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 overtake 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 its 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 continuing violations 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. 3707. An act to amend the National Parks and Recreation Act of 1978, to establish the Channel Islands National Park, 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 1953 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:

The Senate passed with amendment H.J. Res. 469, a Joint Resolution designating February 19, 1980 as "Two Jims Commemoration Day."

With kind regards, I am,

Sincerely,

Edmund L. Hensha, 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 by Concurrent Resolution of the House of 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 "Two Jims 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. Yarron of Pennsylvania, vice-chairman;
Mr. Kaen of Texas;
Mr. Wolff of New York.

☐ This symbol represents the time of day during the House Proceedings, e.g., ☐ 1407 is 2:07 p.m.
☒ This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.
Mr. Miller of California; Mr. Cuello of California; Mr. Sengton of Missouri; Mr. Kogovsek of Colorado; Mr. Rousselot of California; Mr. Gilman of New York; M. Lagomarsino of California; and Mr. Ruud 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 striking 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 Federal 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, 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 dryer.
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 this type of book.

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.

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 not acted 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 conferences and tell them why 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 conferences are going
to give a mere 18 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 for 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 replacing 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. It will cause 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 15 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. LUNCHEN 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 statutory 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; Science and Technology, 86 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. He promised the public that he would cut Federal spending. He promised the public that he would cut Federal spending.

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 to learn that the House of Representatives has been overturned by six Justices of the Supreme Court yesterday on an issue that involves the killing of so many pre-born 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 our 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 RESCissions PROPOSAL AND TWO NEW DEPERALS OF BUDGET AUTHORITY—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 96-270)

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

The SPEAKER pro tempore. 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 request of President Reagan have the right of first refusal of the two Houses on the Senate amendment to the bill H.R. 8919 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 conferences meeting to determine that tax. It has been cut in half already by 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 did mark up 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 17th, the House conferences called and voted 9 to 4 that they would approve any and all tax credits that might encourage conservation.

I wonder if 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, invest in conservation and perform other acts of conservation.

Well, since that vote, there has been some retreatment. In fact, the House conferences 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 hydrogen.

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 Asso-

citates, 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 conferences have proposed and even beyond what the Senate is now proposing.

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. The cost of the cost 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 doing anything else. And then 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 lead to even higher 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 conferences, because of the House pressure, omitted, removed from the bill the Senate provision that said that landlords should qualify for the credit. Well, now landlords are not going to do it because why should the landlord 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 that 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 ununfortunately conservation is thought to be trivial. What 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 doing the deed. So we naturally enough, as Energy Future payed 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 studied we could get since 1970 or before and have not even begun to seriously implement.

Another problem with conservation is that it is not equally applicable to all. The Department of Energy study of the New EnglandCoucus of the Congress found that by 1985 northern New England could 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 the 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 want to do that and talk about that and other technologies. But what this means is that if we were to relaunch the sector 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) said, we are not going in one direction, 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 bill 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 oil, that is, 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 committee today. This year 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 credits shall be provided over a 10-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 a $26 billion over a 10-year period for credits and 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.

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 level, which are 20 percent and 30 percent, to 40 percent of $10,000. In other words, in solar we would have $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 ocean technologies to 15 percent. We have increased the credit in addition to the normal investment tax credit. We think this is a major improvement.

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. 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 with respect to any commitments specified in the bill are made before 1982, the credit will be available in those cases for costs through 1990. We have a transitional rule of late providers 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 excise tax exemptions for gasohol as a substitute for gasoline. The Chairman has not commented on this.

In the process of doing this, we have improved the Senate bill. We have been able to improve every one of those 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 the House will do about it.

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 for 5 minutes, 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, they were going 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 amounted 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 conferees have done on his bill, just coming, that we have left $9 billion worth of credits out of the original $25.6 billion the Senate provisions contained?

Mr. ULLMAN. Mr. Speaker, I am saying that if you relate this $25 billion to all of this package.

