump site created by an unscrupulous businessman who decided to take barrels filled with toxic waste chemicals and store them on his property until he could convince someone to come into the property. He then asked them to dump the contents of the barrels into the Delaware River, and then he proceeded to wash the barrels out and resell them.

Last Thursday, as I walked through this site with a gas mask on and in rubber boots, accompanied by people from Rollins Engineering and several other scientists who have been studying this particular site at length, we discovered that there are some 2,500 barrels filled with toxic waste, some of which are so badly damaged from a fire in the winter of 1978 that the toxic chemicals are simply spewing out on the ground. There are dead pigeons and other birds lying around on the ground.

When I jokingly asked the people who were involved in the cleanup process, they told me they had no problem with rats or mice or any of the normal rodents that one would have along a river like the Delaware River. I simply had an eerie feeling that everything in the area was subject to death and destruction.

Mr. Chairman, the State of Pennsylvania has acted responsibly. They have targeted this site. They have spent about $600,000 trying to clean up the site. They have removed a lot of the liquids that are causing a great deal of concern to the residents of the community. But all they have been able to do with some $600,000 of expenditures is to defuse the bomb.

The ground is still saturated. Many of the pieces of equipment still lie around soaked in all different kinds of materials that range anywhere from PCB's to other kinds of direct toxic chemicals.

Mr. Chairman, I would like to commend the chairman of the committee for bringing forward this kind of legislation which will begin to address some of the problems that are faced in the site at Chester. That will not, however, solve the problem of the $3 million to $5 million necessary to remove the bulk substances, the old tires, the old barrels, the old pieces of equipment, and in fact some of the buildings and some of the earth that has been saturated with toxic waste.

So while I commend the committee chairman for his action on this legislation, I urge the Congress of the United States to raise the question of what the Federal Government's role, critical role, is in this type of dangerous toxic waste site.

Mr. Chairman, I urge the Members to move as quickly as possible to solve that problem.

Mr. Chairman, last Thursday I had the distressing experience of inspecting the Chester Wade site, a dump full of hazardous wastes located in my district. As I walked through the site, wearing protective clothing and a gas mask, my overwhelming impression was one of destruction and waste. There were dead birds and plants littering the ground and otherwise usable machinery standing idle. Almost nothing on the site can be reused. Since the initial discovery, more hazardous materials have been discovered, and the cleanup efforts now under way are overmatched and underfunded. It is still unknown what the long-term effects of this site will be on the surrounding population and ecosystem, but residents living nearby have already been treated for skin rashes and have serious and legitimate health concerns. The existence of the site has already led to decreasing property values as well.

This brings me to H.R. 3994, the Commerce Committee's bill to reauthorize the Resource Conservation and Recovery Act for fiscal year 1980. I urge my colleagues to support the bill, as it is a significant step in securing more effective control over hazardous waste sites like the one in my district. In addition, this bill upholds the spirit of the proposed "superfund" legislation, which will provide compensation for damages to natural resources and public health due to hazardous wastes as well as provide funds for cleanup efforts.

The Environmental Protection Agency estimates that only 10 percent of hazardous wastes are disposed of in compliance with the proposed Federal guidelines, and that there may be health and environmental hazards at as many as 40.000 dumps across the country. These sites, like the Wade site, have lethal compounds and highly toxic chemicals stored in containers which may be corroded and leaking their contents into the soil and water adjacent to the sites. The improper disposal of such wastes can lead to air, water, and soil pollution, explosions, birth defects, and cancer.

It is urgent that the Federal Government respond to these dangers immediately. More research is needed to determine the optimum methods for disposing of hazardous wastes and cleaning up abandoned sites. In the interim, this bill is valuable because it strengthens EPA's authority to promulgate and enforce regulations on these waste sites, and directs the States to inventory all hazardous waste sites to determine health and environmental implications.

I would also like to urge my colleagues to support Mr. FLORIO's amendment, the Municipal Resources Management Act, which will promote the recovery of energy and materials from solid waste. This amendment will provide grant money to States and localities to help them plan effective resource recovery programs, thereby decreasing their solid waste disposal problems while increasing their revenues.

While it is true that other statutes provide money for resource recovery programs, they are not adequately funded. An example is the cooperative venture between Scott Paper Co. and Delaware County now in progress in my district. The project is designed to burn all of the

county's wastepaper to generate steam for Scott's manufacturing process. This project is one of 25 nationwide vying for just $2 million in funds for engineering feasibility studies. Since these studies are very expensive to produce, several worthy projects will have to be terminated for lack of funds. I believe that there is no justification for any of these projects' termination for any reason other than merit. With this amendment, access to funding for these projects will be assured.

There is one provision which I would like to see added to H.R. 3994 and that is to give EPA the power to subpena witnesses or documents when investigating hazardous waste sites. This provision is contained in the Senate version of the bill and I would, therefore, urge the House conferees to adopt it.

Finally, I would like to take the opportunity to commend my colleague from across the river, JIM FLORIO, for his leadership on this bill. His efforts here will be translated into the kind of relief people rightfully expect of this Government and I wish to express the thanks of the people of my district, and my own, for his diligence and hard work.

Mr. MADIGAN. Mr. Chairman, I yield 3 minutes to the gentleman from Illinois (Mr. FINDLEY).

Mr. FINDLEY. Mr. Chairman, as we debate this bill to reauthorize the Resource Conservation and Recovery Act we should not lose site of the fact that EPA has had nearly 3 years to issue rules for implementing the Resource Conservation and Recovery Act. The lack of an effective EPA enforcement program has had its unfortunate impact on many communities around the country. One such case is the location of the Earthline hazardous waste dump in Wilsonville, Ill., a small rural community in my district.

Incredibly, Earthline Corp., a division of SCA, Inc., built its hazardous waste treatment plant within the city limits of Wilsonville, on top of an old, abandoned coal mine.

Late in 1977 the residents discovered that waste material such as PCB's, dioxin, dirt contaminated with mercury, cyanides, and a myriad of other dangerous and possibly lethal waste was being stored at the facility without their knowledge. Immediately Wilsonville filed suit to stop Earthline, and in August of 1978 Illinois District Court Judge John Russell ordered Earthline to halt all activities at the site and disassemble and remove completely the waste disposal facility located there. This sweeping order was based in part on the court's recognition that at no time before the construction permit was issued did Earthline officials make known to the residents of Wilsonville the dangerous nature of the chemicals to be buried at the site. Even to this day, after 12,000 pages of testimony and supporting materials, the residents of Wilsonville still have not been provided a full accounting of all of the different kinds of potentially lethal wastes buried at the site.

This is information to which the people of Wilsonville are entitled and it is my belief that had EPA expedited its rulemaking process, the residents might have been spared a lengthy and costly court trial.

To prevent this from ever happening again, I plan to offer an amendment to the Resource Conservation and Recovery Act which will require full public hearings whenever an application is filed for a new hazardous waste treatment facility. My amendment will assure openness and candor from not only government officials but also industry representatives as to what the facility is designed to do and what kinds of material will be stored.

Wilsonville, Love Canal in Niagara Falls, N.Y., the Valley of the Drums in Kentucky, and countless other locations around the country have unnecessarily fallen prey to an ineffective and poorly organized effort by EPA to prevent hazardous waste pollution from affecting the lives of millions of people across this country. My amendment will help protect future generations from similar peril.

Mr. FLORIO. Mr. Chairman, I yield 1 minute to the gentleman from Nevada (Mr. SANTINI).

Mr. SANTINI. Mr. Chairman, I want to commend the chairman for working to forge a legislative product that will help prevent environmental damage from hazardous wastes but will also require EPA to adhere to a reasonable regulatory process.

I understand Mr. BEVILL will offer an amendment which will defer regulation of "special waste" until after EPA studies the need to do so. The provisions of the amendment have been developed in consultation with Mr. FLORIO and Mr. MADIGAN. The product is a good one that will require EPA to prove a waste is harmful before regulating it. This will save the American public from unreasonable costs imposed on the mining, utility, and cement industries.

All the parties involved worked diligently to achieve this result. I am pleased that we have been able to reach this consensus which was possible only because of this effort.

Mr. STAGGERS. Mr. Chairman, I rise in support of H.R. 3994, the Resource Conservation and Recovery Act Amendments of 1979. This legislation authorizes appropriations for important hazardous and solid waste programs administered by the Environmental Protection Agency and strengthens the regulatory and enforcement mechanisms in the underlying act. I want to commend the subcommittee chairman (Mr. FLORIO) and his minority counterpart (Mr. MADIGAN) for their fine efforts in formulating this bill. They have demonstrated their concern for a cleaner environment and are working diligently to achieve this goal, that is so important to all Americans.

Mr. Chairman, the Resource Conservation and Recovery Act of 1976, which this bill reauthorizes, established a comprehensive statutory framework to deal with land-based environmental problems, following enactment of laws designed to address the serious problems of air and water pollution. The 1976 act created a "cradle to grave" regulatory regime for safe handling of hazardous waste, provided incentives and encouragement to States and localities for environmentally sound disposal and reuse of solid waste, promoted commercialization of resource recovery technology, and set standards for Government procurement to encourage the purchase of recycled materials.

The act recognized that many of the problems it addressed were local in nature and were most susceptible to local solutions. Accordingly, State and local involvement in development and implementation of State solid waste and hazardous waste plans was encouraged through Federal grant programs. Only in the area of hazardous waste, posing substantial danger to human health and the environment, was the Federal regulatory role emphasized.

The problem of improper and environmentally unsound solid and hazardous waste disposal is now being addressed under the Resource Conservation and Recovery Act, despite the EPA's laxity in promulgating regulations under the act. However, the act provided primarily for prospective action with respect to waste generation, treatment, transportation, storage, and disposal practices.

As we are all only too well aware, the consequences of past unsafe hazardous waste disposal practices are of growing magnitude in our society. The tragic human health and environmental effects of indifferent, negligent, and reckless practices have recently become evident as the glare of national publicity has been focused on Love Canal, "Valley of the Drums," PCB-dumping in North Carolina, toxic dumping in Pittston, Pa., and scores of similar incidents throughout the Nation. Clearly, there is a need for comprehensive legislation to address this extremely serious problem. The Committee on Interstate and Foreign Commerce is presently engaged in such an effort. This bill, however, authorizes necessary funding for programs that will prevent recurrence of unsafe, hazardous waste handling practices and strengthens existing enforcement authority to promptly abate health and environmental hazards resulting from these practices.

Specifically, the bill authorizes total appropriations of $156,500,000 for fiscal year 1980 to carry out various programs under the act. This compares with an authorization of $149,500,000 for fiscal year 1979 for major programs under the act. Major authorizations within the total for fiscal 1980 are $42,000,000 to EPA for general administration of all programs under the act; $30,000,000 to EPA for grants to States for developing and implementation of State hazardous waste programs; $30,000,000 for grants to States for development and implementation of State solid waste plans; $18,000,000 for grants to State and local government authorities for solid waste management and resource recovery programs; $20,000,000 for a new State aban-

doned hazardous waste site inventory program; $10,000,000 for grants to rural communities for solid waste management facilities; and $3,000,000 to the Department of Commerce to promote commercialization of proven resource recovery technologies, and development of markets for recycled materials.

Mr. Chairman, H.R. 3994 also makes some important amendments to existing law. Significantly, the bill enhances the authority of the Administrator of EPA to forcefully and rapidly deal with waste handling and disposal practices or sites presenting an imminent and substantial endangerment to public health or the environment. The so-called "imminent hazard" authority contained in existing law is deficient in that it requires pre-response judicial proceedings. Such litigation may unduly delay emergency action to abate an imminent or existing hazard and it subjects the Administrator to a difficult burden of proof in demonstrating the existence or imminence of a substantial hazard. H.R. 3994 remedies these deficiencies by authorizing the Administrator to issue and enforce emergency orders to protect public health and the environment, prior to lengthy litigation contesting the existence or degree of hazard and by imposing a less restrictive burden of proof in the event such litigation ultimately does ensue.

H.R. 3994 extends EPA's access, entry, and inspection authority to inactive and abandoned hazardous waste sites and prohibits destruction, alteration or concealment of records pertaining to the handling of hazardous waste. Moreover, the reported bill authorizes the Administrator, upon receipt of infomation that a hazardous waste site may present a significant health or environmental hazard, to issue orders requiring present or former owners of such sites to conduct or assume the costs of monitoring, testing and analysis necessary to determine the nature and extent of the hazard.

To enhance resource recovery, the reported bill requires State solid waste plans to provide that neither State nor local governments may be prohibited from entering into long term contracts for the operation of such facilities. Such long-term contracts are equally essential as long-term markets for recovered materials to the viability of such facilities. H.R. 3994 further provides resource recovery and reuse by stengthening Federal recyclable procurement requirements and establishing firm deadlines for compliance. As the largest consumer in the Nation, the Federal Government should rightfully assume a strong leadership role in promoting resource recovery through its procurement practice.

It is clear that EPA has attempted to implement certain provisions of RCRA in a manner inconsistent with the legislative intent. For instance, EPA pursued a course which could have required retrofitting of waste water treatment facilities built by municipalities and industries at considerable expense to comply with the Clean Water Act. Clearly, where demonstrated health and environmental hazards are present, remedial action ought to be pursued. However, in the absence of such a demonstration it makes little sense to uniformly impose costly and inflationary design and construction modification requirements on the owners and operators of such facilities. Accordingly, wastes received by such facilities were exempted from the provisions of the act. This broad exemption will be modified by the sponsor of the original amendment, the distinguished gentleman from Washington (Mr. SWIFT), to provide sufficient authority for EPA to regulate genuinely hazardous facilities. Coupled with a provision in the reported bill permitting the Administrator to establish, where appropriate, separate performance standards for new and existing facilities, this modification will give the Agency clear guidance as to the appropriate regulatory course it should pursue.

Another example of EPA's regulatory excess is its proposal to impose costly regulation on certain wastes—cement kiln dust waste, utility waste, phosphate uranium and other mining wastes, and oil and gas drilling muds and oil production brines. In its proposed regulations of December 18, 1978 EPA acknowledged that the Agency has very little information on the composition, characteristics, and the degree of hazard posed by these wastes, that they occur in very large volumes and that potential hazards posed by these wastes are relatively low. Nevertheless the Agency proceeded to embark on a cumbersome regulatory course in the absence of any real demonstration of risk. The reported bill presently contains a provision dealing with oil and gas muds and brines. The distinguished gentleman from Alabama (Mr. BEVILL) intends to offer a well-considered and balanced amendment to deal with the other waste in this so-called special category, which has my strong support and should receive the support of every Member of this House. I will address myself to the particulars of that amendment when it is offered.

Finally, to eliminate duplicative and burdensome permitting requirements for disposal of coal mining wastes under the Surface Mining Control and Reclamation Act and RCRA, I intend to offer an amendment to provide for such permits to be issued solely by the Office of Surface Mining in the Department of the Interior, giving appropriated consideration to EPA suggestions as to how RCRA requirements, if any, should be integrated into these permits. Both this amendment and the Bevill amendment will remove unnecessary regulation and contribute to increased coal utilization, spurring attainment of the President's national energy objectives. There are a number of other important amendments that will be offered that will also significantly improve the act.

Mr. Chairman, H.R. 3994 is an important bill for all the reasons I have set forth and I urge the adoption of the bill.

● Mr. GORE. Mr. Chairman, I rise to express my strong support for the legislation which is before the House, the reauthorization of the Resource Conservation and Recovery Act (RCRA).

As recently as last year, the hazardous waste issue was virtually unknown except to the people involved in the agonizingly slow process of developing regulations under this law to ensure the safe handling and disposal of hazardous waste for the future. In 1978—just as in 1976 when RCRA was originally enacted—few Americans were aware of the menacing presence of abandoned and inactive waste dumps. The Love Canal disaster gave the country its first tragic evidence of the gravity of the hazardous waste problem. Finally, we have awakened to the incredibly difficult and potentially disastrous problem of land pollution.

RCRA contains no reference to or remedy for abandoned or inactive hazardous waste sites. In 1976 the Congress simply was not aware of the problem. Generators and disposers of hazardous waste may have been ignorant of the problem or may have decided not to share their knowledge with us. Regardless, this is a monumental problem and the Federal Government and most States lack the authority to deal with it. This legislation will provide tools which are critical to the effort to protect the public's health and the environment from the improper disposal of hazardous wastes.

The problem is a real one. The Commerce Oversight Subcommittee, in a year-long investigation of hazardous wastes, identified numerous waste sites which posed major hazards to the public health and the environment because of inadequate design or unsafe disposal methods. The result has been human suffering, environmental injury, and substantial economic costs. The full magnitude of the problem is still not known. This legislation establishes a statewide inventory program for abandoned waste disposal sites. This survey will finally enable us to understand the dimensions of the problem.

Remedies exist, although some may be complex and expensive. This legislation would provide grants for State hazardous waste programs to develop treatment, storage, and disposal facilities and to remove or ameliorate wastes that present hazards to a local community.

The bill provides the Environmental Protection Agency (EPA) with preventive tools, monitoring and testing authorities, which would be used to examine sites that may present a substantial hazard. This provision, which I successfully offered during the Commerce Committee markup, would allow EPA to evaluate potentially dangerous sites before such sites could wreak havoc. This would allow states and EPA to root out a problem before it develops into a major threat to the surrounding area.

Mr. Chairman, the effort to mitigate the hazardous waste problem is in its infancy. This bill will take an important stride toward determining the size of the task before us and the best means

of solving it. For too long we have ignored the real and potential consequences of land pollution. These dangers must be redressed. This legislation is an important part of the long-term effort to accomplish that end. I urge its adoption.●

● Mr. ECKHARDT. Mr. Chairman, I must regretfully oppose the passage of H.R. 4774, which would amend the National Labor Relations Act to provide that any employee who is a member of a religion or sect historically holding conscientious objection to joining or financially supporting a labor organization shall not be required to do so. After motive consideration I have determined that this measure is not only unnecessary but will in fact restrict, rather than expand, existing protections for religious liberty regarding union security agreements.

The bill's ostensible purpose is to reconcile two presumbaly conflicting statutory provisions in order to protect the first amendment right of free exercise of religion for those with religious objection to joining or paying dues to a union. Section 8(a)(3) of the National Labor Relations Act allows employers and unions representing a majority of employees to make as a condition of employment a requirement that all employees in a bargaining unit pay union dues whether they belong to the union or not. This union shop privilege allowed in the National Labor Relations Act is said to be in apparent conflict with title VII, the equal employment opportunity section of the Civil Rights Act of 1964 which proscribes as an unlawful employment practice discrimination by an employer or labor union on the basis of religion. Section 701(j) of the Equal Employment Opportunity Act of 1972 specifically defines "religion" as including all aspects of religious observance and practice, as well as belief, unless an employer demonstrates that he is unable to reasonably accommodate an employee's or prospective employee's religious observance or practice without undue hardship on the conduct of the employer's business. As Mr. CLAUSEN so ably pointed out, in every court of appeals which has considered the issue of the application of title VII to employees with religious objections to paying dues to a union, all have placed the burden on employers and unions to show that such religious objections cannot be accommodated in some other fashion and have concluded that the clear intent of Congress is that, all things being equal, the mandate for elimination of religious discrimination in employment practices has a much higher national priority than the union security privilege.

I believe that congressional intent is clear—employers and unions must reasonably accommodate religious beliefs without undue hardship on business, and this duty has priority over the statutory allowance of union security agreements. If redundancy were the only objection to H.R. 4774, I probably would not have opposed it as a restatement of congressional policy. But H.R. 4774 is more than just unnecessary; it will in fact restrict the rights already granted by the "reasonable accommodation" provision of title VII.

As the fifth circuit in *Cooper* v. *General Dynamics*, 533 F2d 163, 168 (1976), cert. denied sub nom., makes plain, if an employee's conduct is religiously motivated, his employer must tolerate it unless doing so would cause undue hardship, and all forms and aspects of religion, however eccentric, are protected.

The definition of religion itself in the "reasonable accommodation" section of the Equal Opportunity Act, 42 U.S.C. 2000e(j), is stated generally to include "all aspects of religious observance and practice, as well as belief." Thus, we must look elsewhere for a more precise delimitation of the scope of the term religion. The clearest delimitation in the context of the statute was stated by the seventh circuit in *Redmond* v. *GAP Corp.*, 574 F2d 897, 901 (1978):

> We believe that the clearest test to be applied to the determination of what is "religious" under Sec. 2000e(j) can be derived from the Supreme Court decisions in *Welsh* v. *United States* 398 U.S. 333 (1970), and *United States* v. *Seeger* 380 U.S. 163 (1969), i.e., (1) is the "belief" for which protection is sought "religious" in person's own scheme of things, and (2) is it "sincerely held."

Seeger and Welsh both involved conscientious objection to the military draft on religious grounds. The Court in both cases broadly interpreted the exemption for "religious training and belief" defined in the statute as "an individual's belief in a relation to a supreme being involving duties superior to those arising from any human relation but [not including] essentially political, sociological, or philosophical views or a merely personal moral code." In Seeger, Mr. Justice Clark stated the test as—

> A sincere and meaningful belief which occupies in the life of its possessor a place parallel to that filled by the God of those admittedly qualifying for the exemption comes within the statutory definition. 380 U.S. at 176.

Welch did not himself characterize his objections as being religious yet the Court found that his views were such that he came within the religious exemption:

> If an individual deeply and sincerely holds beliefs that are truely ethical or moral in source and content but that nevertheless impose upon him a duty of conscience to refrain from participating in any way at any time, he is entitled to a religious exemption because of his beliefs function as a religion in his life. 398 U.S. 340.

H.R. 4774 attempts to greatly restrict the broad, nontraditional definition of religion already recognized by the courts. This bill would require that a conscientious objector be both "a member of and adher[ant] to established and traditional tenets or teachings of a bona fide religion, body, or sect which has historically" objected to joining or financially supporting labor organizations. This very restrictive definition allows an exemption only for about seven denominations which have established doctrine against supporting unions. New religions, which could not "historically" hold such objections, are apparently left out as are loosely organized sects and even a profound belief by a single person. Most "established and traditional" religions began with the vision of a single individual—Abraham, Jesus, Mohammed, Buddha, Martin Luther, John Calvin, Joseph Smith, Mary Baker Eddy and countless others have begun as heretics against "established and traditional" religions with "historic" doctrines, yet their adherents came to number in the millions. By codifying this restrictive exemption from union security agreements instead of leaving the definition vague, I believe that we may well accomplish the opposite of what we have set out to do.

Defining the religious exemption so strictly so as to include some religions and exclude others may also result in a violation of the establishment of religion clause of the first amendment. The U.S. Supreme Court in *Lemon* v. *Kurtzman* 403 U.S. 603, 612–13 (1971), developed three tests to determine conflict with the establishment clause:

> First, the statute must have a secular legislative purpose; second, its principal or primary effect must be one that neither advances nor inhibits religion; finally, that statute must not foster "an excessive entanglement with religion." 403 U.S. 612, 613.

As is pointed out in a perceptive article in 51 Notre Dame Lawyer 481, February 1976, "Is Title VII's Reasonable Accommodation Requirement a Law 'Respecting an Establishment of Religion'?", there is probably no problem with the "excessive entanglement" criterion here, and the courts have rarely used the secular legislative purpose test to strike down conflicting statutes except in extreme cases (*Epperson* v. *Arkansas* 393 U.S. 97(1968)—struck ban on teaching evolution; *Abington School District* v. *Schempp* 374 U.S. 203(1963)—struck down required prayer in school.)

By having as its primary effect the advancement of certain religions beyond merely clearing up any restriction on the free exercise of religion, H.R. 4774 may go too far, especially if we are to be so exclusive regarding which religions may qualify for special treatment. Such a statute can hardly be said to have a neutral effect. We are not lifting a Government sanction restricting free exercise of religion here—we have already stated congressional policy that employers and unions may have union security agreements but must reasonably accommodate conflicts with the religious views of employees. To go beyond that exception for religion generally and make special exception for about seven denominations (with no room in the scope of the exception for new religions or a change in established doctrine) is not only unnecessary but also quite possibly unconstitutional.

Finally, why must we restrict the "reasonable accommodation" in these circumstances to the paying of a sum

equal to the union dues and initiation fees to one of three designated charities? Why not simply leave the means of accommodation to the ingenuity of the parties involved and let the courts determine the reasonableness of the accommodation if any conflict arises. Such matters are best left to be handled flexibly on a case by case basis.

Again, while the basic purpose behind H.R. 4774 is most worthy and its sponsors and supporters have only the highest motivation for bringing it forward, I believe that we already have the means at hand in existing law to solve the problem of accommodating those whose religious views prevent them from joining or contributing to a labor union as required under a union security agreement. H.R. 4774 is, in fact, a step backward, and I must reluctantly oppose it on behalf of those whom we would seek to protect by its passage.●

● Mr. ALBOSTA. Mr. Chairman, as the Congress prepares to consider amendments to the Resource Conservation and Recovery Act, I feel that I must speak out. Based on my own experience as chairman of the Select Committee on PBB's of the Michigan State Legislature, it is clear that EPA did not have the authority required to deal with the hazardous wastes in a comprehensive and responsible manner. It is also clear to me that hazardous wastes require Federal action so that at least some minimum standards will be set for the handling of these substances.

However, it is equally important to avoid overreacting. In its attempt to be comprehensive EPA has listed many items as hazardous wastes in its proposed guidelines announced on November 26, 1979. For example, iron foundries produce sludge that can contain lead. EPA has listed this sludge as a hazardous waste. The industry affected claims that the EPA is assuming that this material is hazardous without looking at the fact that the lead actually leaching out is minimal. The industry further claims that the lead-bearing sludge will be handled properly anyway under the normal Resource Conservation and Recovery Act provisions and regulations based on the act.

Although there may be ways to work out such problems in the administrative process, this is a good example of a problem we would do well to be aware of. That is, we should take care not to strangle industries in redtape or unnecessary paperwork, or saddle them with added expenses unless we have considerable and substantial evidence of a problem. Then, when we know that a problem is real, or very likely to occur, we should go after that problem with clear forceful regulatory action.

If we do not take this responsible approach, then the EPA and many of the rest of us in government and industry will spend a lot of our time chasing phantom problems while the real disasters go unchecked. We cannot allow that to happen.●

Mr. FLORIO. Mr. Chairman, I have no further requests for time.

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

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

H.R. 3994

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

SHORT TITLE

SECTION 1. This Act may be cited as the "Resource Conservation and Recovery Act Amendments of 1979".

AUTHORIZATION OF APPROPRIATIONS

SEC. 2. (a) Section 2005(a) of the Solid Waste Disposal Act, as redesignated by section 3(b)(1) of this Act, is amended by striking out "1978, and" and substituting "1978" and by inserting the following before the period at the end thereof: ", and $42,000,000 for the fiscal year ending September 30, 1980".

(b) Section 3011(a) of such Act is amended by inserting the following after "1979": "and $30,000,000 for the fiscal year 1980".

(c) Section 4008(a)(1) of such Act is amended by striking out "1978 and" and substituting "1978," and by inserting the following after "1979": ", and $30,000,000 for the fiscal year 1980".

(d) Section 4008(a)(2)(C) of such Act is amended by inserting after "1979": "and $18,000,000 for the fiscal year 1980".

(e) Section 4008(e)(2) of such Act is amended by inserting the following after "1979": "and $2,500,000 for the fiscal year 1980"

(f) Section 4009(d) of such Act is amended by inserting the following after "1979": "and $10,000,000 for the fiscal year 1980".

(g)(1) Subtitle E of such Act is amended by adding the following new section at the end thereof:

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 5005. There are authorized to be appropriated $3,000,000 for the fiscal year 1980 to carry out the purposes of this section.".

(2) The table of contents for such subtitle E is amended by adding the following new item at the end thereof:

"Sec. 5005. Authorization of appropriations.".

AMENDMENTS TO SOLID WASTE DISPOSAL ACT

SEC. 3. (a)(1) Paragraph (14) of section 1004 of the Solid Waste Disposal Act is amended by inserting before the period at the end thereof the following: "or which is not a facility for disposal of hazardous waste".

(b)(1) Section 2004 of such Act is repealed and the following sections are redesignated accordingly.

(2) The table of contents for subtitle B of such Act is amended by striking out the item relating to section 2004 and redesignating the succeeding items accordingly.

(c) Section 3004 of the Solid Waste Disposal Act is amended by adding the following after the first sentence thereof: "In establishing such standards the Administrator shall, where appropriate, establish separate standards for new and existing facilities.".

(d) Section 3001 of such Act is amended by inserting "(1)" after "(b)" and by adding the following new paragraph at the end of subsection (b):

"(2) Notwithstanding the provisions of paragraph (1) of this subsection, drilling fluids, produced waters, and other wastes associated with the exploration for, or development and production of, crude oil or natural gas shall not be considered 'hazardous waste' within the meaning of this section and shall not be subject to the provisions of this subtitle.".

(e) Section 3005(e) of such Act is amended by striking "facility is in existence on the date of enactment of this Act" and inserting in lieu thereof "facility is in existence on the effective date of the regulations under sections 3001 and 3004,".

(f) Section 3007(a) of such Act is amended—

(1) by inserting "or section 7003 of subtitle G," after "subtitle,";

(2) by striking "maintained by any person" after "establishment or other place";

(3) by inserting "or has handled" after "otherwise handles";

(4) by striking "any officer or employee" and inserting in lieu thereof "any officer, employee, or representative";

(5) by striking "duly designated officer employee" and inserting in lieu thereof "duly designated officer, employee, or representative";

(6) by striking "furnish or permit" and inserting in lieu thereof "furnish information relating to such wastes and permit";

(7) by striking out "such officers or employees" and inserting in lieu thereof "such officers, employees, or representatives";

(8) by inserting "or have been" after "where hazardous wastes are"; and

(9) by striking "officer or employee obtains" and inserting in lieu thereof "officer, employee, or representative obtains".

(g) Section 3007(b) of such Act is amended by inserting before "shall be available": "(including records, reports, or information obtained by representatives of the Environmental Protection Agency).

(h) Section 3008(d) of such Act is amended by—

(1) striking out the period following the word "subtitle" at the end of paragraph (3) and by inserting ", or" and the following at the end of such paragraph (3):

"(4) generates, stores, treats, transports, disposes of, or otherwise handles any hazardous waste (whether such activity took place before or takes place after the date of the enactment of this paragraph) and—

"(A) who fails or refuses to comply with any order under section 3012, or

"(B) destroys, alters, or conceals any record maintained with respect to the generation, storing, treatment, transportation, disposal, or other handling of hazardous waste.".

(i) Section 3008 of such Act is amended:

(1) in subsection (a)(1), by striking "the Administrator shall give notice to the violator of his failure to comply with such requirement. If such violation extends beyond the thirtieth day after the Administrator's notification," and by inserting "immediately or" after "compliance"; and

(2) in subsection (a)(2), by striking "thirty days".

(j) Section 3011 of such Act is amended by adding the following new subsection at the end thereof:

"(b) ACTIVITIES INCLUDED.—State hazardous waste programs for which grants may be made under subsection (a) may include (but shall not be limited to) planning for hazardous waste treatment, storage and disposal facilities, and the development and execution of programs to protect health and the environment from inactive facilities which may contain hazardous waste and which may present a substantial endangerment to the human health or the environment.".

(k)(1) Subtitle C of such Act is amended by adding the following new section at the end thereof:

"HAZARDOUS WASTE SITE INVENTORY

"SEC. 3012. (a) STATE INVENTORY PROGRAMS.—Each State shall, as expeditiously as practicable, undertake a continuing program to compile, publish, and submit to the Administrator an inventory describing the location of each site within such State at which hazardous waste has at any time been stored or disposed of. Such inventory shall contain—

"(1) a description of the location of the sites at which any such storage or disposal has taken place before the date on which permits are required under section 3005 for such storage or disposal; and

"(2) such information relating to the amount, nature, and toxicity of the hazardous waste at each such site as may be practicable to obtain and as may be necessary to determine the extent of any health hazard which may be associated with such site.

Any State may exercise the authority of section 3007 for purposes of this section in the same manner and to the same extent as provided in such section in the case of States having an authorized hazardous waste program, and any State may by order require any person to submit such information as may be necessary to compile the data referred in paragraphs (1) and (2).

"(b) ENVIRONMENTAL PROTECTION AGENCY PROGRAM.—If the Administrator determines that any State program under subsection (a) is not adequately providing information respecting the sites in such State referred to in subsection (a), the Administrator shall notify the State. If within ninety days following such notification, the State program has not been revised or amended in such manner as will adequately provide such information, the Administrator shall carry out the inventory program in such State. In any such case—

"(1) the Administrator shall have the authorities provided with respect to State programs under subsection (a);

"(2) the funds allocated under subsection (c) for grants to States under this section may be used by the Administrator for carrying out such program in such State; and

"(3) no further expenditure may be made for grants to such State under this section until such time as the Administrator determines that such State is carrying out, or will carry out, an inventory program which meets the requirements of this section.

"(c) GRANTS.—(1) Upon receipt of an application submitted by any State to carry out a program under this section, the Administrator may make grants to the States for purposes of carrying out such a program. Grants under this section shall be allocated among the several States by the Administrator based upon such regulations as he prescribes to carry out the purposes of this section. The Administrator may make grants to any State which has conducted an inventory program which effectively carried out the purposes of this section before the date of the enactment of the Resource Conservation and Recovery Act Amendments of 1979 to reimburse such State for all, or any portion of, the costs incurred by such State in conducting such program.

"(2) There are authorized to be appropriated to carry out this section $20,000,000 for the fiscal year 1980.".

(3) The table of contents for such subtitle C is amended by inserting the following new item at the end thereof:

"Sec. 3012. Hazardous waste site inventory.".

(4) Section 3008(d)(3) of such Act is amended by inserting "or information" after "document".

(l) (1) Subtitle C of such Act is amended by adding the following new section at the end thereof:

(1) Section 4003 of such Act is amended—

(1) by striking out "4005(c)" in paragraph (2), and inserting in lieu thereof "4004(b)"; and

(2) by inserting "State or" in paragraph (5) after "The plan shall provide that no" and by striking the period after "resource recovery facilities" and adding the following: ", from entering into long-term contracts for the operation of such facilities, or from securing long-term markets for material and energy recovered from such facilities.".

(m) Section 4005 of such Act is amended as follows:

(1) by striking out subsection (a); by redesignating the succeeding subsections accordingly; and by amending subsection (b) (as so redesignated) by striking out "the inventory under subsection (b) shall" and substituting "the inventory under subsection (a) shall";

(2) by amending the first sentence of section 4005(b) (as redesignated by paragraph (1) of this sub-section), by striking out "Any" and inserting in lieu thereof "Upon promulgation of criteria under section 1008(a)(3), any";

(3) by striking out "4003(2)" in subsection (b) (as redesignated by paragraph (1) of this subsection) and inserting in lieu thereof "4003(3)"; and

(4) by striking out "Not" in subsection (a) (as redesignated by paragraph (1) of this subsection) and inserting in lieu thereof "To assist the States in complying with section 4003(3), not".

(n) Section 4006(b)(1)(B) of such Act is amended by striking out "functions" wherever it appears and inserting in lieu thereof "management activities".

(o) Section 6002 of such Act is amended as follows:

(1) by deleting the first sentence in subsection (c)(1), and inserting in lieu thereof the following: "After the date specified in applicable guidelines prepared pursuant to subsection (e) each procuring agency which procures any items designated in such guidelines shall procure such items composed of the highest percentage of recovered materials practicable, consistent with maintaining a satisfactory level of competition, considering such guidelines.";

(2) by striking out clause (ii)" in subsection (c)(1)(C), and inserting in lieu thereof "subparagraph (B)";

(3) by deleting "recovered material and recovered-material-derived fuel" in subsection (c)(2), and inserting in lieu thereof the following: "energy or fuels derived from solid waste";

(4) by deleting so much of subsection (c)(3) as follows "vendors" and inserting in lieu thereof a colon and the following:

"(A) certify that the percentage of recovered materials to be used in the performance of the contract will be at least the amount required by applicable specifications or other contractural requirements, and

"(B) estimate the percentage of the total material utilized for the performance of the contract which is recovered materials.";

(5) by amending subsection (d) to read as follows:

"(d) SPECIFICATIONS.—All Federal agencies that have the responsibility for drafting or reviewing specifications for procurement items procured by Federal agencies shall—

"(1) as expeditiously as possible (but in any event no later than five years after the date of enactment of the Resource Conservation and Recovery Act of 1979), eliminate from such specifications—

"(A) any exclusion of recovered materials; and

"(B) any requirement that items be manufactured from virgin materials; and

"(2) within one year after the date of publication of applicable guidelines under subsection (e), or as otherwise specified in such guidelines, assure that such specifications require the use of recovered materials to the maximum extent possible without jeopardizing the intended end use of the item.";

(6) by deleting the second sentence in subsection (e), and inserting in lieu thereof the following:

"Such guidelines shall—

"(1) designate those items which are or can be produced with recovered materials and whose procurement by procuring agencies will carry out the objectives of this section, and

"(2) set forth recommended practices with respect to the procurement of recovered materials and items containing such materials and with respect to certification by vendors of the percentage of recovered materials used, and shall provide information as to the availability, relative cost, and performance of such materials and items.

In designating items under paragraph (1), the Administrator shall consider, among other relevant factors:

"(A) the availability of such items;

"(B) the impact of the procurement of such items by procuring agencies on the volume of solid waste which must be treated, stored, or disposed of;

"(C) the economic and technological feasibility of producing and using such items; and

"(D) other uses for such recovered materials.".

(p) Section 7003 of such Act is amended by—

(1) striking out "is presenting" and inserting in lieu thereof "may present";

(2) by striking "the Administrator may bring suit" and all that follows down through "the alleged disposal" and inserting in lieu thereof "may take action";

(3) by striking out "suit" in the last sentence thereof and substituting "action"; and

(4) by inserting "(a) AUTHORITY OF ADMINISTRATOR.—" after "7003" and adding the following at the end thereof: "The action which the Administrator may take under this section may include (but shall not be limited to)—

"(1) issuing such orders as may be necessary to protect public health and the environment, and

"(2) commencing a civil action for appropriate relief, including a restraining order or permanent or temporary injunction.

"(b) VIOLATIONS.—Any person who willfully violates, or fails or refuses to comply with, any order of the Administrator under subsection (a)(1) may, in an action brought in the appropriate United States district court to enforce such order, be fined not more than $5,000 for each day in which such violation occurs or such failure to comply continues.".

(q)(1) Section 7006 of such Act is amended—

(1) by inserting "(a) REVIEW OF FINAL REGULATIONS AND CERTAIN PETITIONS.—" before "Any";

(2) by adding the following new subsection (b) at the end thereof:

"(b) REVIEW OF CERTAIN ACTIONS UNDER SECTIONS 3005 AND 3006.—Review of the Administrator's action—

"(1) in issuing, denying, modifying, or revoking any permit under section 3005, or

"(2) in granting, denying, or withdrawing authorization or interim authorization under section 3006,

may be had by any interested person in the Circuit Court of Appeals of the United States for the Federal judicial district in which such person resides or transacts such business upon application by such person. Any such application shall be made within ninety days from the date of such issuance, denial, modification, revocation, grant, or withdrawal, or after such date only if such application is based solely on grounds which arose after such ninetieth day. Such review shall be in accordance with sections 701 through 706 of title 5 of the United States Code.";

(3) by striking out ". Any" in paragraph (1) thereof and substituting "; any";

(4) by striking out ". Action" in paragraph (1) thereof and substituting "; action"; and

(5) by striking out "proper." in paragraph (2) thereof and substituting "proper;".

Section 7009 of such Act is amended by striking out "unless the Secretary" and substituting "unless the Administrator".

Section 8002 of such Act is amended by adding the following new subsection at the end thereof:

"(n)(1) The Administrator shall conduct a detailed and comprehensive study and submit a report on the adverse effects, if any, of drilling fluids, produced waters, and other wastes associated with the exploration for, or development or production of, crude oil or natural gas on the environment, including but not limited to, the effects of those wastes on human health, water quality, air quality, welfare, and natural resources, and on the adequacy of means and measures currently employed by the oil and gas drilling and production industry, Government agencies, and others to dispose of and utilize those wastes and to prevent or substantially mitigate any adverse effects. The study shall include an analysis of—

"(A) the sources and volume of discarded material generated per year from such wastes;

"(B) present disposal practices;

"(C) potential dangers to human health and the environment;

"(D) alternatives to current disposal methods;

"(E) the cost of those alternatives; and

"(F) the impact of those alternatives on the exploration for, and development and production of, domestic crude oil and natural gas.

In furtherance of this study, the Administrator shall, as he deems appropriate, review studies and other actions of other Federal agencies concerning such wastes with a view toward avoiding duplication of effort and expeditious completion of the study. The Administrator shall publish a report of the study and shall include appropriate findings and recommendations for Federal and non-Federal actions.

"(2) The Administrator shall complete the research and study and submit the report required under paragraph (1) not later than October 1, 1981. Upon completion of the study, the Administrator shall prepare a plan for research, development, and demonstration respecting the findings of the study and may submit any legislative recommendations resulting from the study to the Congress.

"(3) There are authorized to be appropriated not to exceed $1,000,000 for the fiscal year 1980 to carry out the provisions of this subsection.".

AMENDMENT OF RESOURCE CONSERVATION AND RECOVERY ACT OF 1976

SEC. 3. Sections 3 and 4 of the Resource Conservation and Recovery Act of 1976 are hereby repealed.

Mr. FLORIO (during the reading). Mr. Chairman, I ask unanimous consent that the bill be considered as read, printed in the RECORD, and open to amendment at any point.

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

There was no objection.

COMMITTEE AMENDMENTS

The CHAIRMAN. The Clerk will report the first committee amendment.

Mr. FLORIO. Mr. Chairman, I ask unanimous consent that all committee amendments, except those beginning on page 3, line 17 and extending through line 21; and beginning on page 11, line 3, and extending through line 17 on page 12, be considered en bloc and considered as read and printed in the RECORD.

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

There was no objection.

The committee amendments above referred to are as follows:

Committee amendments: Page 3, in line 9, strike out "section" and substitute "subtitle (other than section 5002)".

Page 3, line 13, insert "(1)" after "(a)".

Page 4, line 22, strike out the comma.

Page 7, line 1, strike out "(b)" and insert in lieu thereof "(c)".

Page 7, line 23, strike out "and".

Page 8, line 3, strike out the period and insert in lieu thereof a semicolon.

Page 8, after line 3, insert the following:

(3) the name and address, or corporate headquarters of, the owner of each such site, determined as of the date of preparation of the inventory;

(4) an identification of the types or techniques of waste treatment or disposal which have been used at each such site; and

(5) information concerning the current status of the site, including information respecting whether or not hazardous waste is currently being treated or disposed of at such site (and if not, the date on which such activity ceased) and information respecting the nature of any other activity currently carried out at such site.

For purposes of assisting the States in compiling information under this section, the Administrator shall make available to each State undertaking a program under this section such information as is available to him concerning the items specified in paragraphs (1) through (5) with respect to the sites within such State, including such information as the Administrator is able to obtain from other agencies or departments of the United States and from surveys and studies carried out by any committee or subcommittee of the Congress.

Page 13, after line 24, insert the following new subsection and redesignate the following subsections accordingly:

(p)(1) Section 5002 of such Act is amended by striking out "the date of the enactment of this Act" and inserting in lieu thereof "September 1, 1979."

(2) Section 5003 of such Act is amended by striking out "the enactment of this Act" and inserting in lieu thereof: "September 1, 1979,".

Page 14, line 10, strike out "the date" and all that follows down through "(e)" in line 11 and insert in lieu thereof: "September 1, 1982".

Page 15, line 17, strike out "five years" and all that follows down through line 18 and insert in lieu thereof: "July 1, 1980),".

Page 17, strike out the period at the end of line 3 and substitute "; and".

Page 17 after line 4, insert:

(7) by inserting "not later than September 1, 1981," after "shall" in the first sentence of subsection (e).

Page 17, line 11, strike out "the Administrator".

Page 17, line 17, insert a period after "7003".

The CHAIRMAN. The question is on the committee amendments considered en bloc.

The committee amendments were agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Committee amendment: Page 3, after line 16, insert the following:

(2) Paragraph (27) of such section 1004 is amended by striking out "or industrial discharges" and inserting in lieu thereof "or solid or dissolved materials in wastewaters received by or discharged from industrial or municipal wastewater treatment facilities."

AMENDMENT OFFERED BY MR. SWIFT AS A SUBSTITUTE FOR THE COMMITTEE AMENDMENT

Mr. SWIFT. Mr. Chairman, I offer an amendment as a substitute for the committee amendment.

The Clerk read as follows:

Amendment offered by Mr. SWIFT as a substitute for the committee amendment: Page 3, after line 16 insert:

(2) Section 3005 of the Resource Conservation and Recovery Act is amended by adding the following new subsection at the end thereof:

"(f) EXISTING WASTEWATER TREATMENT FACILITIES.—(1) In issuing a permit under subsection (c) of this section, the Administrator (or a State which has received full or interim authorization under section 3006) shall not require an existing wastewater treatment facility to comply with requirements of section 3004(3) or 3004(4) which—

"(A) are designed to prevent the release of hazardous waste or any constituent thereof into soil or groundwater; and

"(B) would require major reconstruction of such facility if the permit applicant demonstrates that no significant release of hazardous waste or any constituent thereof from such facility into an underground water supply is occurring or is reasonably likely to occur.