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 $18 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 that the windfall profit tax package, 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 elimination of the 25-year period for credits and industrial development bonds accounted for $3 billion, for the replacement of oil and gas furnaces and boilers, credit for air-tight wood stoves, replacing coal furnaces, rebuilding wood-burning furnaces, I could go on and on. That is not insinuating.

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 Senate that all of those items the gentlemen has listed would be acceptable under those standards. The conferees 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 Senate.

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, after all, created for that purpose?

Mr. ULLMAN. The whole amount goes into the general fund. It really does not make much difference whether we take it out of one bucket 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 conferee 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. Jerramnow).

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 have joined in that effort, but 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 vote on it, we would tie it 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 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 money out of the hat and in the end.

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; we were sold on 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 tax expenditures.

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 conference committee did. 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 with 50 percent more revenue than the Senate did, the conference committee could have raised that amount. No. Did they come down half? That is another option, taking the House position of no action and did the Senate go 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. It is $8,966 billion in residential energy tax incentives, and the House committee accepted only $431 billion, a mere 5 percent of the Senate level. We have told our constituents, "We are going to give you a tax break." 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 we told the people back home, and what have we done? Nothing. 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 why 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 conference committee, 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 amendment.

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 that. We are saying that they are going to increase 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 these commitments.

On national television last July, the President made some pretty specific promises in addition to naming the wind- energy crisis. As you will recall, that was extremely useful tool for encouraging many believe that the builders' credit for 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 credit for builders in his July statement. Such a credit would have given an important signal to the home-building industry, and would also serve to equalize the price differential between passive solar and conventionally heated buildings. If the Department of Energy funded solar installations is due in part to the enthusiastic response of builders to the 55-percent solar credit, according to recent California Economic 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 conferers 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 conference committee refuses to recognize 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 1½ million units of oil would be saved annually. Twenty percent replacement would yield more than 31 million barrel units annually, while 30 percent replacement would gain nearly 47 million barrel units annually. 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 how potential of solar tax credits is a good idea. According to the Energy Future report, solar heating sales, including installation, increased tenfold in 2½ years. During the first half of 1979, the average initial cost of most active systems has increased 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 1978 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 233,000 units in 1978. In fact, of 233,000 existing passive and active 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 released in 1979 indicates that here would be a credit.

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 five-year payback would thereby be reduced to five years. Ours is not a fanciful proposal, for California already offers 50 percent credit.

In addition, a 1977 report entitled "Federal Incentives for Solar Homes: An Assessment of Program Options" by BUPI, Inc. projected that a 50-percent credit for the tractive Federal Regional Council, an organization of 15 Federal Government agencies in New England, recommended flatly that incentives for solar energy should include wood. According to the final report of the New England Energy Congress released last fall, the use of wood in the residential sector of New England alone could supplant a million barrels of oil per year by 1985 if assist 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 use, 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 1979 report, the U.S. Department of Energy stated that the overall supply of fuel wood in this country is such that it would 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 likely to face a shortage. Resources are relatively evenly distributed in the Northeast, Southeast, Appalachian, 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 supplies of fuel wood in the Northeast have an average potential of roughly 9 quads. Out of the approximate 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 Central States, 2 percent, and the Western 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 increased 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 all households that meet 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 fuel costs. The beats this, the 1979 DOE study reveals that equipment tax credits would have a beneficial impact on annual wood heating costs and have a significant impact on new devices, not fuel costs. Additionally, it is suggested that the tax credits will have a considerable promotional value for the sale of wood burning equipment.

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. Total Federal revenue loss from this 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, as high as that for gas furnaces, which do not contribute to 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. The 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 by 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, the 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 could be met in 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 supplement electric and gas utilities. Finally, wood heating can help reduce the problem of fuel delivery interruptions and power blackouts.