"(2) For purposes of assisting the Administrator (or the State, if applicable) in making the determinations required by paragraph (1) of this subsection, the Administrator (or the State) may require the owner or operator of an existing wastewater treatment facility to conduct, and report the results of, such studies, testing and monitoring as the Administrator (or the State) finds is reasonably necessary to make such determinations, provided that the Administrator (or the State) may not require leachate monitoring unless the Administrator (or

the State) determines that leachate monitoring is necessary to confirm or clarify groundwater monitoring data which indicates the presence of groundwater pollution.

"(3) Where feasible, in the case of existing wastewater treatment facilities, the Administrator (or the State, if applicable) shall issue permits under subsection (c) at the same time as revised permits under section 402 of the Clean Water Act.

"(4) Upon receipt of information, including, but not limited to, monitoring data and reports required by section 3004(2), indicating that there has been a significant release of hazardous waste or any constituent thereof into an underground water supply from an existing wastewater treatment facility exempted from major reconstruction under paragraph (1), or that such facility is being operated for purposes other than treating wastewater to meet requirements of the Clean Water Act, the Administrator (or the State, if applicable) may take appropriate action under this title or other authority of the Administrator (or the State), including ordering the owner or operator of such facility to show why its permit should not be modified to require compliance with the requirements of section 3004(3) or 3004(4) from which it has been exempted.

"(5) For purposes of this section, the term 'existing wastewater treatment facility means a lagoon, surface impoundment or basin which is part of a wastewater treatment or pretreatment system operated for the sole purpose of treating wastewater to meet applicable requirements of the Clean Water Act and which was in operation or under physical construction before the date of promulgation of initial regulations under section 3004 of this title.".

Mr. SWIFT (during the reading). Mr. Chairman, I ask unanimous consent that the amendment offered as a substitute for the committee amendment be considered as read and printed in the RECORD.

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

There was no objection.

(Mr. SWIFT asked and was given permission to revise and extend his remarks.)

□ 1740

Mr. SWIFT. Mr. Chairman, this is a substitute for my amendment added in committee to revise the definition of "solid waste" contained in section 1004. My earlier amendment would have exempted the contents of wastewater treatment systems that are permitted under the Clean Water Act—(the so-called NPDES program)—from the definition of solid waste under RCRA. The intention was to eliminate the possibility of exclusively costly and duplicative regulation of these facilities under both the Clean Water Act and the Resource Conservation and Recovery Act. The Environmental Protection Agency objected to the amendment because it felt the language was too broad and went too far.

Accordingly, I initiated a discussion among effected parties. The result was the language before the House today. I wish to commend the cooperation of EPA and the affected industrial groups for their willingness to arrive at a compromise which seeks to avoid unnecessary regulation, yet which protects our environment from hazardous wastes.

Essentially this amendment provides for the exemption of existing waste water treatment systems, built to comply with the requirements of the Clean Water Act, from the requirements of the Resource Conservation and Recovery Act which would necessitate major construction if the owner/operator demonstrates that no significant release of hazardous wastes into underground water supplies will occur.

Mr. Chairman, I would like to insert into the RECORD at this point a more detailed description of the amendment. This description was agreed to by EPA, the affected industries and myself as embodying the scope and intent of the amendment:

This amendment seeks to strike an equitable balance between (1) the need to prevent contamination of underground water supplies by hazardous waste in wastewater treatment facilities and (2) the substantial investment which has been made to build or upgrade such facilities to meet Clean Water Act requirements and the additional cost and practical difficulties of retrofitting such facilities if they contain hazardous waste but do not already meet applicable RCRA requirements. The amendment adds a new paragraph to Section 3005 of RCRA which would require the Administrator (or a State with an authorized state hazardous waste program) to exempt an existing wastewater treatment facility from any requirements of Section 3004(3) or 3004(4) which are intended to prevent the migration of hazardous waste into soil or groundwater and which would require major reconstruction if the owner/operator demonstrates that no significant release of hazardous waste into underground water supplies is occurring or is likely to occur. This means that existing treatment facilities which do not release significant amounts of hazardous waste into groundwater—including facilities which do not leak at all or facilities which are not located over or near groundwater supplies—will not have to install liners, erect soil barriers, or build leachate collection systems in order to obtain a permit under RCRA.

EPA's proposed Section 3004 regulations do not indicate which requirements have been proposed to implement Section 3004 (3) or Section 3004(4) of RCRA. In promulgating final regulations under Section 3004, the Administrator should identify those requirements applicable to wastewater treatment facilities which are issued under the authority of Section 3004(3) or 3004(4) so that permit writers and permit applicants will know which Section 3004 requirements are potentially subject to the exemption authorized by this provision.

Whether a release is significant should be determined based on a statistically significant difference in the concentration of any hazardous waste or any constituent thereof measured in groundwater samples taken hydraulically downgradient from the facility as compared to samples taken hydraulically upgradient from such facility. The purpose is to determine whether the facility is releasing hazardous waste into groundwater in a manner inconsistent with the objectives of this Act.

A statistically significant difference between upgradient and downgradient groundwater samples is one which represents a real and continuous effect on groundwater from materials released from the facility. For example, a random measurement of a chemical material outside the confidence interval established for that material using background (upgradient) quality data and appropriate statistical tests would not be the type of case requiring remedial action.

For the purpose of collecting samples under this provision, downgradient wells should be located so as to provide the greatest opportunity for the interception of any plume containing pollutants released from a facility. The exact number and location of wells should be based on groundwater flow rate, climate, hydrogeologic conditions, and such other factors as the Administrator deems appropriate.

The term "underground water supply" should be defined to include (1) any aquifer supplying drinking water for human consumption (2) a sole-source aquifer, and (3) any other aquifer being used, or reasonably capable of being used, as a public or private drinking water supply, as a water supply for domestic livestock or for irrigation.

As in all permit proceedings, the applicant for this exemption would bear the burden of demonstrating to the permitting authority that it is entitled to an exemption from some of the requirements of Section 3004. However, unlike other permit proceedings under Section 3005, the Administrator's authority under Section 3004 and 3005 to require permit applicants to provide such information as is necessary for him to make a permitting decision is somewhat limited in this case. For purposes of determining whether a treatment facility is eligible for this exemption, the Administrator may not require leachate monitoring as a matter of course. He may, however, require leachate monitoring where necessary to confirm or clarify groundwater monitoring data which indicate groundwater pollution (for example, to trace the source of the pollution where there are several possible sources).

This exemption applies only to a lagoon, surface impoundment or basin (including a spill pond or holding pond) which is part of a wastewater treatment train operated for the sole purpose of treating wastewater to meet Clean Water Act requirements. These limitations are intended to prevent disposers from circumventing the requirements of Section 3004 by dumping hazardous wastes into wastewater treatment lagoons or calling any hole in the ground where semi-liquid hazardous wastes are dumped a "wastewater treatment facility." They should not be construed, however, as preventing legitimate wastewater treatment lagoons which are incidentally used for recreational purposes or for treating wastewater for reuse as process water from potentially qualifying for an exemption.

In addition, this provision applies only to facilities which were in operation or under physical construction prior to the promulgation of initial regulations under Section 3004. New facilities would be required to meet all applicable Section 3004 requirements.

The amendment also provides that at any time the Administrator (or a State with an authorized program) finds that a treatment lagoon no longer qualifies for the exemption—either because it is causing a significant release of hazardous waste into groundwater or because it is using its facility for purposes other than treating wastewater—the Administrator (or the State) may reopen the permit for that facility and/or take such other actions as he deems appropriate. The inclusion of explicit authority for the modification of permits in this section is not intended to limit the Administrator's authority to exercise other enforcement authorities

under other provisions of RCRA or other applicable statutes.

This amendment is not intended in any way to limit EPA's authority under RCRA or Section 304(c) of the Clean Water Act to require treatment lagoons to retrofit or adopt best management practices to prevent surface water pollution.

Mr. Chairman, I have here a letter from Mr. Thomas C. Jorling, then Assistant Administrator for Waste and Hazardous Materials, Environmental Protection Agency, which states in part:

I can state that we now support the alternative language which we have discussed with you and which is enclosed in this letter.

Mr. Jorling attached a copy of the language and legislative history that I have brought before the House, which is as follows:

U.S. ENVIRONMENTAL PROTECTION AGENCY,
Washington, D.C., July 12, 1979.

Hon. AL SWIFT,
House of Representatives,
Washington, D.C.

DEAR MR. SWIFT: I am pleased to convey to you the Environmental Protection Agency's position regarding the substitute amendment to your earlier amendment to the Resource Conservation Recovery Act (RCRA) covering "treatment train lagoons."

There is no doubt that the application of RCRA Subtitle C requirements to industrial lagoons that are components of treatment technology necessary to comply with the Clean Water Act is one of the more difficult issues of integration that the Agency has had to face in implementing the two statutes while providing maximum protection of the public health.

As you know, we opposed your earlier amendment because we felt it was overreaching in its attempt to reconcile the two issues and would have left important environmental protection elements unaddressed.

I want to commend you for your willingness to engage in discussions with the Agency, industry, and others regarding refinements to your amendment in an attempt to address not only the real areas of overlap but also the real areas of omission of important environmental objectives. I can state that we now support the alternative language which we have discussed with you and which is enclosed with this letter.

One basic objective of RCRA is to prevent the release of hazardous waste into the environment. We feel that the legislative language and the accompanying descriptive material in the form of legislative history are in full accord with this objective. The amendment also allows for the proper application of state and federal permitting resources in the area of treatment train lagoons.

I want to thank you for your assistance in reaching this position. We look forward to working with you in the future as we continue the task of implementing these important hazardous waste mandates.

Sincerely yours,

THOMAS C. JORLING,
Assistant Administrator.

Mr. Chairman, I also have here a letter signed by Mr. John E. Daniel on behalf of the forest products industry which states their agreement. I understand that other industries are also party to the agreement. The letter is as follows:

FOREST INDUSTRY RESOURCE AND ENVIRONMENTAL PROGRAM,
Washington, D.C., July 13, 1979.

Hon. AL SWIFT,
U.S. House of Representatives,
Washington, D.C.

DEAR MR. SWIFT: The forest products industry deeply appreciates your role in calling the attention of Congress to the question of duplicative coverage of existing wastewater treatment systems under the Resource Conservation and Recovery Act.

After the Committee's approval of your amendment, questions were raised about the ability of the Environmental Protection Agency to protect underground water supplies in those instances where significant quantities of hazardous wastes leak from a wastewater treatment facility. Additionally, concern was expressed that new lagoons might not be constructed to meet the requirements of the Resource Conservation and Recovery Act. We, like you, were also troubled by these questions and concerns and began discussions with you and your staff, the Committee and its staff, and EPA to resolve these doubts.

We are pleased that these enlightening and constructive discussions have resulted in agreement that the enclosed amendment to add a new subsection to Section 3005 of the Act should be substituted for your Committee amendment. Agreement was also reached that the enclosed Legislative History accurately describes the new amendment and its purpose.

As you are aware, in developing the Legislative History, we wanted to assure that the criteria for determining when a facility might threaten an underground water supply refer to the statutory objectives of the Resource Conservation and Recovery Act. The legislative history accompanying your revised amendment makes clear that an existing facility that is exempted from the reconstruction requirements must not be releasing hazardous waste into groundwater in a manner inconsistent with the Act's objectives.

Section 1003 of the Act sets forth these objectives as follows:

"The objectives of this Act are to promote the protection of health and the environment and to conserve valuable material and energy resources by—

"(4) regulating the treatment, storage, transportation, and disposal of hazardous wastes which have adverse effects on health and the environment."

The implementation of this objective is through Section 3004 of the Act. That section requires performance criteria as necessary to protect health and environment standards. EPA's proposed regulations of December 18, 1978, would establish these human health and environment standards. The groundwater standard, for instance reads:

"All facilities shall be located, designed, constructed, and operated in such a manner as to prevent:

"(a) endangerment of an underground drinking water source beyond the facility property boundary, or

"(b) endangerment of an aquifer which is designated as a sole or principal source aquifer according to Section 1424(e) of the Safe Drinking Water Act of 1974. . . ."

EPA's surface water standard would provide:

"All facilities shall be located, designed, constructed, and operated in such a manner as to prevent any surface or sub-surface discharge from the facility into navigable waters from causing a violation of Water Quality Standards promulgated or approved under Section 303 of the Clean Water Act, or a violation of the controls on the discharge of oil or hazardous substances under Section 311 of the Clean Water Act."

Finally, the air standard is proposed as follows:

"All facilities shall be located, designed, constructed, and operated in such manner as to prevent air emissions from such facilities from causing a violation of standards or regulations promulgated pursuant to Sections 110, 111 and 112 of the Clean Air Act."

As you can see, the stated objectives of RCRA are not without meaning. Indeed, EPA's proposed health and environmental standards provide impartial, objective, measurable parameters for avoiding adverse effects on health and the environment.

Because we believe that the enclosed amendment and legislative history direct EPA to provide an exemption from the requirements of Subsections 3004 (3) and (4) for existing wastewater treatment facilities which are operating in conformance with the objectives of the Resource Conservation and Recovery Act, the forest industry supports the new amendment and its legislative history. We find that it constitutes the "window" you sought through which the consequences, if any, of possible releases from wastewater treatment facilities should be taken into account.

We pledge our assistance to you and the committee to see this new language through to enactment. Again, we thank you for your thoughtful attention to this issue.

Sincerely,

JOHN E. DANIEL,
Director, Manufacturing,
Environmental Programs.

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

Mr. SWIFT. I yield to the gentleman from Illinois.

Mr. MADIGAN. I thank the gentleman for yielding.

Mr. Chairman, I support the amendment offered by the gentleman from Washington and I commend him for his efforts in developing a responsible and reasonable amendment which addresses the concerns which were raised during consideration of the bill in committee. But I want to make sure my understanding of the substitute amendment is correct.

As I understand it, this substitute amendment would require that industrial waste water treatment facilities be retrofitted or replaced according to EPA standards only in cases where ground water monitoring data reveals that there is a significant release to an underground water supply of any hazardous waste from the waste water treatment pond or basin.

I would ask the gentleman if my understanding of the substitute is correct.

Mr. SWIFT. The gentleman's understanding is exactly correct.

Mr. MADIGAN. So the Congress does not expect the owners of waste water treatment facilities to go back and rebuild them to new standards unless evidence of the kind that I have just described justifies that that would be needed; is that correct?

Mr. SWIFT. That is correct, and that was the purpose of the amendment.

Mr. MADIGAN. Mr. Chairman, I believe that the gentleman has a significant amendment. It makes a good contribution to this act, and I would urge its adoption.

Mr. SWIFT. I thank the gentleman for his support.

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

Mr. SWIFT. I yield to the gentleman from New Jersey.

Mr. FLORIO. Mr. Chairman, I, too, want to express my support for the substitute amendment and commend the gentleman for the hard work he put in in trying to overcome some of the unintended consequences of a previous amendment which was adopted. It is my understanding that this does have the support of the affected agencies as well as the appropriate industries that are affected; is that correct?

Mr. SWIFT. That is correct.

Mr. FLORIO. Mr. Chairman, I am pleased to express my support.

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

Mr. SWIFT. I yield to the gentleman from Texas.

Mr. LOEFFLER. I thank the gentleman for yielding and I wish to congratulate the gentleman for offering this amendment.

Mr. Chairman, certainly the Congress should not now expect the owners of existing facilities to tear them up and rebuild them to standards which are developed after the fact, unless evidence justifies that there is an adverse effect on the health and environment. I believe that the amendment offered by the gentleman from Washington was developed in that spirit, and I ask him if he agrees with my interpretation of this amendment.

Mr. SWIFT. That is my interpretation of the amendment.

Mr. LOEFFLER. I thank the gentleman, and I again commend him for his efforts.

Mr. SWIFT. I thank my colleague, the gentleman from Texas.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Washington (Mr. SWIFT) as a substitute for the committee amendment.

The amendment offered as a substitute for the committee amendment was agreed to.

The CHAIRMAN. The question is on the committee amendment, as amended.

The committee amendment, as amended, was agreed to.

COMMITTEE AMENDMENT

The CHAIRMAN. The Clerk will report the last committee amendment.

The Clerk read as follows:

Committee amendment: Page 11, line 1, insert the following new subsection and redesignate the succeeding subsections accordingly:

(1) (1) Subtitle C of the such Act is amended by adding the following new section at the end thereof:

"MONITORING, ANALYSIS, AND TESTING

"SEC. 3013. (a) AUTHORITY OF ADMINISTRATOR.—Upon the receipt of any information indicating that hazardous waste is, or has been, stored, treated, or disposed of at any facility or site, and the presence of any hazardous waste at such facility or site, or the release of any such waste or other substance from such facility or site, may create a significant hazard to human health or the environment, the Administrator may issue an order requiring the persons who owned or operated such facility or site for any period during which hazardous waste was treated or disposed of at such site to—

"(1) conduct such monitoring, testing, analysis, and reporting as the Administrator deems necessary to ascertain the nature and extent of the potential hazard to public health and the environment associated with such facility of site; or

"(2) pay for the costs of such monitoring, testing, and analysis carried out by the Administrator, a State or local government, or by any person designated by the Administrator.

An order issued by the Administrator under this section shall become final 30 days after the date of issuance unless, before the expiration of such 30 day period, the person or persons subject to such order request a public hearing. When such a hearing is requested, the order (as issued or modified) shall become final, or shall be revoked by the Administrator, not later than 10 days after conclusion of the hearing. Any hearing under this subsection shall be commenced within 90 days of the issuance of the order and shall be conducted pursuant to 554 of title 5 of the United States Code.

(b) VIOLATIONS.—Any person who violates or fails or refuses to comply with an order issued under this section shall, in an action brought in the appropriate U.S. District Court to enforce such order, be subject to a civil penalty not to exceed $5,000 for each day in which such violation occurs or such failure to comply continues.

(2) The table of contents for such subtitle C is amended by adding the following new item at the end thereof:

"SEC. 3013. Monitoring, analysis, and testing.".

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

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

There was no objection.

AMENDMENT OFFERED BY MR. GORE AS A SUBSTITUTE FOR THE COMMITTEE AMENDMENT

Mr. GORE. Mr. Chairman, I offer an amendment as a substitute for the committee amendment, and 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 Tennessee?

There was no objection.

The amendment offered as a substitute for the committee amendment reads as follows:

Amendment offered by Mr. GORE as a substitute for the committee amendment: Page 11, strike out line 3 and all that follows down through line 15 on page 12 and insert in lieu thereof the following:

"MONITORING, ANALYSIS, AND TESTING

"SEC. 3013. (a) AUTHORITY OF ADMINISTRATOR.—If the Administrator determines, upon receipt of any information, that—

"(1) the presence of any hazardous waste at a facility or site at which hazardous waste is, or has been, stored, treated, or disposed of, or

"(2) the release of any such waste from such facility or site

may present a substantial hazard to human health or the environment, he may issue an order requiring the owner or operator of such facility or site to conduct such monitoring, testing, analysis, and reporting with respect to such facility or site as the Administrator deems reasonable to ascertain the nature and extent of such hazard.

"(b) PREVIOUS OWNERS AND OPERATORS.—In the case of any facility or site not in operation at the time a determination is made under subsection (a) with respect to the facility or site, if the Administrator finds that the owner of such facility or site could not reasonably be expected to have actual knowledge of the presence of hazardous waste at such facility or site and of its potential for release, he may issue an order requiring the most recent previous owner or operator of such facility or site who could reasonably be expected to have such actual knowledge to carry out the actions referred to in subsection (a).

"(c) PROPOSAL.—An order under subsection (a) or (b) shall require the person to whom such order is issued to submit to the Administrator within 30 days from the issuance of such order a proposal for carrying out the required monitoring, testing, analysis, and reporting. The Administrator may, after providing such person with an opportunity to confer with the Administrator respecting such proposal, require such person to carry out such monitoring, testing, analysis, and reporting in accordance with such proposal, and such modifications in such proposal as the Administrator deems reasonable to ascertain the nature and extent of the hazard.

"(d) MONITORING, ETC. CARRIED OUT BY ADMINISTRATOR.—(1) If the Administrator determines that no owner or operator referred to in subsection (a) or (b) is able to conduct monitoring, testing, analysis, or reporting satisfactory to the Administrator, if the Administrator deems any such action carried out by an owner or operator to be unsatisfactory, or if the Administrator cannot initially determine that there is an owner or operator referred to in (a) or (b) who is able to conduct such monitoring, testing, analysis, or reporting, he may—

"(A) conduct monitoring, testing, or analysis (or any combination thereof) which he deems reasonable to ascertain the nature and extent of the hazard associated with the site concerned, or

"(B) authorize a State or local authority or other person to carry out any such action, and require, by order, the owner or operator referred to in subsection (a) or (b) to reimburse the Administrator or other authority or person for the costs of such activity.

"(2) No order may be issued under this subsection requiring reimbursement of the costs of any action carried out by the Administrator which confirms the results of an order issued under subsection (a) or (b).

"(3) For purposes of carrying out this subsection, the Administrator or any authority or other person authorized under paragraph (1), may exercise the authorities set forth in section 3007.

"(e) ENFORCEMENT.—The Administrator may commence a civil action against any person who fails or refuses to comply with any order issued under this section. Such action shall be brought in the United States district court in which the defendant is

located, resides, or is doing business. Such court shall have jurisdiction to require compliance with such order and to assess a civil penalty of not to exceed $5,000 for each day during which such failure or refusal occurs.".

Mr. GORE. Mr. Chairman, as a member of the Oversight Investigations Subcommittee, I have been working on the hazardous waste issue for 3 years now. We have conducted 13 hearings on this problem, and it is a problem that is indeed deserving of a great deal of national attention. I want to commend the chairman of the subcommittee, the gentleman from New Jersey (Mr. FLORIO), and the ranking minority member, the gentleman from Illinois (Mr. MADIGAN), for their excellent work on this legislation. I strongly support it.

As I will get to it in a minute, this amendment is relatively noncontroversial. But I did want to say to the Members of this body that this legislation that we have before us, while it is excellent, does not address the entire problem, and we will be asked later this year to address other legislation which would address the problem of abandoned sites. This legislation, which has been described as the superfund legislation, will be coming before this body later this year, and there will be a more heated debate at the time.

Mr. Chairman, with regard to my amendment, a somewhat different version of this amendment was approved by the Commerce Committee earlier this year. I am offering a substitute to my original amendment for two reasons: First, it meets the concerns raised by several industry groups about the original amendment; and second, after a careful reworking of the original amendment I believe this substitute language is a tremendous improvement.

My amendment empowers the Administrator of the Environmental Protection Agency (EPA) or his designated authority to order or conduct testing, analysis, and monitoring of any hazardous waste that may present a substantial hazard to public health or the environment. It will give EPA or the States the opportunity to assess the potential or real dangers posed by a hazardous waste site that is suspected of being a source of pollution or otherwise threatening public health. Without my amendment EPA or local health officials simply do not have the authority to closely look at and monitor hazardous waste sites except under very special circumstances.

In 1976, with the passage of the Resource Conservation and Recovery Act (RCRA), Congress recognized that land, like water and air is an invaluable national resource. This body took a great step toward preventing the wanton abuse of this resource by passing the hazardous waste legislation. Once fully underway, this program will consist of specific standards regulating hazardous waste in a "cradle to grave" fashion. However, after the law was adopted, new information revealing the serious magnitude of the hazardous waste problem was discovered; it became clear that several vital statutory gaps existed in RCRA. My amendment will close what I believe to be a crippling shortfall of the legislation.

The major criticism levied against our hazardous waste law is its prospectiveness. RCRA does not address the issue of abandoned or inactive sites. The Oversight and Investigations Subcommittee's 13 days of hazardous waste hearings established a clear record of the enormous problems, both in numbers and degree of risk, presented by abandoned and inactive waste sites. Love Canal and Valley of the Drums are only two of a number of such sites and they are the tip of the iceberg.

My amendment contains the authority to look at these abandoned and inactive sites when there is a reasonable suspicion of a threat to health or the environment. I emphasize a reasonable suspicion of a hazard because my amendment's trigger is clearly divorced from the imminent and substantial endangerment test currently invoked under section 7003. The crucial limitations of section 7003's authority are described in the Oversight and Investigations Subcommittee report on hazardous waste:

> This authority is of limited utility for several reasons. First, it is not preventative. It requires that an actual hazard exists. Second, EPA can only exercise this authority where the owner or responsible party is identifiable and financially and otherwise able to remedy it. Third, even where these conditions obtain, the "imminent and substantial" test carries a high burden of proof in court. Fourth, any remedial efforts can only begin after successful judicial action, which can take a long time.

Although this bill, H.R. 3993, would improve and expand the Administrator's authority under section 7003, it carries a higher burden of proof than section 3013 and its broader remedies are commensurate with that burden.

The burden of proof needed to trigger an order under section 3013 must be considered in the context of the section's modest remedies—testing, monitoring and analysis. The often astronomical costs of excavation and cleanup are not factors in 3013's equation. This section is a preventative tool whose trigger is unrelated to the timeframe in which an injury may occur. An actual hazard need not exist. The Administrator can issue an order under 3013 any time he makes a determination that the presence of potential for release of a hazardous waste may present a substantial threat to public health or the environment.

The amendment is a modest one: it authorizes testing and monitoring. Cleanup actions and liability provisions are not authorized under my amendment. The moderate remedies provided for under my amendment are very reasonable and will prove to be extremely cost effective. If these testing and monitoring procedures were conducted at Love Canal the cost would have been $4 billion—instead more than $25 million has already been spent in the initial clean up stages and $3 billion in damages is being sought. The cost of complying with an order issued under my amendment is very low, indeed a piddling compared with cleanup and damages costs.

Subsection (b) is included to ensure that the responsible party(s) would be liable for complying with an order issued by the administrator. If the current owner has been deceived by a previous owner regarding the presence of potential for release of any hazardous waste then the administrator shall require the next previous owner who had actual knowledge of the hazardous waste's presence or potential for release, to comply with the order.

I am heartened by the endorsement of my amendment by the Chemical Manufacturers Association and by environmental groups. I have worked with all of these groups to fashion the modifications in the amendment which I offer today. This amendment enhances EPA's authority to protect the public and it also safeguards industry from unreasonable demands or expenses. The modifications I present today greatly improve my amendment, it ensures that the actions taken will be responsible ones. I appreciate industry's efforts to make this a better measure and I welcome their support.

The short history of this amendment is unusual. It was molded from the imputs of industry groups, environmental groups, regulatory officials and those out in the field who on a daily basis face the hazardous waste problem. These groups helped create this measure and they support this measure. I ask for my colleagues support also.

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

Mr. GORE. I yield to the gentleman from New Jersey.

Mr. FLORIO. Mr. Chairman, the committee has no difficulty with this amendment and feels it is very helpful. The committee will support it.

Mr. GORE. I thank the gentleman.

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

Mr. GORE. I yield to the gentleman from Illinois.

Mr. MADIGAN. Mr. Chairman, I want to commend the gentleman on his diligence and continuing to work on this section and to improve it to the state where he has now in the amendment that he is offering. I support it, and I think it is a good amendment. I again want to stress that I think the gentleman has gone to an extreme effort to see that this is perfected, and I want to congratulate him on his diligence.

Mr. GORE. I thank my colleague for his kind words.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Tennessee (Mr. GORE) as a substitute for the committee amendment.

The amendment offered as a substitute for the committee amendment was agreed to.

The CHAIRMAN. The question is on the committee amendment, as amended.

The committee amendment, as amended, was agreed to.

AMENDMENT OFFERED BY MR. STAGGERS

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

The Clerk read as follows:

Amendment offered by Mr. STAGGERS: On page 3, after line 21, insert the following:

(3) Section 1006 of such Act is amended by adding the following new subsection at the end thereof:

"(c) INTEGRATION WITH THE SURFACE MINING CONTROL AND RECLAMATION ACT OF 1977.—Before the later of 90 days following the promulgation of final regulations relating to mining wastes or overburden under any section of subtitle C or 90 days after the date of enactment of this paragraph, the Administrator shall review any regulations applicable to the treatment, storage, or disposal of any coal mining wastes or overburden promulgated by the Secretary of the Interior under the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1201 and following). If the Administrator determines that any requirement of final regulations promulgated under any section of subtitle C relating to mining wastes or overburden is not adequately addressed in such regulations promulgated by the Secretary, the Administrator shall transmit such determination, together with suggested revisions and supporting documentation, to the Secretary for his consideration."

On page 4, after line 22, insert the following new subsection and renumber succeeding subsections accordingly:

(f) Section 3005 of such Act is amended by adding the following new subsection at the end thereof:

"(f) COAL MINING WASTES AND RECLAMATION PERMITS.—Notwithstanding subsections (a) through (e) of this section, any permit and reclamation plan covering any coal mining wastes or overburden which has been issued or approved under the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1201 and following) shall be deemed to be a permit issued pursuant to this section with respect to the treatment, storage, or disposal of such wastes or overburden. Regulations promulgated by the Administrator under this subtitle shall not be applicable to treatment, storage, or disposal of coal mining wastes and overburden which are covered by such a permit and reclamation plan.

Mr. STAGGERS (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 West Virginia?

There was no objection.

Mr. STAGGERS. Mr. Chairman, to start off, I would like to say that this is a needed piece of legislation and a good piece of legislation to help keep our country clean, working, and something that we are proud of.

In that same context, I would also like to congratulate the gentleman from New Jersey, JIM FLORIO, the chairman of the subcommittee, and the gentleman from Illinois, ED MADIGAN, his counterpart on the Republican side, to say that they are dedicated, able Congressmen who are working to make America a cleaner place and a better place in which to live. I congratulate all of their subcommittee chairmen and the full committee for the work they have done on this bill. This is only part of the legislation that they turn out time after time which is good for this land of ours. I would like to congratulate the staffs, because the staff on both sides of the aisle has worked hard to try to bring about an agreement and to bring about a good bill. Without the staff, we just could not do our work, so I do want to congratulate the staff.

Mr. Chairman, this amendment simply provides that the Environmental Protection Agency will defer to the Office of Surface Mining in the Department of the Interior with respect to permits for coal mining wastes and overburden.

The EPA and the Department of the Interior have comparable regulatory authority over hazardous coal mining waste disposal. Final performance standards have already been promulgated by the Office of Surface Mining in the Interior Department under the Surface Mining Control and Reclamation Act of 1977. EPA is required to promulgate hazardous waste regulations under subtitle C of the Resource Conservation and Recovery Act. Final regulations under that statute have not yet been issued.

My amendment provides that all regulatory requirements governing coal mining waste disposal shall be integrated into a single permit to be issued by the Office of Surface Mining. The amendment would encourage further cooperation and consultation between EPA and OSM in formulating those requirements. The amendment would provide a comprehensive framework for a single regulatory scheme and eliminate the burdensome regulatory duplication that would result if coal producers were required to obtain two permits governing a single activity from two different Federal agencies.

I urge the adoption of the amendment.

□ 1750

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

Mr. STAGGERS. I yield to the gentleman from New Jersey.

Mr. FLORIO. I thank the gentleman for yielding.

I would express my enthusiastic support for this amendment. The Secretary of the Interior and the EPA Administrator have both reviewed this amendment and feel that it is compatible with the goals sought by both agencies. Therefore, this is something we support enthusiastically.

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

Mr. STAGGERS. I yield to the gentleman from Illinois.

Mr. MADIGAN. I thank the gentleman for yielding.

We have had an opportunity to review the chairman's amendment on this side of the aisle and think it is a constructive amendment and certainly intend to support it.

Mr. STAGGERS. I thank the gentleman.

The CHAIRMAN. The question is on the amendment offered by the gentleman from West Virginia (Mr. STAGGERS.)

The amendment was agreed to.

AMENDMENT OFFERED BY MR. FINDLEY

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

The Clerk read as follows:

Amendment offered by Mr. FINDLEY: Page 18, after line 6, insert:

(s) Section 7004(b) of the Solid Waste Disposal Act is amended by inserting "(1) before PUBLIC PARTICIPATION" and by inserting the following new paragraph at the end thereof:

"(2) Before the issuing of a permit to any person with any respect to any facility for the treatment, storage, or disposal of hazardous wastes under section 3004, the Administrator shall—

"(A) cause to be published in major local newspapers of general circulation and broadcast over local radio stations notice of the agency's intention to issue such permit, and

"(B) transmit in writing notice of the agency's intention to issue such permit to each unit of local government having jurisdiction over the area in which such facility is proposed to be located and to each State agency having any authority under State law with respect to the construction or operation of such facility.

If within 45 days the Administrator receives written notice of opposition to the agency's intention to issue such permit, or if the Administrator determines on his own initiative, he shall hold a public hearing on whether he should issue a permit for the proposed facility. Whenever possible the Administrator shall schedule such hearing at a location convenient to the nearest population center to such proposed facility and give notice in the aforementioned manner of the date, time, and subject matter of such hearing. No state program which provides for the issuance of permits referred to in this paragraph may be authorized by the Administrator under section 3006 unless such program provides for the notice and hearing required by this paragraph."

Redesignate the following subsections accordingly.

Mr. FINDLEY. Mr. Chairman, I rise to offer an amendment to H.R. 3994 to require public notice and hearings wherever a controversial new hazardous waste treatment facility is proposed.

My amendment comes in response to the construction of a hazardous waste treatment facility within the city limits of Wilsonville, Ill., a community of 800 people in my district. The location of this obnoxious dump in the middle of this community resulted from the lack of openness and candor from the waste dump operator, Earthline, Inc.

When the company first proposed the new site, it purposefully neglected to say exactly what would be buried there. Upon learning that PCB's dioxin, cyanide and a variety of other dangerous and lethal chemicals were being stored and buried at the site, the residents of Wilsonville filed a law suit to have the site closed. In August of 1978, Chief Judge John Russell ordered the facility closed citing the danger to both the residents of Wilsonville and the environment from the dump. In his opinion the judge pointed out that Earthline never at any time made "mention or indication that hazardous toxic waste substances that are dangerous to human beings and other living things (were) to be buried at the site."

The amendment I am offering will strengthen and reinforce this act by requiring the Administrator to provide public notice and public hearings wherever a hazardous waste facility is to be located. Through the hearing process, EPA would be required to provide an opportunity for all points of view to be expressed before making any final decision. In this way, precise questions as to what would be buried at the site could be answered. And all those opposed to the

location of a hazardous waste site could make their views heard.

My amendment requires that wide public notice of any proposal to construct a hazardous waste facility be given to local and State public officials, newspapers, local radio stations, and other interested parties in the immediate geographic area of where a facility is planned to be built.

If is my belief that people who live in the vicinity of a proposed hazardous waste disposal site have a right to know what kinds of hazardous and toxic substances may be buried in their neighborhood. My amendment will assure them of this right and help protect future safety and health.

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

Mr. FINDLEY. I yield to the gentleman from Illinois.

Mr. MADIGAN. I thank the gentleman for yielding.

I would like to say to the House that we have reviewed the amendment of the gentleman from Illinois (Mr. FINDLEY), and think that it has as its purpose the very constructive notion of involving local people in the process of determining whether or not the site selection is proper.

We think it is a good addition to the bill and certainly intend to support it and urge that the House would do likewise.

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

Mr. FINDLEY. I am glad to yield to my friend, the gentleman from Kentucky.

Mr. PERKINS. Mr. Chairman, I rise in support of the amendment offered by the gentleman from Illinois (Mr. FINDLEY).

This amendment will insure that the local people will have the opportunity to have their opinions heard before a permit to build a hazardous chemical waste site is issued. It will require that the hearing is in the affected community. It requires that the affected community have timely notice of any permit request.

The need for this amendment is presently being demonstrated in my district in Lewis County on the Ohio River.

An out-of-State firm is seeking to put a hazardous chemical waste site near Ribolt. This firm has been very secretive and has attempted to rush its permit through the State officials. The local people have been forced to drive 130 miles to Frankfort to meet with the State officials and seek information.

Furthermore, this site is located between two branches of the headwaters of Cabin Creek. Cabin Creek empties into the Ohio River at Springdale, just above Maysville, a distance of about 12 miles. This hazardous chemical waste site would prove a serious threat to the water supplies of Mavsville and Augusta, Ky., and Cincinnati, Ohio.

The adoption of this amendment will prevent attempts of the sort I just described to rush through permits. The people who must live with any such site will be notified of the permit application, and they will have the opportunity to be heard.

The counties affected by this proposed site are united in their opposition to the permit.

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

Mr. FINDLEY. I yield to the gentleman from New Jersey.

Mr. FLORIO. I am pleased to express my support of the amendment as well. I am convinced the key to an effective siting program with regard to hazardous waste has got to be public support, and you do not get public support unless you get public participation. So I am pleased to support the amendment.

Mr. FINDLEY. I thank the gentleman.

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

Mr. FINDLEY. I yield to the gentleman from Connecticut.

Mr. MOFFETT. Mr. Chairman. I would like to also express support for the gentleman's amendment and at this time attempt to make a bit of legislative history, if we might, perhaps with the chairman of the subcommittee.

The gentleman is putting his finger on a very important point here. That is local involvement in the whole process. In the question of an inventory that a State makes, for example, of all these sites, my State is in the middle of it right now and perhaps the gentleman's is, too. Do we have any assurance that local communities will surely be involved in the process and will receive technical assistance and so forth, once a hazardous waste site, let us say, from past industrial activities, is located, has been identified within the border of a town. for example? This is something that concerns me, because we are going through it right now.

The gentleman's amendment sort of encompasses the spirit of what I am talking about, but I would like to know that there is some assurance that local communities are being asked to participate as these States compile their inventory plan and that this does not come as some shock out of the sky to a local community where they have not been involved.

Could either the gentleman from Illinois or the distinguished chairman of the subcommittee respond, or can we say that this is our intent at least that the local community be given the maximum participation?

Mr. FINDLEY. If the gentleman would permit me, let me just say a word about what the amendment actually does.

It requires public notice and public hearings whenever a controversial new hazardous waste facility treatment is proposed. It is not retroactive, but it would apply to any new proposal of this sort.

It does require that the Administrator transmit in writing a notice of the agency's intention to each unit of local government having jurisdiction over the area in which such facility is proposed to be located. This would involve local units of government.

It would require the publication, not only in printed media, but over the electronic media of the public hearing, at which time anyone having an interest could be heard. So I think it is an adequate safeguard for new proposals, and it came into being out of an alarming experience that occurred in my district.

Wilsonville, Ill., a community of about 600 people, had located within the city limits a dump operated by Earthline Corp., and the corporation purposely withheld information from the community about what was proposed to be buried.

The courts finally ordered the closing of this dump, and I think wisely so. But out of this experience and experiences that I had heard about elsewhere in the country, I came to the belief that this hearing process should be written into the law.

I am glad to hear the bipartisan expressions of support for the amendment.

Mr. MOFFETT. If the gentleman will continued to yield, if only I could have the chairman indicate whether on the State plan for inventory of existing sites there is, at least in the spirit of what we are doing here, a requirement for the State to——

The CHAIRMAN. The time of the gentleman from Illinois (Mr. FINDLEY) has expired.

(At the request of Mr. MOFFETT and by unanimous consent, Mr. FINDLEY was allowed to proceed for 1 additional minute.)

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

Mr. FINDLEY. I yield to the gentleman from Connecticut.

Mr. MOFFETT. If in fact we are interested to the extent practicable to have the towns and the localities involved as that inventory is compiled.

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

Mr. FINDLEY. I yield to the gentleman from New Jersey.

Mr. FLORIO. The gentleman is asking a question somewhat different from the amendment.

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

Mr. FINDLEY. I yield to the gentleman from Connecticut.

Mr. MOFFETT. I understand that.

Mr. FLORIO. But the general answer is that yes there is public participation that is provided for in the overall adoption of the State plan. The section that the gentleman is concerned about that is in this bill, the inventory of abandoned sites, is a component of the State plan or will be as a result of the passage of this law. So there is an opportunity for full participation by the citizens in the adoption of the overall plan, a component of which is the inventory provision.

Mr. MOFFETT. I thank the gentleman.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois (Mr. FINDLEY).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. BEVILL

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

The Clerk read as follows:

Amendment offered by Mr. BEVILL. Page 4, line 10, strike out "paragraph" and insert in lieu thereof "paragraphs".

Page 4, line 17, strike out the close quotation marks and the period following.

Page 4, after line 17, insert the following:

"(3)(A) Notwithstanding the provisions of paragraph (1) of this subsection, each waste listed below shall, except as provided in subparagraph (B) of this paragraph, be subject only to regulation under other applicable provisions of Federal or State law in lieu of this subtitle until at least six months after the date of submission of the applicable study required to be conducted under subsection (f), (o), (p), or (q) of section 8002 of this Act and after promulgation of regulations in accordance with subparagraph (C) of this paragraph:

"(i) Fly ash waste, bottom ash waste, slag waste, and flue gas emission control waste generated primarily from the combustion of coal or other fossil fuels.

"(ii) Solid waste from the extraction, beneficiation, and processing of ores and minerals, including phosphate rock and uranium ore.

"(iii) Cement kiln dust waste.

"(B)(i) Owners and operators of disposal sites for wastes listed in subparagraph (A) may be required by the Administrator, through regulations prescribed under authority of section 2002 of this Act—

"(I) as to disposal sites for such wastes which are to be closed, to identify the locations of such sites through surveying, platting, or other measures, together with recordation of such information on the public record, to assure that the locations where such wastes are disposed of are known and can be located in the future, and

"(II) to provide chemical and physical analysis and composition of such wastes, based on available information, to be placed on the public record.

"(ii)(I) In conducting any study under subsection (f), (o), (p), or (q) of section 8002 of this Act, any officer, employee, or authorized representative of the Environmental Protection Agency, duly designated by the Administrator, is authorized, at reasonable times and as reasonably necessary for the purposes of such study, to enter any establishment where any waste subject to such study is generated, stored, treated, disposed of, or transported from; to inspect, take samples, and conduct monitoring and testing; and to have access to and copy records relating to such waste. Each such inspection shall be commenced and completed with reasonable promptness. If the officer, employee, or authorized representative obtains any samples prior to leaving the premises, he shall give to the owner, operator, or agent in charge a receipt describing the sample obtained and if requested a portion of each such sample equal in volume or weight to the portion retained. If any analysis is made of such samples, or monitoring and testing performed, a copy of the results shall be furnished promptly to the owner, operator, or agent in charge.

"(II) Any records, reports, or information obtained from any person under subclause (I) shall be available to the public, except that upon a showing satisfactory to the Administrator by any person that records, reports, or information, or particular part thereof, to which the Administrator has access under this subparagraph if made public, would divulge information entitled to protection under section 1905 of title 18 of the United States Code, the Administrator shall consider such information or particular portion thereof confidential in accordance with the purposes of that section, except that such record, report, document, or information may be disclosed to other officers, employees, or authorized representatives of the United States concerned with carrying out this Act. Any person not subject to the provisions of section 1905 of title 18 of the United States Code who knowingly and willfully divulges or discloses any information entitled to protection under this subparagraph shall, upon conviction, be subject to a fine of not more than $5,000 or to imprisonment not to exceed one year, or both.

"(iii) The Administrator may prescribe regulations, under the authority of this Act, to prevent radiation exposure which presents an unreasonable risk to human health from the use in construction or land reclamation (with or without revegetation) of waste from the extraction, beneficiation, and processing of phosphate rock or the extraction of uranium ore.

"(iv) Whenever on the basis of any information the Administrator determines that any person is in violation of any requirement of this subparagraph, the Administrator shall give notice to the violator of his failure to comply with such requirement. If such violation extends beyond the thirtieth day after the Administrator's notification, the Administrator may issue an order requiring compliance within a specified time period or the Administrator may commence a civil action in the United States district court in the district in which the violation occurred for appropriate relief, including a temporary or permanent injunction.

"(C) Not later than six months after the date of submission of the applicable study required to be conducted under subsection (f), (o), (p), or (q) of section 8002 of this Act, the Administrator shall, after public hearings and opportunity for comment, either determine to promulgate regulations under this subtitle for each waste listed in subparagraph (A) of this paragraph or determine that such regulations are unwarranted. The Administrator shall publish his determination, which shall be based on information developed or accumulated pursuant to such study, public hearings, and comment, in the Federal Register accompanied by an explanation and justification of the reasons for it.".

Page 19, line 12, after "Act" strike out all that follows through the colon on line 13 and insert in lieu thereof the following.

is amended—

(1) by striking out the last sentence of subsection (f) of such section and inserting in lieu thereof the following: "Not later than thirty-six months after the date of the enactment of the Resource Conservation and Recovery Act Amendments of 1979, the Administrator shall publish a report of such study and shall include appropriate findings and recommendations for Federal and non-Federal actions concerning such effects. Such report shall be submitted to the Committee on Environment and Public Works of the Senate and the Committee on Interstate and Foreign Commerce of the House of Representatives."; and

(2) by adding the following new subsections at the end thereof:

Page 21, line 3, strike out the close quotation marks and the period following:

Page 21, after line 3, insert the following:

"(o) Materials Generated From the Combustion of Coal and Other Fossil Fuels.—The Administrator shall conduct a detailed and comprehensive study on the adverse effects on human health and the environment, if any, of the disposal and utilization of fly ash waste, bottom ash waste, slag waste, flue gas emission control waste, and other by-product materials generated primarily from the combustion of coal or other fossil fuels. Such study shall include an analysis of—

"(1) the source and volumes of such materials generated per year;

"(2) present disposal and utilization practices;

"(3) potential danger, if any, to human health and the environment from the disposal and reuse of such materials;

"(4) documented cases in which danger to human health or the environment from surface runoff or leachate has been proved;

"(5) alternatives to current disposal methods;

"(6) the costs of such alternatives;

"(7) the impact of those alternatives on the use of coal and other natural resources; and

"(8) the current and potential utilization of such materials.

In furtherance of this study, the Administrator shall, as he deems appropriate, review studies and other actions of other Federal and State agencies concerning such waste or materials and invite participation by other concerned parties, including industry and other Federal and State agencies, with a view towards avoiding duplication of effort. The Administrator shall publish a report of such study, which shall include appropriate findings, not later than thirty-six months after the date of enactment of the Resource Conservation and Recovery Act Amendments of 1979. Such report shall be submitted to the Committee on Environment and Public Works of the Senate and the Committee on Interstate and Foreign Commerce of the House of Representatives.

"(p) Cement Kiln Dust Waste.—The Administrator shall conduct a detailed and comprehensive study of the adverse effects on human health and the environment, if any, of the disposal of cement kiln dust waste. Such study shall include an analysis of—

"(1) the source and volumes of such materials generated per year;

"(2) present disposal practices;

"(3) potential danger, if any, to human health and the environment from the disposal of such materials;

"(4) documented cases in which danger to human health or the environment has been proved;

"(5) alternatives to current disposal methods;

"(6) the costs of such alternatives;

"(7) the impact of those alternatives on the use of natural resources; and

"(8) the current and potential utilization of such materials.

In furtherance of this study, the Administrator shall, as he deems appropriate, review studies and other actions of other Federal and State agencies concerning such waste or materials and invite participation by other concerned parties, including industry and other Federal and State agencies, with a view towards avoiding duplication of effort. The Administrator shall publish a report of such study, which shall include appropriate findings, not later than thirty-six months after the date of enactment of the Resource Conservation and Recovery Act Amendments of 1979. Such report shall be submitted to the Committee on Environment and Public Works of the Senate and the Committee on Interstate and Foreign Commerce of the House of Representatives.

"(q) Materials Generated From the Extraction, Beneficiation, and Processing of Ores and Minerals, Including Phosphate Rock and Uranium Mining Ore.—The Administrator shall conduct a detailed and comprehensive study on the adverse effects or human health and the environment, if any, of the disposal and utilization of solid waste from the extraction, beneficiation, and processing of ores and minerals, including phosphate rock and uranium ore. Such study shall be conducted in conjunction with the study of mining wastes required by subsection (f) of this section and shall include an analysis of—

"(1) the source and volumes of such materials generated per year;

"(2) present disposal and utilization practices;

"(3) potential danger, if any, to human health and the environment from the disposal and reuse of such materials;

"(4) documented cases in which danger to human health or the environment has been proved;

"(5) alternatives to current disposal methods;

"(6) the costs of such alternatives;

"(7) the impact of those alternatives on the use of phosphate rock and uranium ore, and other natural resources; and

"(8) the current and potential utilization of such materials.

In furtherance of this study, the Administrator shall, as he deems appropriate, review studies and other actions of other Federal and State agencies concerning such waste or materials and invite participation by other concerned parties, including industry and other Federal and State agencies, with a view towards avoiding duplication of effort. The Administrator shall publish a report of such study, which shall include appropriate findings, in conjunction with the publication of the report of the study of mining wastes required to be conducted under subsection (f) of this section. Such report and findings shall be submitted to the Committee on Environment and Public Works of the Senate and the Committee on Interstate and Foreign Commerce of the House of Representatives.".

Mr. BEVILL (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 Alabama?

There was no objection.

□ 1800

Mr. BEVILL. Mr. Chairman, I rise to offer an amendment to H.R. 3994, the Resource Conservation and Recovery Act Amendments of 1979. I believe this amendment is of vital importance to our Nation, particularly in light of the President's recent focus of our attention on the need to develop our domestic coal resources.

Mr. Chairman, I am pleased to report that this amendment has been discussed with the leadership, and that the distinguished chairman of the Interstate and Foreign Commerce Committee, Mr. STAGGERS, has indicated his support of the amendment.

The amendment would encourage development of coal as a primary domestic source of energy, avoid unnecessary inflationary impact, and focus the efforts of the Environmental Protection Agency in implementing the Resource and Conservation and Recovery Act toward activities truly necessary to protect public health and the environment specifically, it would require EPA to defer imposition of regulatory requirements on the disposal of the waste byproduct of fossil fuel combustion, of discarded mining materials and of cement kiln dust waste until after EPA has completed studies to determine whether, if at all, these materials present any hazard to human health or the environment. These studies would include evaluation of the economic and environmental aspects of existing and alternative disposal and reuse options. EPA would also be required to focus on the impact of these alternatives on the use of our coal and other natural resources.

As the Members of this body are aware, the Environmental Protection Agency has begun to implement the statutory mandate of the Resource Conservation and Recovery Act of 1976. No one will dispute the importance of development of meaningful regulation to deal with the truly hazardous waste products which threaten our communities and the environment. This amendment would in no way limit EPA's appropriate attention to such dangerous waste products.

Quite to the contrary, it would clarify this bodys intention that EPA not digress from issues demanding immediate attention. But attempting to include within EPA's initial regulatory system such material as fly ash, bottom ash, slag, and flue gas emission control waste—the byproduct of burning coal and other fossil fuels—would constitute precisely such a digression. I am aware of no evidence that in the many years in which fossil fuels have been burned in this country, their waste disposal has ever presented a "substantial-hazard to human health or the environment," the statutory standard for regulation as a hazardous waste. Yet unless this House provides EPA with clear guidance on this issue, EPA apparently intends to impose regulatory restrictions on the management of these byproduct materials that would discourage the use of coal.

Let me be quite candid in expressing my particular concern that the House not allow EPA to take steps that will discourage the use of coal. Mr. Chairman, I have the honor to serve as chairman of the Energy and Water Development Appropriation Subcommittee which funds some 70 percent of the Department of Energy's research and development programs. For the past several years when that Department appears before our subcommittee they testify at some length on the options this country has in the energy field. I do not disagree that we should be exploring and developing all the energy options we can. Increased use of our Nation's coal supplies as a primary element in our effort to eliminate our reliance on foreign energy sources is an option that we must exercise. We possess the world's largest reserves of coal. We must provide incentives, not disincentives, for its use.

I am not suggesting that increased development of coal resources should occur at the cost of our health or reasonable environmental protection. But I am suggesting that we concern ourselves with removing unnecessary roadblocks to the development of our coal resources.

The effect on coal usage of the regulations EPA has proposed under RCRA clearly would constitute an unnecessary and ill-timed regulatory burden. Responsible estimates of their impact by the utility industry—a major consumer of fossil fuel in this Nation—indicated a $1 billion increase in the cost of the production of electricity from coal over the first 3 years they are imposed. Additional billions of dollars of costs would be imposed over the coming decades. These costs are likely to be passed along to consumers, with an immediate inflationary impact. Moreover, imposition of these costs on those who burn coal cannot help but discourage the switching from reliance on oil to reliance on domestic coal.

It is hard to underestimate the importance of such fuel switching to our national interests. Consider, for example, the case of the Consolidated Edison Co., which supplies electricity for the Greater New York City area. Ninety percent of that company's electrical generating capacity is now oil fired. If Consolidated Edison is able to convert only three of its oil burning plants to coal burning capacity—as the company has proposed—it would save 15 million barrels of imported oil per year.

Consolidated Edison proposed just such a conversion over 56 years ago. Yet it has still not been able to obtain Federal and State approval of its plan. It would be totally senseless to impose another level of regulatory restrictions on such a conversion, or to discourage Consolidated Edison's efforts with additional restrictions on its operations, if there is in fact no substantial, factual basis for imposing these additional requirements.

And this, Mr. Chairman, is the situation we are faced with: EPA has itself recognized that it has "very little information on the composition, characteristics, and degree of hazard posed by these wastes." In its announcement, printed in the Federal Register of December 18, 1978, EPA announced it did not have data on the effectiveness of current or potential waste management technologies or the technical or economic practicability of imposing its proposed regulations. In that same announcement EPA also stated that it believed that any potential hazards presented by the materials "are relatively low."

Mr. Chairman, this amendment would require EPA to promptly undertake studies to fill these gaps in the agency's knowledge, and to determine whether there is any health or environmental problem from the disposal of these coal by-product wastes and other materials listed on subparagraph A of the amendment. I am certain that all would agree that it would be unreasonable for EPA to impose costly and burdensome regulatory requirements without knowing if a problem really exists, and if it does, the true scope and nature of that problem.

The amendment directs that EPA complete these studies promptly. Let me note, in addition, that numerous existing Federal and State programs under regulatory authorities other than RCRA, assure that the disposal of these materials will not go unregulated. For example, no meaningful environmental review or environmental impact statement can ignore the need for appropriate waste disposal facilities. In addition, many States have imposed powerplant siting acts, which require a full evaluation of the environmental aspects of utility operations, and utilities are a major user of coal.

Another example, of an existing regulatory program is EPA's water discharge

permit program under the Federal Water Pollution Control Act. Thus, while this amendment will place a moratorium on regulation of these wastes under RCRA, it cannot be said that it would allow unregulated use of a potentially dangerous material. It will not exempt disposal of these materials from regulatory programs under these other statutes. Nor will it preclude EPA from imposing reasonable requirements to keep track of where these waste materials are being disposed while the required study is being completed. Quite the contrary, the amendment specifically authorizes EPA to identify the location of closed sites through the normal processes of surveying, platting, and public recordation. This will allow identification of these sites in the future, if this becomes necessary. The amendment also authorizes EPA to collect information on the chemical and physical composition of these wastes. This information already is generally available: This authorization is not a directive to EPA to require additional analysis and testing, but rather to collect and place on the public record the significant data that is already available.

Let me now turn to several specific elements of the amendment as it relates to encouraging the use of coal.

First, the amendment covers fly ash waste, bottom ash waste, slag waste, and flue gas emission control waste generated primarily from the combustion of coal and other fossil fuels. I have carefully chosen these phrases, in order to allow utilities and others who burn coal and other fossil fuels mixed with other materials—such as municipal waste, also known as "refuse derived fuel"—to avoid being saddled with the unnecessary regulatory burdens EPA has proposed simply because they are being innovative or seeking to improve our use of our resources. For as this Nation seeks to develop coal, we must also seek to develop alternate energy sources.

It is the sponsor's intention that this list of waste materials in the amendment be read broadly, to incorporate the waste products generated in the real world as a result of the combustion of fossil fuels. We do not believe that these terms should be narrowly read and thus impose regulatory burdens upon those who seek to assist the Nation by burning coal. EPA should recognize that these "waste streams" often include not only the byproducts of the combustion of coal and other fossil fuels, but also relatively small proportions of other materials produced in conjunction with the combustion, even if not derived directly from these fuels. EPA should not regulate these waste streams because of the presence of these materials, if there is no evidence of any substantial environmental danger from these mixtures.

Second, the amendment mandates studies that will encompass not simply waste disposal, but the potential reuses of these byproducts, before they become waste materials. Reuse is important for several reasons. There no longer can be any denying of the need for us to conserve our precious natural resources. Indeed, a national commitment to encourage reuse of such materials as fly ash was a key element of RCRA—the Resource Conservation and Recovery Act—which, unfortunately, seems to have not received adequate attention at EPA.

In addition, reuse of these byproduct materials saves energy. For example, EPA representatives have estimated that a 20-percent use fly ash in cement would result in a 15-percent savings in the amount of energy used to produce that cement. This would be a significant portion of all energy consumed in U.S. manufacturing industries, for example, 3.5 percent in 1975. Also, reuse of these materials is cost effective. EPA officials have estimated that the use of fly ash in federally sponsored concrete construction would save taxpayers 10 to 15 percent of the cost of those projects.

EPA's studies should not proceed in a vacuum. Numerous studies have been undertaken in recent years with regard to disposal of these fossil fuel byproduct materials.

These studies have been sponsored by EPA, the Department of Energy, the electric utility industry, and others. None of these efforts has been comprehensive or provided the full factual basis necessary for reasoned decisionmaking. Yet each provided a portion of the foundation for further work. EPA should build on these earlier studies, not repeat them, in the efforts it undertakes under this amendment.

Moreover, EPA should seek the assistance and cooperation of those most expert in this field. With regard to fossil fuel byproducts, I include in this category not only representatives of coal-burning industries, but personnel from other agencies of Government that are aware of the role coal plays in our national energy policy, or of actual disposal and utilization practices. These agencies include the Department of Energy, the Department of the Interior, the Federal Highway Administration, Department of Commerce, the Department of Agriculture, among others. In the face of our current energy crisis and the increasing costs of Government, American taxpayers cannot afford to have separate agencies of Government working without coordination. Instead, we need a cooperative, informed effort directed to the goals the President has set for us.

Finally, let me direct the House's attention to the fact that after EPA concludes these studies, it will be required to obtain public views on them and to make known whether, as a result of this process, EPA believes any regulation of these materials is necessary. This requirement is especially important in view of our national commitment to develop a coherent and consistent policy toward the use of our coal and other energy resources.

This requirement will focus public attention on the issue of whether regulation is consistent with our national policy goals. It will also allow interested parties to evaluate the basis of the Agency's decision, and to address the question of what degree of regulation, if any, is appropriate.

Mr. Chairman, I would close by citing just a few of these national policy goals. The President has asked that we establish an Energy Mobilization Board to expedite development of critical energy facilities. It makes no sense for EPA to simultaneously impose unnecessary regulations on coal users. The President has asked that we require utilities to cut oil consumption by 50 percent. This requires that they burn coal. It makes no sense for EPA to simultaneously act to discourage coal conversions and constructions of new coal-fired capacity. The President has asked that we join hands to fight inflation. It makes no sense for EPA to needlessly impose expensive regulations. For those reasons, Mr. Chairman, I urge the adoption of this amendment.

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

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

Mr. HORTON. Mr. Chairman, I rise in support of the Bevill amendment.

As a legislator who is greatly concerned with both the serious environmental and energy problems with which this country is now faced, I want to insure that the scope of this amendment suspending the full regulation of utility waste during a study of the hazards of such waste is made explicitly clear. Presently, utility companies are combining with local governments to utilize refuse derived fuel, in combination with traditional fossil fuels, for the generation of steam and electricity. My own district, for example, is in the forefront of this commendable undertaking.

Refuse derived fuel, or as it is commonly known, RDF, is a component of relatively harmless municipal wastes. It consists primarily of paper products which are extracted from municipal refuse by means of sophisticated resource recovery technology that separates trash into various waste streams including sand, glass, metals, and the refuse derived fuel. The RDF produced can then be burned with coal or other fossil fuels in utility company boilers as part of the electric and steam generation processes. Use of RDF in this manner will reduce pollution from solid waste and contribute to conservation of our natural fossil fuel resources. Significantly, one purpose of the Resource Conservation and Recovery Act was to promote this very type of activity.

This amendment suspending the full regulation of utility waste recognizes that EPA regulations could have a great impact on the utilization of fossil fuels even though it has not been determined whether a sufficient degree of hazard exists to warrant additional regulation. Once RDF is combined with coal in the combustion process, the RDF and coal ash wastes are commingled and for all practical purposes are inseparable. Thus, likewise, the EPA regulations would have a significant impact on the utilization of RDF. At a time when the use of RDF is in its fledgling stages, an additional burden posed by such regulation on the use of RDF could prove to be the death knell for a promising alter-

nate fuel source, the use of which also makes a much needed contribution to alleviation of solid waste disposal problems.

Of course, since RDF is made up of municipal refuse, its composition may vary from time-to-time and from place-to-place and the possibility that a sample of RDF may now and then meet one of EPA's tests for identification of hazardous waste cannot be ruled out. However, metals, glass and other potentially harmful substances will have been removed from the RDF, so that the residue from its combustion should provide little risk of harm. Thus, as with residue from fossil fuel combustion, additional studies of combined RDF and coal ash residue should be undertaken to determine whether these wastes pose any hazards which warrant additional stringent regulation.

Accordingly, I wish to make it clear that this amendment is intended to cover waste from the combined combustion of RDF and fossil fuels. The language of this amendment differs significantly from that used by EPA in its proposed hazardous waste regulations, and the purpose of this difference is to extend coverage of the amendment to circumstances where fossil fuels are burned in conjunction with other materials such as RDF. So long as more than 50 percent of a fuel mix consists of a fossil fuel, the waste generated from the combined fuel mix is subject to this amendment despite the fact that the volume of the waste ash resulting from each of the fuels being burned may not be directly proportional to the volume, tonnage or Btu value of the fuel inputs.

Refuse derived fuel, in combination with traditional fossil fuels, offers municipalities a means of reducing their costs. In my own district there are plans to burn both coal and RDF sometime next year. It is my understanding that unless your amendment is adopted, the Environmental Protection Agency will promulgate regulations bringing a number of wastes under the hazardous waste program.

Would your amendment cover waste from combined combustion of refuse derived fuel and fossil fuel?

Mr. BEVILL. The gentleman is correct. This amendment offers this mixture completely.

Mr. HORTON. I thank the gentleman and I indicate my support for his amendment. I think it is a good amendment and I hope it is adopted.

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

Mr. BEVILL. I yield to the gentleman from Illinois.

Mr. FINDLEY. Mr. Chairman, much of the debate surrounding the Resource Conservation and Recovery Act tends to emphasize the need for stricter environmental controls for handling hazardous wastes. However, for such wastes as fly ash and slag, less control is needed.

In December of 1978, the U.S. EPA in its wisdom proposed regulations for the handling of what the Agency characterizes as "special hazardous wastes." Earning this special distinction are such materials as fly ash, slag, and bottom ash which are the residue from burning coal. EPA wants to regulate this byproduct material even though the Agency admits its not sure whether a potential threat to people or the environment exists from these wastes. However, if EPA is successful in issuing rules regulating these special wastes, a now flourishing industry which recycles these byproducts would be gravely disrupted and possibly closed down.

Responding to this regulatory threat, I introduced H.R. 4658 in June of this year to force EPA to suspend additional regulations pending a detailed study by the Agency of the degree of hazard—if any—posed by these materials, the adequacy of present disposal methods, and current and potential reuse.

My bill is important to Illinois and other coal producing States because nearly 63 million tons of fly ash and bottom ash are currently being collected each year. Although this material is being used for road construction, in brick manufacturing to replace clay, in manufacturing roofing felt, to absorb oil spills, for grouting, and for a variety of other uses, EPA wants to limit its use.

If the Agency is successful in classifying fly ash and slag as hazardous wastes, their reuse will be discouraged or eliminated. EPA's decision to treat these relatively harmless byproducts as special hazardous wastes subject to stringent regulation will only hasten the decline of the coal industry in this country and that is something we can ill afford. In addition, it has been calculated that EPA's proposed regulations for these byproducts would add $1 billion over a 3-year period to the cost of producing electricity, costs which will be passed along to already inflation saddled consumers.

For all these reasons, I urge adoption of the amendment offered by my colleague from Alabama.

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

Mr. BEVILL. I yield to the gentleman from Connecticut (Mr. MOFFETT).

Mr. MOFFETT. I thank the gentleman for yielding. I think it is important we establish, and I think the gentleman has done a good job of that, establish exactly what is being done and what is not being done by this amendment. It is clear that there are some people, as I understand it, in the oil and gas industry who are outraged by any regulation or any prospect of regulation of oil and gas muds and brines. The gentleman has not really taken a stand on that issue, as I understand it, except to say in terms of time that right now we should focus on known hazards, we should focus on active and abandoned dump sites, and let their study go forward, by no means preclude in the future the regulation in some way of these other things, and let us find out what the study says.

Mr. BEVILL. The gentleman is correct. If their study shows there is any harmful material or any need for regulations, then we would want them.

Mr. MOFFETT. I thank the gentleman. I support the gentleman's amendment.

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

Mr. BEVILL. I yield to the gentleman from West Virginia (Mr. RAHALL).

Mr. RAHALL. I commend the gentleman from Alabama for his amendment. I rise in support of the Bevill amendment to the Resource Conservation and Recovery Act of 1976 that would require EPA to evaluate a variety of aspects of coal byproduct management before imposing regulations upon these materials under this act.

I view the proposed amendment as an integral element of our national energy policy. At a time when we are seeking to encourage electric utilities and others to switch from the burning of oil to coal, it would be highly inappropriate to place further unnecessary regulatory roadblocks in the way of increased coal usage.

Indeed, this amendment may very well serve the same purpose as the President's proposed Energy Mobilization Board. It will be a step toward the elimination of delay and unnecessary paperwork in the development of our domestic energy resources. Coal is our most abundant and readily available domestic energy source. To break the grip of foreign energy suppliers on our industry, we must promote its use, not deter it.

Mr. Chairman, avoidance of unnecessary regulation of coal byproducts is particularly important because of the impact such regulation will have on reuse.

I am proud to say that the State of West Virginia is in the forefront of reusing these valuable resources. Since 1975, over 300 miles of secondary roads constructed by the West Virginia Department of Highways have been based with cement-treated bottom ash. Compacted fly ash has similarly been utilized to control road embankment subsidence. In addition, pioneering work in the construction of br'ck and block from fly ash and slag has been undertaken in Morgantown, W. Va. by the coal research bureau at West Virginia University, and one of the world's largest roofing granule plants, which uses boiler slag as a raw material, is located in Moundsville, W. Va.

These are promising, but still new, developments. They are occurring in a fragile economic context, in a marketplace where they must compete with a variety of other natural aggregates and materials. It is obvious that the imposition of any expensive regulatory requirements on these developing industries will have a disastrous impact on them. It thus is vital that EPA fully evaluate a need for regulation, and the alternatives to various regulatory schemes, before blindly and only because coal is involved,

imposing regulation of these coal by-product materials.

I am not urging that EPA defer regulation necessary to protect the public health, safety, or the environment. But EPA itself has admitted that it has very little information on these materials, and that such information as it has indicates that they are at worst low-hazard materials. The amendment directs EPA to act promptly to increase its understanding of these materials and their handling. But it precludes EPA from acting precipitously to impose additional burdensome regulation.

In closing, let me comment on one aspect of the proposed amendment that I think is particularly important. As I have indicated, EPA has readily admitted its lack of familiarity with the processes in which coal is burned. This lack of familiarity must not, in and of itself, become the basis for overly broad regulation. I thus applaud the language of the amendment, which directs EPA to defer regulation of fly ash waste, bottom ash waste, slag waste, and flue gas emission control wastes. In the real world, these waste materials do not include solely fly ash, bottom ash, slag, or scrubber sludge. Quite often, other materials are mixed with these large volume waste streams, with no environmentally harmful effects, and often with considerable benefit—as when, for example, boiler cleaning acids are neutralized by being mixed with alkaline fly ash. These appear to me to be environmentally beneficial practices, which EPA should encourage. At the very least, however, the Agency should take no steps to discourage them until it has developed a full factual understanding of the situation. This amendment would assure that EPA allows all persons burning coal to avoid unnecessary regulation of the by-products produced by that combustion, as those byproducts are currently being managed in the real world, by real people, with real sense.

Mr. Chairman, all too often Federal regulators and the Congress have adopted programs without considering the interrelationship of those programs with other national goals. In the area of energy development and today's complex society we can no longer avoid this luxury. In recent weeks, the executive branch has offered its proposals to further this goal. It is now time for this House to pick up the ball. The amendment allows us the opportunity to do so; Mr. Chairman, I urge adoption of the amendment of the distinguished Chairman of the Appropriations Subcommittee on Public Works, the gentleman from Alabama (Mr. BEVILL).

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

Mr. BEVILL. I yield to the gentleman from Kentucky (Mr. PERKINS).

Mr. PERKINS. I want to compliment the gentleman for offering his amendment. I support the amendment and feel it is a good amendment.

Mr. BEVILL. I thank the gentleman.

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

Mr. BEVILL. I am happy to yield to the chairman of the committee, the gentleman from New Jersey (Mr. FLORIO).

Mr. FLORIO. I, too, would like to compliment the gentleman for the hard work that went into the negotiations in order to come up with something that was acceptable for all.

I would like to ask the gentleman a question.

Some of the wastes associated with phosphate and uranium mining are radioactive and pose very serious known health hazards when improperly used or disposed. Your amendment allows EPA, during the study period, to regulate the use of wastes in construction materials and to regulate such wastes in order to prevent radiation exposure which would cause unreasonable risks to health doesn't it?

Mr. BEVILL. The gentleman is correct.

Mr. FLORIO. If the gentleman will yield further, I would like to submit for the RECORD the results of studies performed by EPA which demonstrate the known health risks associated with radioactive uranium and phosphate wastes.

CASE STUDIES ON KNOWN ADVERSE EFFECTS OF RADIOACTIVE PHOSPHATE AND URANIUM MINING WASTES

In a study of 93 homes built on reclaimed phosphate lands in Florida, EPA found radon daughter and gamma radiation concentrations vastly in excess of normal background levels. Analyses performed by EPA indicate that if individuals were to live in these homes throughout their lives, they would experience an average risk of lung cancer roughly 35 percent greater than that for the United States as a whole, as well as a higher risk of other types of cancer. For the 14,000 persons who now live on reclaimed phosphate lands in Florida, this translates into an additional 150 deaths from lung cancer (over and above the 420 which might be expected) and an additional 12 deaths from other types of cancer.

In another study of 187 homes built on land where uranium mill tailings had been deposited as construction fill, EPA found radon daughter concentrations which, over a lifetime of exposure, could be expected to triple the normal incidence of lung cancer. Residents of these homes were also exposed to gamma radiation triple that of normal background levels.

In a third study on the use of cement containing phosphate slag in 156 homes in Idaho, EPA again found highly elevated levels of gamma radiation, approximately three times current Federal radiation protection guidelines for members of the general population. Those levels present an even more serious risk for small children and pregnant women, the very individuals who tend to spend a larger portion of their time at home.

The CHAIRMAN. The time of the gentleman from Alabama has expired.

(On the request of Mr. WILLIAMS of Montana and by unanimous consent, Mr. BEVILL was allowed to proceed for 2 additional minutes.)

Mr. WILLIAMS of Montana. Mr. Chairman, will the gentleman yield?

Mr. BEVILL. I yield to the gentleman from Montana (Mr. WILLIAMS).

Mr. WILLIAMS of Montana. Mr. Chairman, I, too, want to commend the gentleman for his amendment.

Mr. Chairman, I rise in support of the amendment offered by the gentleman from Alabama.

This amendment would direct the Environmental Protection Agency to evaluate certain high volume, low toxicity wastes so as to assure a reasoned set of regulations by which to manage these wastes. My interest in this amendment is in the area of wastes from mineral production. Mining and processing of minerals is a major industry in my congressional district. My discussion of the wastes generated by the mining industry has illustrated for me the wisdom of this amendment.

As has been stated, this amendment would merely suspend regulation of these wastes for a reasonable period of time until more is known about them. What is known? With regard to slag wastes generated by the smelting of copper, the National Academy of Sciences has recently reported that it "is basically inert and weathers slowly. The slag produced 2,500 years ago at King Solomon's mines north of Eliat, Israel, has not changed perceptibly over time.

Should wastes such as smelting slag be subject to stringent regulations at this time? I think not—not until a thorough study is conducted by the responsible agency which clearly proves the need for additional regulation.

Mr. BEVILL. I thank the gentleman. May I urge each of my colleagues to vote for this amendment.

Mr. Chairman, I yield to the gentleman from West Virginia (Mr. STAGGERS).

Mr. STAGGERS. Mr. Chairman, I rise in support of the amendment offered by the distinguished gentleman from Alabama (Mr. BEVILL), and commend him for his diligent efforts in formulating a reasonable and balanced approach to a difficult issue. This amendment is necessary to insure that genuinely necessary environmental regulation does not include overregulation of coal mining and inhibit coal utilization. As everyone in this Chamber knows, the coal industry is vital to the economy of my State and to the solution of this Nation's energy problems. The EPA regulatory program being discussed here today is one of several Government regulatory programs which, in fact, discourage the increased utilization of coal by imposing overlapping and duplicative regulatory requirements. The program would have this unfortunate effect due to its proposed inclusion of both coal mining and coal combustion wastes within the scope of EPA's hazardous waste program in a "special waste" category. However, EPA admits to no factual or demonstrated basis for such an inclusion. Solid waste byproducts of the mining and combustion of coal and other fossil fuels have been present in the environment of this country since fossil fuels were first used and our practical experience has revealed no instance where ash, slag or sludge or mining waste has been shown to have posed a substantial hazard to human health or the environment.

One of the principle adverse impacts of this overboard regulatory program on fossil fuel combustion products would be to severely discourage their reuse. Such a

result would run counter to one of the principal designs of the Resource Conservation and Recovery Act—conservation of valuable material. The 1976 act sought to stimulate recovery and reuse of discarded materials and thereby lessen our solid waste burden. Coal combustion products, including particularly fly ash, provide significant beneficial reuses and substitution for other more costly materials. In particular, fly ash is used as a substitute in cement, used in road building, road approaches and fills of all types. The West Virginia Department of Highways and other State highway departments use substantial amounts of these materials in road construction and rebuilding each year. An additional potentially promising use is in strip mining reclamation. The act is intended to encourage, not discourage, such beneficial reuses.

Regulation of coal mining and disposal of mining wastes is presently covered by the Surface Mining Control and Reclamation Act of 1977. Further extensive regulation under RCRA, especially in the absence of any real need for such regulation, would be duplicative and extremely burdensome to the coal mining industry. This is the reason that I am offering an amendment today, to coordinate the requirements of this act with the Surface Mining Act. Because of the need to restrain such overregulation, I support the efforts of the distinguished gentlemen from Alabama to reverse EPA's proposed regulatory action and require the agency to determine first whether there is a problem which truly requires regulation of these wastes.

Mr. Chairman, I wish to underline one vital point regarding the Bevill amendment. We must avoid placing unnecessary roadblocks in the way of developing our coal resources. This amendment continues to subject specified byproducts of fossil fuel combustion, coal mining wastes and the other so-called special wastes to existing regulatory programs under presently applicable Federal and State laws, but would preclude, until after completion of the required study and rulemaking, any EPA regulation of these wastes under subtitle C of RCRA. This amendment is necessary to insure that the results of the studies to be undertaken have not been prejudged or undermined by imposition of regulation prior to an actual determination of the necessity for it. Suspending EPA regulation would also relieve the States of any requirement under EPA regulations implementing RCRA to promulgate additional regulations covering these materials at this time.

The amendment provides EPA with sufficient authority to obtain all information necessary to address the possible need for regulation of "special wastes." It also provides authority for regulation of phosphate- and uranium-mining wastes when a genuine human health hazard may exist. It is a balanced amendment that deals with a difficult problem and I urge its adoption.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Alabama (Mr. BEVILL).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. FLORIO

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

The Clerk read as follows:

Amendment offered by Mr. FLORIO: Page 21, after line 3, insert:

ENERGY AND MATERIALS RECOVERY

SEC. 4. (a) The Congress finds that—

(1) municipal solid waste contains valuable energy and material resources which can be recovered and used thereby conserving increasingly scarce and expensive fossil fuels and virgin materials;

(2) the recovery of energy and materials from municipal waste can have the effect of reducing the volume of the municipal waste stream and the burden of disposing of increasing volumes of solid waste;

(3) the technology to recover energy and materials from solid waste is of demonstrated commercial feasibility; and

(4) various communities throughout the nation have different needs and different potentials for utilizing techniques for the recovery of energy and materials from waste, and Federal assistance in planning and implementing energy and materials recovery programs should be available to all such communities on an equitable basis in relation to their needs and potential.

(b) Section 4001 of the Solid Waste Disposal Act (relating to objectives) is amended by inserting "including energy and materials which are recoverable from solid waste" after "valuable resources".

(c) Section 4002(c) of the Solid Waste Disposal Act (relating to guidelines for State plans) is amended in paragraph (11) by inserting after "recovered material" the following: "and energy and energy resources recovered from solid waste".

(d)(1) Section 4003 of the Solid Waste Disposal Act is amended by inserting "negotiating and" after "from".

(2) Section 4003 of the Solid Waste Disposal Act (relating to minimum requirements for State plans) is amended by inserting "(a) MINIMUM REQUIREMENTS.—" after "4003" and by adding the following new subsection at the end thereof:

"(b) ENERGY AND MATERIALS RECOVERY FEASIBILITY PLANNING AND ASSISTANCE.—(1) A State which has a plan approved under this subtitle or which has submitted a plan for such approval shall be eligible for assistance under section 4008(a)(3) if the Administrator determines that under such plan the State will—

"(A) analyze and determine the economic and technical feasibility of facilities and programs to recover energy and materials from municipal waste,

"(B) analyze the legal, institutional, and economic impediments to the development of systems and facilities for the recovery of energy and materials from municipal waste and make recommendations to appropriate governmental authorities for overcoming such impediments;

"(C) assist municipalities within the State in developing plans, programs, and projects to recover energy and materials from municipal waste; and

"(D) coordinate the resource recovery planning under subparagraph (C).

"(2) The analysis referred to in paragraph (1)(A) shall include—

"(A) the evaluation of, and establishment of priorities among, market opportunities for industrial and commercial users of all types (including public utilities and industrial parks) to utilize energy and materials recovered from municipal waste,

"(B) comparisons of the relative costs of energy recovered from municipal waste in relation to the costs of energy derived from fossil fuels and other sources, and

"(C) studies of the transportation and storage problems and other problems associated with the development of energy and materials recovery technology, including curbside source separation.

Such studies and analyses shall also include studies of other sources of solid waste from which energy and materials may be recovered.".

(e)(1) Section 4008(a)(1) of the Solid Waste Disposal Act is amended by inserting the following before the period at the end thereof: "(other than the provisions of such plans referred to in section 4003(b), relating to feasibility planning for municipal waste energy and materials recovery).".

(2) Section 4008(a) of such Act is amended by adding the following new paragraph at the end thereof:

"(3)(A) There is authorized to be appropriated for the fiscal year beginning October 1, 1981 and for each fiscal year thereafter before October 1, 1986, $4,000,000 for purposes of making grants to States to carry out section 4003(b). No amount may be appropriated for such purposes for the fiscal year beginning on October 1, 1986, or for any fiscal year thereafter.".

"(B) Assistance provided by the Administrator under this paragraph shall be used only for the purposes specified in section 4003(b). Such assistance may not be used for purposes of land acquisition, final facility design, equipment purchase, construction, startup or operation activities.

"(C) Where appropriate, any State receiving assistance under this paragraph may make all or any part of such assistance available to municipalities within the State to carry out the activities specified in section 4003(b)(1)(A) and (B).".

(3) Section 4008 of such Act is amended by adding the following new subsection at the end thereof:

"(f) ASSISTANCE TO MUNICIPALITIES FOR ENERGY AND MATERIALS RECOVERY PLANNING ACTIVITIES.—(1) The Administrator is authorized to make grants to municipalities, regional authorities, and intermunicipal agencies to carry out activities described in subparagraphs (A) and (B) of section 4003(b)(1). Such grants may be made only pursuant to an application submitted to the Administrator by the municipality which application has been approved by the State and determined by the State to be consistent with any State plan approved or submitted under this subtitle or any other appropriate planning carried out by the State.

"(2) There is authorized to be appropriated for the fiscal year beginning October 1, 1981 and for each fiscal year thereafter before October 1, 1986, $8,000,000 for purposes of making grants to municipalities under this subsection. No amount may be appropriated for such purposes for the fiscal year beginning on October 1, 1986, or for any fiscal year thereafter.".

"(3) Assistance provided by the Administrator under this subsection shall be used only for the purposes specified in paragraph (1). Such assistance may not be used for purposes of land acquisition, final facility design, equipment purchase, construction, startup or operation activities.".

(f) Section 4008(d) of the Solid Waste Disposal Act is amended by inserting "(1)" after "TECHNICAL ASSISTANCE.—" and by adding the following new paragraph at the end thereof:

"(2) In carrying out this subsection, the Administrator is authorized to provide technical assistance to States, municipalities, regional authorities, and intermunicipal agencies upon request, to assist in the removal or modification of legal, institutional, and economic impediments which have the effect of impeding the development of systems and facilities to recover energy and materials from municipal waste. Such impediments may include—

"(A) laws, regulations, and policies, in-

cluding State and local procurement policies, which are not favorable to resource recovery policies, systems, and facilities;

"(B) impediments to the financing of facilities to recover energy and materials from municipal waste through the exercise of State and local authority to issue revenue bonds and the use of State and local credit assistance; and

"(C) impediments to institutional arrangements necessary to undertake projects for the recovery of energy and materials from municipal waste, including the creation of special districts, authorities, or corporations where necessary having the power to secure the supply of waste of a project, to implement the project, and to undertake related activities.".

(g) Section 6003 of the Solid Waste Disposal Act is amended—

(1) by inserting "(a) GENERAL RULE.—" after "6003"; and

(2) by adding the following new subsection at the end thereof:

"(b) INFORMATION RELATING TO ENERGY AND MATERIALS RECOVERY.—The Administrator shall collect, maintain, and disseminate information concerning the market potential of energy and materials recovered from solid waste, including materials obtained through source separation. The Administrator shall identify the regions in which the increased substitution of such energy for energy derived from fossil fuels and other sources is most likely to be feasible, and provide information on the technical and economic aspects of developing integrated resource recovery systems which provide for the recovery of source-separated materials to be recycled. The Administrator shall utilize the authorities of subsection (a) in carrying out this subsection.".

NATIONAL ADVISORY COMMISSION ON RESOURCE RECOVERY

SEC. 5. (a) The Administrator of the Environmental Protection Agency shall establish, within 30 days after the date of the enactment of this Act, a commission to be known as the National Advisory Commission of Resource Recovery (hereinafter in this section referred to as the "Commission").

(b)(1) The Commission shall—

(A) after consultation with the appropriate Federal agencies, review budgetary priorities relating to resource recovery, determine to what extent program goals relating to resource recovery are being realized, and make recommendations concerning the appropriate program balance and priorities;

(B) review any existing or proposed resource recovery guidelines or regulations;

(C) determine the economic development potential of resource recovery, including the availability of markets for recovered energy and materials, and make recommendations concerning the utilization of such potential;

(D) identify, and make recommendations addressing, institutional obstacles impeding the development of resource recovery; and

(E) evaluate the status of resource recovery technology and systems including both materials and energy recovery technologies, recycling methods, and other innovative methods for extracting valuable resources from solid waste.

The review referred to in subparagraph (A) should include but not be limited to an assessment of the effectiveness of the Technical Assistance Panels, the Public Participation program and other program activities under the Solid Waste Disposal Act.

(2) Not later than March 15, 1981, the Commission shall transmit to the Administrator of the Environmental Protection Agency, the President, and to each House of the Congress a report containing the recommendations referred to in paragraph (1) and such other recommendations for legislation and administrative actions relating to resource recovery as it considers appropriate. Before March 15, 1981, the Commission may submit prelimary recommendations to the Administrator, the Office of Management and Budget, and other appropriate agencies for purposes of consideration in connection with the fiscal year 1982 budget.

(c) The Commission shall be composed of 9 members appointed by the Administrator of the Environmental Protection Agency from among persons who are not officers or employees of the United States and who are specially qualified to serve on the Commission by reason of their education, training, or experience. The membership of the Commission shall include persons who will represent the views of consumer groups, local government organizations, industry associations, and environmental and other groups, concerned with resource recovery. Members shall be appointed for the life of the Commission.

(d) Members of the Commission shall serve without pay. While away from their homes or regular places of business in the performance of services for the Commission, members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in Government service are allowed expenses under section 5703 of title 5 of the United States Code.

(e) Five members of the Commission shall constitute a quorum but a lesser number may hold hearings.

(f) The Chairman of the Commission shall be designated by the Administrator at the time of his appointment to the Commission.

(g) The Commission shall meet at the call of the Chairman or a majority of its members.

(h) With the approval of the Commission, the Chairman may procure temporary and intermittent services under section 3109(b) of title 5 of the United States Code.

(i) Upon request of the Commission, the Administrator of the Environmental Protection Agency or the head of any Federal agency is authorized to detail, on a reimbursable basis, any of the personnel of such agency to the Commission to assist the Commission in carrying out its duties under this section.

(j) The Commission may, for the purpose of carrying out this section, hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence, as the Commission considers appropriate.

(k) The Commission may secure directly from any department or agency of the United States information necessary to enable it to carry out this Act. Upon request of the Chairman, the head of such department or agency shall furnish such information to the Commission.

(l) The Administrator of General Services shall provide to the Commission on a reimbursable basis such administrative support services as the Commission may request.

(m) The Commission shall cease to exist upon submission of its report pursuant to this section.

SPECIAL COMMUNITIES

SEC. 6. Section 4008(e) of the Solid Waste Disposal Act is amended by—

(1) striking out "identify communities" in paragraph (1) thereof and substituting "identify local governments";

(2) striking out clause (A) thereof and redesignating clauses (B) and (C) as (A) and (B) respectively;

(3) striking out "solid waste disposal facilities in which more than 75 per centum of the solid waste disposed of is from areas outside the jurisdiction of the communities" in paragraph (1) thereof and substituting "a solid waste disposal facility (i) which is owned by the unit of local government, (ii) for which an order has been issued by the State to cease receiving solid waste for treatment, storage, or disposal, and (iii) which is subject to a State approved end-use recreation plan";

(4) striking out "which have" in clause (B) of paragraph (1), as redesignated by paragraph (2) of this section, and substituting the following "which are located over an aquifer which is the source of drinking water for any person or public water system and which has";

(5) inserting before the period at the end of paragraph (1): ", including possible methane migration";

(6) striking out "each of the fiscal years 1978 and 1979" in paragraph (2) and substituting "the fiscal year 1980";

(7) striking out "the conversion, improvement" in the first sentence of paragraph (2) and all that follows down through the period at the end of such sentence and substituting "containment and stabilization of solid waste located at the disposal sites referred to in paragraph (1)";

(8) inserting the following new sentence at the end of paragraph (2): "No unit of local government shall be eligible for grants under this paragraph with respect to any site which exceeds 65 acres in size."; and

(9) striking out paragraph (3) thereof.

NOTIFICATION

SEC. 7. Section 3010(a) of the Solid Waste Disposal Act is amended by striking out "or revision" and by inserting the following at the end of the first sentence thereof: "In revising any regulation under section 3001 identifying additional characteristics of hazardous waste or listing any additional substance as hazardous waste subject to this subtitle, the Administrator may require any person referred to in the preceding sentence to file with the Administrator (or with States having hazardous waste permit programs under section 3006) the notification described in the preceding sentence.".

Page 21, line 6, strike out "SEC. 3." and substitute "SEC. 8.".

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

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

There was no objection.

Mr. FLORIO. Mr. Chairman, I have an amendment at the desk that I would like to bring to the floor for consideration.

This amendment addresses two critical issues facing our Nation's communities today: Uncertain energy and materials supplies an overabundance of garbage with ever-decreasing disposal alternatives. It is critical that we begin to develop alternative energy and material sources and more carefully manage our land resources that are otherwise destined to become garbage dumps.

This amendment takes one modest step towards addressing both of these problems by providing a means for States and localities to reassess their energy recovery and solid waste disposal alternatives.

This amendment to the Resource Conservation and Recovery Act provides technical and financial assistance to States and localities for waste-to-energy feasibility planning. A total of $12 million is provided for such planning with $4 million available to States and $8 million available to localities.

In order to receive this assistance both States and localities must show intent to perform the necessary analysis to de-

termine the feasibility of recovering energy and materials from waste. Also, in order to ensure Statewide coordination of solid waste planning, localities must receive State approval of the grant application as a condition for receiving Federal assistance.

No funds are to be used for nonplanning actions such as land acquisition or construction.

This amendment also provides technical assistance for addressing legal and institutional barriers to private sector development of waste-to-energy as well as encouraging the evaluation of market opportunities for recovered resources.

The amendment requires the administrator of the environmental protection agency to establish a "clearing house" of resource recovery information available to both public and private sector users.

Finally, the amendment directs the administrator of the environmental protection agency to establish a National Advisory Commission on Resource Recovery. The Commission is authorized to make recommendations to the President and the Congress regarding the effectiveness of the resource recovery programs, the economic development potential of waste-to-energy and materials recovery, and innovative technology and systems for the recovery of energy and materials from solid waste.

I feel that this amendment provides the appropriate impetus for encouraging the development of waste-to-energy and look forward to favorable action on this matter today.

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

Mr. FLORIO. I am happy to yield to the gentleman from Illinois (Mr. MADIGAN).

Mr. MADIGAN. I thank the gentleman for yielding. I wish this amendment could have been ready earlier so it could have been part of the bill as it came to the floor of the House. But there were a lot of technical problems involved in getting this amendment ready.

□ 1810

It is an excellent addition to the bill. I want to congratulate the gentleman for the hard work he did on getting the amendment finally together, and urge the Members of the House to support it.

Mr. FLORIO. I thank the gentleman for his kind comments, and publicly express my appreciation for his support in the development of this entire piece of legislation.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New Jersey (Mr. FLORIO).

The amendment was agreed to.

AMENDMENT OFFERED BY MS. MIKULSKI

Ms. MIKULSKI. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Ms. MIKULSKI: Page 6, strike out line 4 and substitute: "a comma and the following at the end of such paragraph"

Page 6, line 6, insert "knowingly" after "(4)".

Page 6, line 9, strike out all that follows "and" down through "(B)" in line 12 and substitute "who".