In the construction area, two studies on wood energy potential which were completed in the past two years concluded that increased wood usage would benefit local economies and employment primarily because of 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 has been building a mill which would be attached to home heating furnaces and boilers already in residential use. This device uses highly compressed wood pellets, which 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 hopper and the metering and 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 Stove, Vt., prototype. The upshot of these advances and those which the wood-heating industry is exploring, portend greater, efficient use of this renewable resource and lend credence to the necessity for purchase incentives a tax would provide.

First, I have a great deal of disappointment in the apparent decision by the conferences to recommend that any tax credit that might be given in the future be retroactive to July 1979. This seems unfair, in my view, to the 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. D'AMOURS. Mr. Speaker, will the gentleman yield?

Mr. MOORE. 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 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. Rousser) was sitting next to the gentleman from Louisiana, Mr. D'AMOURS.

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 said, "We appreciate it, but hearing is going to happen 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 effective or beneficial these credits are."

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 the 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 we already are doing anyway. Things that are going to happen anyway, and we are going to lose tax funds coming to the Treasury by doing so. To give an example, Mr. D'AMOURS, are you 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 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, to 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 because the incentive to go up to the consumer because of the credit-stimulated additional demand.

I served on the Energy Subcommittee for 3 years into the investigation 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 as it 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 without any follow-through 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 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 gentleman from Massachusetts (Mrs. HECKLER).

Mrs. HECKLER. I thank the gentleman for yielding.

Mr. Speaker, I rise in support of the motion to instruct the committees. 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 the potential of hydropower projects is 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 hydropower sites in the United States which have the potential of being developed as small-scale hydropower projects. This is an energy resource which is 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.

In excess of 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 facilities would 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 shortcomings in the next few years. The time period needed to develop the facilities is relatively short—3 to 4 years—which would allow us to try 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.

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 I think it is quite obvious that we will 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 use to 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 gentleman yield?

Mrs. HECKLER. I would be happy to yield.

Mr. ullman. Mr. Speaker, that is still an open issue. We will be considering it. And I want to assure the gentleman I believe I would agree with the gentleman, it is a matter that could be of very important national interest and I think I will recommend to the conference committee to accept it but it still is an open status.

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

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

Mr. BEDELL. I thank the gentleman for yielding.
Mr. Speaker, my understanding is that it is in the Senate bill. If we pass the D'Amours amendment, which is chairman of 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 Senate, if you do not agree to the D'Amours amendment, 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 the 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 gentleman'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 100 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 $227 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 conference recognizes the fact that tax incentives encourage conservation and promote the use of alternative energy sources. We must all realize the significance of weaning ourselves from foreign crude oil supplied by the OPEC oil barons. We must forge ahead and 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, negotiated by the conferees, is scheduled to provide the following annual back charge 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 Congress 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 of the world that our addiction to crude oil will never be overcome. The public will perceive our oil-dependency relitigation 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 responsibilities in the energy area. 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. Unless we are willing to spend the money necessary 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, imaginative approaches 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 cannot possibly afford one 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.

We 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 conferees on H.R. 3919, the Senate amendments which provide residential and business tax credits for the use of alternative sources of energy. Specifically, to 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 air-tight 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 in the form of which refunds a portion of the increase of residential heating costs through the tax mechanism. The credit would be available for 3 years. That 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 1.5 cents, would be all the credit consumer 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 tax
heating oil due to enactment of the crude oil equalization tax (COET) be related 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 losses 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 furnaces in the residential conserva­tion credit would provide a 15-percent tax credit to purchasers of only the high­est efficiency furnaces commercially available. Oil heat equipment that ex­ceeds 80 percent average fuel efficiency to quality; gas heat equipment must meet a 78-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 stands in efficiency from approximately 60 to 80 percent ef­ficiency. In many homes the existing heat­ing equipment is only 50 percent ef­ficient. Furthermore, 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 reinstate, 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 wood­burning stoves.

For each household, the credit is al­lowed to only one person, the individual who furnishes the largest portion of 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 resulting reduc­tion of energy use and the resulting energy 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 wood heat equipment at a dis­count of about $6000 per year. The tax credit would provide a 15-percent incentive for the purchase of only the high­est efficiency wood stoves, coal and wood furnaces, solar, and wind equipment. The remaining $17 billion would be used to foster industry investment in solar, wind, hydro, geothermal, and biomass energy technologies, as well as cogeneration, heat pumps, and geothermal energy.

Approval of these energy tax credits is a 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 imports but also help to alleviate the energy price burden that is being exacer­bated by decontrol of domestic crude oil.

Solar, woodstoves, and biomass energy sources are most appealing to the North­east. These sources are most widespread in the Northeast, even though they solar energy, in conjunction with con­ervation efforts, could reduce our con­sumption of conventional fuel by more than 20 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, and small scale hydro credits 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 conference on the windfall profit tax bill has 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 must be discarded 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 allow broader use 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 adoption of energy-saving equip­ment 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...
Mr. Speaker, I rise in support of 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 bill. The existing credits have been a start, but they must be increased. Others, I would argue, therefore, that we ought to support this motion, simply because we are committed to creating another not already 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. Lukens).

Mr. Lukens. 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 oil prices continue their reckless escalation, wreaking havoc with our Nations’ economy. Congress should be doing everything possible to encourage the use of alternate 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, solar energy saves 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 energy, my colleagues, as you 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 a very positive and installation of solar equipment has increased.

The Senate is to be commended for including these incentives 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. Biedell).

Mr. Biedell. 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.

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 or disapprove Senate legislation. 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 a bill passed was at sometime 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 the state then uses to make their reason tax exempt.

One of the gentlemen said we have to wait, we have to wait until we have hearings. We wait and wait and 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 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 for wood stoves. I have always 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. A study made by the American Forest and Paper Association and the U.S. Forest Service estimated that wood heating could contribute the equivalent of 74.1 x 10^10 barrels of heating oil by the year 2000 if proper financial incentives were established.

As one New England Congressman who recognizes that the United States, and particularly New England, needs to shift away from a dangerous and particularly New England, needs to shift away from a dangerous dependency on imported oil, I have supported de-regulation of oil and gas and numerous other energy incentive programs to increase the use of oil and gas and at least promote the use of 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 potential to help us solve energy production.

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 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 that wood will save 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 per 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 through conservation, both of which is designed to do two things, produce domestic energy through conservation, both of which would result in imported less foreign oil into this country. Mr. Speaker, the increased cost of oil is threatening our national security, it is wrecking our economy and it is fueling the increased cost of oil. They understand that in modern, efficient equipment, and new technologies, lie their best hope of lessening their personal dependency 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 in New Hampshire are a case in point. The one argument that I have heard made most often is that the windfall profit tax legislation is that it will have the effect of discouraging increased energy production. Given the fact that we designed the tax on "old oil," both the tax 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 made suggests that there is a very good reason for us to make sure that the Senate version of the bill includes the 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 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, the steady, long-term tax breaks to investors who are planning to move into alcohol for fuel production just will not do. 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 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 rise 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 incentive for consumers to use 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. With the decision to decontrol, switching to fuels other than oil, and implementing strict conservation measures will be the 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 in Granite Staters, or their places of business, those credits could make the difference in determining whether or not to invest in a new technology. The only reason why we are not supporting 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 energy use.

Mr. Speaker, I believe that these credits are an altogether appropriate use for a portion of the windfall profit tax that the House will provide an 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 conference representatives to 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 recent call for the 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 alone 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, a matter of national interest.

However, I want to associate myself with the remarks of Mr. Corman. 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 alternatives has been before one or more 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 such time as he may consume 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 anything wrong with the code, it is too complex. It is riddled with exemptions, exclusions and deductions, known as tax expenditures. We pay for them 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 more so than the notion of distorting the tax system that leads to outrageous and revolt amongst 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. I believe, 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 profits to define the revenues. 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 windfall profit tax code. 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 their mortgage payments.