Page 6, strike out line 15 and substitute: handling of hazardous waste, or

"(5) transports, treats, stores, or disposes of any hazardous waste identified or listed under this subtitle in reckless disregard of the fact that he thereby causes or creates a substantial danger or risk to human life or health";

(2) striking out "knowingly" in so much of such section 3008(d) as precedes paragraph (1) thereof;

(3) inserting "knowingly" after "(1)", "(2)", and "(3)";

(4) inserting after "$25,000" the following "($50,000 in the case of a violation of paragraph (1), (2), or (5))";

(5) inserting after "one year" the following "(two years in the case of a violation of paragraph (1), (2), or (5))"; and

(6) by striking out the last sentence thereof.

Page 6, line 22, strike out "and".

Page 6, line 23, strike out the period and substitute: "; and ".

Page 6, after line 23, insert:

(3) by adding the following new subsection at the end thereof:

"(e) RECKLESS.—For purposes of subsection (d)(5), a person's state of mind is reckless with respect to—

"(1) an existing circumstance if he is aware of a substantial risk that the circumstance exists but disregards the risk; or

"(2) a result of his conduct if he is aware of a substantial risk that the result will occur but disregards the risk.

For purposes of this subsection, a substantial risk is a risk that is of such a nature and degree that to disregard it constitutes a gross deviation from the standard of care that a reasonable person would exercise in such a situation.".

Ms. MIKULSKI (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 gentlewoman from Maryland?

There was no objection.

Ms. MIKULSKI. Mr. Chairman, the episodes of illegal, surreptitious dumping which have come to light in recent years make it clear that law enforcement authorities must have strong and effective tools to prosecute violators of the hazardous waste laws.

Hazardous waste violations have had a tremendous effect not just on a few individuals, but on whole cities and ecosystems. Because of the dumping of toxic chemicals in Louisville, Ky.'s sewer system, that city's sewage treatment plant was unable to function properly, causing untreated sewage to enter the Ohio River and endanger the drinking water supplies of cities downriver. The James River, and to a lesser degree the entire Chesapeake Bay ecosystem, was contaminated because kepone was dumped into the water.

Lives have been endangered by the reckless storage and disposal of hazardous wastes throughout the United States. From my own State of Maryland, where PCB's and explosive chemicals were stored in old tanks without proper permits, to California, where the pesticide DBCP has been dumped in mines and lagoons, which then seeped into ground water supplies used for drinking, there has been a frightening pattern across this country of flagrant disregard for law and safety. A few lawbreakers have endangered entire areas—and then it is up to the taxpayers to clean it up.

Mr. Chairman, under present law any person who knowingly transports, treats, stores, or disposes of hazardous waste without a permit is subject only to prosecution for a misdemeanor—a $25,000 fine or 1 year in jail.

My amendment would raise this penalty to 2 years in jail and a fine of $50,000 for violations of the provisions of RCRA noted above. It would also provide that any person who transports, treats, stores, or disposes of any hazardous waste in reckless disregard of the fact that he or she is creating a substantial danger or risk to human life or health, will be subject to the same penalty.

Designating violations of RCRA as felonies will give us the deterrent we need. Violators will be more likely to be caught and prosecuted if my amendment is adopted because of the greater priority given to felonious offenses.

Everyone who has considered the problem of hazardous waste disposal acknowledges that the most important element in getting control over the proliferating problem of hazardous waste is a vigorous enforcement effort. I believe that the tools provided by this amendment will significantly aid in that effort.

Mr. FLORIO. Mr. Chairman, will the gentlewoman yield?

Ms. MIKULSKI. I yield to the gentleman from New Jersey.

Mr. FLORIO. Mr. Chairman, I would like to first state again the valuable contribution of the gentlewoman, a member of the subcommittee, in the formulation of this piece of legislation, and then to say that I am very happy to support her amendment.

Her amendment is a vital part of the total regulatory process. We are going to be putting in regulations to eliminate inappropriate disposal, and unless we have the appropriate law enforcement tools, alternatives will be the illegal dumping. We have got to make sure that there are stiff and sure penalties for illegal dumping so that from this point forward there will be no Love Canals in this country. So, I commend the gentlewoman for this very important piece of legislation, and support her amendment.

Ms. MIKULSKI. I thank the gentleman.

Mr. MOFFETT. Mr. Chairman, will the gentlewoman yield?

Ms. MIKULSKI. I yield to the gentleman from Connecticut.

Mr. MOFFETT. Mr. Chairman, I rise in strong support of the Mikulski amendment.

Hazardous waste is the biggest environmental problem of the 1980's. We are just beginning to realize the incredible magnitude of the problem when toxic wastes are disposed of in an environmentally unsound manner. For years, we have ignored the disposal problem and concentrated on cleaning up the environment from pollution that is generated during actual operation.

This nationwide problem is nowhere more evident than in Connecticut—

Torrington: Asbestos dump left by an old company that went out of business. Asbestos was not found until workers went in to break ground for a new shopping center. Asbestos is known to be a carcinogenic substance.

Southington: High levels of toxic chemicals from an industry disposal site leached into community's groundwater. At least two wells have been closed. The town has had a hard time finding emergency supply of water and now are trying to get drinking water from neighboring towns. Meanwhile, the industry is being sued and culpability is difficult to prove.

East Windsor: Privately owned disposal site has an underground fire going on, which is smoking and smoldering. Firefighters found barrels of hazardous waste at the site. The more they try to put it out by digging it up, the more it catches fire. It has been burning for over 6 months. Ironically, the State will not close it down because it is the only approved hazardous waste disposal site around.

Just last week the State released an inventory of hazardous waste sites totaling over 3,500 sites, an underestimate because it was compiled from local and Government intraagency files. They still must be investigated to determine the potential threat that they pose.

For Connecticut to begin to solve the problem, they are anxiously awaiting EPA's RCRA regulations which were first promised in April 1978. The agency even failed to meet its court imposed deadline of last December 1979. It may be that EPA is solving a mammoth problem but they need all the resources they can get. And so does the State.

Healthwise, it is worthy of noting that the kinds of effects that one finds from human exposure to toxic chemicals, especially at low levels, are things like cancer and birth defects which are not quickly discernible. But the danger is no less great. It is important to prevent these kinds of devastating effects to befall our citizens before the danger becomes more real.

Mr. MADIGAN. Mr. Chairman, will the gentlewoman yield?

Ms. MIKULSKI. I am happy to yield to the gentleman from Illinois.

Mr. MADIGAN. Mr. Chairman, I should like to ask if the level of penalty described in the gentlewoman's amendment is that that is recommended by the Department of Justice.

Ms. MIKULSKI. This was an amendment that was recommended by the Department of Justice because they felt it would provide for more efficient use of their resources in preparing, for preparation; because it would be a felony and would, one, act as a deterrent because this tends to be a white-collar crime, and when we have it a felony, the chief executive officer, we felt, would be far more prudent in his activities.

Mr. FLORIO. Mr. Chairman, will the gentlewoman yield for a comment?

Ms. MIKULSKI. I yield.

Mr. FLORIO. One of the things the Justice Department is very interested in is getting the assistance of the FBI in certain instances, especially interstate commerce. The FBI either has an official policy or an unofficial policy of not becoming involved in misdemeanors. To this degree, if this is now upgraded to felony, the Justice Department feels that it could get greater support of the resources of the FBI in tracking down some of these people.

Mr. MADIGAN. If the gentlewoman will yield further, if I may ask the gentlewoman a hypothetical question: In the event that the owner of some hazardous waste contracts with a trucking company to dispose of that waste, and the trucking company disposes of it in an illegal and felonious manner, I should like to know from the gentlewoman who has committed the felony. Has it been committed by the trucking company or by the persons who owned the waste that was to be disposed of, or by both?

Ms. MIKULSKI. To be sure that I have an accurate response for that based on the Justice Department, I would like to yield to the chairman of the committee for this important legislative dialog.

The CHAIRMAN. The time of the gentlewoman from Maryland has expired.

(At the request of Mr. FLORIO and by unanimous consent, Ms. MIKULSKI was allowed to proceed for 3 additional minutes.)

Mr. FLORIO. The question, as I understand it, is in the event of a disposer and a carter, who is it that will be found guilty of the offense?

Mr. MADIGAN. Who has committed the felony?

Mr. FLORIO. Of course, the whole question will be determined by a court, and the feeling is that, on the actual person who violates the standard, which is reckless disregard, who should have known of the inappropriateness of the disposal. Obviously, these are factual matters and we have had instances in the past whereby someone has had a release ostensibly absolving them from any responsibility of inappropriate disposal; under this statute, of course, and a very strict standard of law in the criminal statutes, there will be a need to go beyond just the front of the release to find out whether that individual should have had knowledge as to the accuracy or adequacy of the disposal producer. So, in effect what I am suggesting, not a direct answer, a factual determination will have to be made by the law enforcement agencies through the indictment process.

Mr. MADIGAN. If the gentlewoman will yield further, I should like to pursue with the gentleman from New Jersey one question, because as I recall we discussed this in the subcommittee, and I felt then and feel now that the penalties should be more severe than that which has been previously prescribed by the law. All I am concerned about is that, if someone in good faith hires the services of a second party to dispose of hazardous waste under the impression that it is going to be disposed of in a legal way, whether or not that person has any further responsibility under this particular amendment once the hazardous waste leaves his or her property.

Mr. FLORIO. If the gentlewoman will yield further, the language of the amendment in defining "reckless disregard" states that that individual knows of existing circumstances, if he is aware that a substantial risk does exist, but disregarded that risk. Obviously, this is general language, but of course we are always dealing with general language. It is a factual situation. The law enforcement officials will make a determination as to whether that individual was sufficiently callous in his disregard of the risk. It seems to me, to use the example the gentleman used, if in fact one has an awareness of the hazardous propensities of a particular chemical, knows of the difficulties associated with disposal, and one notwithstanding that sells those materials to someone who comes up in a pickup truck, and that person gives him a release, that very well may be, notwithstanding the conditions of the release, that could be construed as reckless disregard.

It depends on the facts, but I think the language is sufficiently clear. The Justice Department has reviewed this language, and I am convinced that what the gentlewoman is doing is not only appropriate, but certainly desirable.

□ 1820

Mr. MADIGAN. I am sufficiently reassured and would urge the Committee to support the amendment of the gentlewoman from Maryland (Ms. MIKULSKI).

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

Mr. Chairman, I rise to express my support for H.R. 3994, the Resource Conservation and Recovery Act Amendments of 1979.

The storage, treatment, and disposal of hazardous wastes must receive our highest priority. The Federal Government and the States must work together to undertake an inventory of hazardous sites and protect the public from those sites where hazardous waste has been improperly stored.

Hazardous waste storage is an issue which often causes great concern to residents located near the sites. I know from firsthand experience how troubling the storage of hazardous waste can be to those people. The Four-County Landfill, located in Fulton County, Ind., has been used in the past as a storage site for hazardous waste. Although the State of Indiana has continuously monitored the site for seepage of contaminants, there remains some question as to whether or not the site should have ever been selected to store hazardous waste. For example, there are seven wells located around the site which must be tested four times each year to insure the safety of the residents who depend on the wells for their water supply. Further, to protect the residents, the sheriff of Fulton County must keep a constant watch on the site.

The fear of contaminant seepage has caused many of my constituents to be concerned about their safety. Many local citizens groups and county officials have expressed their concerns about having the site too close to residential areas and the water supplies. While I am unaware of any immediate health hazard, the site does illustrate the need for better planning before site selection. It also illustrates the concern of local residents caused by hazardous waste storage.

The Federal Government must have the authority to respond to situations where hazardous wastes threatens public health. We must be able to assure the public, and the local residents in particular, that without question a particular site is safe before it is used to store hazardous waste.

I commend the committee for recognizing the need for better Government procedures and oversight. This legislation will enable the Federal Government to work with the States to implement a program designed to identify and correct potential health hazards caused by waste disposal. I support H.R. 3994 and urge its passage.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from Maryland (Ms. MIKULSKI).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. LAFALCE

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

The Clerk read as follows:

Amendment offered by Mr. LAFALCE: On page 17, line 8, add the following new subsection "(r)" and redesignate all succeeding subsections accordingly:

(r) Section 7001 of such Act is amended by adding the following new subsection:

"(f) OCCUPATIONAL SAFETY AND HEALTH.— In order to assist the Secretary of Labor and the Director of the National Institute for Occupational Safety and Health in carrying out their duties under the Occupational Safety and Health Act of 1970, the Administrator shall—

"(A) Provide the following information, as such information becomes available, to the Secretary and the Director:

"(i) The identity of any hazardous waste treatment, storage, disposal facility or site where clean-up is planned or underway:

"(ii) Information identifying the hazards to which persons working at a hazardous waste treatment, storage, disposal facility or site or otherwise handling hazardous waste may be exposed, the nature and extent of the exposure, and methods to protect workers from such hazards; and

"(iii) Incidents of worker injury or harm at a hazardous waste treatment, storage or disposal facility or site; and

"(B) Notify the Secretary and the Director of the Administrator's receipt of notifications under section 3010 or reports under sections 3002, 3003 and 3004 of this Title and make such notifications and reports available to the Secretary and the Director.

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

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

There was no objection.

Mr. LAFALCE. Mr. Chairman, first I would like to commend the chairman of the subcommittee, the gentleman from New Jersey (Mr. FLORIO) and the ranking minority member, the gentleman from Illinois (Mr. MADIGAN) for the excellent work they have done not only to bring about the reauthorization of RCRA, but to bring about some very needed changes within it giving much greater law enforcement authority to the Environmental Protection Agency, and also calling for a national program for the identification of the thousands of hazardous waste dump sites across the United States.

Mr. Chairman, during the past several years, improperly disposed hazardous waste materials have caused serious environmental health problems in nearly every one of the 50 States. Over 3,000 chemical dump sites with more than 760 million tons of toxic chemical wastes have been identified throughout the country. Many of these chemicals are nondegradable; others represent complex waste mixtures of unknown identity.

Mr. Chairman, the Love Canal dump site in Niagara Falls, N.Y., in my own congressional district, represents perhaps America's most tragic example of a situation where "everything has gone wrong" with stored poisonous chemical wastes.

The Congress has responded to this immediate and serious problem of inappropriate hazardous waste management with the introduction of a variety of bills which address dump site problems, provide funds for cleanup, and establish liability. My own bill, H.R. 5291, the Hazardous Waste and Toxic Tort Act would provide for the cleanup and/or monitoring of abandoned hazardous waste sites. It would provide for a program to select new environmentally safe hazardous waste sites. Further, H.R. 5291 would create a mechanism for compensating persons for property loss and personal injury caused by exposure to improperly stored or disposed hazardous materials.

In addition to this proposed legislation, there are several pieces of existing law which bear directly on the hazardous waste problem. The legislation we are considering today, the Resource Conservation and Recovery Act of 1976, is perhaps the strongest of these. RCRA contains specific authority to regulate the "treatment, storage, transportation, and disposal of hazardous wastes which have adverse effects on health and the environment."

Today we are considering amendments to RCRA which would, among other accomplishments, provide for the identification of existing hazardous waste sites, many of which may be causing harm to the environment and human health. Once this identification task is completed, the long and very difficult task of isolating these very poisonous materials from the environment must begin. This will include, in many cases, actually digging up the wastes and hauling them to new storage sites.

Mr. Chairman, this task will require a massive commitment of funds and manpower. Many workers will be involved in the handling, storage, treatment, transportation, and disposal of hazardous wastes. Workers engaged in hazardous waste operations are, in many cases, subject to direct and immediate exposure to these toxic and deadly chemicals. The potential for explosions, fires, release of deadly gases, and exposures to harsh chemicals, heavy metals, and carcinogenic compounds remain ever-present dangers. Workers engaged in hazardous waste operations must be afforded the greatest possible protection from these dangers.

I am offering this amendment today in order to insure that workers who are involved in the day-to-day tasks of hazardous waste cleanup are protected from exposures to these materials.

In specific, this amendment calls for EPA to transmit to OSHA and NIOSH information identifying hazardous waste treatment, storage or disposal facilities, sites where cleanup is planned or underway, and specifying and characterizing hazardous situations at particular sites. Once OSHA and NIOSH receive this information, these agencies will be better equipped to carry out their duties which include conducting investigations and studies and standard setting.

In addition, the Administrator of EPA will notify OSHA and NIOSH of the availability of other information collected under sections 3002, 3003, 3004 and 3010 of RCRA which relate to standards for hazardous wastes and notification of hazardous waste operations.

This amendment, Mr. Chairman, is but a modest attempt to insure that the workers who tackle the job of freeing America from what has been called the single most significant environmental health issue of this decade, the improper disposal of hazardous waste materials, are adequately protected from exposure to these substances. The provisions of this amendment are designed to provide critical information to the Federal agencies charged with primary responsibility for the protection of workers.

Mr. Chairman, I urge the adoption of this important and necessary amendment.

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

Mr. LAFALCE. I yield to the gentleman from New Jersey.

Mr. FLORIO. I thank the gentleman for yielding. The gentleman's amendment is very helpful, useful, and we support it.

Mr. LAFALCE. I thank the gentleman.

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

Mr. LAFALCE. I yield to the gentleman from Illinois.

Mr. MADIGAN. I thank the gentleman for yielding. We have had the opportunity to review the gentleman's revised amendment and think that it is a constructive amendment. We congratulate the gentleman on offering it this afternoon and urge that the committee adopt the amendment.

Mr. LAFALCE. I thank the gentleman.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. LAFALCE).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. GLICKMAN

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

The Clerk read as follows:

Amendment offered by Mr. GLICKMAN: On page 17, after line 7, insert the following new subsection and redesignate subsequent subsections of the bill accordingly:

"(r) Section 6004 of such Act is amended by—

(1) inserting immediately after "an executive agency (as defined in section 105 of title 5, United States Code)" in subsection (a)(1), "or any unit of the legislative branch of the Federal Government";

(2) inserting after "Each Executive agency" in subsection (a)(2), "or any unit of the legislative branch of the Federal Government"; and

(3) inserting after "The President" in subsection (a)(4) "or the Committee on House Administration of the House of Representatives and the Committee on Rules and Administration of the Senate with regard to any unit of the legislative branch of the Federal Government".

Mr. GLICKMAN (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 Kansas?

There was no objection.

Mr. GLICKMAN. Mr. Chairman, I will explain quite briefly what this simple amendment would do. It would require the legislative branch of the Federal Government to comply with guidelines set under the Solid Waste Disposal Act, as amended, and to implement the goals of this act with regard to our own activities.

As the law now stands, the various agencies of the Federal executive branch are subject to the guidelines and goals of this important legislation; however, as is the case in all too many situations, the Congress has excluded itself from compliance. It is high time that we begin bringing ourselves under the laws that we enact, and this amendment will hopefully begin the process.

I have attempted to get a handle on just how much paper we use in the legislative branch, but I have not been able to come up with a specific figure. But I have been told that just pulling together the information would be a sizable task and that our office stationery and mimeographing accounts for only a small percentage of the paper we use. Given the volume of reports and publications generated by the Congress not to mention the number of bills and resolutions we introduce, it is not surprising that we are talking about a sizable quantity of paper—much of which ends up in waste cans all over the Hill.

And there is much more to our congressional waste—that generated by incoming mail in the form of envelopes and wrappings discarded and that generated by the cafeterias and food services that serve us, our employees, and visitors. In short, none of us can deny that the Congress itself generates considerable quantities of solid waste on a daily basis—certainly more than some of the smaller executive branch agencies already covered by the statute.

My amendment is carefully drafted in that it would reserve for the Committee on House Administration and the Senate Committee on Rules and Administration the authority to promulgate the necessary rules to assure compliance on our part. In the case of the executive branch, the law assigns that responsibility to the President.

This is a small step, but it is a most important one at this time when we hear so often the beck and call for regulatory reform. It can only instill more confidence if the American people know that we are passing laws and allowing regulations to go into effect with the full understanding that they will apply to us in our official capacity just as they do to all other citizens and organizations.

I strongly urge my colleagues' support.

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

Mr. GLICKMAN. I yield to the gentleman from New Jersey.

Mr. FLORIO. I thank the gentleman for yielding. The committee has no opposition to the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Kansas (Mr. GLICKMAN).

The amendment was agreed to.

The CHAIRMAN. Are there any other amendments?

AMENDMENT OFFERED BY MR. MADIGAN

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

The Clerk read as follows:

Amendment offered by Mr. MADIGAN: Page 14, after line 6, insert:

(3)(A) Subtitle E of such Act is amended by inserting the following new section after section 5004:

"NONDISCRIMINATION REQUIREMENT

"SEC. 5005. The Secretary of Commerce shall not discriminate between recovered materials and virgin materials in making any determination under any authority of law concerning whether or not to impose monitoring or other controls on any marketing or transfer of materials.".

"(B) The table of contents for such Act is amended by inserting the following new item after the item relating to section 5004:

"Sec. 5005. Nondiscrimination requirement.

Mr. MADIGAN (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 Illinois?

There was no objection.

Mr. MADIGAN. Mr. Chairman, the Resource Conservation and Recovery Act requires the Secretary of Commerce to identify the economic barriers to the use of recovered materials and to encourage the development of new uses for recovered materials.

In the bill we are considering today we are providing the Department of Commerce with the mandate to move more actively to develop new uses in expanded markets for recovered material. At a time when this country is facing a growing energy shortfall, and when there is an increasing concern about the future availability of many of our depletable natural resources, this Congress should do all that is possibe to encourage the use of recyclable materials.

Mr. Chairman, this amendment would prohibit the Secretary of Commerce from discriminating unfairly and unreasonably against the marketability of recyclable materials during any regulatory proceeding conducted by the Department of Commerce.

One of the major congressional purposes underlying RCRA was to enhance conservation of depletable materials through maximum industrial recycling. This amendment will further such effort by prohibiting discrimination or economic restrictions on any recoverd material or materials by the Secretary of Commerce.

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

Mr. MADIGAN. I yield to the gentleman from New Jersey.

Mr. FLORIO. I thank the gentleman for yielding. This is a highly desirable amendment. It does restore the balance between the recyclable and nonrecyclable, and I think it is an appropriate amendment.

Mr. MADIGAN. Mr. Chairman, I want to thank the gentleman from New Jersey (Mr. FLORIO) not only for his support for the amendment but for his leadership in this and other matters before the subcommittee particularly in bringing this bill to the floor of the House in the fine condition in which it is.

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

Mr. MADIGAN. I will be happy to yield to the gentleman from New Jersey.

Mr. RINALDO. I thank the gentleman for yielding. I want to take this opportunity, of course, to say that I agree with the purposes of the amendment. I think it is a good amendment. Additionally, I want to congratulate the chairman, my colleague, the gentleman from New Jersey (Mr. FLORIO), and also the ranking minority member, the gentleman from Illinois (Mr. MADIGAN), for bringing this bill before us today.

Mr. Chairman, I support the bill before us today, H.R. 3994. This bill amends the Solid Waste Disposal Act to provide a 1-year reauthorization, and it provides the Environmental Protection Agency with much-needed new authority to deal with hazardous wastes.

Recent events have focused attention on the problem of abandoned hazardous waste disposal sites. The very serious situations which have been discovered at Love Canal, the Valley of the Drums, and other sites throughout the country where toxic wastes have been improperly disposed of have made us aware of the need for stronger governmental action to address this problem.

In my congressional district, the Chemical Control Corp. in Elizabeth, N.J., has posed a very serious threat to public health, safety, and the environment. This company, after closing down its incinerator which had been used to dispose of chemical wastes, continued to receive thousands of drums of chemicals which were stockpiled on the property. I personally visited this site on several occasions and found drums stacked four and five high, immediately adjacent to the road, many of which were punctured and leaking. The site was described as a "ticking time bomb," which, if an explosion of any size had occurred, would have sent a cloud of toxic fumes over all

of northern New Jersey, Staten Island, and Manhattan.

The State of New Jersey, with some Federal assistance, has begun a massive cleanup operation at this site, but progress has been slow and thousands of drums remain.

These instances are, I believe, representative of a widespread problem of abandonment hazardous waste disposal sites throughout the Nation—a problem which will require a great deal of attention and money to solve.

The Oversight and Investigations Subcommittee, on which I serve, has conducted an extensive and thorough investigation of hazardous waste disposal sites and practices in the United States and has made a number of findings and legislative recomendations. This Congress will, I am sure, be considering comprehensive legislation to address this problem.

This legislation before us today, however, provides a needed first step toward providing increased Federal authority over the thousands of potentially hazardous abandoned waste disposal sites which exist throughout the United States.

However, we are lacking information about the true scope of the problem. For example, how many hazardous waste sites are there across the Nation? This legislation directs the States to undertake an inventory of hazardous waste sites and to assess the health hazards which they present. If a State fails to carry out the inventory, EPA may step in and conduct the survey. The bill provides $20 million in grants to assist States in carrying out this requirement.

The bill also provides EPA with increased enforcement powers to respond to hazardous waste situations. EPA is given power to seek a court order when it finds that the handling, storage, treatment, transportation, or disposal of hazardous waste may present a substantial danger to public health or the environment. Under present law, the Agency must show that an imminent and substantial hazard already exists.

EPA is also authorized access to information held by those who have handled hazardous waste in the past as well as those who are currently doing so. The destruction, alteration, or concealment of hazardous waste handling and storage records is also prohibited.

The bill provides for Federal monitoring of hazardous waste sites which may pose a significant hazard to human health or the environment. EPA may order the person or company that owned or operated the site to conduct tests to determine the potential hazard, or the Agency may conduct such tests and require the owner or operator to pay for them.

The provisions significantly strengthen the ability of the Federal Government to respond to threats to the public posed by abandoned hazardous waste disposal sites. I urge your support for this bill.

□ 1830

Mr. MADIGAN. I thank the gentleman from New Jersey for his support, not only here today, but also in the Committee on Interstate and Foreign Commerce where the gentleman continues to serve as a very valuable member and a very strong ally.

I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois (Mr. MADIGAN).

The amendment was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker pro tempore, Mr. ROSTENKOWSKI, having assumed the chair, Mr. FITHIAN, 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. 3994) to amend the Solid Waste Disposal Act to authorize appropriations for the fiscal year 1980, to make certain technical changes, to strengthen the regulatory and enforcement mechanisms, and for other purposes, pursuant to House Resolution 473, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

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

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

The amendments were agreed to.

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

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

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.

RECORDED VOTE

Mr. FLORIO. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device and there were—ayes 386, noes 10, answered "present" 1, not voting 36, as follows:

[Roll No. 61]

AYES—386

Abdnor	Bennett	Byron	de la Garza	Jacobs	Railsback
Addabbo	Bereuter	Carr	Deckard	Jeffords	Rangel
Akaka	Bethune	Carter	Dellums	Jeffries	Ratchford
Albosta	Bevill	Cavanaugh	Derrick	Jenkins	Regula
Alexander	Biaggi	Chappell	Derwinski	Johnson, Calif.	Reuss
Ambro	Bingham	Cheney	Devine	Johnson, Colo.	Rhodes
Anderson, Calif.	Blanchard	Chisholm	Dickinson	Jones, N.C.	Richmond
Andrews, N.C.	Boggs	Clausen	Dicks	Jones, Okla.	Rinaldo
Annunzio	Boland	Clay	Dingell	Jones, Tenn.	Ritter
Anthony	Bolling	Cleveland	Dixon	Kastenmeier	Robinson
Applegate	Boner	Clinger	Dodd	Kelly	Rodino
Archer	Bonior	Coelho	Donnelly	Kildee	Roe
Ashley	Bouquard	Coleman	Dornan	Kindness	Rose
Aspin	Bowen	Collins, Ill.	Dougherty	Kogovsek	Rosenthal
Atkinson	Brademas	Conable	Downey	Kostmayer	Rostenkowski
AuCoin	Breaux	Conte	Drinan	Kramer	Roth
Badham	Brinkley	Conyers	Duncan, Tenn.	LaFalce	Roybal
Bailey	Brodhead	Corcoran	Early	Lagomarsino	Royer
Baldus	Brooks	Corman	Eckhardt	Leach, Iowa	Rudd
Barnard	Broomfield	Cotter	Edgar	Leath, Tex.	Russo
Barnes	Brown, Calif.	Coughlin	Edwards, Ala.	Lederer	Sabo
Bauman	Brown, Ohio	Courter	Edwards, Calif.	Lee	Santini
Beard, R.I.	Buchanan	D'Amours	Edwards, Okla.	Lehman	Satterfield
Beard, Tenn.	Burgener	Daniel, Dan	Emery	Leland	Sawyer
Bedell	Burlison	Daniel, R. W.	English	Lent	Scheuer
Beilenson	Burton, John	Danielson	Erdahl	Levitas	Schroeder
Benjamin	Burton, Phillip	Daschle	Erlenborn	Lewis	Schulze
	Butler	Davis, Mich.	Ertel	Livingston	Sebelius
			Evans, Del.	Lloyd	Seiberling
			Evans, Ga.	Loeffler	Sensenbrenner
			Evans, Ind.	Long, La.	Shannon
			Fary	Long, Md.	Sharp
			Fascell	Lott	Shelby
			Fazio	Lowry	Shumway
			Fenwick	Lujan	Shuster
			Ferraro	Luken	Simon
			Findley	Lundine	Skelton
			Fish	Lungren	Slack
			Fisher	McCloskey	Smith, Iowa
			Fithian	McCormack	Smith, Nebr.
			Flippo	McDade	Snowe
			Florio	McHugh	Snyder
			Foley	Madigan	Solarz
			Ford, Mich.	Maguire	Solomon
			Ford, Tenn.	Markey	Spellman
			Forsythe	Marks	Spence
			Fowler	Marlenee	St Germain
			Frenzel	Marriott	Stack
			Frost	Mathis	Staggers
			Fuqua	Matsui	Stangeland
			Garcia	Mattox	Stanton
			Gaydos	Mavroules	Stark
			Gephardt	Mazzoli	Steed
			Giaimo	Mica	Stenholm
			Gibbons	Michel	Stokes
			Gilman	Mikulski	Stratton
			Gingrich	Miller, Calif.	Studds
			Ginn	Miller, Ohio	Swift
			Glickman	Mineta	Synar
			Goldwater	Minish	Tauke
			Gonzalez	Mitchell, Md.	Taylor
			Goodling	Mitchell, N.Y.	Thomas
			Gore	Moakley	Thompson
			Gradison	Moffett	Traxler
			Gramm	Mollohan	Trible
			Grassley	Montgomery	Ullman
			Gray	Moore	Van Deerlin
			Green	Moorhead, Calif.	Vander Jagt
			Grisham		Vanik
			Guarini	Motti	Vento
			Gudger	Murphy, N.Y.	Volkmer
			Guyer	Murphy, Pa.	Walgren
			Hagedorn	Murtha	Walker
			Hall, Ohio	Myers, Ind.	Wampler
			Hall, Tex.	Natcher	Waxman
			Hamilton	Neal	Weaver
			Hance	Nedzi	Weiss
			Hanley	Nelson	White
			Harkin	Nichols	Whitehurst
			Harris	Nolan	Whitley
			Harsha	Nowak	Whittaker
			Hawkins	O'Brien	Whitten
			Heckler	Oakar	Williams, Mont.
			Hefner	Oberstar	Williams, Ohio
			Heftel	Obey	Wilson, Bob
			Hightower	Ottinger	Wilson, Tex.
			Hillis	Panetta	Winn
			Hinson	Pashayan	Wirth
			Holland	Patten	Wolff
			Hollenbeck	Patterson	Wolpe
			Holt	Pease	Wright
			Holtzman	Pepper	Wyatt
			Hopkins	Perkins	Wydler
			Horton	Petri	Wylie
			Howard	Pickle	Yates
			Hubbard	Preyer	Yatron
			Huckaby	Price	Young, Fla.
			Hughes	Pritchard	Young, Mo.
			Hutto	Pursell	Zablocki
			Hyde	Quayle	Zeferetti
			Ichord	Quillen	
			Ireland	Rahall	

NOES—10

Collins, Tex.	McDonald	Stump
Crane, Daniel	Martin	Symms
Fountain	Paul	
Latta	Rousselot	

ANSWERED "PRESENT"—1

Bafalis

NOT VOTING—36

Anderson, Ill.	Hammer-schmidt	Myers, Pa.
Andrews, N. Dak.	Hansen	Peyser
Ashbrook	Jenrette	Porter
Bonker	Kazen	Roberts
Broyhill	Kemp	Runnels
Campbell	Leach, La.	Stewart
Carney	McClory	Stockman
Crane, Philip	McEwen	Treen
Dannemeyer	McKay	Udall
Davis, S.C.	McKinney	Watkins
Diggs	Moorhead, Pa.	Wilson, C. H.
Duncan, Oreg.	Murphy, Ill.	Young, Alaska

□ 1850

The Clerk announced the following pairs:

Mr. Moorhead of Pennsylvania with Mr. Young of Alaska.

Mr. Charles H. Wilson of California with Mr. Anderson of Illinois.

Mr. Udall with Mr. Hansen.

Mr. Roberts with Mr. McClory.

Mr. Myers of Pennsylvania with Mr. Porter.

Mr. Duncan of Oregon with Mr. McKinney.

Mr. Davis of South Carolina with Mr. Hammerschmidt.

Mr. Bonker with Mr. McEwen.

Mr. McKay with Mr. Ashbrook.

Mr. Runnels with Mr. Andrews of North Dakota.

Mr. Watkins with Mr. Philip M. Crane.

Mr. Stewart with Mr. Broyhill.

Mr. Murphy of Illinois with Mr. Campbell.

Mr. Jenrette with Mr. Carney.

Mr. Kazen with Mr. Dannemeyer.

Mr. Peyser with Mr. Leach of Louisiana.

Mr. Diggs with Mr. Treen.

Mr. LATTA changed his vote from "aye" to "no."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. FLORIO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks, and to include extraneous material, on the bill just passed.

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

There was no objection.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 3994

Mr. FLORIO. Mr. Speaker, I ask unanimous consent that in the engrossment of the bill the Clerk be authorized to correct section numbers, punctuation, and cross references, to strike out the word "the" on line 1, page 11, and to make such other technical and conforming changes as may be necessary to reflect the actions of the House in amending the bill H.R. 3994.

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

There was no objection.

Mr. FLORIO. Mr. Speaker, pursuant to the provisions of House Resolution 473, I call up from the Speaker's table the Senate bill (S. 1156) to amend and reauthorize the Solid Waste Disposal Act, and ask for its immediate consideration.

The Clerk read the title of the Senate bill.

MOTION OFFERED BY MR. FLORIO

Mr. FLORIO. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. FLORIO moves to strike out all after the enacting clause of the Senate bill, S. 1156, and to insert in lieu thereof the provisions of H.R. 3994, as passed, as follows:

SHORT TITLE

SECTION 1. This Act may be cited as the "Resource Conservation and Recovery Act Amendments of 1979".

AUTHORIZATION OF APPROPRIATIONS

SEC. 2. (a) Section 2005(a) of the Solid Waste Disposal Act, as redesignated by section 3(b)(1) of this Act, is amended by striking out "1978, and" and substituting "1978" and by inserting the following before the period at the end thereof: ", and $42,000,000 for the fiscal year ending September 30, 1980".

(b) Section 3011(a) of such Act is amended by inserting the following after "1979": "and $30,000,000 for the fiscal year 1980".

(c) Section 4008(a)(1) of such Act is amended by striking out "1978 and" and substituting "1978," and by inserting the following after "1979": ", and $30,000,000 for the fiscal year 1980".

(d) Section 4008(a)(2)(C) of such Act is amended by inserting after "1979": "and $18,000,000 for the fiscal year 1980".

(e) Section 4008(e)(2) of such Act is amended by inserting the following after "1979": "and $2,500,000 for the fiscal year 1980".

(f) Section 4009(d) of such Act is amended by inserting the following after "1979": "and $10,000,000 for the fiscal year 1980".

(g)(1) Subtitle E of such Act is amended by adding the following new section at the end thereof:

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 5005. There are authorized to be appropriated $3,000,000 for the fiscal year 1980 to carry out the purposes of this subtitle (other than section 5002).".

(2) The table of contents for such subtitle E is amended by adding the following new item at the end thereof:

"Sec. 5005. Authorization of appropriations.".

AMENDMENTS TO SOLID WASTE DISPOSAL ACT

SEC. 3. (a)(1) Paragraph (14) of section 1004 of the Solid Waste Disposal Act is amended by inserting before the period at the end thereof the following: "or which is not a facility for disposal of hazardous waste".

(2) Section 3005 of the Resource Conservation and Recovery Act is amended by adding the following new subsection at the end thereof:

"(f) EXISTING WASTEWATER TREATMENT FACILITIES.—(1) In issuing a permit under subsection (c) of this section, the Administrator (or a State which has received full or interim authorization under section 3006) shall not require an existing wastewater treatment facility to comply with requirements of section 3004(3) or 3004(4) which—

"(A) are designed to prevent the release of hazardous waste or any constituent thereof into soil or groundwater; and

"(B) would require major reconstruction of such facility if the permit applicant demonstrates that no significant release of hazardous waste or any constituent thereof from such facility into an underground water supply is occurring or is reasonably likely to occur.

"(2) For purposes of assisting the Administrator (or the State, if applicable) in making the determinations required by paragraph (1) of this subsection, the Administrator (or the State) may require the owner or operator of an existing wastewater treatment facility to conduct, and report the results of, such studies, testing and monitoring as the Administrator (or the State) finds is reasonably necessary to make such determinations, provided that the Administrator (or the State) may not require leachate monitoring unless the Administrator (or the State) determines that leachate monitoring is necessary to confirm or clarify groundwater monitoring data which indicates the presence of groundwater pollution.

"(3) Where feasible, in the case of existing wastewater treatment facilities, the Administrator (or the State, if applicable) shall issue permits under subsection (c) at the same time as revised permits under section 402 of the Clean Water Act.

"(4) Upon receipt of information, including, but not limited to, monitoring data and reports required by section 3004(2), indicating that there has been a significant release of hazardous waste or any constituent thereof into an underground water supply from an existing wastewater treatment facility exempted from major reconstruction under paragraph (1), or that such facility is being operated for purposes other than treating wastewater to meet requirements of the Clean Water Act, the Administrator (or the State, if applicable) may take appropriate action under this title or other authority of the Administrator (or the State), including ordering the owner or operator of such facility to show why its permit should not be modified to require compliance with the requirements of section 3004(3) or 3004(4) from which it has been exempted.

"(5) For purposes of this section, the term 'existing wastewater treatment facility' means a lagoon, surface impoundment or basin which is part of a wastewater treatment or pretreatment system operated for the sole purpose of treating wastewater to meet applicable requirements of the Clean Water Act and which was in operation or under physical construction before the date of promulgation of initial regulations under section 3004 of this title.".

(b)(1) Section 2004 of such Act is repealed and the following sections are redesignated accordingly.

(3) Section 1006 of such Act is amended by adding the following new subsection at the end thereof:

"(c) INTEGRATION WITH THE SURFACE MINING CONTROL AND RECLAMATION ACT OF 1977.—Before the later of 90 days following the promulgation of final regulations relating to mining wastes or overburden under any section of subtitle C or 90 days after the date of enactment of this paragraph, the Administrator shall review any regulations applicable to the treatment, storage, or disposal of any coal mining wastes or overburden promulgated by the Secretary of the Interior under the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1201 and following). If the Administrator determines that any requirement of final regulations promulgated under any section of subtitle C relating to mining wastes or overburden is not adequately addressed in such regulations promulgated by the Secretary, the Administrator shall transmit such determination, together with suggested revisions and supporting documentation, to the Secretary for his consideration."

(2) The table of contents for subtitle B of such Act is amended by striking out the item relating to section 2004 and redesignating the succeeding items accordingly.

(c) Section 3004 of the Solid Waste Dis-

posal Act is amended by adding the following after the first sentence thereof: "In establishing such standards the Administrator shall, where appropriate, establish separate standards for new and existing facilities.".

(d) Section 3001 of such Act is amended by inserting "(1)" after "(b)" and by adding the following new paragraphs at the end of subsection (b):

"(2) Notwithstanding the provisions of paragraph (1) of this subsection, drilling fluids, produced waters, and other wastes associated with the exploration for, or development and production of, crude oil or natural gas shall not be considered 'hazardous waste' within the meaning of this section and shall not be subject to the provisions of this subtitle.

"(3)(A) Notwithstanding the provisions of paragraph (1) of this subsection, each waste listed below shall, except as provided in subparagraph (B) of this paragraph, be subject only to regulation under other applicable provisions of Federal or State law in lieu of this subtitle until at least six months after the date of submission of the applicable study required to be conducted under subsection (f), (o), (p), or (q) of section 8002 of this Act and after promulgation of regulations in accordance with subparagraph (C) of this paragraph:

"(i) Fly ash waste, bottom ash waste, slag waste, and flue gas emission control waste generated primarily from the combustion of coal or other fossible fuels.

"(ii) Solid waste from the extraction, benefication, and processing of ores and minerals, including phosphate rock and uranium ore.

"(iii) Cement kiln dust waste.

"(B)(i) Owners and operators of disposal sites for wastes listed in subparagraph (A) may be required by the Administrator, through regulations prescribed under authority of section 2002 of this Act—

"(I) as to disposal sites for such wastes which are to be closed, to identify the locations of such sites through surveying, platting, or other measures, together with recordation of such information on the public record, to assure that the locations where such wastes are disposed of are known and can be located in the future, and

"(II) to provide chemical and physical analysis and composition of such wastes, based on available information, to be placed on the public record.

"(ii)(I) In conducting any study under subsection (f), (o), (p), or (q) of section 8002 of this Act, any officer, employee, or authorized representative of the Environmental Protection Agency, duly designated by the Administrator, is authorized, at reasonable times and as reasonably necessary for the purposes of such study, to enter an establishment where any waste subject to such study is generated, stored, treated, disposed of, or transported from; to inspect, take samples, and conduct monitoring and testing; and to have access to and copy records relating to such waste. Each such inspection shall be commenced and completed with reasonable promptness. If the officer, employee, or authorized representative obtains any samples prior to leaving the premises, he shall give to the owner, operator, or agent in charge a receipt describing the sample obtained and if requested a portion of each such sample equal in volume or weight to the portion retained. If any analysis is made of such samples, or monitoring and testing performed, a copy of the results shall be furnished promptly to the owner, operator, or agent in charge.

"(II) Any records, reports, or information obtained from any person under subclause (I) shall be available to the public, except that upon a showing satisfactory to the Administrator by any person that records, reports, or information, or particular part thereof, to which the Administrator has access under this subparagraph if made public, would divulge information entitled to protection under section 1905 of title 18 of the United States Code, the Administrator shall consider such information or particular portion thereof confidential in accordance with the purposes of that section, except that such record, report, document, or information may be disclosed to other officers, employees, or authorized representatives of the United States concerned with carrying out this Act. Any person not subject to the provisions of section 1905 of title 18 of the United States Code who knowingly and willfully divulges or discloses any information entitled to protection under this subparagraph shall, upon conviction, be subject to a fine of not more than $5,000 or to imprisonment not to exceed one year, or both.

"(iii) The Administrator may prescribe regulations, under the authority of this Act, to prevent radiation exposure which presents an unreasonable risk to human health from the use in construction or land reclamation (with or without revegetation) of solid waste from the extraction; beneficiation, and processing of phosphate rock or the extraction of uranium ore.

"(iv) Whenever on the basis of any information the Administrator determines that any person is in violation of any requirement of this subparagraph, the Administator shall give notice to the violator of his failure to comply with such requirement. If such violation extends beyond the thirtieth day after the Administator's notification, the Administrator may issue an order requiring compliance within a specified time period or the Administrator may commence a civil action in the United States district court in the district in which the violation occurred for appropriate relief, including a temporary or permanent injunction.

"(C) Not later than six months after the date of submission of the applicable study required to be conducted under subsection (f), (o), (p), or (q) of section 8002 of this Act, the Administator shall, after public hearings and opportunity for comment, either determine to promulgate regulations under this subtitle for each waste listed in subparagraph (A) of this paragraph or determine that such regulations are unwarranted. The Administator shall publish his determination, which shall be based on information developed or accumulated pursuant to such study, public hearings, and comment, in the Federal Register accompanied by an explanation and justification of the reasons for it.".

(e) Section 3005(e) of such Act is amended by striking "facility is in existence on the date of enactment of this Act" and inserting in lieu thereof "facility is in existence on the effective date of the regulations under sections 3001 and 3004".

(f) Section 3005 of such Act is amended by adding the following new subsection at the end thereof:

"(f) COAL MINING WASTES AND RECLAMATION PERMITS.—Notwithstanding subsections (a) through (e) of this section, any permit and reclamation plan covering any coal mining wastes or overburden which has been issued or approved under the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1201 and following) shall be deemed to be a permit issued pursuant to this section with respect to the treatment, storage, or disposal of such wastes or overburden. Regulations promulgated by the Administrator under this subtitle shall not be applicable to treatment, storage, or disposal of coal mining wastes and overburden which are covered by such a permit and reclamation plan.

"(g) Section 3007(a) of such Act is amended—

(1) by inserting "or section 7003 of subtitle G," after "subtitle,";

(2) by striking "maintained by any person" after "establishment or other place";

(3) by inserting "or has handled" after "otherwise handles";

(4) by striking "any officer or employee" and inserting in lieu thereof "any officer, employee, or representative";

(5) by striking "duly designated officer employee" and inserting in lieu thereof "duly designated officer, employee, or representative";

(6) by striking "furnish or permit" and inserting in lieu thereof "furnish information relating to such wastes and permit";

(7) by striking out "such officers or employees" and inserting in lieu thereof "such officers, employees, or representatives";

(8) by inserting "or have been" after "where hazardous wastes are"; and

(9) by striking "officer or employee obtains" and inserting in lieu thereof "officer, employee, or representative obtains".

(h) Section 3007(b) of such Act is amended by inserting before "shall be available": "(including records, reports, or information obtained by representatives of the Environmental Protection Agency)".

(i) Section 3008(d) of such Act is amended by—

(1) striking out the period following the word "subtitle" at the end of paragraph (3) and by inserting a comma and the following at the end of such paragraph (3):

"(4) knowingly generates, stores, treats, transports, disposes of, or otherwise handles any hazardous waste (whether such activity took place before or takes place after the date of the enactment of this paragraph) and who destroys, alters, or conceals any record maintained with respect to the generation, storing, treatment, transportation, disposal, or other handling of hazardous waste, or

"(5) transports, treats, stores, or disposes of any hazardous waste identified or listed under this subtitle in reckless disregard of the fact that he thereby causes or creates a substantial danger or risk to human life or health";

(2) striking out "knowingly" in so much of such section 3008(d) as precedes paragraph (1) thereof;

(3) inserting "knowingly" after "(1)", "(2)", and "(3)";

(4) inserting after "$25,000" the following "($50,000 in the case of a violation of paragraph (1), (2), or (5))";

(5) inserting after "one year" the following "(two years in the case of a violation of paragraph (1), (2), or (5))"; and

(6) by striking out the last sentence thereof.

(j) Section 3008 of such Act is amended:

(1) in subbsection (a)(1), by striking "the Administrator shall give notice to the violator of his failure to comply with such requirement. If such violation extends beyond the thirtieth day after the Administrator's notification," and by inserting "immediately or" after "compliance";

(2) in subsection (a)(2), by striking "thirty days"; and

(3) by adding the following new subsection at the end thereof:

"(e) RECKLESS.—For purposes of subsection (d)(5), a person's state of mind is reckless with respect to—

"(1) an existing circumstance if he is aware of a substantial risk that the circumstance exists but disregards the risk; or

"(2) a result of his conduct if he is aware of a substantial risk that the result will occur but disregards the risk.

For purposes of this subsection, a substantial risk is a risk that is of such a nature and degree that to disregard it constitutes a gross deviation from the standard of care

that a reasonable person would exercise in such a situation.".

(k) Section 3011 of such Act is amended by adding the following new subsection at the end thereof:

"(c) ACTIVITIES INCLUDED.—State hazardous waste programs for which grants may be made under subsection (a) may include (but shall not be limited to) planning for hazardous waste treatment, storage and disposal facilities, and the development and execution of programs to protect health and the environment from inactive facilities which may contain hazardous waste and which may present a substantial endangerment to the human health or the environment.".

(l)(1) Subtitle C of such Act is amended by adding the following new section at the end thereof:

"HAZARDOUS WASTE SITE INVENTORY

"SEC. 3012. (a) STATE INVENTORY PROGRAMS.—Each State shall, as expeditiously as practicable, undertake a continuing program to compile, publish, and submit to the Administrator an inventory describing the location of each site within such State at which hazardous waste has at any time been stored or disposed of. Such inventory shall contain—

"(1) a description of the location of the sites at which any such storage or disposal has taken place before the date on which permits are required under section 3005 for such storage or disposal;

"(2) such information relating to the amount, nature, and toxicity of the hazardous waste at each such site as may be practicable to obtain and as may be necessary to determine the extent of any health hazard which may be associated with such site;

"(3) the name and address, or corporate headquarters of, the owner of each such site, determined as of the date of preparation of the inventory;

"(4) an identification of the types or techniques of waste treatment or disposal which have been used at each such site; and

"(5) information concerning the current status of the site, including information respecting whether or not hazardous waste is currently being treated or disposed of at such site (and if not, the date on which such activity ceased) and information respecting the nature of any other activity currently carried out at such site.

For purposes of assisting the States in compiling information under this section, the Administrator shall make available to each State undertaking a program under this section such information as is available to him concerning the items specified in paragraphs (1) through (5) with respect to the sites within such State, including such information as the Administrator is able to obtain from other agencies or departments of the United States and from surveys and studies carried out by any committee or subcommittee of the Congress. Any State may exercise the authority of Section 3007 for purposes of this section in the same manner and to the same extent as provided in such section in the case of States having an authorized hazardous waste program, and any State may by order require any person to submit such information as may be necessary to compile the data referred to in paragraphs (1) and (2).

"(b) ENVIRONMENTAL PROTECTION AGENCY PROGRAM.—If the Administrator determines that any State program under subsection (a) is not adequately providing information respecting the sites in such State referred to in subsection (a), the Administrator shall notify the State. If within ninety day following such notification, the State program has not been revised or amended in such manner as will adequately provide such information, the Administrator shall carry out the inventory program in such State. In any such case—

"(1) the Administrator shall have the authorities provided with respect to State programs under subsection (a);

"(2) the funds allocated under subsection (c) for grants to States under this section may be used by the Administrator for carrying out such program in such State; and

"(3) no further expenditure may be made for grants to such State under this section until such time as the Administrator determines that such State is carrying out, or will carry out, an inventory program which meets the requirements of this section.

"(c) GRANTS.—(1) Upon receipt of an application submitted by an State to carry out a program under this section, the Administrator may make grants to the States for purposes of carrying out such a program. Grants under this section shall be allocated among the several States by the Administrator based upon such regulations as he prescribes to carry out the purposes of this section. The Administrator may make grants to any State which has conducted an inventory program which effectively carried out the purposes of this section before the date of the enactment of the Resource Conservation and Recovery Act Amendments of 1979 to reimburse such State for all, or any portion of, the costs incurred by such State in conducting such program.

"(2) There are authorized to be appropriated to carry out this section $20,000,000 for the fiscal year 1980.".

(3) The table of contents for such subtitle C is amended by inserting the following new item at the end thereof:

"Sec. 3012. Hazardous waste site inventory.".

(4) Section 3008(d)(3) of such Act is amended by inserting "or information" after "document".

(m)(1) Subtitle C of such Act is amended by adding the following new secton at the end thereof:

"MONITORING, ANALYSIS, AND TESTING

"SEC. 3013. (a) AUTHORITY OF ADMINISTRATOR.—If the Administrator determines, upon receipt of any information, that—

"(1) the presence of any hazardous waste at a facility or site at which hazardous waste is, or has been, stored, treated, or disposed of, or

"(2) the release of any such waste from such facility or site.

may present a substantial hazard to human health or the environment, he may issue an order requiring the owner or operator of such facility or site to conduct such monitoring, testing, analysis, and reporting with respect to such facility or site as the Administrator deems reasonable to ascertain the nature and extent of such hazard.

"(b) PREVIOUS OWNERS AND OPERATORS.—In the case of any facility or site not in operation at the time a determination is made under subsection (a) with respect to the facility or site, if the Administrator finds that the owner of such facility or site could not reasonably be expected to have actual knowledge of the presence of hazardous waste at such facility or site and of its potential for release, he may issue an order requiring the most recent previous owner or operator of such facility or site who could reasonably be expected to have such actual knowledge to carry out the actions referred to in subsection (a).

"(c) PROPOSAL.—An order under subsection (a) or (b) shall require the person to whom such order is issued to submit to the Administrator within 30 days from the issuance of such order a proposal for carrying out the required monitoring, testing, analysis, and reporting. The Administrator may, after providing such person with an opportunity to confer with the Administrator respecting such proposal, require such person to carry out such monitoring, testing, analysis, and reporting in accordance with such proposal, and such modifications in such proposal as the Administrator deems reasonable to ascertain the nature and extent of the hazard.

"(d) MONITORING, ETC., CARRIED OUT BY ADMINISTRATOR.—(1) If the Administrator determines that no owner or operator referred to in subsection (a) or (b) is able to conduct monitoring, testing, analysis, or reporting satisfactory to the Adminstrator, if the Administrator deems any such action carried out by an owner or operator to be unsatisfactory, or if the Administrator cannot initially determine that there is an owner or operator referred to in (a) or (b) who is able to conduct such monitoring, testing, analysis, or reporting, he may—

"(A) conduct monitoring, testing, or analysis (or any combination thereof) which he deems reasonable to ascertain the nature and extent of the hazard associated with the site concerned, or

"(B) authorize a State or local authority or other person to carry out any such action, and require, by order, the owner or operator referred to in subsection (a) or (b) to reimburse the Administrator or other authority or person for the costs of such activity.

"(2) No order may be issued under this subsection requiring reimbursement of the costs of any action carried out by the Administrator which confirms the results of an order issued under subsection (a) or (b).

"(3) For purposes of carrying out this subsection, the Administrator or any authority or other person authorized under paragraph (1), may exercise the authorities set forth in section 3007.

"(e) ENFORCEMENT.—The Administrator may commence a civil action against any person who fails or refuses to comply with any order issued under this section. Such action shall be brought in the United States district court in which the defendant is located, resides, or is doing business. Such court shall have jurisdiction to require compliance with such order and to assess a civil penalty of not to exceed $5,000 for each day during which such failure or refusal occurs.".

(2) The table of contents for such subtitle C is amended by adding the following new item at the end thereof:

"Sec. 3013. Monitoring, analysis, and testing.".

(n) Section 4003 of such Act is amended—

(1) by striking out "4005(c)" in paragraph (2), and inserting in lieu thereof "4004(b)"; and

(2) by inserting "State or" in paragraph (5) after "The plan shall provide that no" and by striking the period after "resource" recovery facilities" and adding the following: ", from entering into long-term contracts for the operation of such facilities, or from securing long-term markets for material and energy recovered from such facilities.".

(o) Section 4005 of such Act is amended as follows:

(1) by striking out subsection (a); by redesignating the succeeding subsections accordingly; and by amending subsection (b) (as so redesignated) by striking out "the inventory under subsection (b) shall" and substituting "the inventory under subsection (a) shall";

(2) by amending the first sentence of section 4005(b) (as redesignated by paragraph (1) of this subsection), by striking out "Any" and inserting in lieu thereof "Upon promulgation of criteria under section 1008(a)(3), any";

(3) by striking out "4003(2)" in subsection (b) (as redesignated by paragraph (1) of this subsection) and inserting in lieu thereof "4003(3)"; and

(4) by striking out "Not" in subsection

(a) (as redesignated by paragraph (1) of this subsection) and inserting in lieu thereof "To assist the States in complying with section 4003(3), not".

(p) Section 4006(b)(1)(B) of such Act is amended by striking out "functions" wherever it appears and inserting in lieu thereof "management activities".

(q)(1) Section 5002 of such Act is amended by striking out "the date of the enactment of this Act" and inserting in lieu thereof "September 1, 1979".

(2) Section 5003 of such Act is amended by striking out "the enactment of this Act" and inserting in lieu thereof: "September 1, 1979,".

(3)(A) Subtitle E of such Act is amended by inserting the following new section after section 5004:

"NONDISCRIMINATION REQUIREMENT

"SEC. 5005. The Secretary of Commerce shall not discriminate between recovered materials and virgin materials in making any determination under any authority of law concerning whether or not to impose monitoring or other controls on any marketing or transfer of materials.".

"(B) The table of contents for such Act is amended by inserting the following new item after the item relating to section 5004:

"Sec. 5005. Nondiscrimination requirement.".

(r) Section 6002 of such Act is amended as follows:

(1) by deleting the first sentence in subsection (c)(1), and inserting in lieu thereof the following: "After September 1, 1982, each procuring agency which procures any items designated in such guidelines shall procure such items composed of the highest percentage of recovered materials practicable, consistent with maintaining a satisfactory level of competition, considering such guidelines.";

(2) by striking out "clause (ii)" in subsection (c)(1)(C), and inserting in lieu thereof "subparagraph (B)";

(3) by deleting "recovered material and recovered-material-derived fuel" in subsection (c)(2), and inserting in lieu thereof the following: "energy or fuels derived from solid waste";

(4) by deleting so much of subsection (c)(3) as follows "vendors" and inserting in lieu thereof a colon and the following:

"(A) certify that the percentage of recovered materials to be used in the performance of the contract will be at least the amount required by applicable specifications or other contractual requirements, and

"(B) estimate the percentage of the total material utilized for the performance of the contract which is recovered materials.";

(5) by amending subsection (d) to read as follows:

"(d) SPECIFICATIONS.—All Federal agencies that have the responsibility for drafting or reviewing specifications for procurement items procured by Federal agencies shall—

"(1) as expeditiously as possible (but in any event no later than July 1, 1980), eliminate from such specifications—

"(A) any exclusion of recovered materials; and

"(B) any requirement that items be manufactured from virgin materials; and

"(2) within one year after the date of publication of applicable guidelines under subsection (e), or as otherwise specified in such guidelines, assure that such specifications require the use of recovered materials to the maximum extent possible without jeopardizing the intended end use of the item.";

(6) by deleting the second sentence in subsection (e), and inserting in lieu thereof the following:

"Such guidelines shall—

"(1) designate those items which are or can be produced with recovered materials and whose procurement by procuring agencies will carry out the objectives of this section, and

"(2) set forth recommended practices with respect to the procurement of recovered materials and items containing such materials and with respect to certification by vendors of the percentage of recovered materials used, and shall provide information as to the availability, relative cost, and performance of such materials and items.

In designating items under paragraph (1), the Administrator shall consider, among other relevant factors:

"(A) the availability of such items;

"(B) the impact of the procurement of such items by procuring agencies on the volume of solid waste which must be treated, stored, or disposed of;

"(C) the economic and technological feasibility of producing and using such items; and

"(D) other uses for such recovered materials."; and

(7) by inserting "not later than September 1, 1981," after "shall" in the first sentence of subsection (e).

(s) Section 7001 of such Act is amended by adding the following new subsection:

"(f) OCCUPATIONAL SAFETY AND HEALTH.—In order to assist the Secretary of Labor and the Director of the National Institute for Occupational Safety and Health in carrying out their duties under the Occupational Safety and Health Act of 1970, the Administrator shall—

"(A) Provide the following information, as such information becomes available, to the Secretary and the Director:

"(i) The identity of any hazardous waste treatment, storage, disposal facility or site where clean-up is planned or underway;

"(ii) Information identifying the hazards to which persons working at a hazardous waste treatment, storage, disposal facility or site or otherwise handling hazardous waste may be exposed, the nature and extent of the exposure, and methods to protect workers from such hazards; and

"(iii) Incidents of worker injury or harm at a hazardous waste treatment, storage or disposal facility or site; and

"(B) Notify the Secretary and the Director of the Administrator's receipt of notifications under section 3010 or reports under sections 3002, 3003 and 3004 of this Title and make such notifications and reports available to the Secretary and the Director.

(t) Section 6004 of such Act is amended by—

(1) inserting immediately after "an executive agency (as defined in section 105 of title 5, United States Code)" in subsection (a)(1), "or any unit of the legislative branch of the Federal Government";

(2) inserting after "Each Executive agency" in subsection (a)(2), "or any unit of the legislative branch of the Federal Government"; and

(3) inserting after "The President" in subsection (a)(4)" or the Committee on House Administration of the House of Representatives and the Committee on Rules and Administration of the Senate with regard to any unit of the legislative branch of the Federal Government".

(a) Section 7003 of such Act is amended by—

(a) striking out "is presenting" and inserting in lieu thereof "may present";

(2) by striking "may bring suit" and all that follows down through "the alleged disposal" and inserting in lieu thereof "may take action";

(3) by striking out "suit" in the last sentence thereof and substituting "action"; and

(4) by inserting "(a) AUTHORITY OF ADMINISTRATOR.—" after "7003", and adding the following at the end thereof: "The action which the Administrator may take under this section may include (but shall not be limited to)—

"(1) issuing such orders as may be necessary to protect public health and the environment, and

"(2) commencing a civil action for appropriate relief, including a restraining order or permanent or temporary injunction.

"(b) VIOLATIONS.—Any person who willfully violates, or fails or refuses to comply with, any order of the Administrator under subsection (a)(1) may, in an action brought in the appropriate United States district court to enforce such order, be fined not more than $5,000 for each day in which such violation occurs or such failure to comply continues.".

(v) Section 7004(b) of the Solid Waste Disposal Act is amended by inserting "(1)" before "PUBLIC PARTICIPATION" and by inserting the following new paragraph at the end thereof:

"(2) Before the issuing of a permit to any person with any respect to any facility for the treatment, storage, or disposal of hazardous wastes under section 3004, the Administrator shall—

"(A) cause to be published in major local newspapers of general circulation and broadcast over local radio stations notice of the agency's intention to issue such permit, and

"(B) transmit in writing notice of the agency's intention to issue such permit to each unit of local government having jurisdiction over the area in which such facility is proposed to be located and to each State agency having any authority under State law with respect to the construction or operation of such facility.

If within 45 days the Administrator receives written notice of opposition to the agency's intention to issue such permit, or if the Administrator determines on his own initiative, he shall hold a public hearing on whether he should issue a permit for the proposed facility. Whenever possible the Administrator shall schedule such hearing at a location convenient to the nearest population center to such proposed facility and give notice in the aforementioned manner of the date, time, and subject matter of such hearing. No state program which provides for the issuance of permits referred to in this paragraph may be authorized by the Administrator under section 3006 unless such program provides for the notice and hearing required by this paragraph."

(w) Section 7006 of such Act is amended—

(1) by inserting "(a) REVIEW OF FINAL REGULATIONS AND CERTAIN PETITIONS.—" before "Any";

(2) by adding the following new subsection (b) at the end thereof:

"(b) REVIEW OF CERTAIN ACTIONS UNDER SECTIONS 3005 AND 3006.—Review of the Administrator's action—

"(1) in issuing, denying, modifying, or revoking any permit under section 3005, or

"(2) in granting, denying, or withdrawing authorization or interim authorization under section 3006,

may be had by any interested person in the Circuit Court of Appeals of the United States for the Federal judicial district in which such person resides or transacts such business upon application by such person. Any such application shall be made within ninety days from the date of such issuance, denial, modification, revocation, grant, or withdrawal, or after such date only if such application is based solely on grounds which arose after such ninetieth day. Such review shall be in accordance with sections 701 through 706 of title 5 of the United States Code.";

(3) by striking out ". Any" in paragraph (1) thereof and substituting "; any";

(4) by striking out ". Action" in paragraph (1) thereof and substituting "; action"; and

(5) by striking out "proper." in paragraph (2) thereof and substituting "proper;".

(x) Section 7009 of such Act is amended by striking out "unless the Secretary" and substituting "unless the Administrator".

(y) Section 8002 of such Act is amended—

(1) by striking out the last sentence of subsection (f) of such section and inserting in lieu thereof the following: "Not later than thirty-six months after the date of the enactment of the Resource Conservation and Recovery Act Amendments of 1979, the Administrator shall publish a report of such study and shall include appropriate findings and recommendations for Federal and non-Federal actions concerning such effects. Such report shall be submitted to the Committee on Environment and Public Works of the Senate and the Committee on Interstate and Foreign Commerce of the House of Representatives."; and

(2) by adding the following new subsections at the end thereof:

"(n)(1) The Administrator shall conduct a detailed and comprehensive study and submit a report on the adverse effects, if any, of drilling fluids, produced waters, and other wastes associated with the exploration for, or development or production of, crude oil or natural gas on the environment, including but not limited to, the effects of those wastes on human health, water quality, air quality, welfare, and natural resources, and on the adequacy of means and measures currently employed by the oil and gas drilling and production industry, Government agencies, and others to dispose of and utilize those wastes and to prevent or substantially mitigate any adverse effects. The study shall include an analysis of—

"(A) the sources and volume of discarded material generated per year from such wastes;

"(B) present disposal practices;

"(C) potential dangers to human health and the environment;

"(D) alternatives to current disposal methods;

"(E) the cost of those alternatives; and

"(F) the impact of those alternatives on the exploration for, and development and production of, domestic crude oil and natural gas.

In furtherance of this study, the Administrator shall, as he deems appropriate, review studies and other actions of other Federal agencies concerning such wastes with a view toward avoiding duplication of effort and expeditious completion of the study. The Administrator shall publish a report of the study and shall include appropriate findings and recommendations for Federal and non-Federal actions.

"(2) The Administrator shall complete the research and study and submit the report required under paragraph (1) not later than October 1, 1981. Upon completion of the study, the Administrator shall prepare a plan for research, development, and demonstration respecting the findings of the study and may submit any legislative recommendations resulting from the study to the Congress.

"(3) There are authorized to be appropriated not to exceed $1,000,000 for the fiscal year 1980 to carry out the provisions of this subsection.

"(o) MATERIALS GENERATED FROM THE COMBUSTION OF COAL AND OTHER FOSSIL FUELS.—The Administrator shall conduct a detailed and comprehensive study on the adverse effects on human health and the environment, if any, of the disposal and utilization of fly ash waste, bottom ash waste, slag waste, flue gas emission control waste, and other by-product materials generated primarily from the combustion of coal or other fossil fuels. Such study shall include an analysis of—

"(1) the source and volumes of such materials generated per year;

"(2) present disposal and utilization practices;

"(3) potential danger, if any, to human health and the environment from the disposal and reuse of such materials;

"(4) documented cases in which danger to human health or the environment from surface runoff or leachate has been proved;

"(5) alternatives to current disposal methods;

"(6) the costs of such alternatives;

"(7) the impact of those alternatives on the use of coal and other natural resources; and

"(8) the current and potential utilization of such materials.

In furtherance of this study, the Administrator shall, as he deems appropriate, review studies and other actions of other Federal and State agencies concerning such waste or materials and invite participation by other concerned parties, including industry and other Federal and State agencies, with a view towards avoiding duplication of effort. The Administrator shall publish a report of such study, which shall include appropriate findings, not later than thirty-six months after the date of enactment of the Resource Conservation and Recovery Act Amendments of 1979. Such report shall be submitted to the Committee on Environment and Public Works of the Senate and the Committee on Interstate and Foreign Commerce of the House of Representatives.

"(p) Cement Kiln Dust Waste.—The Administrator shall conduct a detailed and comprehensive study of the adverse effects on human health and the environment, if any, of the disposal of cement kiln dust waste. Such study shall include an analysis of—

"(1) the source and volumes of such materials generated per year;

"(2) present disposal practices;

"(3) potential danger, if any, to human health and the environment from the disposal of such materials;

"(4) documented cases in which danger to human health or the environment has been proved;

"(5) alternatives to current disposal methods;

"(6) the costs of such alternatives;

"(7) the impact of those alternatives on the use of natural resources; and

"(8) the current and potential utilization of such materials.

In furtherance of this study, the Administrator shall, as he deems appropriate, review studies and other actions of other Federal and State agencies concerning such waste or materials and invite participation by other concerned parties, including industry and other Federal and State agencies, with a view towards avoiding duplication of effort. The Administrator shall publish a report of such study, which shall include appropriate findings, not later than thirty-six months after the date of enactment of the Resource Conservation and Recovery Act Amendments of 1979. Such report shall be submitted to the Committee on Environment and Public Works of the Senate and the Committee on Interstate and Foreign Commerce of the House of Representatives.

"(q) Materials Generated From the Extraction, Beneficiation, and Processing of Ores and Minerals, Including Phosphate Rock and Uranium Mining Ore.—The Administrator shall conduct a detailed and comprehensive study on the adverse effects on human health and the environment, if any, of the disposal and utilization of solid waste from the extraction, beneficiation, and processing of ores and minerals, including phosphate rock and uranium ore. Such study shall be conducted in conjunction with the study of mining wastes required by subsection (f) of this section and shall include an analysis of—

"(1) the source and volumes of such materials generated per year;

"(2) present disposal and utilization practices;

"(3) potential danger, if any, to human health and the environment from the disposal and reuse of such materials;

"(4) documented cases in which danger to human health or the environment has been proved;

"(5) alternatives to current disposal methods;

"(6) the costs of such alternatives;

"(7) the impact of those alternatives on the use of phosphate rock and uranium ore, and other natural resources; and

"(8) the current and potential utilization of such materials.

In furtherance of this study, the Administrator shall, as he deems appropriate, review studies and other actions of other Federal and State agencies concerning such waste or material and invite participation by other concerned parties, including industry and other Federal and State agencies, with a view towards avoiding duplication of effort. The Administrator shall publish a report of such study, which shall include appropriate findings, in conjunction with the publication of the report of the study of mining wastes required to be conducted under subsection (f) of this section. Such report and findings shall be submitted to the Committee on Environment and Public Works of the Senate and the Committee on Interstate and Foreign Commerce of the House of Representatives.".

ENERGY AND MATERIALS RECOVERY

SEC. 4. (a) The Congress finds that—

(1) municipal solid waste contains valuable energy and material resources which can be recovered and used thereby conserving increasingly scarce and expensive fossil fuels and virgin materials;

(2) the recovery of energy and materials from municipal waste can have the effect of reducing the volume of the municipal waste stream and the burden of disposing of increasing volumes of solid waste;

(3) the technology to recover energy and materials from solid waste is of demonstrated commercial feasibility; and

(4) various communities throughout the nation have different needs and different potentials for utilizing techniques for the recovery of energy and materials from waste, and Federal assistance in planning and implementing energy and materials recovery programs should be available to all such communities on an equitable basis in relation to their needs and potential.

(b) Section 4001 of the Solid Waste Disposal Act (relating to objectives) is amended by inserting "including energy and materials which are recoverable from solid waste" after "valuable resources".

(c) Section 4002(c) of the Solid Waste Disposal Act (relating to guidelines for State plans) is amended in paragraph (11) by inserting after "recovered material" the following: "and energy and energy resources recovered from solid waste".

(d)(1) Section 4003 of the Solid Waste Disposal Act is amended by inserting "negotiating and" after "from".

(2) Section 4003 of the Solid Waste Disposal Act (relating to minimum requirements for State plans) is amended by inserting "(a) MINIMUM REQUIREMENTS.—" after "4003" and by adding the following new subsection at the end thereof:

"(b) ENERGY AND MATERIALS RECOVERY FEASIBILITY PLANNING AND ASSISTANCE.—(1) A State which has a plan approved under this subtitle or which has submitted a plan for such approval shall be eligible for assistance under section 4008(a)(3) if the Administrator determines that under such plan the State will—

"(A) analyze and determine the economic and technical feasibility of facilities and programs to recover energy and materials from municipal waste,

"(B) analyze the legal, institutional, and economic impediments to the development of systems and facilities for the recovery of energy and materials from municipal waste and make recommendations to appropriate governmental authorities for overcoming such impediments;

"(C) assist municipalities within the State in developing plans, programs, and projects to recover energy and materials from municipal waste; and

"(D) coordinate the resource recovery planning under subparagraph (C).

"(2) The analysis referred to in paragraph (1)(A) shall include—

"(A) the evaluation of, and establishment of priorities among, market opportunities for industrial and commercial users of all types (including public utilities and industrial parks) to utilize energy and materials recovered from municipal waste,

"(B) comparisons of the relative costs of energy recovered from municipal waste in relation to the costs of energy derived from fossil fuels and other sources, and

"(C) studies of the transportation and storage problems and other problems associated with the development of energy and materials recovery technology, including curbside source separation.

Such studies and analyses shall also include studies of other sources of solid waste from which energy and materials may be recovered.".

(e)(1) Section 4008(a)(1) of the Solid Waste Disposal Act is amended by inserting the following before the period at the end thereof: "(other than the provisions of such plans referred to in section 4003(b), relating to feasibility planning for municipal waste energy and materials recovery).".

(2) Section 4008(a) of such Act is amended by adding the following new paragraph at the end thereof:

"(3)(A) There is authorized to be appropriated for the fiscal year beginning October 1, 1981 and for each fiscal year thereafter before October 1, 1986, $4,000,000 for purposes of making grants to States to carry out section 4003(b). No amount may be appropriated for such purposes for the fiscal beginning on October 1, 1986, or for any fiscal year thereafter.".

"(B) Assistance provided by the Administrator under this paragraph shall be used only for the purposes specified in such 4003(b). Such assistance may not be used for purposes of land acquisition, final facility design, equipment purchase, construction, startup or operation activities.

"(C) Where appropriate, any State receiving assistance under this paragraph may make all or any part of such assistance available to municipalities within the State to carry out the activities specified in section 4003(b)(1)(A) and (B).".

(3) Section 4008 of such Act is amended by adding the following new subsection at the end thereof:

"(f) ASSISTANCE TO MUNICIPALITIES FOR ENERGY AND MATERIALS RECOVERY PLANNING ACTIVITIES.—(1) The Administrator is authorized to make grants to municipalities, regional authorities, and intermunicipal agencies to carry out activities described in subparagraphs (A) and (B) of section 4003(b)(1). Such grants may be made only pursuant to an application submitted to the Administrator by the municipality which application has been approved by the State and determined by the State to be consistent with any State plan approved or submitted under this subtitle or any other appropriate planning carried out by the State.

"(2) There is authorized to be appropriated for the fiscal year beginning October 1, 1981 and for each fiscal year thereafter before October 1, 1986, $8,000,000 for purposes of making grants to municipalities under this subsection. No amount may be appropriated for such purposes for the fiscal year beginning on October 1, 1986, or for any fiscal year thereafter.".

"(3) Assistance provided by the Administrator under this subsection shall be used only for the purposes specified in paragraph (1). Such assistance may not be used for purposes of land acquisition, final facility design, equipment purchase, construction, startup or operation activities.".

(f) Section 4008(d) of the Solid Waste Disposal Act is amended by inserting "(1)" after "TECHNICAL ASSISTANCE.—" and by adding the following new paragraph at the end thereof:

"(2) In carrying out this subsection, the Administrator is authorized to provide technical assistance to States, municipalities, regional authorities and intermunicipal agencies upon request, to assist in the removal or modification of legal, institutional, and economic impediments which have the effect of impeding the development of systems and facilities to recover energy and materials from municipal waste. Such impediments may include—

"(A) laws, regulations, and, policies, including State and local procurement policies, which are not favorable to resource recovery policies, systems, and facilities;

"(B) impediments to the financing of facilities to recover energy and materials from municipal waste through the exercise of State and local authority to issue revenue bonds and the use of State and local credit assistance; and

"(C) impediments to institutional arrangements necessary to undertake projects for the recovery of energy and materials from municipal waste, including the creation of special districts, authorities, or corporations where necessary having the power to secure the supply of waste of a project, to implement the project, and to undertake related activities.".

(g) Section 6003 of the Solid Waste Disposal Act is amended—

(1) by inserting "(a) GENERAL RULE.—" after "6003"; and

(2) by adding the following new subsection at the end thereof:

"(b) INFORMATION RELATING TO ENERGY AND MATERIALS RECOVERY.—The Administrator shall collect, maintain, and disseminate information concerning the market potential of energy and materials recovered from solid waste, including materials obtained through source separation. The Administrator shall identify the regions in which the increased substitution of such energy for energy derived from fossil fuels and other sources is most likely to be feasible, and provide information on the technical and economic aspects of developing integrated resource recovery systems which provide for the recovery of source-separated materials to be recycled. The Administrator shall utilize the authorities of subsection (a) in carrying out this subsection.".

NATIONAL ADVISORY COMMISSION ON RESOURCE RECOVERY

SEC. 5. (a) The Administrator of the Environmental Protection Agency shall establish, within 30 days after the date of the enactment of this Act, a commission to be known as the National Advisory Commission of Resource Recovery (hereinafter in this section referred to as the "Commission").

(b)(1) The Commission shall—

(A) after consultation with the appropriate Federal agencies, review budgetary priorities relating to resource recovery, determine to what extent program goals relating to resource recovery are being realized, and make recommendations concerning the appropriate program balance and priorities;

(B) review any existing or proposed resource recovery guidelines or regulations;

(C) determine the economic development potential of resource recovery, including the availability of markets for recovered energy and materials, and make recommendations concerning the utilization of such potential;

(D) identify, and make recommendations addressing, institutional obstacles impeding the development of resource recovery; and

(E) evaluate the status of resource recovery technology and systems including both materials and energy recovery technologies, recycling methods, and other innovative methods for extracting valuable resources from solid waste.

The review referred to in subparagraph (A) should include but not be limited to an assessment of the effectiveness of the Technical Assistant Panels, the Public Participation program and other program activities under the Solid Waste Disposal Act.

(2) Not later than March 15, 1981, the Commission shall transmit to the Administrator of the Environmental Protection Agency, the President, and to each House of the Congress a report containing the recommendations referred to in paragraph (1) and such other recommendations for legislation and administrative actions relating to resource recovery as it considers appropriate. Before March 15, 1981, the Commission may submit preliminary recommendations to the Administrator, the Office of Management and Budget, and other appropriate agencies for purposes of consideration in connection with the fiscal year 1982 budget.

(c) The Commission shall be composed of 9 members appointed by the Administrator of the Environmental Protection Agency from among persons who are not officers or employees of the United States and who are specially qualified to serve on the Commission by reason of their education, training, or experience. The membership of the Commission shall include persons who will represent the views of consumer groups, local government organizations, industry associations, and environmental and other groups, concerned with resource recovery. Members shall be appointed for the life of the Commission.

(d) Members of the Commission shall serve without pay. While away from their homes or regular places of business in the performance of services for the Commission, members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in Government service are allowed expenses under section 5703 of title 5 of the United States Code.

(e) Five members of the Commission shall constitute a quorum but a lesser number may hold hearings.

(f) The Chairman of the Commission shall be designated by the Administrator at the time of his appointment to the Commission.

(g) The Commission shall meet at the call of the Chairman or a majority of its members.

(h) With the approval of the Commission, the Chairman may procure temporary and intermittent services under section 3109(b) of title 5 of the United States Code.

(i) Upon request of the Commission, the Administrator of the Environmental Protection Agency or the head of any Federal agency is authorized to detail, on a reimbursable basis, any of the personnel of such agency to the Commission to assist the Commission in carrying out its duties under this section.

(j) The Commission may, for the purpose of carrying out this section, hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence, as the Commission considers appropriate.

(k) The Commission may secure directly from any department or agency of the United

States information necessary to enable it to carry out this Act. Upon request of the Chairman, the head of such department or agency shall furnish such information to the Commission.

(l) The Administrator of General Services shall provide to the Commission on a reimbursable basis such administrative support services as the Commission may request.

(m) The Commission shall cease to exist upon submission of its report pursuant to this section.

SPECIAL COMMUNITIES

SEC. 6. Section 4008(e) of the Solid Waste Disposal Act is amended by—

(1) striking out "identify communities" in paragraph (1) thereof and substituting "identify local governments";

(2) striking out clause (A) thereof and redesignating clauses (B) and (C) as (A) and (B) respectively;

(3) striking out "solid waste disposal facilities in which more than 75 per centum of the solid waste disposed of is from areas outside the jurisdiction of the communities" in paragraph (1) thereof and substituting "a solid waste disposal facility (i) which is owned by the unit of local government, (ii) for which an order has been issued by the State to cease receiving solid waste for treatment, storage, or disposal, and (iii) which is subject to a State approved end-use recreation plan";

(4) striking out "which have" in clause (B) of paragraph (1), as redesignated by paragraph (2) of this section, and substituting the following "which are located over an aquifer which is the source of drinking water for any person or public water system and which has";

(5) inserting before the period at the end of paragraph (1) : ", including possible methane migration";

(6) striking out "each of the fiscal years 1978 and 1979" in paragraph (2) and substituting "the fiscal year 1980";

(7) striking out "the conversion, improvement" in the first sentence of paragraph (2) and all that follows down through the period at the end of such sentence and substituting "containment and stabilization of solid waste located at the disposal sites referred to in paragraph (1)";

(8) inserting the following new sentence at the end of paragraph (2): "No unit of local government shall be eligible for grants under this paragraph with respect to any site which exceeds 65 acres in size."; and

(9) striking out paragraph (3) thereof.

NOTIFICATION

SEC. 7. Section 3010(a) of the Solid Waste Disposal Act is amended by striking out "or revision" and by inserting the following at the end of the first sentence thereof: "In revising any regulation under section 3001 identifying additional characteristics of hazardous waste or listing any additional substance as hazardous waste subject to this subtitle, the Administrator may require any person referred to in the preceding sentence to file with the Administrator (or with States having authorized hazardous waste permit programs under section 3006) the notification described in the preceding sentence.".

AMENDMENT OF RESOURCE CONSERVATION AND RECOVERY ACT OF 1976

SEC. 8. Sections 3 and 4 of the Resource Conservation and Recovery Act of 1976 are hereby repealed.

Amend the title so as to read: "An Act to amend the Solid Waste Disposal Act to authorize appropriations for the fiscal year 1980, to make certain technical changes, to strengthen the regulatory and enforcement mechanisms, and for other purposes.".

The motion was agreed to.

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

The title was amended so as to read:

An act to amend the Solid Waste Disposal Act to authorize appropriations for the fiscal year 1980, to make certain technical changes, to strengthen the regulatory and enforcement mechanisms, and for other purposes.

A motion to reconsider was laid on the table.

A similar House bill (H.R. 3994) was laid on the table.

PERSONAL EXPLANATION

Mr. PORTER. Mr. Speaker, with reference to the last vote that was taken on final passage of H.R. 3994, I was unavoidably detained. I was late, and had I been able to reach the Chamber in time, I would have voted "aye."

THE ISSUE OF AID TO NICARAGUA

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

Mr. YOUNG of Florida. Mr. Speaker, tomorrow, Thursday, February 21, the House is scheduled to consider H.R. 6081, the Special Central American Assistance Act of 1979. This bill would provide $75 million in foreign aid for Nicaragua.

The issue of aid to Nicaragua is extremely controversial because there is a very serious question concerning the direction the Sandinista controlled government is moving and the role that Cuba is playing in Nicaragua today. In addition, there is mounting evidence that Cuba is involved in exporting revolution to a number of neighboring countries in Central America and the Caribbean.

According to a news article which appeared in the February 18, 1980, issue of the Washington Star a number of U.S. specialists on Latin America have concluded:

Cuba has, in the past year or so, assigned a higher priority to attempts to subvert regimes in Latin America. They discern a new phase in the Cuban effort to spread communism in this hemisphere. Cuba is credited by the specialists with playing a key organizing role in the Sandinista victory in Nicaragua last July and now in moves toward consolidating Communist power there.

According to one U.S. specialists: "The infrastructure for a complete Communist takeover is now being put into place" in Nicaragua.

I hope our colleagues will take the time to review this interesting news article which appears below in it's entirety:

EXPERTS SEE NEW CUBA ROLE IN HEMISPHERE REVOLUTIONS

(By Henry S. Bradsher)

Cuban training and advice on revolutionary techniques have contributed to growing political turmoil in Central America—including leftist violence in El Salvador—and pose a danger to governments in other parts of Latin America, according to U.S. specialists on the region.

The specialists say that Cuba has in the past year or so assigned a higher priority to attempts to subvert regimes in Latin America. They discern a new phase in the Cuban effort to spread communism in this hemisphere.

Cuba is credited by the specialists with playing a key organizing role in the Sandinista victory in Nicaragua last July and now in moves toward consolidating Communist power there.

Cuba is also teaching radicals from other Latin American countries how to develop popular complaints into revolutionary situations, the specialists said. The effects are already being seen in crises in Guatemala and El Salvador, and they could appear soon in other places.

Smoldering complaints based on economic and social disparities, some existing since Spanish settlers subjugated Indians, are being fanned into flames by a new Cuban approach. It emphasizes broad-based revolutionary movements, replacing Cuba's unsuccessful 1960s emphasis on small guerrilla bands in Latin American countries.

The Carter administration has recognized the threat to some Latin American regimes as a result of Cuban activity. The threat is considered more real and more dangerous than the possibility of direct intervention in Latin American countries by Cuban troops.

But the twin U.S. answers to the threat are long-term responses: supplying economic aid to help reduce poverty that breeds revolution and urging social and political reforms. The U.S. responses might not be able to overcome years of social ills before the Cubans can foster the development of explosive pressures and then touch sparks to them.

The specialists, most of whom analyze Latin American developments for the U.S. government, said Cuba's new activity apparently results from seeing fresh opportunities in the region after the coup in Grenada last March and the fall of President Anastasio Somoza Debayle in Nicaragua last July.

Those events led to the creation of a special task force by the Carter administration to study instability in the region. It was headed by Philip C. Habib, a senior adviser to Secretary of State Cyrus R. Vance.

But, although it recognized the need for more economic aid, the budget recommendation that President Carter sent to Congress last month decreased the amount of economic aid sought for Latin America. Carter had asked $326 million for the current fiscal year, but he only asked $304 million for 1981.

The existence of revolutionary new possibilities became evident to Havana, and presumably also to the leaders in Moscow who finance and influence what Havana does, after Cuban ventures in Africa had stagnated.

There are now about 36,000 Cuban troops and military advisers in Africa and the Middle East plus about 14,000 teachers, technicians and others. With a population bulge at home that creates a need for jobs, and with Moscow paying the bills, this is a role that Cuba can maintain for an indefinite time.

But since the buildup in Ethiopia in the winter of 1977–78, following the 1975 Angolan venture, there have not been any openings for playing major new roles in new African countries. Havana and Moscow apparently decided not to get involved in the Rhodesian civil war after training some local guerrillas. Both quietly support the current attempt to reach a political solution.

The Latin American opportunities are different from the African ventures. They require only seed money and small numbers of people. Some of the revolutionaries are radicals from other Latin countries who have been trained and have lived in Cuba for years as the nucleus of a Communist international brigade.

These people are now instructing the local

leaders of old, sometimes moribund, movements in various countries on how to expand their political base, turn latent grievances into explosive issues, and organize revolutions. This represents a new approach for Cuba to Latin American revolution.

When Fidel Castro came to power in Cuba on New Year's Day 1959, he called for his guerrilla example to be followed in Nicaragua, the Dominican Republic, Venezuela and other countries. Guerrilla missions were quickly sent to these countries and others like Haiti and Panama. But most were what the specialists called "comic opera operations" that failed.

More careful preparations led to more serious revolutionary efforts. The theory in Havana was that a small guerrilla nucleus would spark the overthrow of dictatorial regimes. But these efforts ended with the death in Bolivia in 1967 of Castro's comrade, Che Guevara.

Cuba remained dedicated to spreading its revolution, but after 1967 it emphasized the maintenance of formal relations with Latin governments. Obtaining the benefits of trade and cultural exchanges was not considered inconsistent with plotting to subvert other governments.

The overthrow in 1973 of the world's first democratically elected Marxist president, Salvador Allende Gossens in Chile, confirmed the Cuban conviction that only an armed revolution that destroyed all opposing power could establish a Communist regime. The theory was then growing in Havana that the best way to prepare for such revolutions was by developing mass organizations.

Cuba stayed in touch with the small, mostly insignificant guerrilla movements around the region, and it continued to train revolutionaries. But, one specialist said, it seemed to lack any master plan.

The strength and intensity of the Sandinista movement in Nicaragua apparently surprised Cuba, although the Sandinistas were already receiving help from some Latin American democratic opponents of Somoza as well as some not-so democratic anti-Somoza quarters. The unsuccessful Sandinista uprising in September 1978 caused Havana to take a new look at the movement.

In early 1979, the specialists say, the Cubans reached some kind of agreement with the Sandinistas to provide advisers, weapons, communications and other forms of aid. This seems to have been the critical element that led to the Sandinista victory over Somoza in July.

The precise nature of the Cuban role is still unclear. Some U.S. officials talk of Cuban "command and control," while others say it was more advice on coordination than the actual running of Sandinista operations. Cubans tried to stay in the background, using Communists from other Latin countries that they had trained.

"They don't want any Cuban bodies being found on guerrilla battlefields abroad," was the way one specialist described Havana's caution. But Cuba sent 1,200 teachers into Nicaragua after the Sandinista victory.

After Somoza fled Nicaragua, the local committees that had run Sandinista operations assumed broad powers over food distribution, passports and other things. These powers have gradually been expanded. At the same time, unions and other mass organizations have been formed to widen controls, the media have been muzzled, and security services strengthened.

"The infrastructure for a complete Communist takeover is now being put into place" in Nicaragua, one specialist said.

He compared the situation there with the piece-by-piece tactics that Communists used in Eastern Europe to slice up opposition after World War II and the conversion of Castro's originally broad-based 1959 government into a Communist regime. Another specialist said a similar development is now occurring in Ethiopia, where the Cubans and Soviets are trying to build a solidly, Communist political base underneath the military junta that they went to aid.

"But at the moment (in Nicaragua) there's still enough divergence of views to slow the process" of a takeover, the specialist added.

After Somoza fell, the Cubans began paying more attention to neighboring El Salvador and Guatemala. Both countries had old, ineffective opposition movements that could be shaped into potent new forces for revolution.

The specialists have since last summer seen some coordination among what had been separate organizations in El Salvador, a coordination they believe is the result of Cuban efforts. This has led to an upsurge in revolutionary activity that threatens the stability of the country and is causing great concern in Washington.

After forging leftist unity, the Cuban advisers are presumed now to be preparing for insurrection. "They'll probably be ready within a year or so," one specialist said.

In Guatemala, the old Guerrilla Army of the Poor has moved away from its former base among a small core of radicalized university students to appeal to the masses of poor Indians. This is a shift from the traditional supporters of Marxist movements in Latin America to a new and potentially stronger element that can sustain a revolutionary movement.

Specialists say that Cuban tactics differ in other Latin American areas. In the eastern Caribbean they seem to be counting on large-scale unemployment and other economic problems to produce radical changes. They are also watching for possibilities in South America, one example being Paraguay's future after aging dictator Alfredo Stroessner dies.

ROCK ISLAND RAILROAD

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

Mr. KRAMER. Mr. Speaker, once again the Nation is facing the imminent disruption of vital rail service as the directed service order on the Rock Island Line nears termination on March 2.

The effect of terminated service on my district alone would be disastrous. Agriculture is the second largest single industry in Colorado, next to tourism, and is the only major industry in eastern Colorado. The Rock Island represents the only rail service, for example, in Kit Carson County, which is one of the top winter wheat counties in the State. That county alone produced more than 12 million bushels of crops last year which must be stored or transported to market. Grain elevators in the past year have been filled to overflowing, and grain had to be stored on the ground. Trucking the grain adds 25 to 30 cents per bushel to the farmers' costs, and this could well drive the farmers off the farm. The consumer gets higher prices both ways. In addition, trucking is not available for shipments of liquid fertilizer into eastern Colorado, and costs for solid fertilizer shipments by truck range from $8 to $34 higher per ton. It is not difficult to project the effects of these factors on the future of agriculture in eastern Colorado and on the future costs of agricultural products nationwide.

And the problems are not limited just to agriculture. Nichols Tillage Tools, the major industry in Simla, in Elbert County, produces agricultural equipment and relies on steel shipments by rail. In the absence of that service, this company faces shutdown or relocation. In either case, the town of Simla, population 460, will be devastated by the loss of the nearly $1 million payroll of the plant. Other illustrations of the severity of the threat of loss of rail service abound in Lincoln and El Paso Counties.

I know these examples can be replicated in every district in the 13 States which are served by the 7,000 miles of Rock Island track. It is for all of these communities, and indeed for the Nation as a whole, that we who are principally affected, are trying to find a viable resolution of the problems surrounding this bankrupt railroad. At a time when rail export grain traffic is reaching an all-time high, it seems absurd that we should allow service along the Rock Island, which has routes through the heart of the Nation's "breadbasket" and which in 1978 carried 7 percent of all corn and wheat moved by rail, to come to an end. And that is what will happen on much of the Rock Island line in less than 2 weeks if the Congress does not take action to prevent it.

Legislation has been introduced which would provide for a simple further extension of the directed service order. Frankly, in my view, a simple extension of the directed service order at this point may be helpful to some of our constituents, but it would be costly and in itself would not lead to resolution of the underlying problems. Other legislation has been introduced which would tie further directed service to portions of the line which are subject to be purchased and would provide purchase assistance.

When the present directed service order went into effect, it was the common hope that the time provided by that order would be sufficient to allow for the acquisition of the Rock Island by other interested railroads or other purchasers with a minimal disruption of service. Unfortunately, those hopes have not been realized on segments of the line, and without some changes in present conditions, those hopes will not be realized in the near future.

There are two major impediments standing in the way of acquisitions of the Rock Island line. One is the labor problems associated with the railroad's disposition. These problems involve such complex issues as retroactive pay, seniority rights, relocation assistance, and severance pay, and must be resolved before any transfer of the Rock Island line can be consummated. Legislation is being developed to address these complex problems and should be introduced shortly.

Second is the seriously deteriorated physical condition of the line. Last summer, the Federal Railway Administration investigated something over half—52 percent—of the line's trackage, and found that 48.4 percent of that track did not comply with the requirements for the posted speed, and fully 24 percent did not even comply with class I standards which means that the track is unsafe for

a train to run 10 miles per hour. It is thought that the portions of the track investigated were probably some of the better track, so a simple multiplication by two will not necessarily give us the full picture.

Furthermore, the physical problems cannot be solved by simple replacement of rails and ties. Subgrade stabilization and surfacing will be required on some of the line to bring it up to ICC's minimum geometry thresholds, which are designed to provide a minimum degree of safety for the public and railroad employees. And, in places, for example, in my own district, substantial bridge repairs are required.

In short, this is not a line on which a simple transfer of ownership will lead to continued service. It is estimated that just on the stretch of line between Omaha and Colorado Springs, almost 300 miles, or nearly 50 percent, of the line is below class I standards and much of that will essentially have to be rebuilt. I am told that this could take up to 3 years and as much as $50 million just to make the line safe to be operated.

Clearly, with that level of investment in dollars and time before the acquired line could even become operational, during which time service interruptions can be expected to result in further reduced volume and thus further reduced future profitability, there must be a positive incentive to induce profitable operations to undertake an anticipated loss of that magnitude. In the case of some potential purchasers, a Government loan assistance program for purchase and rehabilitation may help meet the front-end costs.

But, that approach may not offer the same appeal to other prospective purchasers who are not as concerned with meeting the front-end costs as they are concerned with becoming further enmeshed in governmental redtape and controls and with having to meet future loan repayment schedules after having suffered net operating losses on the purchased line during the lengthy period required to bring it up to service level. Thus, I have sought to find an alternative approach, which would offer the necessary incentive for the critical rehabilitation of the line without requiring extensive and prolonged Government involvement and expenditures. I believe this can be done simply through the provision of tax credits to those railroads which invest the large sums necessary for acquisition and rehabilitation of this line.

Today, I am introducing legislation which would provide a credit against the tax liability of a domestic railroad for the amount incurred in any taxable year to upgrade to class 3 standards the Rock Island line acquired by such railroad. The credit could not exceed the tax liability for any taxable year, but the bill does provide for a 3-year credit carryback and a 7-year credit carryover for a maximum 10-year period during which the credit could be applied.

I strongly believe that this approach is the simplest, most cost-effective means of encouraging the rehabilitation and continued operation of a vital link in our national rail system. It does not require a costly Government bureaucracy to administer. It does not entail Government loan commitments and continuous Government involvement to secure such loans. It does not leave the unsettling prospect of future Government subsidies for loan repayments which can not be met or for operating losses. Instead, it relies on the force of the marketplace to assure economic viability of the line which is acquired and made serviceable. The credit is limited just to the actual rehabilitation costs, so the investors must be able to see the future profitability of the line before making the initial acquisition investment, and they must be able to see that profitability without the prospect of future Government assistance. The added attraction of this approach is that in the long run it can be anticipated to increase revenues as the line once again becomes profitable.

I believe this approach may offer the kind of stimulus which will appeal to the potential purchasers who are presently running profitable operations because of their ability to make sound economic projections, and who simply do not see those projections coming up positive under present terms or under involved Government assistance programs.

Because the rail service provided on the Rock Island line is so important to our agricultural industry as a whole, and is vital to many communities which are serviced exclusively by the Rock, I believe it is essential that we act to mitigate the inevitable disruptions of interrupted or terminated service along this line. I believe the bill I am introducing today provides the necessary incentive to rebuild at least those portions of the line which have the potential for future profitability, and it does so with minimum Government costs and redtape.

I am pleased that my friend and colleague, KEITH SEBELIUS, whose district abuts mine, has joined me in sponsoring this measure, and I hope our colleagues will carefully consider this somewhat different approach to resolving one of our major rail problems, and will join us in pushing for its prompt enactment.

□ 1520

LEGISLATION TO DELAY PAY RAISES

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

Mr. GRASSLEY. Mr. Speaker, today I am introducing legislation that will postpone, for 4 years, the appointment of members of the Commission on Executive, Legislative and Judicial Salaries. Passage of this bill will effectively preclude Members of Congress from receiving huge salary increases pursuant to the operation of Public Law 90–206. These pay raises will take effect in just about a year unless we nip this thing in the bud.

Members of the so-called Quadrennial Commission are appointed by the President, President of the Senate, Speaker of the House, and Chief Justice of the United States. Unless the current law is amended, these individuals will make recommendations for salary adjustments to the President of the United States late this year. The President then is required to make salary recommendations to the Congress in his next budget message—in this case, the budget for fiscal year 1982. The law further provides for congressional review and consideration of the Presidential pay recommendations within a specified time limit.

My point in offering this bill today is to indicate my feeling that we ought not to be even considering pay raises for Members of Congress and other highly paid Federal Government officials. Why even go through the motions of establishing a Commission whose recommendations will be invalid and should be rejected by the Congress? We can save the taxpayers some money—and spare Commission members and the Commission staff considerable work—by simply providing that the Quadrennial Commission shall not meet this year.

Now there might be those who will argue that we ought to go ahead and let this Quadrennial Commission meet and begin the pay raise process. They will probably say that we really do not know what sort of pay adjustments will be proposed.

I would invite those individuals to look and see what prior Quadrennial Commissions have proposed. The first Commission wanted to raise the salaries of Congresspersons by $20,000 from $30,000 annually to $50,000 per year. This was back in 1968. In 1973 this pay panel came up with a suggestion that our compensation should increase $10,500 to $53,000 per annum. The most recent Quadrennial Commission, which submitted its report in December 1976, proposed a $12,900 pay hike from $44,600 to $57,500 per year. This most recent pay adjustment went into effect providing for a 29-percent increase in congressional salaries.

I would like to point out that all of this took place some years ago before our country was caught in the grip of double-digit inflation. I shudder to think what their recommendations will be this year.

The record demonstrates that huge congressional pay raises have contributed to the inflationary mindset we have in the United States. Citizens look and see that their elected servants are receiving by way of salary adjustments and observe no self-restraint. It is business as usual and the old what is in it for me mentality so prevalent nowadays. The Congress ought to set a good example for the rest of the Nation to follow. Let us act now, let us be decisive, let us demonstrate that we are going to do without and make a sacrifice for the good of the country.

EUROPEAN NUCLEAR WASTE MANAGEMENT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. CORCORAN) is recognized for 30 minutes.

Mr. CORCORAN. Mr. Speaker, as I indicated in my remarks to the House of Representatives on December 20, 1979, the last day of the first session of this Congress, I used part of the time between sessions to inspect a number of nuclear facilities in Great Britain, France, and Germany. My primary purpose was to look at their progress in handling the nuclear wastes which are developed in the nuclear fuel cycle. In the course of the 2-week tour, our delegation also had the opportunity to observe all other major aspects of European commercial nuclear programs as well.

Before discussing the nuclear programs and the specific facilities in each of the countries we inspected, I would like to assert my principal conclusion of the tour—the key to nuclear waste management is reprocessing spent nuclear fuel. All of these countries are far ahead of the United States in managing nuclear wastes. All of them have opted for reprocessing despite our decision to the contrary, announced by President Carter on April 7, 1977, and despite the President's simultaneous request that all other nations do likewise. All of these countries are moving to the next step in the fuel cycle regarding waste management, which is vitrification. And finally, all of these countries are therefore in a position to move ahead on storing the vitrified or glassified nuclear waste in permanent repositories, such as underground salt mines.

Therefore, Mr. Speaker, I hope that when you and our colleagues in the House of Representatives, as well as the President of the United States, consider the European nuclear experience during the past few years, you will agree with me that the United States should reopen the reprocessing option because of its implications for better nuclear waste management.

While I intend to return to a more detailed discussion of this and related recommendations for revising our current policies on the commercial use of nuclear power, I now want to report our findings on the tour:

GREAT BRITAIN

During an overview briefing conducted by Sir John Hill, Chairman of the United Kingdom Atomic Energy Agency, we learned that the English accept two basic premises regarding the energy picture: One is that petroleum will become increasingly scarce, and two, it will become increasingly more expensive.

High energy costs have always been factored into their living standards, for example, in the various designs for their cities, which tend to be compact. They expect that overall energy growth rate will be somewhere between 1 and 2 percent per year. This includes a reduction of 25 percent due to the effects of future conservation.

Mr. Hill stated that the English people believe that they need nuclear powerplants; however, they expect the government to make sure that these are safe. And as a matter of policy, reprocessing is desirable both to close the fuel cycle and for the purposes of waste management.

The Department of Environment oversees the waste management effort. They rely on the geological survey for their geological effort and the U.K.A.E.A. for technical advice. The Department of Environment has both the policy role for identifying appropriate waste management approaches as well as the standard setting role for determining the dose levels to be released through the waste management activity. This agency is considering setting up a semiprivate organization to implement the government's waste management effort which will provide the service at a fee to the nuclear industry.

Mr. Hill expressed concern that the American nuclear power program would be losing its young people because the program is in a degenerative state. He felt that the loss of these people would hamper our efforts to restart the program.

Mr. Hill's staff expressed concern at the unilateral way we developed the Nuclear Non-Proliferation Act. They feel this act does not recognize their need for energy security—and puts us in a position of speaking down to our Allies.

The NNPA requirement that any American equipment involved in the fission process used by foreign governments would make the nuclear fuel subject to the U.S. reporting and transfer requirements was identified by the English as particularly damaging to U.S. equipment vendors' commercial position. They believe that no country would tolerate this level of intervention in their fuel cycle or with their sovereignty.

The United Kingdom has 13 nuclear powerplants on line now, producing 12 percent of its electricity. It is building one new nuclear plant a year for the next 10 years to meet an anticipated 1½ to 2 percent growth in electrical demand. These plants will be 1,200 megawatt and will take 9 years each to build. As plants currently under construction come on line, it is anticipated that nuclear power will produce 20 percent of their electricity by the end of 1981.

Their licensing process includes public comments and hearings, which has added about 2 years to the construction time of a nuclear plant. Their Secretary of State for Energy approves or disapproves a license after hearing all the pertinent information. A Parliamentary debate is possible if the issue is controversial. There is no judicial review.

Their nuclear regulatory framework is divided among the Department of Energy, the Nuclear Inspectorate, and the Department of the Environment. Representatives of these agencies stressed that agreement is always reached between the bodies through organized discussion and debate. And I would just comment that their Parliamentary form of government is conducive to this coordination on major policy issues such as nuclear power.

Britain is working on the breeder reactor, reprocessing of nuclear spent fuel, and vitrification (glassification) of high-level wastes. In the mid-60's at Harwell high-level wastes were vitrified and stored. These wastes were retrieved last year and determined to be in the same condition. No leakage, dissolution, or disruption was discovered. The British have determined to proceed with vitrification of their high-level wastes, primarily because glassified high-level waste is easier to handle than spent fuel or liquid waste.

In summary, Sir John Hill said the United Kingdom is committed to reprocessing and to the breeder reactor. It sees both as integral and essential to proceeding in an energy-conscious manner to provide domestic energy resources.

Following our briefing in London, the delegation traveled to Scotland to visit the Dounreay Prototype Fast Breeder Reactor and Reprocessing Facility.

In the early 1950's, the United Kingdom foresaw a shortage of energy and a shortage of uranium. The effort at Dounreay has been directed to give the United Kingdom energy independence. The siting of the plant at Dounreay was done with public explanation of the risks prior to the siting of the plant.

The researchers at Dounreay have looked at the accident scenarios resulting from TMI and have determined that there would be no effect on the prototype fast reactor design. They are currently investigating various modes of accidents whereby all power could be lost for all emergency systems. It appears that the prototype fast reactor is a "walk-away" reactor. By walk-away reactor, it is meant that without any hands being on the controls of the machine, it could safely shut down and cool itself with a total loss of power to all systems.

"Probabilistic assessment" was used for the design of the prototype fast reactor system (PFR). The design of each system was subject to a failure consequence analysis whereby dose and events per year were calculated. These calculations determined the basis for the design of each system.

The same people, that is, the researchers who developed the design of the prototype fast reactor, are the people who were simultaneously developing the probabilistic risk assessment methods. It appears that the PFR system has been designed at each stage according to probabilistic assessment methods, rather than using probabilistic assessment methods to see how safe the design is after it is fully completed.

It was pointed out that if the optimization of each element of the fuel cycle is done separately, then when put together, the result may be a system which is highly incompatible. Therefore, the reprocessing scheme as well as the reactor, along with the fuel design, are developed together so that this mismatch does not occur.

The plant displays at the PFR are highly computerized and displayed to the operator on four television monitors. The operator can dial any information directly from the computer to one of the monitors that is strictly for data display.

FRANCE

The Commissariat a l'Energie Atomique (CAE) is the French Atomic Energy Commission, whose basic function is to promote the uses of nuclear energy in science, industry, and national defense. We were briefed on their commercial nu-

clear programs by members of the CAE and its staff.

France's nuclear program is made easier by the existence of a single utility, Electricite de France. It is a governmental organization which must get a declaration from the Minister of Industry that a nuclear project is necessary to the nation. Public hearings are then held and all information is considered in determining whether or not to issue a declaration. Once a declaration is issued, the only court appeal available is one which shows that issuance of the declaration was procedurally flawed.

It currently takes 6 years to build a nuclear powerplant. Designs are standardized and the same construction company is used. Only site selection differs.

The French currently have five gas-cooled reactors, but these are being phased out in favor of pressurized water reactors—PWR's. They are beginning one PWR every 4 to 6 weeks. Today, 16 percent of France's electricity is supplied by nuclear power. By 1985, the figure will be 50 percent. By 2000, nuclear power will supply 75 to 85 percent of France's electrical needs.

The French view this as a national necessity. Ninety-nine percent of their oil is imported, as is 75 percent of their coal and 66 percent of their natural gas. Thus, national independence is basic to their nuclear program.

They anticipate a 3- to 4-percent annual growth in total energy use and 5- to 6-percent annual growth in electricity consumption. Nuclear power is, therefore, an important domestic resource. This explains their strong emphasis on the breeder reactor, as well as reprocessing, and the vitrification of high-level waste.

France is also making conservation strides. By 1990, energy conservation will be saving 20 percent of the energy used today. French citizens receive tax breaks for using home insulation, take advantage of cheaper off-peak electrical rates, and have a lower per capita use of energy than we do. Further, the French citizen can only get 90 percent of the energy he used last year. A specific tax on oil is levied to increase conservation, a portion of the proceeds going specifically for nuclear power.

The CAE representatives made two final points. The United States is spending the same amount of money on breeder reactor research as France is spending on building them. And we will lose our nuclear experts and expertise if they are not encouraged and given a future of progress.

The first French facility we visited was at Cape LaHague. The LaHague reprocessing plant was initially planned in 1960 and built in 1966 to serve France's domestic gas-cooled reactors. Since that time this plant has been redesigned and upgraded to provide the capability to reprocess light water reactor fuel, for example, low enriched uranium, as well as breeder reactor fuel, for example, plutonium-bearing material, all in the same facility. France's work on reprocessing has been accomplished in tandem with its work on the breeder reactor and its light water reactor program.

The LaHague facility will have enough extra capacity in 1985 through 1995 to service 20 foreign reactors each year for that 10-year period. France has already contracted out this open space on their production line. These contracts are held by Japan, Sweden, Denmark, and Germany among others. After 1995 the French will have no excess capacity and will only be able to serve their own domestic reactor industry.

At the end of 1980, construction is expected to begin on the glassification facility at LaHague that will solidify the high-level waste at the site in a form that will be prepared for permanent disposal. Those countries which have contracted with France to reprocess fuel must take back the fission product waste in a glassified form as part of the contract.

The French facility at LaHague is highly computerized. They have had a main computer analyzing all the parameters from the facility and assisting in its operation for the past 7 years. The displays are on a simplified process diagram and television tube displays.

It was pointed out by the French that our facility at Barnwell at this point in time is an antique, since it no longer represents technology that is either current or, perhaps, even workable.

After the LaHague tour, we next visited the waste vitrification facility (AVM) and the so-called Phenix fast breeder reactor at Marcoule.

The French use a borosilicate glass in the vitrification process. The glass is stable up to 600 degrees centigrade.

The French have found that they burn out the melter pot approximately every 2,000 hours. They have found this is not the cause for real problems with the plant since they can easily replace it in 2 days. This is a low dose maintenance operation.

The entire AVM facility was tested to determine the capability to remotely decontaminate its process equipment prior to its startup. This was accomplished.

The French currently plan to store the glassified waste in the AVM storage holes for about 40 to 50 years. This will permit additional cooling of the glassified fission products so that they can be safely stored underground without concern for the stability of the glass product.

The glass in which the calcined fission products are stored is a mixture in which the fission products are an integral part of the glass.

The French had corrosion problems with the scrubber tank in the AVM. This was solved by changing the normality of the scrubber solution and by altering the materials of which the scrubber tank was made.

While the French do not believe that the glassified product created at the AVM is necessarily the final product, they do believe that the product in this form is in a much safer configuration and will therefore give them more time to determine if there is another form that they wish to store the waste in for ultimate disposal.

The Phenix breeder reactor has been operative for some time and is working well. It has undergone a total station blackout as part of its testing, and it is capable of removing all heat by convection alone. The heat exchangers from sodium to water in the Phenix have never leaked. They are designed to transfer heat in modules, with a total of 36 modules.

The Phenix has already used and recycled its reprocessed uranium within the reactor.

The worst problem that the French have had with the Phenix is a primary to secondary heat exchanger leak. This was determined to have occurred due to faulty design in the upper head which was subsequently corrected in all the heat exchangers. The problem, however, required them to demonstrate that a major component that had operated in the reactor for almost 3 years would be pulled and decontaminated so that it could be worked on directly by plant employees. This was done successfully. The total dose to the workers was a maximum of 30 millirem and the peak dose rate was 30 millirem per hour; the total manrem from this operation was 17.

For the Phenix reactor the French have identified six key safety parameters which are grouped on the console directly in front of the operator. The operator also has all alarms immediately displayed to him on a televison-type display.

Following this visit, we traveled to Creys Malville to inspect the new and much larger breeder reactor which is under construction, the so-called Super Phenix. Its cost is approximately twice the dollars per kilowatt that an equivalent light water reactor would be. This, however, includes the cost of R. & D. as well as the cost of many items associated with the first-of-a-kind design. It is expected, however, that the cost of subsequent units will greatly decrease.

The Super Phenix project is totally of French design, and managed by the French, although there is some financial participation by Germany, Italy, England, and several other European countries.

The major departure of the Super Phenix design from previous experience is in the design of the sodium steam generator. This steam generator has been tested at actual operating conditions for 2,000 hours on a test stand. They are currently tearing this steam generator down to see the metallurgical results of this operation.

The Super Phenix, instead of having one 1200 megawatt turbo generator, will have two 600-megawatt turbo generators. This is because the French did not want to experiment with larger designs with which they have no experience.

The Super Phenix has three separate and independent reactor shutdown systems. One of these systems is comprised of three segmented control rods which can be inserted into a core that has been highly physically deformed.

The Super Phenix has been designed with a core catcher in the event of a core meltdown. This would assure that the molten core would not come in contact with the primary vessel and would

be in a position to be cooled by sodium that is routed through the core catcher.

The French have not made extensive use of probabilistic assessment in the design of the Super Phenix, except for the design of the reactivity control system; that is, three separate shutdown systems. This is because they believe that this is the most critical point in the safety of the reactor.

The French believe that the most critical aspects of reactor safety are good basic design of the machine, good operating practice, and good maintenance practice.

The Super Phenix currently employs about 1,400 construction workers. During operation 300 people will be required.

The fuel cycle of Super Phenix requires that it be shut down once a year for refueling and inspections. The machine will have a breeding ratio of 1 to 2.

Before leaving France, we discussed general energy issues with representatives of the International Energy Agency. What follows are some general impressions of their views:

Conservation, coal, and nuclear energy sources must be used to reduce the pressure on oil in the next 10 to 15 years.

The Europeans see governmental ambivalence in our path toward nuclear power. They are concerned that this ambivalence will cause a destruction of the personnel-oriented infrastructure that supports the nuclear power industry in the United States.

The IEA has not done an independent study on uranium supplies; however, they believe that, while there is probably enough uranium in the world to go around to fuel reactors for the next 30 to 50 years, it would be imprudent to base one's fuel availability projection or build one's program on the basis of assuming that this fuel will in fact, be available.

One perception that the IEA has of the French is that the French are concerned that if the United States does not get in with a heavy commitment to nuclear power, many of the European nations will have to undergo increased public pressure and questioning on the safety of their programs. This is because the population will be concerned with the question: If it is safe, why is not the United States doing it?

The Italians have hit their IEA trigger point for receiving assistance from member countries with their supply of oil. The IEA staff expressed concern that the system of assistance will not work if activated.

GERMANY

Germany is by far the least developed country we visited, in terms of nuclear power. Currently only 10 percent of Germany's electricity is supplied by nuclear power. By 1985, that figure will rise to 15 percent, and by 2000, it will be 25 percent. Several away-from-reactor storage sites will be established, although Germany is dedicated to using the breeder and reprocessing. Reprocessing will both reduce the amount of nuclear waste to be disposed of, and increase the productivity of the uranium, 100 percent of which Germany must import.

Although the use of nuclear power is a federal decision, the local governments have what amounts to a veto over nuclear projects. As a result, the proposed nuclear center at Gorleben in Lower Saxony has been held hostage to political considerations, although all agree as to the center's safety aspects. If completed, the center would contain thermal reactors, breeders, reprocessing of spent fuel, vitrification and final disposal all at one site. Judicial review is also very important in Germany.

We first met with representatives of the German Ministry for Research and Technology to get a briefing on their commercial nuclear programs. They have tried to colocate reprocessing and final disposal facilities at the same site.

The fuel cycle will be in "private hands" except for the final disposal of nuclear waste.

Gorleben, a potential site for final disposal and reprocessing, is hung up for political reasons by the State of Lower Saxony, although the site has been found to be satisfactory on the basis of all technical considerations.

All reactor licensing has been conditioned on resolving "the back end" of the fuel cycle—this has now become the focal point of the opposition movement; that is, the back end of the fuel cycle.

The Germans believe that the best way to dispose of spent fuel is to reprocess it. This is not necessarily economic; however, it is the safest way to dispose of the fuel since it separates out plutonium from fission products. Thus, the waste decays to harmless levels in 1,000 years.

Recycle of plutonium in light water reactors results in reprocessing a waste that would otherwise approach radiation levels in natural uranium ores after 1,000 years of decay. This is due to the fact that plutonium would not be present in these wastes.

The greatest concern in long-term storage is that there is no plutonium being put into the ground. This would change the radiation consideration from 1,000 years to millions of years.

The Germans have determined that the recycle of plutonium of light water reactors would improve by 30 per cent the utilization of uranium, all of which is imported. The Germans believe this is a significant conservation item.

The "back end" of the fuel cycle has been decoupled from the breeder. The issue of the breeder will be decided by a separate government proposal.

Ten percent of German electricity is currently produced by nuclear power, 15 percent will be nuclear in 1985, 25 percent is expected by the year 2000.

In Germany, lignite is the cheapest form of baseload power. Nuclear power competes with lignite in Germany, not oil.

Eight percent of all oil used in Germany is used in the production of electricity. They intend to reduce this consumption of oil.

Germany mines 100 million tons of coal a year. Use of the entire coal production for synthetic fuels would result in a maximum reduction of imports by 25 percent.

The political problems with nuclear power are linked to upcoming elections in which it is being used as "created issue," but it is not a primary issue.

Germans, of course, recognize that worldwide uranium supplies exist; however, they are unsure that these resources will be available for political reasons.

The Germans feel that a free economic exchange between countries would ease problems with uranium. This would lessen the need for the breeder. However, the current trend of nationalism is ending all of this.

We visited the permanent waste disposal facility at Asse. It was originally built in 1906 as a salt mine. It was bought in the mid-1960's by the German Government as a test laboratory for the storage of disposal of radioactive waste. The German entity that owns and operates Asse is a group called GSF, which is similar to our Oak Ridge National Laboratories.

The salt in Asse is 200 million years old; the geological anticline that the salt is located in is 100 million years old. This formation has been stable that entire period of time, 100 million years.

The purpose of Asse is to develop the technology for the storage of low-level, intermediate-level, and high-level waste. High-level waste will be stored in solid form. The Germans do not consider spent fuel to be waste.

The United States has a bilateral agreement with Germany to do testing in the Asse Salt Mine. The purpose of this testing is to provide base-line data for existing U.S. computer codes on rock mechanics.

To date, 125,000 55-gallon drums of low-level waste have been stored in Asse. This low-level waste comes from nuclear medical programs, as well as nuclear powerplants.

Thirteen hundred 55-gallon drums of intermediate-level waste have been disposed of at Asse. The intermediate-level waste is the reprocessing waste from Karlsruhe Research Center. These wastes contain cesium, strontium and actinides. The dose rate limit for wastes put into the Asse Salt Mine is 200 millirem per hour at contact with the surface of the drum. This is also the requirement for the low-level waste.

The salt has excellent characteristics for disposal of waste. The fact that it exists intact demonstrates that it has not had contact with water for geologic periods of time. Salt dissipates heat from radioactive waste very well and is highly plastic, which would cause cracks to be "self-healing."

Tests are being currently run at 200 degrees centigrade on the salt. This consists of boring test holes in the rock and using electrically powered heaters to measure such things as convergence, the amount of moisture driven out of the salt, as well as the heat dissipation capability of the salt.

The thermal tests that are currently being run are being performed at a power density of 60 watts per liter, although the actual storage will be at 40 watts per liter. In this testing, convergence testing is being done on the salt.

Convergence is the term used to describe the capability of salt to "flow" and reheal itself in the event of cracking. It is this phenomenon that the scientists anticipate will cause salt to reseal itself around radioactive waste that is stored in mines.

The Germans inspect sample lots of drums before they are stored to assure that there is no water present. If any water were to be found, the drums would be banned from storage in the mine.

The Karlsruhe Research Center was founded in 1956. It has 3,300 employees and occupies 1 square mile. The research center performs West Germany's basic research on breeder reactors, reprocessing, and reactor safetv.

In 1967 through 1970, the WAK reprocessing plant was built; they have reprocessed LWR fuel with up to 30,000 megawatt days per ton burnup. This plant has processed a total of 105 metric tons, and is capable of a maximum of 40 tons per year.

DWK is the company that has been set up by German utilities to complete the "back end" of the fuel cycle. The Germans will build a French AVM—the type of vitrification facility at Marcoule—at Karlsruhe to solidify 14 cubic meters of waste they have at the site. They believe it can be licensed in Germany. However, they cannot build their own facility because of licensing problems. The licensing people will not permit the facility to be built until certain basic questions are answered. However, the German authorities pointed out that they cannot get the information until they build the facility. Therefore, they are going to build the German facility for Eurochemic in Mol, Belgium.

The WAK reprocessing plant was built as a pilot plant to experiment and develop techniques and data on reprocessing. The facility has a very complex control room, which provides direct readouts and direct alarms based on plant flow schematics.

Experience at the German reprocessing facility has been essentially with light water reactor fuel. The German experience with vitrification has been limited to dummy runs on a simple rig. It does not involve the use of any radioactive material.

The German vitrification machine that will be built at the Eurochemic facility in Mol, Belgium, will utilize an integrated calciner, glass frit mixing chamber. This chamber will require replacement every 2 years at a cost of about $2 million. It is expected that the cost in manpower will be very expensive. However, the machine is expected to be an efficient, continuous processing machine when it is running.

The German prototype vitrification machine is far more complex than the French AVM and appears to have much less testing behind it. The prototype of this machine, however, has not been tested with radioactive material.

The German nozzle enrichment technique is currently being incorporated in a plant being built in Brazil. The German nozzle enrichment technique can produce a plant at half the capital cost of a gaseous diffusion plant. It will have approximately the same power requirement.

Our last stop in Europe before returning to the United States on January 16 was at the Alken Fabrication Plant in Hanau, West Germany.

This plant has handled plutonium fabrication for 17 years. It employs 400 people. It has handled 17 tons of plutonium in these years. The facility has fabricated 25 tons of nuclear fuel. They are currently fabricating fuel for Germany's first prototype fast reactor that is under construction.

Up to one-half mile outside of the plant virtually no plutonium has been found that is due to the operation of the facility. The overriding concern of Germany is to minimize the amount of plutonium in spent fuel and outside the core of the nuclear reactors.

The objective of thermal recycle, that is, the recycle of plutonium in light water power reactors, is to close the fuel cycle without using a breeder reactor.

The points against long-term storage, that is, long-term risk due to the storage of spent fuel, are:

Long-term storage makes plutonium more accessible each year, due to the continuing decay of the fission products.

Long-term storage requires the storage of fissionable material in a burnable cladding, that is, zirconium, which serves as the clad for most fuel rods, is burnable.

The storage of spent fuel involves the storage of pressurized fission product gases within the fuel pins. These fission product gases are under a pressure of 20 atmospheres and present a potential risk to health and safety if they were to suddenly release the gas.

Thermal recycle of plutonium in light water reactors would reduce the enrichment requirement for uranium in light water reactors by 25 percent at the equilibrium cycle.

On an economic basis, the economics of thermal recycle are marginal, but for environmental and proliferation reasons, the need to reprocess exists. Because of safety reasons, on the balance, to reprocess plutonium is a plus. The Germans do not believe that plutonium should be put in the ground as a nuclear waste.

They argue that to give up the recycle of plutonium in light water reactors is to give up the incentive for improvements in light water reactor fuel performance. The need for a breeder ultimately will be paramount, according to officials at this facility, as uranium supplies dwindle.

The basis of security in plutonium storage is: man, method, machine, and material. The detection devices that are utilized in the security of plutonium bunkers are devices that can detect up to one-tenth of 1 gram of plutonium on entry or exit from the plutonium labs. Thus, a man could work his entire lifetime at the plant and never steal enough plutonium to make a critical mass.

The Germans believe that a plutonium explosive device is far more difficult to develop than an enriched uranium device. They believe that the security systems must not restrict civil liberties excessively. Government agencies perform the background check for employees who are employed as guards or workers within the plutonium facility.

The basis for design of the plutonium facility is that an armed force should not be able to gain access to the plutonium areas for at least one-half hour, and that no plutonium should be able to leave the facility undetected. Drills have been performed whereby within 10 minutes from being notified, 300 to 400 Federal law enforcement people could be on site.

The bunkers that house the plutonium are capable of withstanding the explosion of a 20-kiloton nuclear device 100 meters away. This is because the designers believe that a conventional weapon should not be able to cause a nuclear disaster larger than the disaster that would be caused by the explosion of the weapon itself.

The plant is currently fabricating plutonium fuel for use in light water reactors as well as the first plutonium core for Germany's first breeder reactor, which is under construction at Kalkar.

Mr. Speaker, because of the nature of our tour of the aforesaid facilities, this has been an extensive report, and because I will have much more to say on the subject in the coming debates on U.S. commercial nuclear policy, I will close with just a few brief observations.

I think the legislative objectives of the inspection tour were realized, because we saw firsthand that our European allies are taking concrete steps not only to use nuclear power in solving the current world energy crisis, but more importantly from the standpoint of my personal objectives, they are moving ahead with specific, technological programs to reprocess the spent fuel so that the high-level radioactive waste involved can be separated and put into a safe, stable form ready for permanent disposal. Moreover, they are moving ahead toward ultimate disposal of this waste by not just looking for permanent disposal sites, but by actually storing nuclear wastes and testing this experience at the same time.

Mr. Speaker, not only for the purpose of getting more efficient use of the known sources of uranium, but also of immediate concern to us, the English, the French, and the Germans have found that reprocessing spent nuclear fuel is the key to nuclear waste management. I think the time has come for the United States to face up to the same reality.

PERSONAL EXPLANATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. RITTER) is recognized for 5 minutes.

● Mr. RITTER. Mr. Speaker, due to illness on February 11 and 12, 1980, I was unavoidably unable to vote on the legislation before the House of Representatives on those days. If present and able I would have voted as follows:

H.R. 6374: Gold Medal for Canadian Ambassador. Motion to suspend rules and pass bill. "Yea."

H.R. 4774: Conscientious objection to

union membership. Motion to suspend rules and pass bill. "Yea."

H.R. 5913: Shipbuilding negotiated pricing. Motion to suspend rules and pass the bill. "Yea."

H.R. 3995: Noise Control Act authorization. Bauman amendment to provide a 1-year authorization for the EPA to carry out the provisions of the Noise Control Act. "Yea."

H.R. 3995: Noise Control Act authorization. Committee amendment to allow a one House veto of EPA rules under the Noise Control Act. "Yea."

H.R. 3995: Noise Control Act authorization. Passage of bill. "Yea."

H.R. 4119: Federal crop insurance. Adoption of rule for consideration of bill. "Yea."●

INFLATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. COLLINS) is recognized for 15 minutes.

Mr. COLLINS of Texas. Mr. Speaker, inflation is the No. 1 problem facing American families. And as Congress continues to spend more and more, inflation keeps on skyrocketing.

Arthur Burns emphasized inflation's impact when he stated:

> Average wholesale prices rose at an annual rate of 2 percent from 1964 to 1968, 4 percent from 1968 to 1972, and 10 percent from 1972 to 1978.

That is 2 percent to 4 percent to 10 percent and today inflation is 14 percent.

This means the dollar is constantly dropping in value. If you have $1,000 in the bank today, 5 years from now it will only be worth $519.

Congress is creating this inflation. Congressmen who pride themselves on being innovative and creative are finding ways to spend more money which means more inflation.

Liberals through the 1960's and 1970's believe they could totally reduce unemployment, eliminate poverty, enhance prosperity and improve the quality of life which stimulated many expectations and demands. But the Government cannot solve all problems or relieve all hardships. The shortcuts are not there for individuals, for troubled industries, for regions, or for any racial group. Congress created a problem which has been magnified by Federal judges with much heart and little sense.

This leads to more and higher inflation. This year's tax burden is $77 billion more than the tax burden last year. As deficits mount in size, the culmination will lead to a recession that could bring the old depression back more severely.

Income maintenance programs that were liberalized while incentives to work were reduced have caused more people to overuse unemployment insurance, to file for more food stamps, and to increase their welfare checks.

The other day as Arthur Burns sounded off objectively about his experience in the Federal Reserve, I wondered when Congress will face up to realities.

I strongly seek your support for my four bills known collectively as the "solutions for inflation" that are aimed at stopping the growth of the bureaucratic and congressional output in Washington. The need in America is for more religion and less government. This country was built on a faith in God where we worked as individuals rather than a faith in the Government where we expect the Government to do everything for everybody. Washington is the focal point of most of America's problems. The bigger Washington becomes the worse the situation is for the average citizen back home.

My bills, H.R. 201 and House Resolution 57 take these positive steps. They would reduce new spending legislation by eliminating half of the civilian employees in Washington. With half of the Washington bureaucracy eliminated, it would facilitate our services back home through the regional offices. H.R. 202 would stop building Federal buildings within 50 miles of Washington.

And the best part of my bills, House Concurrent Resolution 7, states that Congress would not meet so often. Congress needs to spend more time reviewing the legislation it has created; that can only be done at home when we are out of session. What is more, when Congress is out of session, Congress cannot pass any new bills for spending money or assessing new taxes.

Let us help Congress. We have the greatest country in the world. It was built on the Bible and hard work. The fundamentals built this great country, and no where in the Bible does it tell you the Government can solve your problems.

America today has more government than the people want. more regulations than we can carry, and more taxes than we can afford to pay. Let us have less government.

WINDFALL PROFITS ON FIREWOOD

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. CONABLE) is recognized for 5 minutes.

● Mr. CONABLE. Mr. Speaker, as we move doggedly ahead to impose a new heavy tax on our domestic oil, an alert New England economist is now pointing out that similar action seems necessary for firewood. He contends artfully, perhaps archly, that prompt action is needed if firewood barons are not to realize unseemly profits from rising prices of their product.

I know my colleagues will want to examine these conditions with the same perspective we are bringing to domestic oil production, and so I rush to submit this windfall firewood plan for general consideration:

[From the Wall Street Journal, Feb. 18, 1980]

TAX THE WINDFALL PROFITS ON FIREWOOD!

(By David Hale)

There is an urgent need for the federal government to impose price controls and a windfall profits tax on New England firewood.

Congress has done its best to protect the northeastern states from greedy oil and gas companies, but so far it has ignored the economic injustices being inflicted upon the region by the profit hungry woodlot barons of northern New England.

The price of firewood has practically tripled since 1973. The cord of Vermont wood which once fetched $30 now sells for $80–$90 locally and almost twice as much in Manhattan. The forest lords of New England are making obscene profits at the expense of both fireplace lovers in the big cities and their own village neighbors.

One-half of all homes in Vermont, New Hampshire, and Maine now have wood burning stoves or furnaces, but only a small number of homeowners have their own private woodlots. Most are totally at the mercy of local lumber men who charge whatever the market will bear for firewood. In some cases they also insist upon bargaining only in French.

Despite their courageous attacks on the oil industry, northern New England Congressmen have refused to speak out against the firewood price gouging. The political and financial power of the woodlot barons is so great that they have intimidated local politicians into complete silence. In fact, a few Congressmen have become nothing more than mouthpieces for the firewood lobby. But as the price of firewood today testifies, there is a strong argument for federal intervention in the industry as soon as the New Hampshire primary is out of the way.

First, Congress needs to establish a Department of Renewable Resources to regulate the growing, harvesting and marketing of firewood in New England and other regions where it is now commonly used. The present Department of Energy has only about 20,000 employes and is too busy regulating the oil industry to be saddled with responsibility for managing firewood supplies. It will take at least five hundred federal foresters to police the woods of Vermont and New Hampshire, alone, plus a support staff of several thousand lawyers, accountants, and public relations experts to interpret and administer the government's new firewood laws on a nationwide basis.

Secondly, Congress needs to draft a price control code for firewood. It could use several different formulas to determine firewood prices, but federal oil legislation probably provides the best model for how to proceed. The price of firewood should be a function of a tree's age.

Firewood from trees which started growing before 1973 should be priced at the lowest possible level in order to prevent New England woodlot barons from taking advantage of the 12-fold increase in oil prices since that time. Most New Englanders with old trees did not foresee the current scarcity of energy, so they should not be allowed to charge a high price for their wood today. A maximum retail price of $35 per cord plus some modest inflation adjustments would be perfectly reasonable.

Firewood from trees planted after 1973 should be priced according to a sliding scale. The younger the tree, the higher the allowed price for its firewood. There should be no price controls at all on trees planted after 1980 in order to encourage woodlot owners to plant new ones.

Because of transportation problems, the federal government also will have to develop a flexible pricing code for wood from remote locations. The new Department of Renewable Resources should create geographic subclassifications such as mountain wood, ledge wood, swamp wood or wood stunted by acid rain.

The federal government permits the petroleum industry to charge a high price for Alaskan oil. Congress might officially designate Maine's Indian reservations as new Alaskas for purposes of firewood price control.

Whatever the exact particulars of the new price control code, though, Congress should not spend more than one session writing it. Federal auditors will want to begin marking

New England trees with spray paint for price control compliance by this summer.

History shows that price controls usually create shortages, so Congress will want to back up the price controls program with severe penalties for violators. The government should punish first time offenders by making them keep a federal auditor on their payroll, imprison second time offenders, and burn down the trees of third time offenders.

The best way to punish greedy forest owners and people willing to pay firewood prices above officially prescribed levels is by reducing the amount of wood available to everyone. As many forward-thinking Massachusetts politicians have noted in past debates about federal oil policy, the smaller the supply of wood or any other form of energy in the nation, the easier it will be for the government to regulate it.

If this policy causes wood shortages to become a serious political problem in New England—say people freeze to death—the federal government can import wood from Quebec and finance it with a windfall profit tax on firewood from trees planted after 1980.

Like the proposed windfall tax on oil, this levy should not actually be a tax on firewood profits. It should be an excise tax on firewood sales. Such a tax will guarantee the government some revenues even if inflationary cost pressures and federal price controls put most woodlot harvesting operations out of business.

The United States government can't prevent Arabs and French Canadians from taking advantage of the fact that energy is now a scarce commodity, but we certainly don't want any New Englanders who are not on the federal payroll to look for solutions to the problem. Such efforts might lead to private profiteering, arouse strong public resentment, and reduce the ability of our political leaders to control energy supplies.

The energy policies which are good enough for the nation's oil industry are more than generous enough for New England's firewood barons.●

HEALTH RESEARCH ACT OF 1980

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. WAXMAN) is recognized for 5 minutes.

● Mr. WAXMAN. Mr. Speaker, on February 13, 1980, I introduced on behalf of myself, Mr. CARTER, Mr. MAGUIRE, Mr. WALGREN, Mr. GRAMM, and Mr. LELAND, the Health Research Act of 1980.

Our Nation's health research effort is second to none in its scope and accomplishments. This effort has been encouraged and nurtured over the past decades by the firm and continued support of the Congress of the United States. I believe the Congress has shown remarkable foresight in recognizing the importance of health research. Through new discoveries, health research offers great hope for reducing enormous suffering and economic losses from illness and for improving the quality of life of the American people. Clearly, the chances for major breakthroughs have never been greater.

We are embarking on a new decade—a decade of hope and opportunity but also a decade in which our Nation's resources are not limitless. Priorities for Federal programs and funding are being set. I believe the commitment of Congress to support health research should rank as a very high priority. I am confident that America's investment in health research will continue to produce generous dividends.

The legislation I have introduced is a statement of solid support for health research programs and addresses the need for coherent and coordinated Federal health research policies. I will briefly outline several of the major provisions of this act.

The Health Research Act of 1980 recognizes, in statute, the National Institutes of Health and its 11 component National Research Institutes, and provides an authorization of appropriations for each of the institutes. Currently, the National Institute of Environmental Health Sciencies does not have statutory authority under title IV of the Public Health Service Act and only 2 of the 11 National Research Institutes, the National Cancer Institute, and the National Heart, Lung and Blood Institute have an authorization of appropriations. The Health Research Act of 1980 recognizes the major accomplishments of all the component research institutes of the NIH and provides each of them increased recognition, visibility and an opportunity for constructive oversight.

The Health Research Act of 1980 addresses the guidelines used to review and approve research grants, contracts and proposals at the NIH and the need to promote greater coordination between the programs of the National Research Institutes. For those purposes, new authorities are provided to the National Research Institute Directors and the Director of NIH. At the same time this legislation recognizes and preserves the uniqueness and plurality of the individual research institutes. Other major provisions of the Health Research Act of 1980 provide for greater input into the development of Federal health research policy by the public, scientists and health professionals through an expanded role on national research institute advisory councils and boards. Further provisions of this legislation would strengthen disease prevention and education programs in the NIH, eliminate present disincentives for persons entering research training through the National Research Service Award program and develop modest new programs in digestive diseases.

Finally, the Health Research Act of 1980 proposes reauthorization of valuable ongoing programs in the National Cancer Institute, the National Heart, Lung and Blood Institute and reauthorizes other important disease related programs in Arthritis and Diabetes and research training programs for the years 1981 to 1983. Subcommittee on Health and the Environment of the Interstate and Foreign Commerce Committee will schedule hearings on this important legislation this month and I look forward to comments and suggestions from the administration and the health research community at that time. I am pleased to have the distinguished ranking minority member of the subcommittee, TIM LEE CARTER, join me in introducing this legislation.●

● Mr. CARTER. Mr. Speaker, on February 13, 1980, I joined the distinguished chairman of the Subcommittee on Health and the Environment, HENRY A. WAXMAN, in cosponsoring H.R. 6522, the Health Research Act of 1980. The legislation extends authority for the activities of the National Cancer Institute; the National Heart, Lung, and Blood Institute; and the National Institutes of Arthritis, Metabolism, and Digestive Diseases, as well as making needed changes in the statutory authority for the other research institutes of the National Institutes of Health.

Although I have recently introduced two bills embodying my own specific proposals in this area—H.R. 6620, the diabetes research and training amendments and H.R. 6437, the arthritis research and training amendments—I have joined with Chairman WAXMAN and other members of the subcommittee in introducing the Health Research Act in order to underline my strong commitment to biomedical research. In my view, the renewal of this commitment demands that we work together to devise legislation to strengthen and improve our crucial biomedical research program. For this reason, I look forward to a collaborative effort to arrive at a consensus proposal.

Mr. Speaker, the importance of biomedical research cannot be stated strongly enough. The increases in our understanding of various disease processes brought by advances in biomedical research have led to a measurable reduction in human suffering. More importantly, biomedical research is tremendously important to the future health and well-being of the citizens of this country and of the people of the world. There is no doubt in my mind that the directions and priorities we set for future research, particularly in the area of prevention, can significantly alter the nature of disease as we know it today.

Clearly, the challenges are before us and they will not disappear. We must be willing to make the commitment, scientifically and financially, to find the solutions, just as we have found the solution for eradication of smallpox.

Now we have no smallpox, as a result of vaccinations, and we must have the scientists and researchers who are willing to dedicate themselves. I mean by that, real dedication, true dedication to finding the answers to the many puzzles which confront us. And I believe we can succeed in that regard.

I am reminded of the following excerpt from one of the advisory groups of the President's 1976 Biomedical Research Panel:

> Human beings have within their reach the capacity to control or prevent human disease. Although this may seem an overly optimistic forecast, it is, in fact, a realistic, practical appraisal of the long-term future.
>
> There do not appear to be any impenetrable, incomprehensible diseases. Ultimately, the ideal technology for comprehensive health care would consist of measures for the prevention of disease. This can be done now with outstanding success, but only on a limited scale, for certain infectious diseases, and it should be the long-term objective for biomedical research in general.

I support those objectives as strongly today, Mr. Speaker, as I did when they

were presented to the Congress 3 years ago. I know that I share this view with the chairman and with the other members of the subcommittee who have cosponsored this legislation. I look forward to working with them to insure that we are doing all that we can to provide a strong and effective biomedical research program.

Thank you, Mr. Speaker.●

MONETARY MORASS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Nebraska (Mr. CAVANAUGH) is recognized for 5 minutes.

● Mr. CAVANAUGH. Mr. Speaker, the International Trade, Investment and Monetary Policy Subcommittee of the House Banking, Finance and Urban Affairs Committee has already completed 3 days of hearings on legislation that proposes to increase U.S. participation in the International Monetary Fund (IMF) by $5.4 billion. The primary justification cited is the need to provide the IMF with substantial additional resources, to be contributed by all member countries, to help finance the continually increasing debt burden experienced by oil-importing countries corresponding to the continually increasing surplus being amassed by oil-exporting countries (OPEC).

It is the less developed countries (LDC's) that are most vulnerable to OPEC price increases and least able to finance the additional oil bills and, because of the nature of their emerging economies, least able to take the kinds of significant domestic measures that could set them back on the right course without placing the burden of that adjustment process on those in that country least able to carry it; namely the poor.

The first time OPEC subjected oil importing countries to a huge increase in oil cost was in the 1973–74 period. The major private banks stepped in and played the major roll in recycling. The process was both profitable for them in real terms and provided them with a new market, namely the LDC's, to which to lend OPEC's hugh deposits necessitated by slackened credit demand in the west due to recession.

Virtually every witness who has testified before the subcommittee has indicated that the banks will not be able to play the same recycling role for this latest round of balance of payments financing needs. The subcommittee will be hearing from additional witnesses in the near future, including the bank regulatory agencies, to, among other issues, determine the extent of the banks' ability to prudently play the recycling role and the level of the "financing shortfall" that will have to be met by other institutions, including international institutions.

In an effort to keep my colleagues abreast of the continuing dialogue on these issues I will be inserting material in the record periodically. The Wednesday, February 20, 1980, edition of the Wall Street Journal contained an important article entitled, "Monetary Morass: World's Bankers Face Big Task of Recycling OPEC Surplus Funds. The article follows:

MONETARY MORASS: WORLD'S BANKERS FACE BIG TASK OF RECYCLING OPEC SURPLUS FUNDS

(By Richard F. Janssen and Philip Revzin)

The world's financial system is facing its most formidable challenge yet—"recycling" the suddenly swelling surplus of the oil cartel by lending the money to developing countries already burdened with debt.

The exact magnitude of the task can't be pinned down. It will depend mainly on how far members of the Organization of Petroleum Exporting Countries go beyond the surprise doubling of oil prices in 1979. As of now, through, the OPEC nations' surplus of oil revenues over their import bills seems sure to reach about $110 billion in 1980. This huge sum would be nearly double last year's surplus and is almost 20 times the 1978 figure.

But in assessing the rapidly changing scene, bankers and other analysts in the U.S. and Europe are coming to a tentative consensus that:

—The obstacles are greater now than in the first round of recycling after the initial explosion of oil prices in 1973–74 because of such current problems as superpower tension, Islamic unrest, the vast amounts of poor-country credits already on banks' books, and the escalating interest burden on developing nations.

—Failure would have highly dangerous consequences, ranging out to a collapse of the world's financial system, a surge in trade protectionism that could set off a serious world-wide recession or, possibly, an oil shortage so severe that it could provoke a war.

—The recycling effort can nevertheless be reasonably successful in sustaining the poor countries and even in turning tidier profits for the banks if official agencies can provide enough help.

OMINOUS TALK

The problem has spurred some ominous talk. David Rockefeller, chairman of Chase Manhattan Bank, forecasts "treacherous economic seas and gale-force financial winds, strong enough to capsize" even the most successful developing countries. Sen. Jacob Javits of New York sees the international monetary system up against "the most serious threats" since World War II. And Otmar Emminger, recently retired chief of West Germany's central bank, fears that the whole structure could, like Humpty Dumpty, "have a great fall."

Yet, even most pessimists add that the problem, while difficult, isn't unsolvable. Underlying many of the dire warnings, observers say, is a desire to help avert a calamity. Specifically, the alarm-criers hope to push OPEC toward price moderation, poor countries toward the International Monetary Fund's discipline and away from private-borrowing sprees, and Western governments away from the temptation to meddle in the international credit markets.

While Federal Reserve Board Chairman Paul A. Volcker says he doesn't see "any immediate crisis," he does deem recycling "a serious problem," In testimony before the House Banking Committee yesterday, he cautioned U.S. banks to be "prudent" in extending fresh credits to the poor countries despite their mounting defficulties.

What worries the bankers the most right now is the threat of wider controls on international capital movements. They cite some Carter-administration steps—especially the freeze of Iranian assets. And they see wider controls most likely to be imposed if other Mideast nations try to yank their huge deposits out of U.S. banks and thereby trigger a "run on the dollar." If Western banks are drained of OPEC funds that can be recycled to the Third World, the upshot would be to "condemn the world to a nose dive into a massive depression," worries Yves Laulan, chief economist for Societe Generale, a big Paris bank.

RUMORS OF WITHDRAWALS

Although bankers are reticent about any such politically motivated withdrawals at their own banks, some do confide that they have fear of other banks suffering unusual drains of OPEC deposits. In principle, at least, the U.S. response to the hostage-taking in Tehran does give other oil countries "more incentive to keep their assets out of national-government control," notes Allan H. Meltzer, a Carnegie-Mellon University economist.

The usual way to do that is to place deposits in the Eurocurrency market; that is the London-centered banking network in which some $1 trillion of dollars and other currencies are deposited outside their home countries and thus presumably beyond governmental reach. But the U.S. extension of the Iranian-assets freeze to foreign branches of American banks and the ensuing legal disputes have analysts worried that even the Eurocurrency markets won't look safe enough to OPEC.

The ultimate worry is that OPEC will simply keep a lot more oil in the ground. In doing so, the oil producers would generate fewer surplus dollars to put at risk in banks, but they also would undermine the world economy—and perhaps even provoke a war for control of Mideastern oil fields. "For the first time in 20 years, I feel that something dramatic may happen," says Giuseppe Tome, a Geneva investment executive.

A less dramatic but perhaps more widely shared worry is voiced by John Fay, formerly an official of the Paris-based Organization for Economic Cooperation and Development. "There may be less tendency for OPEC countries to put their money directly into the banking system," he says. And Robert Caravallo, a French commercial banker, adds that although the commercial banks of the U.S. and other industrial countries have handled nearly all the recycling of the past five years, "eventually we'll have to realize that the recycling problem can't be solved by the private banking system alone."

Henry Wallich, a member of the Federal Reserve Board, notes that "the IMF may have to play a larger role." The 140-member IMF has readily available sizable sums—estimated at the equivalent of $13 billion. But Marina Whitman, chief economist at General Motors Corp., says developing nations are shunning the IMF because of their unwillingness "to subject themselves to the surveillance" of the Washington-based body. Under IMF rules, countries must take progressively tougher actions, such as raising taxes and curbing imports, to cure the ailments that increase their need to borrow.

The task ahead is so "gigantic" that the IMF may need beefing up, contends William D. Mulholland, president of the Bank of Montreal. He suggests that instead of relying on funds voted by member governments, the IMF might need to do its own borrowing on world markets. Similarly, Mr. Wallich suggests that commercial banks might have to cooperate more closely with the IMF, by linking their loans to the conditions that it imposes.

Although OPEC nations' suspected skittishness about deposits in U.S. banks is perhaps the most obvious danger, it probably is the least menacing, many bankers say. "The dollars don't disappear down a dark hole" when drawn out of a U.S. bank, a British official notes. Rather, they typically are transferred by wire to another bank, from which an equal sum could be instantly sent back. Moreover, the deposit problem could be greatly eased if the IMF goes ahead with its proposed "substitution account" to absorb surplus dollars in exchange for a new IMF asset.

Also posing obstacles to the lending side of recycling is the chill in Soviet-American relations. In many such loans, dozens of banks from Western countries chip in on a single large credit to a developing country. "Foreign banks are less likely to join in on an American-led syndicated loan," lest they run afoul of some U.S. crackdown on credit to unfriendly countries, a California banker worries.

EASTERN EUROPE AFFECTED

Moreover, U.S. lenders themselves seem more worried about risky loans, and East European countries have suddenly become the most vulnerable to a precautionary cutback, even though these governments have a reputation for prompt repayment. An East German credit had to be trimmed to $100 million from $150 million in the aftermath of the Soviet foray into Afghanistan, bankers say. One executive adds that since then, his bank's negotiations on loans to all other Soviet-bloc countries have been stalled. He says that as a result of this changed climate, these nations may become even more dependent on the Soviet Union itself.

On the other hand, some Western bankers are wondering whether the Soviet Union would be as obliging as they had assumed in helping their European clients repay debts, if necessary. Moscow might withhold such help, and thus stick American banks with overdue loans, to punish the U.S. for the grain embargo. "At best, several billion dollars of U.S. banks' loans have declined in quality" because of the waning of detente, says George M. Salem, an analyst at Bache Halsey Stuart Shields Inc. He cautions that some Soviet-bloc nations would have trouble servicing their current debt if their dollar inflow from new loans is curbed.

SHORTAGE OF PROJECTS?

Bankers also are becoming warier of loans to developing nations generally. C. David Finch, a key IMF official, told a recent seminar sponsored by the Securities Groups, a New York brokerage house, that more developing countries could join Turkey, Zaire, Jamaica and the Sudan in the "very severe economic crisis" of being unable to borrow enough to keep their production going normally.

In addition, Jan Tumlir, chief economist of the Geneva-based General Agreement on Tariffs and Trade, warns of another, quite different problem—doubt whether some developing countries can devise "a sufficient number of investment projects" to make constructive use of recycled funds. He adds that investors are particularly likely to shy away from helping build factories in poor countries if recession-haunted rich nations erect protectionist barriers to keep out the proposed facilities' output. Meanwhile, some OPEC nations themselves are hesitating about modernizing too quickly, lest they trigger the kind of religious backlash that has shaken Iran.

Rattled by such shocks as the South Korean coup, bankers are also becoming warier because of political instability in developing nations. As a whole, bankers "have done a pretty miserable job of predicting political risks," admits John C. Haley, executive vice president of Chase Manhattan. Diether Hoffmann, cochairman of Frankfurt's Bank fur Gemeinwirtschaft, concedes, "I wish we would give only five year loans" because assessing a country's political stability beyond that is "very close to gambling."

But instead, competition among banks to put abundant funds to work in developing countries has lengthened the average maturity to nearly 11 years from 9½ years in late 1978, Morgan Guaranty Trust Co. calculates. The profitability of such loans has been shrinking, the bank notes. For instance, late last year Malaysia could borrow at an interest rate "spread" of 0.57 percentage point over the banks' cost of funds, down from nearly a full percentage point a year earlier.

A BRIGHT SPOT

Amid all the gloomy talk, the brightest hope is the possibility that the gloom itself may help reverse the trend to lower profitability, many bankers say. After listening to a dire speech at a recent meeting of bankers, one international lending officer said, "I'm more optimistic—spreads will widen." If the developing countries can be convinced that loans will become harder to get, the borrowers will be more apt to accept higher interest rates, he reasons.

Ironically, a major obstacle to the recycling effort lies in the very success of the first round of such lending. Since 1974, commercial-bank loans outstanding to nonoil developing countries "have grown from about $35 billion to $150 billion," estimates Robert Avila, an economist at A. Gary Shilling & Co., a New York consulting firm. To add much more to their debt load, he frets, will make the international banking system "increasingly vulnerable to defaults and a classic financial panic over the next few years."

Whether banks will significantly increase loans to poor nations is doubtful, however. Each commercial bank sets its own "country risk" limits, and some big institutions in the U.S. and West Germany "are up against their prudential limits already for some countries," says J. Paul Horne, a Paris-based analyst for Smith Barney, Harris Upham & Co. Countries that can't borrow all they need to pay for costlier oil and other imports and to repay old loans, many analysts say, simply will have to stretch out repayments and risk the domestic unrest often provoked by the accompanying austerity programs.

HELPED BY GOLD

But the credit needs of developing countries mightn't be quite as pressing as they seem, contends G. A. Costanzo, vice chairman of Citibank. "They have a little more elbow room," he says, because the value of their gold reserves has soared and because last year some of them "borrowed more than they really needed." So he finds recycling "still a very manageable picture overall."

Also reassuring, many bankers say, is the increase in their knowledge about international finance during the first round of recycling. They add that central bankers have tightened their cooperation enough to prevent any major bank failures that could upset Western economies. In their role of lenders of last resort, some central bankers say privately, they are prepared to pump in enough money to keep any big bank afloat.

Such reassurances are unsettling to some bankers, however. "There is some risk," says Mr. Mulholland of the Bank of Montreal, that "as a result of our earlier success we may be overestimating the capacity of the international financial system to absorb such shocks" as those flowing from the oil-price increases. And Gordon Richardson, governor of the Bank of England, observes that not only is this round of recycling bigger than the first one but, "more worringly, it is likely to be more persistent."●

THE LONELY AMERICAN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. VAN DEERLIN) is recognized for 5 minutes.

● Mr. VAN DEERLIN. Mr. Speaker, of the thousands of cases my office has dealt with over the years, one stands out, perhaps above all the others. It involves the tireless efforts of a constituent, Mrs. Doye Fannin, to cut through layers of bureaucratic redtape and indifference in order to bring a stateless young man, set adrift in Korea, to the United States.

Mrs. Fannin sought my assistance, and last December 28 our efforts were rewarded when James Daniel Bronson was allowed to fly to the United States to join Doye and her husband, Bob, at their home in Spring Valley, Calif.

Some of our colleagues may have seen or heard accounts of this highly unusual case. Jimmy Bronson was born in Korea 25 years ago to American parents, a married Army lieutenant and an unmarried WAC sergeant, who in effect abandoned him when they were rotated, separately, back to the United States.

With the departure of his natural parents, Jimmy never really had a family, until Doye Fannin came on the scene—and by then he was 24 years old. Jimmy was raised in a series of foster homes but wherever he went he was shunned by Koreans who regarded him as an outsider with no place in their tightly knit society. Some U.S. officials have proven equally callous, refusing to treat Jimmy as anything other than a Korean—notwithstanding all the physical evidence to the contrary.

So Jimmy has spent his youth and young manhood as a man literally without a country. He was unwanted by Korea and by the United States. He really had no place to turn until a little over a year ago when Mrs. Fannin learned of his plight while serving in Korea as a Red Cross worker.

Seeing the young man's predicament, Doye and Bob Fannin quickly acted to help him, first by offering financial aid and then by trying to get Jimmy admitted to the United States.

Getting him into this country proved to be a struggle. Attempts to locate Jimmy's natural parents were unavailing. Doye contacted the Army, the Veterans' Administration and the Social Security Administration, but none could provide any leads. The Fannins also ran into stone walls when they sought immigration papers for Jimmy because his U.S. origins could not be documented.

After the Fannins sought my help, in September, initially I, too, was frustrated. The U.S. Embassy in Seoul, Korea, seemed deaf to appeals on Jimmy's behalf. Lower echelons of the Immigration and Naturalization Service were similarly unresponsive.

Finally, in December, I telephoned David Crosland, Acting Commissioner of Immigration, to solicit his intervention. Next day the word came down: James

Bronson was to receive humanitarian parole, a rarely invoked procedure for admitting an alien to this country when there seems to be no other applicable provision.

Jimmy is now in the United States, studying English and preparing to learn a trade. In this regard, he is somewhat handicapped, since he was given only a few years of formal education in Korea.

Recently I met with Jimmy and his surrogate dad, Bob Fannin, in my San Diego office, and I was much impressed by the young man's sincerity and by his determination to succeed in the United States.

He would like to become a U.S. citizen, but he cannot start the process leading to naturalization until he has status as an immigrant. While humanitarian parole was a most useful and appreciated device for allowing Jimmy to come to the United States, it confers no immigration status. As far as the law is concerned, Jimmy is still on the outside, knocking on the door and asking to come in.

I believe that the interest of everyone concerned will be served if James Daniel Bronson can be declared a legally resident alien. Accordingly, I have introduced legislation to make him a resident of the United States with an eye toward becoming a naturalized citizen, if he eventually satisfies all the requirements for citizenship. Residency, effective as of the date of enactment (or retroactively to the date he entered the country), would represent a start toward allowing Jimmy Bronson to participate fully in the life of our country, which really is, or should be, his country as well. A similar bill has been introduced by Senator HAYAKAWA. Because of the special circumstances of this case, we are hopeful the measures can be considered in a reasonably expeditious fashion.●

□ 1700

ROY JOHNSON BULLOCK—IN MEMORIAM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. ZABLOCKI) is recognized for 5 minutes.

Mr. ZABLOCKI. Mr. Speaker, it was with a sense of deep sorrow and personal loss that I learned of the death on February 13 of Dr. Roy Johnson Bullock, former staff administrator of the Committee on Foreign Affairs.

For over 20 years, Roy Bullock was a source of strength and support to committee members on both sides of the aisle, whom he served with impartial dedication and a high sense of personal integrity and professionalism.

He steadfastly resisted any form of special recognition for his services. For example, upon his retirement from the committee in 1972 he responded "I merely did my job." Nevertheless I hope I may now be forgiven for summarizing a few highlights of his long and distinguished career in education and Government.

A native Nebraskan, Roy Bullock attended Doane College, Nebr.—an institution which in 1961 awarded him an honorary LL.D. degree. He received his A.B. from Doane with Phi Beta Kappa honors in 1925, a master's degree in business administration from Harvard in 1927, and a Ph. D. in economics from Johns Hopkins in 1933. He was a member of the University of Oregon (1927–28) and Johns Hopkins University (1928–41) faculties, and in 1941 was named director of the Johns Hopkins School of Business.

During World War II, Dr. Bullock served with the Office of Price Administration, on the Board of Economic Warfare (as chief of the Price Control Section), and as a Research Director and Consultant to the Department of State. This was followed in 1945 by an assignment to Berlin in military government as chief of the Foreign Trade Section, U.S. Zone, and as Chairman of the Joint Export-Import Agency of the Combined British and U.S. Zones.

Roy's first position on Capitol Hill was as a staff member of the Joint Committee on Foreign Economic Cooperation, beginning in May 1948. He was appointed to the staff of the Committee on Foreign Affairs on March 8, 1951, later became a senior staff consultant and then staff administrator in 1970. He has for many years been a distinguished member of the Cosmos Club of Washington, D.C.

There is much more that could be said about Roy's richly varied and remarkable record of public service. To his friends and former associates, however, Roy Bullock will be remembered most of all for his knowledgeable, commonsense approach to all problems, and more than a few crises: his dry and self-deprecating sense of humor; his high sense of duty; and his absolute fairness and uncompromising honesty in his dealings with his colleagues and the public. Above all, he was a man of quiet and imposing dignity, who commanded the enduring confidence and respect of both the membership and staff of the Committee on Foreign Affairs.

To Roy's beloved widow, Ruth, to his three children, seven grandchildren and one great-grandchild, I offer my deepest and most profound sympathy. To all of them I would merely add that besides "doing his job," which is all he would ever admit to, Roy Bullock also set a standard of performance to which many have aspired, but which relatively few have achieved.

● Mr. BROOMFIELD. Mr. Speaker, I was saddened to learn of the death on February 13 of Dr. Roy Bullock, who served on the professional staff of the House Committee on Foreign Affairs from 1951 until his retirement on December 31, 1972.

Dr. Bullock, who was staff administrator at the time of his retirement, was associated with the Committee on Foreign Affairs at a time when the staff was small but served the entire committee, including subcommittees.

His professional career encompassed both the executive and legislative branches of Government. During the 1942–48 period, Dr. Bullock served successively with the Office of Price Administration, the State Department Anglo-American Caribbean Committee, the U.S. Military Government in Germany as chief of the foreign trade section in the U.S. Zone, and as U.S. chairman of the Joint Export-Import Agency of the Combined British and U.S. Zones. From May 1948 to March 1951, he was on the staff of the Joint Committee on Foreign Economic Cooperation, before joining the House Committee on Foreign Affairs.

Dr. Bullock was a native of Nebraska and a graduate of Doane College, Crete, Nebr. He later earned an M.B.A. degree from Harvard, a Ph. D. from Johns Hopkins University, and was awarded an honorary LL.D. by Doane College. He taught at the University of Oregon and Johns Hopkins University before entering Government service.

I extend my deepest sympathy to his widow, Ruth, and their three children on the passing of Roy Bullock, who will be remembered not only as a fine professional, but as a trusted friend of those he served in the Congress.●

GENERAL LEAVE

Mr. ZABLOCKI. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the life, character, and public service of the late Dr. Roy Johnson Bullock, the subject of my special order on today.

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

There was no objection.

OUTSTANDING CULTURAL CONTRIBUTIONS IN THE PERFORMING ARTS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. LELAND) is recognized for 5 minutes.

Mr. LELAND. Mr. Speaker, Nina Vance, founder and executive director of Houston's Alley Theatre, deserves recognition as one of this country's most outstanding cultural contributors in the field of performing arts. In 1963, Secretary of State Dean Rusk appointed her to the Advisory Committee on the Arts of the U.S. Advocacy Commission of International Education and Cultural Affairs. Ms. Vance received numerous personal and national honors affiliated with her role in promoting cultural arts. Her dynamic and energetic role came to an end on February 19, 1980.

Columnist Maxine Messenger briefly describes a warm personal relationship with her, revealing Ms. Vance's character as cordial and vigorous.

Mr. Speaker, let me just share Mrs. Messenger's statement to the Houston community in particular for the loss that she felt, which is a prevailing sentiment on the part of all Houstonians who knew of her deeds. It was labeled "A Sad Note," and I read from the Houston Chronicle of February 19, 1980:

A SAD NOTE

I lost one of my best friends Sunday night when the Alley Theater's Nina Vance succumbed to a long and valiant fight with cancer. Nina and I started out together when

she taught me speech and drama at San Jacinto High School in the early '40s. She had just finished college then, and in later years used to "threaten" me if I told that she had taught me so long ago. "It'll make me look a lot older than I am," she used to say. Nina and I worked together at the old Margo Jones Community Players in those days, some years before she went on to direct at the Jewish Community Center and later formed the Alley. My husband Emil played in one of her JCC plays, right up until the night before he took off for overseas during WW II. It's been a long, warm and wonderful friendship, and I am devastated at her death. As close as we were, I didn't know she was terminally ill—I suppose she didn't want anyone to know. We had dined together off and on and talked frequently during her long illness, and though I suspected all was not well, she never let on. A marvelous part of my youth, and of my present life, is gone. Emil and I will miss her so very much.

HOUSEHOLD GOODS SHIPPER PROTECTION ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. ECKHARDT) is recognized for 5 minutes.

● Mr. ECKHARDT. Mr. Speaker, today, I am introducing legislation to protect and assist consumers in using the household goods transportation system. As household goods shippers, consumers are dependent upon specialized carriers who provide them with the information and services necessary to make and to carry out their shipping decisions. Being unfamiliar with the operational intricacies of the household goods carrier industry and using this transportation system only upon infrequent occasions, consumers are in an unequal bargaining position with the industry. Coupled with the fact that present law requires household goods shippers to pay for their shipments upon delivery, consumers can exert little, if any, economic leverage against household goods carriers who may engage in unfair or deceptive acts or practices.

The significant rise in shipper complaints filed with the Interstate Commerce Commission (ICC) over the past 3 years is indicative of the increasing problems encountered by consumers in dealing with household goods carriers. These problems include inordinate delays in pickup and delivery of household goods, disputes over property damage and loss settlements, and understatements of actual charges eventually collected from household goods shippers, through carrier estimating practices. In 1976, 10,572 shipper complaints were filed against the household goods carrier industry. By 1979, Commission statistics showed 21,421 complaints filed on matters relating to the transportation of household goods. Even taking into account the rise in numbers of transported shipments, the complaint rate rose 76 percent during this time period.

For these reasons, I believe that household goods shippers require protection from unfair or deceptive acts or practices on the part of household goods carriers. In addition, I believe that these shippers could benefit greatly from the establishment of informal dispute settlement procedures to help resolve their disputes with carriers in a fair, timely, and inexpensive manner.

The Household Goods Shipper Protection Act addresses these concerns in two specific ways. First, the ICC is given specific jurisdiction and enforcement authority over unfair or deceptive acts or practices by household goods carriers. Penalties for violations of Commission rules, regulations, or orders may total up to $10,000 per violation. The legislation also allows the ICC to bring its own civil forfeiture actions to collect the penalties for violations.

Second, the bill encourages household goods carriers to assist in the expeditious and equitable resolution of shipper disputes by establishing informal dispute settlement procedures. Developed in conformance with certain basic requirements set forth in the legislation, these procedures would be available for use by consumers at no extra charge.

Of particular significance to consumers is the fact that decisions must be rendered, within 40 days of receipt of a written shipper complaint, by qualified, independent persons. Should no procedures be available to a consumer to resolve a household goods dispute, the shipper may pursue an action at law, and the successful shipper claimant may be awarded attorney's fees. This particular provision should act as an incentive for carriers to devise their own dispute settlement procedures. All parties retain the right to appeal any decision rendered under such settlement procedures. In addition, the decision may be admitted as evidence, subject to shipper approval, in any court proceeding on the dispute.

Through the enforcement authority given the Interstate Commerce Commission to prohibit unfair or deceptive acts or practices on the part of household goods carriers, and by the incentive given household goods carriers, to devise informal dispute settlement procedures to resolve shipper disputes, this legislation will provide direct protection and assistance to consumers in their reliance upon household goods carriers. In addition, this legislation will support the continuation of a safe, stable, and financially sound transportation system of household goods as it seeks to improve the performance of and services offered by household goods carriers.

SECTION-BY-SECTION ANALYSIS OF HOUSEHOLD GOODS SHIPPER PROTECTION ACT

Section 1. Title. Section 1 states the purpose of this legislation which is to prohibit unfair or deceptive acts and practices of household goods carriers and to provide for the fair, timely and inexpensive resolution of household goods shipper disputes. The section also cites the title of the bill as the "Household Goods Shipper Protection Act."

Section 2. Declaration of Policy. The Declaration of Policy emphasizes the economic importance for the Nation of a safe, stable and financially-sound system of transportation of household goods. In addition, the section underlines the responsibility of the Interstate Commerce Commission (ICC) to maintain the continuation of this system of transportation by household goods carriers.

Finding consumers to be infrequent household goods shippers who are unfamiliar with the operations of household goods carriers or the regulations with which they must comply, the section concludes that consumers are in a disparate bargaining position with such carriers. Demonstrative of the adverse ramifications of this situation for consumers is the 76 percent increase in field shipper complaints, in proportion to the number of shipments transported by household goods carriers, over the past three years. For these reasons, the section concludes that household goods shippers need protection from unfair or deceptive acts or practices used or engaged in by such carriers.

The section outlines specific ways to protect and to assist household goods shippers in using the household goods transportation system. First, authority is granted to the Interstate Commerce Commission to protect shippers from unfair or deceptive acts or practices of household goods carriers. Second, the establishment of ICC-approved informal dispute mechanisms by household goods carriers is recommended to assist in the fair, timely and inexpensive resolution of shipper disputes.

Section 3. Definitions. Household Goods Carrier—Household goods carrier is defined broadly to include not only a person who holds a certificate and provides for the transportation of household goods, but any person who holds himself out to provide services or to arrange for the transportation of household goods. Thus, the definition extends the bill's jurisdiction to include motor common carriers and their agents, freight forwarders and brokers. Since the aim of this bill is to protect household goods shippers, the definition of carrier includes all persons who may be involved in the transportation of household goods.

Transportation of Household Goods.—Transportation of household goods is defined as transportation, subject to the jurisdiction of the ICC, of all or a substantial part of property from one residence to another residence, including transportation of such property to a place of storage and transportation of such property from a place of storage to such residence. The intent of this definition is to exclude "second proviso" shipments (office and plant equipment or fixtures) and "third proviso" shipments (commodities requiring special handling) which are tendered by commercial shippers. Since the aim of this bill is to protect consumers who have to ship their household goods, the definition extends only to consumer shipments.

Section 4. Unfair or Deceptive Acts or Practices of Household Goods Carriers. Section 4 adds a new section to chapter 111 of title 49 of the Interstate Commerce Act which declares as unlawful the use of or the engagement in any unfair or deceptive acts or practices by household goods carriers in the advertisement, offer or provision of transportation of household goods. The ICC is authorized and directed to prevent household goods carriers, or those acting on their behalf, from using or engaging in such acts or practices through the promulgation of rules or regulations, which are issued after ICC consultation with the Federal Trade Commission (FTC), and by the issuance of orders against any person to cease and to desist from such acts or practices. In prescribing such rules, the Commission also is directed to follow the rulemaking procedures in accordance with section 553 of title 5, United States Code, and section 18 of the FTC Act. Under these procedures, interested parties will be able to present written and/or oral argument on the proposed rules with the opportunity for cross-examination as stipulated by the Commission.

Section 5. Enforcement by the Commission. Section 5 adds a new civil penalty provision to section 11702(a) of title 49 of the Interstate Commerce Act which enables the

Commission to enforce its own fines against household goods carriers for violations of rules, regulations or orders developed under the Commission's authority to prohibit unfair or deceptive acts or practices. The intent of this provision is to broaden the Commission's authority beyond negotiating penalties to be assessed by the Department of Justice against carriers for so-called "paperwork" violations of recordkeeping rules. Under this new provision, the ICC is empowered to penalize carriers directly for engaging in or using acts or practices which cause "substantive" harm to the consumer.

Section 6. Private Enforcement. Section 6 preserves the private right of action of a household goods shipper as well as a government department, agency, or instrumentality against a household goods carrier for damages sustained as a result of an act or omission on the part of such carrier. It also asserts the shipper's private right of action against the carrier for the violation of any ICC rule, regulation or order, including those developed under the Commission's authority to prohibit unfair or deceptive acts or practices, with respect to the transportation of household goods.

Section 7. Penalty. Section 7 establishes civil fines to be assessed by the Commission against household goods carriers, or any person acting on behalf of such carriers, who violate any ICC rule, regulation or order with respect to the Commission's authority to prohibit unfair or deceptive acts or practices in the transportation of household goods. In addition, this section establishes guidelines for court use in assessing such penalties. These guidelines include consideration of any prior history of such prohibited conduct and the degree of harm sustained by the shipper. Essentially, these penalties, totaling up to $10,000 per violation and/or $10,000 per continuing day of violation, are for carrier infractions of substantive Commission rules or orders which result in direct harm to the shipper.

Section 8. Dispute Settlement. Section 8 establishes a new section under chapter 117 of title 49 of the Interstate Commerce Act to authorize the Commission to review and to approve applications made by household goods carriers for the establishment of dispute settlement procedures. These procedures are for the purpose of resolving disputes of household goods shippers in a fair, expeditious and inexpensive manner.

Established by household goods carriers in accordance with certain minimum requirements set forth in this section, these procedures are to be available for use by shippers at no charge. In addition, the procedures are subject to review by the ICC to insure continuing compliance with the statute and Commission rules or regulations.

Included in the statutory guidelines are requirements for (1) the proper notification of the availability to and operation of the procedures for settling a shipper dispute; (2) the appointment of qualified, independent persons as dispute settlers to hear and to resolve such a dispute; (3) the timely rendering of a decision and subsequent disclosure of the resolution and its attendant obligations to all parties to the dispute; (4) the option for an oral presentation of a dispute by any or all parties to the dispute; (5) the right of my party to the dispute to appeal the decision rendered by the dispute settlers; (6) the admissibility of the decision as evidence in a court proceeding relative to such dispute (subject to shipper approval), and (7) the awarding of attorney's fees to successful shipper claimants, under certain circumstances, where an action at law, relating to a household goods shipper dispute, has been brought in court.●

LITHUANIAN INDEPENDENCE DAY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. STRATTON) is recognized for 5 minutes.

● Mr. STRATTON. Mr. Speaker, February 16, 1980, marked the 62d anniversary of Lithuanian Independence Day. I take this opportunity once again this year to pay tribute to the Lithuanian people everywhere who embrace the ideals of liberty and continue to long for the day when they can again freely and openly exercise their much-cherished cultural and religious freedom as an independent nation. There is particular significance in this celebration this year as a brief review of the events surrounding the inglorious Soviet conquest of Lithuania underlines how little has changed in the territorial ambitions of the Soviet system, and reminds us how every state bordering the Soviet Union remains in constant jeopardy of invasion and subjugation.

When the Lithuanian people at the close of World War I established their own government and proclaimed their independence, the Bolsheviks invaded the newly created state. They fought the invaders fiercely and bravely until the Lithuanian nation finally emerged triumphant. On July 19, 1920, the Soviet government signed a treaty of peace which declared that it "voluntarily and forever renounces all sovereign rights possessed by Russia over the Lithuanian people and their territory." During the subsequent 20 years the Lithuanian people were able to savor the peace and freedom they had so valiantly fought for.

But then came the Hitler-Stalin Pact and the partition of Poland between Nazi Germany and the Soviet Union. Kremlin immediately demanded permission to place 20,000 troops in Lithuania for the duration of the war. These troops, it was emphasized, would be removed at the end of the war. On October 10, 1939, only 2 weeks after the original demand was served on Lithuania, the Soviet Union concentrated its armed forces on the Lithuanian frontier and compelled this brave nation to sign the pact of mutual assistance which the Kremlin placed before it. But at the point of signing, they discovered that the clause stipulating that Soviet bases would be removed after the war had been effaced from the pact on the personal instruction of Stalin.

On July 14, 1940, 8 months later, the Soviet Government demanded that the Lithuanian Minister of the Interior and the Director of Security be brought to trial, that a government friendly to the Soviet Union be installed, and that the Red Army be granted free entry into Lithuania. Without even leaving enough time for a reply, the next day on June 15, the Red Army occupied Lithuania and the government was forced to flee abroad. Then as today, the Soviet regime had carefully laid out its plans and proceeded to move rapidly. They had a quisling regime in the wings ready to be installed and a list of Lithuanian patriots whom they would ruthlessly eliminate.

This parallel is as sadly familiar to us as the 30 Lithuanians, Latvians, and Estonians who on January 28 signed an open letter to Leonid Brezhnev and to U.N. Secretary General Kurt Waldheim, condemning the Soviet invasion of Afghanistan and comparing it to the Soviet invasion of the Baltic States in 1940. It is an indication how much the Soviet regime dreads this type of criticism that it immediately condemned the Nobel Peace Prize winner, Andrei Sakharov, long an advocate of national rights within the Soviet bloc, to internal exile.

The letter to Brezhnev and the signing of a Baltic charter by 45 people last August has been recently characterized by the Christian Science Monitor as a "fresh burst of nationalism in the Baltic." The charter called for full independence for the Baltic States and disclosure of secret clauses in the Molotov-Ribbentrop Pact of 1939, which led to annexation by Moscow.

It is extremely heartening to see that the national consciousness of the Lithuanian people is not fading after all of these years as the Soviet ideologues had hoped, but is even more resolute today, especially in the face of ongoing Soviet aggression and imperialism.●

INTRODUCTION OF BILL TO AMEND THE FEDERAL RESERVE ACT

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

● Mr. HANLEY. Mr. Speaker, as a member of the House Banking Committee I have witnessed the semiannual struggle to extend the Interest Rate Control Act. In the process of more years than I care to remember, the simple extension of this law has been the basis of many disagreements and a great deal of soul searching. It has become clear to me that a longer term solution is appropriate.

During the last few months, I have reviewed the many pieces of legislation drafted by my colleagues from both the House and Senate which are now the subject of hearings before the Financial Institutions Subcommittee. I have listened to many witnesses and have had the opportunity to ask many questions regarding the various proposals before the subcommittee. From all I can tell, no consensus yet exists on any single piece of legislation, though in piecing together the wants and desires of consumers, Government, and financial institutions one can see emerging a fair and equitable plan for all. The components of this plan must take cognizance of the fact that many different players with ultimately the same interests have been tugging and pulling the very fabric of the financial structure of this country. Inflation has indeed been the culprit which has forced us all into this indepth study of interest rate controls and it is these controls that have had a deleterious effect on both the consumer and the financial institution. With inflation now hovering around 13 percent, it is little wonder that the small saver looks longingly for an opportunity to earn a fair return on his or her investment. At the same time, financial institutions are faced with usury ceilings that were put into place long before the Federal Reserve acted to make credit scarce and therefore up its price.

One must hope that the rate of inflation will slow and eventually decrease and that some of the pressures that torment the marketplace will diminish. In

that light, I think we must reconsider whether we want to saddle the financial institutions of this country with a mandatory increase in the rate of interest they must pay based on a perception of the way the world would forever be as seen by this Congress. Therefore, I must propose alternatives to any of the plans now before the Congress that would mandatorily ratchet up the rate of interest that would be paid irrespective of the true market conditions prevailing at some future time.

There is no question in my mind that something must be done for the small saver. My chairman, Mr. ST GERMAIN, said it so eloquently in his opening statement for the Interest Rate Control Act hearings. I join with him in seeking predictability in whatever action we take. It should be firm—decisive—not filled with loopholes, hesitations, and escape clauses.

At the same time I am persuaded that equity must be the hallmark of any approach we adopt. For years, the differential has effectively channeled money into the thrift industry for housing. The new powers which my bill would provide will accomplish the same goal.

In order to strike a fair balance between the new powers and the differential advantage, I propose in my bill the following solution:

First, no differential will be permitted on any type of account authorized or modified by the regulators after February 19, 1980. Modification is limited to a 1-percent increase or decrease in the interest rate. If any one regulator feels a need exists to reimpose a differential, he may come to the Hill and get a concurrent resolution.

Second, on accounts in existence prior to December 31, 1975, the differential will be maintained subject to the right of the regulators to seek a concurrent resolution eliminating it.

Third, on accounts authorized between December 31, 1975 and February 20, 1980, the question of the differential would be left to the regulators solely. In that regard I note that they have balanced all interests fairly to date.

Again, sharing the wisdom of my chairman, Mr. ST GERMAIN, I also urge the regulators to raise the savings rate one-half of 1 percent within a year and to develop new accounts to insure a fair return to the saver balanced against the duty to protect the financial solvency of the banks, savings and loans, and mutual savings banks.

I have also added some language which should take on even more significance than it now has; that is, the advertising portion of the reg "Q" legislation. This is one baby which we should be careful to keep when the bath is thrown out.

Included with the new powers for the savings and loans and mutual savings banks which mirror the provisions of our good colleague from Georgia, Mr. BARNARD, are some adjustments to confirm the savings bank phase-in of powers with the anticipated 5-year schedule implicit in my bill.

Though the regulators will have the initial control of the process of rate change, with the Congress ready to redress grievances and excesses in judgment, practicality suggests that a staged raising of rates will be likely. Such being so, a gradual raising of powers seems desirable, too. However, the testimony given to the financial institutions subcommittee so far indicates that no one is sure, in fact, no one has exactly assessed the degree to which thrifts with expanded powers will develop the new business potentials to be allowed. Market penetration in diverse services for which no base of experience exists on the part of thrifts is an uncertain prospect at this point.

Prudence would suggest that even as we move toward the "Q"-less marketplace we should provide sufficient time for familiarity to breed expertise and for the real world to prove out the idealized equity of the asset side of the ledger being balanced by new income streams from new powers. Just as the saver and borrower are treated with interest rates commensurate with the value of services provided them, so should institutions have adequate earnings opportunities.

Lastly, I have suggested a rise in the FDIC coverage from $40,000 to $60,000 as an attempt to strengthen the position of all insured institutions as against the marketplace money rates. The safety issue may be persuasive to some saver-investors and to the extent that it may be, it should be accommodated.

Mr. Speaker, I offer this bill in an attempt to expand the options available to our colleagues in the banking conference. Though they may get the feeling that they are alone in their "splendid misery" of responsibility for what some regard as the most significant bank reform legislation in 40 years, they should be reassured that committee members and the full House are anxious to support their efforts.

When the conferees were selected last year there was a clear mandate that they seek accord with the Senate on matters dealt with by the House at that time—Federal Reserve membership, NOW accounts, share drafts, remote terminals, and automatic transfers. Excepted from this tableau were other issues raised by the Senate passed bill dealing with reg "Q," truth in lending, and others.

Surely it was significant to all parties that the House conferees were restricted to Members expert on the limited agenda items of the House passed legislation. While there can be no doubt that they also have the capacity to deal with a broader agenda, there is also the restraint that an implied message was transmitted that further House committee consideration must be given to other topics if there was to be any action in this Congress.

Having moved swiftly to meet this need to consult and measure committee support and feelings and to assess the regulators and marketplace sentiment as well, the committee can now address in more detailed form the opportunities that the unique circumstance of the conference offers for the timely resolution of long delayed action.

In that spirit, I offer this bill as a base for discussing further the need for a long term satisfaction of interest rate controls for savers and for earnings-impacted institutions. We need to be flexible but we must be persistent in edging toward market rate levels of return. But in doing so we must be careful that institutional stability is not endangered.

This series of actions will finally, once and for all, without any question result not only in the end of regulation "Q" on December 15, 1985 but will see through to a successful conclusion the weaning away of institutions from rate control and interest differentials.

H.R. 6547

A bill to amend the Federal Reserve Act to eliminate the ceiling rates on deposits maintained at federally insured depository institutions, and for other purposes

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

SECTION 1. This Act may be cited as the "Savings and Financial Equality Act of 1980".

TITLE I—ELIMINATION OF INTEREST CEILINGS

SEC. 101. Section 102 of the Act of December 31, 1975 (P.L. 94-200), is amended by adding at the end thereof the following new subsection:

"(d) There shall be no differential for any category of deposits or accounts authorized or modified subsequent to February 19, 1980, between (1) any bank (other than a savings bank), the deposits of which are insured by the Federal Deposit Insurance Corporation, and (2) any savings and loan, building and loan, or homestead association (including cooperative banks), the deposits or accounts of which are insured by the Federal Savings and Loan Insurance Corporation or any mutual savings bank as defined in sections 3(f) and 3(g) of the Federal Deposit Insurance Act (12 U.S.C. 1813(f) and (g)) unless—

"(A) written notification is given by the Board of Governors of the Federal Reserve System, the Board of Directors of the Federal Deposit Insurance Corporation, or the Federal Home Loan Bank Board to the Congress; and

"(B) the House of Representatives and the Senate approve, by concurrent resolution, the proposed institution of a differential.

For the purposes of this paragraph, a modification of any category of deposits or accounts only includes any change in the terms of a deposit or account authorized prior to December 31, 1975 resulting in an increase or decrease of more than one per cent in the rate payable for such deposit or account.

"(e) There shall be no differential for any category of deposits or accounts between (1) any bank (other than a savings bank), the deposits of which are insured by the Federal Deposit Insurance Corporation, and (2) any savings bank having capital stock, as defined in section 3(g) of the Federal Deposit Insurance Act, affiliated with an insured bank (other than a savings bank).".

SEC. 102. Section 7 of the Act of September 21, 1966 (P.L. 89-597), is amended by striking out "December 15, 1980" and inserting in lieu thereof "December 15, 1985".

SEC. 103. Section 102 of the Act of December 31, 1975 (P.L. 94-200), is amended by adding at the end thereof the following new subsection:

"(e)(1) The Board of Governors of the Federal Reserve System, the Board of Directors of the Federal Deposit Insurance Corporation, and the Federal Home Loan Bank Board shall raise the interest rate payable on all savings deposits or accounts by one half of one percent not later than one year from the date of enactment of this Act.

"(2) During the period beginning on the date of the enactment of this Act and ending on December 31, 1985, the Board of Gover-

nors of the Federal Reserve System, the Board of Directors of the Federal Deposit Insurance Corporation and the Federal Home Loan Bank Board shall establish equitable interest rate ceilings on savings and time deposit accounts taking into consideration then current market interest rates and economic conditions and the effect of any interest rate ceiling change on the economic viability of depository institutions. The exercise of this discretion shall include but not be limited to a consideration of an end to ceilings on various maturity certificates of deposit and of a lowering of the minimum denominations of same.".

SEC. 104. (a)(1) Section 19(j) of the Federal Reserve Act (12 U.S.C. 371(b) is amended to read as follows:

"(j) The Board may from time to time, after consulting with the Board of Directors of the Federal Deposit Insurance Corporation, the Federal Home Loan Bank Board, and the National Credit Union Administration Board, prescribe rules governing the advertisement of interest on deposits."

(2) Section 18(g) of the Federal Deposit Insurance Act (12 U.S.C. 1828(g)) is amended to read as follows:

"(g) The Board of Directors may from time to time, after consulting with the Board of Governors of the Federal Reserve System, the Federal Home Loan Bank Board, and the National Credit Union Administration Board, prescribe rules governing the advertisement of interest on deposits.".

(3) Section 5B(a) of the Federal Home Loan Bank Act (12 U.S.C. 1425b) is amended to read as follows:

"SEC. 5B. (a) The Board may from time to time, after consulting with the Board of Governors of the Federal Reserve System, the Board of Directors of the Federal Deposit Insurance Corporation, and the National Credit Union Administration Board, prescribe rules governing the advertisement of interest of dividends on deposits, shares, and withdrawable accounts.".

(4) The text of section 117 of the Federal Credit Union Act (12 U.S.C. 1763) is amended to read as follows:

"SEC. 117. The Board may from time to time, after consulting with the Board of Governors of the Federal Reserve System, the Board of Directors of the Federal Deposit Insurance Corporation, and the Federal Home Loan Bank Board, prescribe rules governing the advertisement of dividends on shares and share certificates.".

(b) The amendments made by subsection (a) shall take effect on December 16, 1985.

TITLE II—SAVINGS AND LOAN ASSOCIATION AMENDMENTS

SEC. 201. Section 5(c)(4) of the House Owners' Loan Act of 1933 is amended by adding at the end thereof the following:

"(E) CONSUMER LOANS AND CERTAIN SECURITIES.—An association may make unsecured loans for personal, family, or household purposes, and may invest in, sell, or hold commercial paper, corporate debt securities, and bankers acceptances, as defined and approved by the Board, but the aggregate amount of such loans and investments at any time may not exceed 10 per centum of the assets of the association.".

SEC. 202. Section 5(c) of the Home Owners' Loan Act (12 U.S.C. 1464) is amended by inserting the following new paragraph after paragraph (5) and renumbering subsequent paragraphs accordingly:

"(6) REAL ESTATE LOANS MADE BY NATIONAL BANKS.—Notwithstanding any of the foregoing provisions of this section, an association shall be permitted to invest in, sell, or otherwise deal in loans or investments secured by liens on residential real estate to the same extent and in the same manner and amounts without limitation as national banks pursuant to the provisions of section 24 of the Federal Reserve Act.".

SEC. 203. Section 5(b) of the Home Owners' Loan Act of 1933 is amended by adding at the end thereof the following:

"(3) An association may, if permitted by the Board and subject to such regulations as the Board may prescribe, act as a trustee, executor, administrator, guardian, or in any other fiduciary capacity.".

SEC. 204. Section 5 of the Home Owners' Loan Act of 1933 is amended by adding at the end thereof the following:

"(n) TRUST POWERS.—

"(1) AUTHORITY OF BOARD.—The Board is authorized and empowered to grant by special permit to an association applying therefor, when not in contravention of State and local law, the right to act as trustee, executor, administrator, guardian, or in any other fiduciary capacity in which State banks, trust companies, or other corporations which come into competition with associations are permitted to act under the laws the State in which the association is located.

"(2) GRANT AND EXERCISE OF POWERS DEEMED NOT IN CONTRAVENTION OF STATE OR LOCAL LAW.—Whenever the laws of such State authorize or permit the exercise of any or all of the foregoing powers by State banks, trust companies, or other corporations which compete with associations, the granting to and the exercise of such powers by associations shall not be deemed to be in contravention of State or local law within the meaning of this section.

"(3) SEGREGATION OF FIDUCIARY AND GENERAL ASSETS: SEPARATE BOOKS AND RECORDS; ACCESS OF STATE BANKING AUTHORITIES TO REPORTS OF EXAMINATIONS, BOOKS, RECORDS, AND ASSETS.—Associations exercising any or all of the powers enumerated in this section shall segregate all assets held in any fiduciary capacity from the general assets of the association and shall keep a separate set of books and records showing in proper detail all transactions engaged in under authority of this section. The State banking authorities may have access to reports of examination made by the Board insofar as such reports relate to the trust department of such association but nothing in this section shall be construed as authorizing the State banking authorities to examine the books, records, and assets of such associations.

"(4) PROHIBITED OPERATIONS: SEPARATE INVESTMENT ACCOUNTS; COLLATERAL FOR CERTAIN FUNDS USED IN CONDUCT OF BUSINESS.—No association shall receive in its trust department deposits of current funds subject to check or the deposit of checks, drafts, bills of exchange, or other items for collection or exchange purposes. Funds deposited or held in trust by the association awaiting investment shall be carried in a separate account and shall not be used by the association in the conduct of its business unless it shall first set aside in the trust department United States bonds or other securities approved by the Board.

"(5) LIEN AND CLAIM UPON BANK FAILURE.—In the event of the failure of such association the owners of the funds held in trust for investment shall have a lien on the bonds or other securities so set apart in addition to their claim against the estate of the association.

"(6) DEPOSITS OF SECURITIES FOR PROTECTION OF PRIVATE OR COURT TRUSTS; EXECUTION OF AND EXEMPTION FROM BOND.—Whenever the laws of a State require corporations acting in a fiduciary capacity to deposit securities with the State authorities for the protection of private or court trusts, associations so acting shall be required to make similar deposits and securities so deposited shall be held for the protection of private or court trusts, as provided by the State law. Associations in such cases shall not be required to execute the bond usually required of individuals if State corporations under similar circumstances are exempt from this requirement. Associations shall have power to execute such bond when so required by the laws of the State.

"(7) OFFICIALS' OATH OR AFFIDAVIT.—In any case in which the laws of a State require that a corporation acting as trustee, executor, administrator, or in any capacity specified in this section, shall take an oath or make an affidavit, the president, vice president, cashier, or trust officer of such association may take the necessary oath or execute the necessary affidavit.

"(8) LOANS OF TRUST FUNDS TO OFFICERS AND EMPLOYEES PROHIBITED; PENALTIES.—It shall be unlawful for any association to lend any officer, director, or employee any funds held in trust under the powers conferred by this section. Any officer, director, or employee making such loan, or to whom such loan is made, may be fined not more than $5,000, or imprisoned not more than five years, or may be both fined and imprisoned, in the discretion of the court.

"(9) CONSIDERATIONS DETERMINATIVE OF GRANT OR DENIAL OF APPLICATIONS; MINIMUM CAPITAL AND SURPLUS FOR ISSUANCE OF PERMIT.—In passing upon applications for permission to exercise the powers enumerated in this section, the Board may take into consideration the amount of capital and surplus of the applying association, whether or not such capital and surplus is sufficient under the circumstances of the case, the needs of the community to be served, and any other facts and circumstances that seem to it proper, and may grant or refuse the application accordingly: *Provided*, That no permit shall be issued to any association having a capital and surplus less than the capital and surplus required by State law of State banks, trust companies, and corporations exercising such powers.

"(10) SURRENDER OF AUTHORIZATION; BOARD RESOLUTION; BOARD CERTIFICATION; ACTIVITIES AFFECTED; REGULATIONS.—Any association desiring to surrender its right to exercise the powers granted under this section, in order to relieve itself of the necessity of complying with the requirements of this section, or to have returned to it any securities which it may have deposited with the State authorities for the protection of private or court trusts, or for any other purpose, may file with the Board a certified copy of a resolution of its board of directors signifying such desire. Upon receipt of such resolution, the Board, after satisfying itself that such association has been relieved in accordance with State law of all duties as trustee, executor, administrator, guardian or other fiduciary, under court, private or other appointments previously accepted under authority of this section, may in its discretion, issue to such association a certificate certifying that such association is no longer authorized to exercise the powers granted by this section. Upon the issuance of such a certificate by the Board, such association (A) shall no longer be subject to the provisions of this section or the regulations of the Board made pursuant thereto, (B) shall be entitled to have returned to it any securities which it may have deposited with the State authorities for the protection of private or court trusts, and (C) shall not exercise thereafter any of the powers granted by this section without first applying for and obtaining a new permit to exercise such powers pursuant to the provisions of this section. The Board is authorized and empowered to promulgate such regulations as it may deem necessary to enforce compliance with the provisions of this subsection and the proper exercise of the trust powers granted by this section.".

SEC. 205. Section 5(i) of the Home Owners' Loan Act of 1933 is amended in the first paragraph by inserting after the words "Federal Savings and Loan Association" the following: "and any State stock savings and loan type institution may transfer its charter

to a Federal stock charter provided it has never existed in mutual form".

SEC. 206. Section 5A(b) of the Federal Home Loan Bank Act, as amended, is amended to read as follows:

"(b) Any institution which is a member or which is an insured institution as defined in section 401(a) of the National Housing Act shall maintain the aggregate amount of its assets of the following types at not less than such amount as, in the opinion of the Board, is appropriate: (1) cash, (2) to such extent as the Board may approve for the purposes of this section, time and savings deposits in Federal Home Loan Banks and commercial banks, (3) to such extent as the Board may so approve, such obligations, including such special obligations, of the United States, a State, any territory or possession of the United States, or a political subdivision, agency or instrumentality of any one or more of the foregoing, and bankers' acceptances, as the Board may approve, and (4) to such extent as the Board may so approve, shares or certificates of any open-end management investment company which is registered with the Securities and Exchange Commission under the Investment Company Act of 1940 and the portfolio of which is restricted by such investment company's investment policy, changeable only if authorized by shareholder vote, solely to any of the obligations or other investments enumerated in the preceding clauses (1) through (3) of this subsection. The requirement prescribed by the Board pursuant to this subsection (hereinafter in this section referred to as the "liquidity requirements") may not be less than 4 per centum or more than 10 per centum of the obligation of the institution on withdrawable accounts and borrowings payable on demand or with unexpired maturities of one year or less, or in the case of institutions which are insurance companies, such other base or bases as the Board may determine to be comparable. The Board shall prescribe rules and regulations to implement the provisions of this subsection.".

SEC. 207. (a) Section 5(b) of the Home Owners' Loan Act of 1933 (12 U.S.C. 1464(b)) is amended by adding at the end thereof the following:

"(4) In accordance with rules and regulations issued by the Board, mutual capital certificates may be issued and sold directly to subscribers or through underwriters, and such certificates shall constitute part of the general reserve and net worth of the issuing association. The Board, in its rules and regulations relating to the issuance and sale of mutual capital certificates, shall provide that such certificates—

"(A) shall be subordinate to all savings accounts, savings certificates, and debt obligations;

"(B) shall constitute a claim in liquidation on the general reserves, surplus, and undivided profits of the association remaining after the payment in full of all savings accounts, savings certificates, and debt obligations;

"(C) shall be entitled to the payment of interest prior to the allocation of income to reserve and net worth accounts; and

"(D) may have a fixed or variable rate of interest.

The Board shall provide in its rules and regulations for charging losses to the mutual capital certificate, reserves, and other net worth accounts.".

(b) Section 403(b) of the National Housing Act (12 U.S.C. 1726(b)), is amended by adding at the end thereof the following: "Mutual capital certificates, subordinate to the rights of holders of savings accounts, savings certificates, and the Corporation, shall be deemed to be reserves for the purposes of this subsection in accordance with rules and regulations prescribed by the Corporation. The Corporation shall provide in its rules and regulations for charging losses to the mutual capital certificate, reserves and other net worth accounts. In the event an insured institution fails to maintain the reserves required by this title, no payment of interest on such certificates shall be made except with the approval of the Corporation.".

TITLE III—MUTUAL SAVINGS BANK AMENDMENTS

SEC. 301. (a)(1) Section 5(a) of the Home Owners' Loan Act of 1933 is amended by adding at the end thereof the following: "A Federal mutual savings bank may make loans and investments without regard to any other limitation under Federal or State law, except that—

"(A) not more than 20 per centum of the assets of such a bank may be so loaned or invested; and

"(B) 65 per centum of such loans and investments must be made within the State where the bank is located or within fifty miles of such State.".

(2) Notwithstanding the amendment made by subsection (a), the Federal Home Loan Bank Board shall limit the percentage of assets which a Federal mutual savings bank may loan or invest pursuant to the provisions of such amendment to 5 per centum during the first two years following the date of enactment of this Act, to 10 per centum for the next succeeding two years, to 15 per centum upon the expiration of three years after such date of enactment, except that the Board may lengthen or shorten any such two-year period where necessary or appropriate in the event of a more rapid phase-out of interest rate controls or to avoid economic dislocation.

(b)(1) Section 5(a) of the Home Owners' Loan Act of 1933 is amended by adding at the end thereof the following: "A Federal mutual savings bank may accept demand deposits from any source.".

(2) Notwithstanding the amendment made by subsection (a) of this section, the Federal Home Loan Bank Board shall (A) provide by regulation for a smooth and orderly transition with respect to the implementation of demand account authority; (B) provide for a phase-in of such demand accounts if, in the judgment of the Federal Home Loan Bank Board, after consultation with the Board of Governors of the Federal Reserve System, the Federal Deposit Insurance Corporation, and the National Credit Union Administration Board, such a phase-in is necessary in order to assure the stability and soundness of all depository institutions, provided that by January 1, 1990, or at such earlier time when in the judgment of the Federal Home Loan Bank Board Federal interest rate limitations have been effectively eliminated, such phase-in must be completed; and (C) delay the implementation of such demand account authority, but not later than January 1, 1990, or such earlier time when in the judgment of the Federal Home Loan Bank Board Federal interest rate limitations have been effectively eliminated, if the Federal Home Loan Bank Board, after consultation with the Board of Governors of the Federal Reserve System, the Federal Deposit Insurance Corporation, and the National Credit Union Administration Board, determines that the granting of such authority would result in a serious impairment of the financial soundness and stability of depository institutions in general. In such event, the Board shall report to the Congress on the reasons for such delay within thirty days of its determination.

(c) This section takes effect upon the enactment of section 107 of this Act.

"(3) shall share in dividend distributions at rates determined by the Board. However, rates on the required capital stock shall be without preference; and";

(4) in section 307(15) by striking out the words ", to the extent or in such amounts as are provided in advance in appropriation Acts"; and

(5) in title III by striking out the word "Administrator" each place it appears and inserting in lieu thereof "Board";

(6) in section 107(5)(A)(vi) of the Federal Credit Union Act (12 U.S.C. 1757), is amended to read as follows: "(vi) the rate of interest (except as may be authorized by the Board for Agent members of the Central Liquidity Facility in carrying out the provisions of title III) not exceed 1 per centum per month on the unpaid balance inclusive of all service charges".

TITLE IV—FEDERAL DEPOSIT INSURANCE AMENDMENTS

SEC. 401. (a)(1) The following provisions of the Federal Deposit Insurance Act are amended by striking out "$40,000" each place it appears therein and inserting in lieu thereof "$60,000".

(A) The first sentence of section 3(m) (12 U.S.C. 1813(m)).

(B) The first sentence of section 7(i) (12 U.S.C. 1817(i)).

(C) The last sentence of section 11(a) (12 U.S.C. 1821(a)).

(D) The fifth sentence of section 11(i) (12 U.S.C. 1821(i)).

(2) The amendments made by this section are not applicable to any claim arising out of the closing of a bank prior to the effective date of this section.

(b)(1) The following provisions of title IV of the National Housing Act are amended by striking out "$40,000" each place it appears therein and inserting in lieu thereof $60,000":

(A) Section 401(b) (12 U.S.C. 1724(b)).

(B) Section 405(a) (12 U.S.C. 1728(a)).

(2) The amendments made by this section are not applicable to any claim arising out of a default, as defined in section 401(d) of the National Housing Act, where the appointment of a conservator, receiver, or other legal custodian as set forth in that section becomes effective prior to the effective date of this section.

(c)(1) The second sentence of section 207(c) of the Federal Credit Union Act (12 U.S.C. 1787(c)) is amended by striking out "$40,000" and inserting in lieu thereof "$60,000".

(2) The amendment made by this section is not applicable to any claim arising out of the closing of a credit union for liquidation on account of bankruptcy or insolvency pursuant to section 207 of the Federal Credit Union Act (12 U.S.C. 1787) prior to the effective date of this section.

(d) The amendments made by this section shall take effect on the thirtieth day beginning after the date of enactment of this Act.

TITLE V—EFFECTIVE DATE

SEC. 501. This Act shall take effect on the date of the enactment of this Act, except as otherwise provided in this Act.●

GENERAL LEAVE

Mr. LELAND. Mr. Speaker, I ask unanimous consent that all Members be permitted to extend their remarks and to include therein extraneous material on the subject of the special order speech today by the gentleman from California (Mr. WAXMAN).

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

There was no objection.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows:

To Mr. CAMPBELL (at the request of Mr. RHODES), for today and the balance of the week, on account of official business.

To Mr. YOUNG of Alaska (at the request of Mr. RHODES), for February 20 through February 22, 1980, on account of official business.

To Mr. ANDREWS of North Dakota (at the request of Mr. RHODES), for today and the balance of the week, on account of illness in the family.

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. ERDAHL) to revise and extend their remarks and include extraneous material:)

Mr. CORCORAN, for 30 minutes, today.
Mr. RITTER, for 5 minutes, today.
Mr. COLLINS of Texas, for 15 minutes, today.
Mr. CONABLE, for 5 minutes, today.

(The following Members (at the request of Mr. LELAND) to revise and extend their remarks and include extraneous material:)

Mr. WAXMAN, for 5 minutes, today.
Mr. CAVANAUGH, for 5 minutes, today.
Mr. GONZALEZ, for 15 minutes, today.
Mr. ANNUNZIO, for 5 minutes, today.
Mr. VAN DEERLIN, for 5 minutes, today.
Mr. ZABLOCKI, for 5 minutes, today.
Mr. LELAND, for 5 minutes, today.
Mr. ECKHARDT, for 5 minutes, today.
Mr. STRATTON, for 5 minutes, today.
Mr. RAHALL, for 60 minutes, on February 26.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. GORE, during general debate on H.R. 3994, Resource Conservation and Recovery Act Amendments of 1979.

Mr. PERKINS, to revise and extend, immediately following remarks of Mr. FINDLEY.

(The following Members (at the request of Mr. ERDAHL) and to include extraneous matter:)

Mr. RUDD.
Mr. CONTE.
Mr. VANDER JAGT in two instances.
Mr. WYDLER in two instances.
Mr. MOORHEAD of California.
Mr. RITTER.
Mr. MICHEL in two instances.
Mr. GREEN.
Mr. SCHULZE.
Mr. SYMMS in four instances.
Mr. LUNGREN.
Mr. GILMAN.
Mr. HILLIS.
Mr KEMP in two instances.
Mr. HOPKINS.
Mr. SEBELIUS.
Mr. THOMAS.
Mr. CLINGER.
Mr. COLLINS of Texas in two instances.
Mr. BADHAM.
Mr. QUILLEN.
Mr. REGULA in two instances.
Mr. KELLY.
Mr. FRENZEL in three instances.
Mr. SOLOMON.
Mr. DERWINSKI in two instances.
Mr. PURSELL.
Mr. DANIEL B. CRANE.
Mr. DORNAN in two instances.
Mr. RHODES.
Mr. PAUL in six instances.
Mr. ROUSSELOT.
Mrs. HOLT.
Mr. BOB WILSON in two instances.
Mr. ERLENBORN.
Mr. PORTER.

(The following Members (at the request of Mr. LELAND) and to include extraneous matter:)

Mr. DODD.
Mr. WALGREN.
Mr. STARK.
Mr. ALEXANDER.
Mr. CAVANAUGH in two instances.
Mr. STOKES.
Mr. GUDGER.
Mr. BLANCHARD in two instances.
Mr. FROST.
Mr. RODINO in four instances.
Mr. MCHUGH.
Mr. MATHIS.
Mr. CLAY.
Mr. BEDELL.
Mr. ROBERTS.
Mr. HAMILTON.
Mr. ST GERMAIN.
Mr. SHANNON.
Mr. FLORIO.
Mr. RANGEL.
Mr. HAWKINS.
Mr. GUARINI.
Mr. SIMON.
Mr. MCDONALD in six instances.
Mr. RAHALL.
Mr. APPLEGATE.
Mr. UDALL.
Mr. HEFTEL.
Mr LONG of Maryland.
Mr. WOLFF.
Mr. FORD of Tennessee.
Mr. ATKINSON in two instances.
Mr. SYNAR.
Mr. MAZZOLI.
Mr. KOSTMAYER.
Mr. ZABLOCKI.

SENATE JOINT RESOLUTION REFERRED

A joint resolution of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S.J. Res. 141. A Joint resolution to establish the policy of the United States with respect to items carried on space flight missions and to express the sense of the Congress that the Attorney General defend any civil action brought with respect to items carried on Apollo missions to the Moon; to the Committee on Science and Technology.

ENROLLED JOINT RESOLUTIONS SIGNED

Mr. THOMPSON, from the Committee on House Administration, reported that that committee had examined and found truly enrolled Joint Resolutions of the House of the following titles, which were thereupon signed by the Speaker:

H.J. Res. 469. A joint resolution designating February 19, 1980, as "Iwo Jima Commemoration Day"; and

H.J. Res. 477. A joint resolution to authorize and request the President to issue a proclamation honoring the memory of Walt Disney on the 25th anniversary of his contribution to the American dream.

JOINT RESOLUTIONS PRESENTED TO THE PRESIDENT

Mr. THOMPSON, from the Committee on House Administration, reported that that committee did on February 19, 1980 present to the President, for his approval, joint resolutions of the House of the following titles:

H.J. Res. 469. A joint resolution designating February 19, 1980, as "Iwo Jima Commemoration Day"; and

H.J. Res. 477. A joint resolution to authorize and request the President to issue a proclamation honoring the memory of Walt Disney on the 25th anniversary of his contribution to the American dream.

ADJOURNMENT

Mr. LELAND. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 4 minutes p.m.), the House adjourned until tomorrow, Thursday, February 21, 1980, at 11 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

3507. A letter from the Deputy Director, Office of Management and Budget, Executive Office of the President, transmitting a report that the appropriation to the Department of Health, Education, and Welfare for "Grants to States for Medicaid," for fiscal year 1980, has been apportioned on a basis which indicates the necessity for a supplemental estimate of appropriations, pursuant to section 3679(c)(2) of the Revised Statutes, as amended; to the Committee on Appropriations.

3508. A letter from the Assistant Secretary of Defense (Comptroller), transmitting notice of the proposed obligation of funds from the Army Stock Fund and the Defense Stock Fund for war reserve stocks, pursuant to section 736 of the Defense Appropriations Act, 1980; to the Committee on Appropriations.

3509. A letter from the Associate Director for Legislative Affairs, Community Services Administration, transmitting a supplement to the agency's first report on the energy crisis assistance program; to the Committee on Appropriations.

3510. A letter from the Deputy Assistant Secretary of Defense (Installations and Housing), transmitting the base structure annex to the Defense Manpower Requirements report for fiscal year 1981, pursuant to 10 U.S.C. 138(c)(3)(C); to the Committee on Armed Services.

3511. A letter from the Secretary of Labor, transmitting a report on the number of cases reviewed and the number of exemplary rehabilitation certificates issued during calendar year 1979, pursuant to section 6(f) of Public Law 90-83; to the Committee on Armed Services.

3512. A letter from the Deputy Assistant Secretary of the Interior for Indian Affairs, transmitting a proposed final rule on the distribution of supplemental funds under the Johnson-O'Malley Act, pursuant to section 431(d)(1) of the General Education Provisions Act, as amended; to the Committee on Education and Labor.

3513. A letter from the Chairman, Federal Council on the Arts and the Humanities, transmitting a draft of proposed legislation to amend the Arts and Artifacts Indemnity Act (Public Law 94–158); to the Committee on Education and Labor.

3514. A letter from the Assistant Secretary of State for Congressional Relations, transmitting notice of the proposed issuance of a license for the export of certain major defense equipment sold commercially to Saudi Arabia (Transmittal No. MC–10–80), pursuant to section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

3515. A letter from the Director, Community Services Administration, transmitting the transition report of the Inspector General of the Community Services Administration, pursuant to section 5(b) of Public Law 95–452; to the Committee on Government Operations.

3516. A letter from the Director, Community Services Administration, transmitting a report on the Agency's activities under the Freedom of Information Act during calendar year 1979, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

3517. A letter from the Acting Assistant Secretary for Administration, Department of Housing and Urban Development, transmitting a proposed new records system, pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

3518. A letter from the Administrator, Panama Canal Commission, transmitting a report on the disposal of foreign excess property by the Panama Canal Company and the Canal Zone Government during fiscal year 1979, pursuant to section 404(d) of the Federal Property and Administrative Services Act of 1949, as amended; to the Committee on Government Operations.

3519. A letter from the Comptroller General of the United States, transmitting a report on savings which are attainable to the Federal Government through improvement of the productivity of Federal payment centers (FGMSD–80–13, February 12, 1980); to the Committee on Government Operations.

3520. A letter from the Comptroller General of the United States, transmitting a report on the financial status of ma'or acquisitions of the U.S. Government, including acquisitions financed solely with Federal funds and those financed jointly with Federal, State, and other funds (PSAD–80–25, February 12, 1980); to the Committee on Government Operations.

3521. A letter from the Secretary of the Interior, transmitting notice of his determination that certain lands in the States of Idaho, Nevada, and Utah are not suitable for disposal under the provisions of the Unintentional Trespass Act, pursuant to section 214 (b) of the Federal Land Policy and Management Act; to the Committee on Interior and Insular Affairs.

3522. A letter from the Assistant Secretary of the Interior, transmitting a draft of proposed legislation to amend section 6(e)(1) of the Land and Water Conservation Fund Act of 1965, as amended and for other purposes; to the Committee on Interior and Insular Affairs.

3523. A letter from the Deputy Secretary of Energy transmitting the third annual report on the Strategic Petroleum Reserve pursuant to section 165 of the Energy Policy and Conservation Act of 1975; to the Committee on Interstate and Foreign Commerce.

3524. A letter from the Acting General Counsel, Department of Energy, transmitting notice of two meetings relating to the international energy program to be held on February 25 and 26, 1980 in Paris, France; to the Committee on Interstate and Foreign Commerce.

3525. A letter from the Chairman, National Arthritis Advisory Board, transmitting the third annual report of the Board, pursuant to section 440(j) of the Public Health Service Act; to the Committee on Interstate and Foreign Commerce.

3526. A letter from the Acting Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting a report on the facts in each application for conditional entry of aliens into the United States under section 203(a)(7) of the Immigration and Nationality Act for the 6-month period ending December 31, 1979, pursuant to section 203(f) of the act; to the Committee on the Judiciary.

3527. A letter from the Secretary of Transportation, transmitting a report on the utilization of the authority to make payments to officers of the U.S. Coast Guard holding positions of a critical nature during calendar year 1979, pursuant to 37 U.S.C. 306(f); to the Committee on Merchant Marine and Fisheries.

3528. A letter from the Chairman, Board of Governors, U.S. Postal Service, transmitting the annual report of the Postmaster General for fiscal year 1979, pursuant to 39 U.S.C. 2402; to the Committee on Post Office and Civil Service.

3529. A letter from the Administrator, General Services Administration, transmitting a draft of proposed legislation to amend the Federal Property and Administrative Services Act of 1949, as amended, to authorize the Administrator of General Services to enter into contracts for janitorial, trash removal, and similar building services, and protective service in federally owned and leased properties for periods not to exceed 3 years, and for other purposes; to the Committee on Public Works and Transportation.

3530. A letter from the Under Secretary of State for Management, transmitting a draft of proposed legislation to promote the foreign policy of the United States by strengthening and improving the Foreign Service of the United States, and for other purposes; jointly, to the Committees on Foreign Affairs, and Post Office and Civil Service.

3531. A letter from the Comptroller General of the United States, transmitting a report on the causes and management of first-term enlisted attrition in the military (FPCD–80–10, February 20, 1980); jointly, to the Committees on Government Operations and Armed Services.

3532. A letter from the Secretary of Health, Education, and Welfare, transmitting notice of a delay until July 1, 1980 in the submission of the 1980 End-Stage Renal Disease annual report, required by section 1881(g) of the Social Security Act; jointly, to the Committees on Interstate and Foreign Commerce, and Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

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

Mr. RODINO: Committee on the Judiciary. House Resolution 571. Resolution of inquiry directing the Attorney General of the United States to furnish certain information to the House of Representatives (Adverse Rept. No. 96–778). Referred to the House Calendar.

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. BRINKLEY:

H.R. 6539. A bill to amend the Occupational Safety and Health Act of 1970 to concentrate enforcement activities on hazardous workplaces and encourage self-initiative in improving occupational safety and health, and for other purposes; to the Committee on Education and Labor.

By Mr. BRODHEAD:

H.R. 6540. A bill to provide a program of emergency unemployment compensation; to the Committee on Ways and Means.

By Mr. ECKHARDT:

H.R. 6541. A bill to prohibit unfair or deceptive acts and practices of household goods carriers; to provide for the fair, timely, and inexpensive resolution of household goods shipper disputes; and for other purposes; to the Committee on Public Works and Transportation.

By Mr. FINDLEY:

H.R. 6542. A bill to amend the Food and Agriculture Act of 1977 to require the Secretary of Agriculture to establish certain loan levels whenever the export sales of certain agricultural commodities are suspended; to the Committee on Agriculture.

H.R. 6543. A bill to amend the Internal Revenue Code of 1954 to provide a system of capital recovery for investment in plant and equipment, and to encourage economic growth and modernization through increased capital investment and expanded employment opportunities; to the Committee on Ways and Means.

By Mr. FRENZEL:

H.R. 6544. A bill to amend the Internal Revenue Code of 1954 to encourage small business capital formation; to the Committee on Ways and Means.

By Mr. GRASSLEY:

H.R. 6545. A bill to delay proposals for salary increases for Members of Congress and certain other Federal positions by postponing for 4 years the appointment of members of the Commission on Executive, Legislative, and Judicial Salaries; to the Committee on Post Office and Civil Service.

By Mr. GUARINI:

H.R. 6546. A bill to provide Federal financial assistance to States for programs to identify women who received diethylstilbestrol (DES) while pregnant and the children of such women, to establish a voluntary registry of such women and children, to provide screening of such women and children for cancer related to such drug, and to provide information respecting the health hazards of such drug; to the Committee on Interstate and Foreign Commerce.

By Mr. HANLEY:

H.R. 6547. A bill to amend the Federal Reserve Act to eliminate the ceiling rates on deposits maintained at federally insured depository institutions, and for other purposes; to the Committee on Banking, Finance and Urban Affairs.

By Mr. HEFNER:

H.R. 6548. A bill to amend title 38, United States Code, to authorize the Administrator of Veterans Affairs to give preference in employment in certain positions in the Veterans Administration to qualified disabled veterans and veterans of the Vietnam era; to the Committee on Veterans' Affairs.

By Mr. KRAMER (for himself and Mr. SEBELIUS):

H.R. 6549. A bill to provide a credit against income tax for expenditures to upgrade certain railroad property; to the Committee on Ways and Means.

By Mr. LEVITAS (for himself and Mr. JOHNSON of California) (by request):

H.R. 6550. A bill to amend Public Law 90–553, to authorize the transfer, conveyance, lease and improvement of, and construction on, certain property in the District of Columbia, for use as a headquarters site for an international organization, as sites for governments of foreign countries, and for other purposes; to the Committee on Public Works and Transportation.

By Mr. LONG of Maryland:

H.R. 6551. A bill to amend the Internal Revenue Code of 1954 to eliminate the provision which allows an employer to take into account employer payments of social secu-

rity taxes in determining whether the employer discriminates against low-paid employees in providing pension benefits; to the Committee on Ways and Means.

By Mr. MARLENEE:

H.R. 6552. A bill to provide for the construction of the Alzada-Ekalaka Highway in Montana; to the Committee on Public Works and Transportation.

By Mr. MOAKLEY:

H.R. 6553. A bill to amend title I of the Omnibus Crime Control and Safe Streets Act of 1968 to include emergency medical vehicle workers among the public safety officers whose survivors are eligible for certain benefits; to the Committee on the Judiciary.

By Mr. MURPHY of New York:

H.R. 6554. A bill to authorize appropriations for the fiscal years 1981 and 1982 for certain maritime programs of the Department of Commerce, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. RAILSBACK:

H.R. 6555. A bill to amend title 18, United States Code, to permit a Federal court, upon the recommendation of the U.S. prosecutor, to place certain persons charged with Federal crimes in programs of community supervision and services; to the Committee on the Judiciary.

By Mr. TRAXLER:

H.R. 6556. A bill to provide that the National Medal of Science, which is currently awarded for outstanding contributions in the physical, biological, mathematical, and engineering sciences, also be awarded for outstanding contributions in the behavioral and social sciences; to the Committee on Science and Technology.

H.R. 6557. A bill to name the Veterans' Administration hospital located at 1500 Weiss Street, Saginaw, Mich., the Aleda E. Lutz Veterans Hospital; to the Committee on Veterans' Affairs.

By Mr. BOB WILSON:

H.R. 6558. A bill to amend title 37, United States Code, to increase the monthly subsistence allowance for senior Reserve Officer Training Corps Cadets from $100 a month to $150 a month; to the Committee on Armed Services.

By Mr. ZABLOCKI (for himself, Mr. BROOMFIELD, Mr. FOUNTAIN, Mr. FASCELL, Mr. HAMILTON, Mr. WOLFF, Mr. BARNES, Mr. BOWEN, Mr. DERWINSKI, Mr. WINN, Mr. LAGOMARSINO, Mr. PRITCHARD, Mrs. FENWICK, and Mr. QUAYLE):

H. Con. Res. 282. Concurrent resolution expressing the sense of the Congress with respect to the recent foreign-inspired attempts to undermine the stability of Tunisia; to the Committee on Foreign Affairs.

By Mr. PATTERSON:

H. Res. 580. Resolution to provide for the expenses of investigations and studies to be conducted by the Select Committee on Committees; to the Committee on House Administration.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

344. By the SPEAKER: Memorial of the House of Representatives of the State of Rhode Island and Providence Plantations, relative to the appropriation for the Education for all Handicapped Children Act of 1975; to the Committee on Appropriations.

345. Also, memorial of the Legislature of the State of Utah, relative to proposed registration and drafting of women for the selective service; to the Committee on Armed Services.

346. Also, memorial of the Assembly of the State of New York, relative to studying the use of formaldehyde in the construction of mobile homes, and issuance of Federal guidelines for same; to the Committee on Banking, Finance and Urban Affairs.

347. Also, memorial of the Legislature of the State of Arizona, relative to commending Canadian assistance in freeing American diplomats from Iran; to the Committee on Foreign Affairs.

348. Also, memorial of the Legislature of the State of Utah, relative to proposed legislation providing for the cession and conveyance to the States of federally owned unreserved, unappropriated lands; to the Committee on Interior and Insular Affairs.

349. Also, memorial of the Assembly of the State of New York, relative to establishing a national cemetery for veterans in Ulster County; to the Committee on Veterans' Affairs.

350. Also, memorial of the Senate of the State of Washington, relative to social security benefits for the terminally ill; to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BUTLER:

H.R. 6559. A bill for the relief of Reverend Carl T. Tinsley and Yvonne P. Tinsley; to the Committee on the Judiciary.

By Mr. CAVANAUGH:

H.R. 6560. A bill for the relief of James G. Reese; to the Committee on the Judiciary.

By Mr. MOTTL:

H.R. 6561. A bill for the relief of Lieutenant Commander Frederick R. Marlin, Junior, U.S. Navy; to the Committee on the Judiciary

By Mr. RAHALL:

H.R. 6562. A bill for the relief of Sarah O. Loot, doctor of medicine, Jesse L. Loot, doctor of medicine, and Brian O. Loot; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 542: Mr. SKELTON.

H.R. 809: Mr. WEAVER.

H.R. 1028: Mr. WEAVER.

H.R. 1041: Mr. LELAND.

H.R. 1918: Mr. CARNEY, Mr. STACK, Mr. ASPIN, and Mr. FUQUA.

H.R. 2973: Mr. HARRIS.

H.R. 3269: Mr. ANDERSON of California and Mr. LUNGREN.

H.R. 4253: Mr. LELAND.

H.R. 4404: Mr. LUNDINE.

H.R. 4407: Mr. LUNDINE and Mr. TAUKE.

H.R. 4409: Mr. LUNDINE.

H.R. 4646: Mr. BEARD of Rhode Island, Mr. DICKS, Mr. JOHNSON of California, and Mr. JACOBS.

H.R. 4647: Mr. HOWARD.

H.R. 4682: Mr. MOAKLEY, Mr. MOTTL, Mr. HANLEY, Mr. VENTO, Mr. DOWNEY, Mr. NOLAN, Mr. ATKINSON, and Mr. EDGAR.

H.R. 5033: Mr. PORTER and Mr. GOLDWATER.

H.R. 5175: Mr. STEWART, Mr. CONYERS, Mr. GRAY, Mr. LEHMAN, Mr. PEYSER, Mr. DELLUMS, Mr. BONIOR of Michigan, Mr. MINETA, Mrs. CHISHOLM, Mr. CLAY, Mr. MITCHELL of Maryland, Mr. LEDERER, and Mr. WOLFF.

H.R. 5440: Mr. CORCORAN and Mr. HINSON.

H.R. 5477: Mr. LEHMAN.

H.R. 5535: Mr. PASHAYAN.

H.R. 5743: Mr. CAVANAUGH.

H.R. 5981: Mr. BARNES, Mr. BEDELL, Mr. GRAY, Mr. HEFTEL, Mr. STACK, and Mr. WAXMAN.

H.R. 5987: Mr. CARTER, Mr. DERWINSKI, Mr. DUNCAN of Tennessee, Mr. EVANS of Georgia, Mr. LEHMAN, Mr. LOWRY, Mr. MCKAY, Mr. MINETA, Mr. MURPHY of Pennsylvania, Mr. NEAL, Mr. PASHAYAN, Mr. PAUL, Mr. PETRI, Mr. STANGELAND, Mr. CHARLES WILSON of Texas, Mr. HARSHA, and Mr. BOWEN.

H.R. 6008: Mr. LAGOMARSINO, Mr. BOLAND, Mr. CORRADA, Mr. MURPHY of Pennsylvania, Mr. LEDERER, Mr. FISH, and Mr. DUNCAN of Tennessee.

H.R. 6027: Mr. GRAY, Mr. STOKES, Mr. MINETA, Mr. MARKS, Ms. OAKAR, and Mr. TAUKE.

H.R. 6070: Mr. WATKINS, and Mr. WHITLEY.

H.R. 6093: Mr. DUNCAN of Tennessee, Mr. DOUGHERTY, Mr. FORSYTHE, Mr. PEPPER, Mrs. CHISHOLM, Ms. OAKAR, Mr. ROE, Mr. WALGREN, Mr. PATTEN, Mr. ERDAHL, and Mr. FISH.

H.R. 6186: Mr. CARTER, Mr. DOWNEY, Mr. HUTTO, Mr. NEAL, and Mr. CHARLES WILSON of Texas.

H.R. 6203: Mr. ANTHONY, Mr. LLOYD, Mr. NEAL, Mr. EDGAR, Mrs. CHISHOLM, Mr. LA FALCE, Mr. FAZIO, Mr. SHANNON, Mr. MINETA, Mr. DOWNEY, Mr. PATTEN, Mr. SYMMS, Mr. OBERSTAR, Mr. HARKIN, Ms. MIKULSKI, Mr. WHITTAKER, Mr. CLEVELAND, Mr. CARTER, Mr. MOAKLEY, Mr. YATES, Mr. DAVIS of Michigan, Mr. EVANS of Georgia, Mr. DUNCAN of Tennessee, Mr. MITCHELL of Maryland, and Mr. BROWN of California.

H.R. 6227: Mr. ROBINSON and Mr. SLACK.

H.R. 6244: Mr. PASHAYAN, Mr. WAXMAN, and Mr. MATSUI.

H.R. 6314: Mr. WINN, Mr. BOWEN, Mr. MOORHEAD of California, Mr. SPENCE, Mr. DAN DANIEL, Mr. WHITTAKER, Mr. WON PAT, Mr. DUNCAN of Tennessee, Mr. MCDONALD, Mr. PHILIP M. CRANE, Mr. MOORE, Mr. LAGOMARSINO, Mr. BEVILL, Mr. BADHAM, Mr. ROBERT W. DANIEL, JR., Mr. EDWARDS of Oklahoma, Mr. CLEVELAND, Mr. GINGRICH, and Mr. HANSEN.

H.R. 6377: Mr. MOAKLEY, Mr. MCKINNEY, Mr. CONTE, Mr. JOHNSON of Colorado, Mr. CORMAN, Mr. KEMP, Mr. KILDEE, Mr. KOGOVSEK, Mr. STUDDS, Mr. MARKEY, Mr. FISH, Mr. EDWARDS of California, Mr. BRODHEAD, Mr. FROST, Mr. MILLER of California, Mr. MITCHELL of Maryland, Mr. PHILIP M. CRANE, Mr. MATTOX, Mr. WEISS, Mr. WALGREN, Mr. MOLLOHAN, Mr. ROTH, Mr. ASPIN, Mr. DODD, Mr. MAVROULES, Mr. LAFALCE, Mr. PANETTA, Mr. BONIOR of Michigan, Mr. BAILEY, Mr. HOLLENBECK, Mr. DOWNEY, Mr. DIXON, Mr. ROE, Mr. SABO, Mr. VENTO, Mr. STOKES, Ms. MIKULSKI, Mr. BARNES, Mr. ERTEL, Mr. WIRTH, and Mr. DRINAN.

H.R. 6428: Mr. BEDELL, Mr. BEREUTER, and Mr. CAVANAUGH.

H.R. 6444: Mr. WHITEHURST.

H.R. 6522: Mr. MAGUIRE.

H.J. Res. 69: Mr. JACOBS.

H.J. Res. 145: Mr. EVANS of the Virgin Islands, Mr. SABO, Mr. WATKINS, and Mr. APPLEGATE.

H. Con. Res. 122: Mr. SWIFT, Mr. WYDLER, and Mr. CONYERS.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

279. By the SPEAKER: Petition of the City Council, New York, N.Y., relative to appropriation of funds for the education of the handicapped; to the Committee on Appropriations.

280. Also, petition of the Permanent Council of the Organization of American States, Washington, D.C., relative to Nicaragua; to the Committee on Foreign Affairs.

281. Also, petition of the City Council, New York, N.Y., relative to making Abraham Lincoln's birthday a national holiday; to the Committee on Post Office and Civil Service.

282. Also, petition of the Council of the Metropolitan Government of Nashville, Tenn., relative to the Airport and Airway Development Act; to the Committee on Public Works and Transportation.

283. Also, petition of the Board of Directors, Southwest Kansas Royalty Owners Association, Hugoton, Kans., relative to the proposed windfall profits tax on domestic crude oil; to the Committee on Ways and Means.