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 windfall profit tax revenues 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. Rancroft).

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 committees on the windfall profit tax legislation to recede and reconsider Senate amendments providing for energy conservation and alternative energy development. The House consideration of H.R. 3919 was limited strictly to 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 on foreign oil.

In this context, it is disturbing to learn of the apparent decision by the House to oppose the Senate provisions for residential and business tax credits that are the cornerstone of Federal efforts to promote conservation and alternative energy development. While it would be nice to have the luxury of a more leisurely consideration of tax incentives, 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 embarked on a course toward夭折。The effectiveness of tax incentives—the result of their simplicity and their direct assistance to homeowners and business—has been dramatically vindicated 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 important dependence on foreign oil—have been made painfully clear by the international tur-
moll of the past few months. We have an opportunity to act now, to strengthen proven incentives which offer some hope of moving us toward our goal of reducing our reliance on the imports of OPEC nations—and we can not afford to delay in our fight for energy independence any longer.

The Senate provisions of the windfall-profit tax legislation fail to do what is necessary 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 extends the 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 (car-pooling), the use of 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 or to instruct the Senate on 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 non-energy-related purposes.

Mr. Speaker, the President's decision to decontrol the price of domestic oil has already undermined the confidence of consumers across the Nation. As the profits of the oil industry already begin to skyrocket, the House has a responsibility to recover the funds and the revenues which decontrol will bring in and to insist 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 the Nation needs.

The focus of the debate is the intent of the incumbent (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 2 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 and confidence in 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 one of our nation's primary problems—energy. We have now passed the largest single revenue measure in our Nation's history.

Mr. Speaker, 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 have the strength to develop our military defense budget, because of our present dependency upon that region of the world that produces this energy, we have to take some positive steps to increase the revenues of the windfall-profit tax. We have to do it in a way that is effective, in a way that is reasonable, and in a way that we can put money into the pockets of businesses and individuals in this country that will take long-term action in the area of energy to decrease our dependency on 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 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 for yielding.

Mr. Speaker, I commend the gentleman for yielding.

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

If we vote for this motion, if we are going to be voting for a lot of things that are very popular and several things that are very important, 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 gasohol 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 and the river below is impassable. We want to modernize the existing system.

If we vote for this motion, if we ex-
emtp gasohol through 1993 or the year 2000, on top of the savings we are getting in the oil. This 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 by virtue of exempt gasohol right through the year 1992 or the year 2000.

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 impact on the oil crisis, both lower and middle income persons who will face the brunt of this winter's crisis. We need to be gearing our energy measures toward federal aid to American families.

The unanimous-consent requests were granted to those who were supporting 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, through and through. One cannot 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 beginning. If you go down the road, as 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 we are doing it. 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'A Brooks) to instruct House conference on the windfall profit tax bill, H.R. 3919. This resolution would instruct conference 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. The development, conservation of energy 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 the 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.

One tax credit which will help those being hurt by the energy crisis, both lower and middle income families.

Wood now provides half as much energy as does nuclear power and accounts for about 10 percent of our 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 56 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. The other is a study by the Wisconsin Department of Agriculture to convert 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 conference 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 profit tax is expected to generate.

Unfortunately, on February 7 the House conference failed 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 energy needs, if we were to require 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 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 technologies which were 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 House 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 reserves 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 if it will hydroelectric, solar, and other renewable sources.

The day this report was released, the New England Congressional Caucus announced the introduction of a 26-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 fixtures, 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 indicate that this Nation's wood resources are sufficient to support that 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 severe of energy users and who will see the largest 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 comfort and energy savings for a region. Wood is one natural resource which New England do possess in abundance. The energy congress concluded that wood could 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 re-iterate the motion 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 the last two years—energy 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 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 nay 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.
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 conferences.

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

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

But, please, do not instruct us. We are about to get things wound up and get 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 conferences to do. It is my understanding that the gentlewoman wishes to instruct the conferences 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 conferences offered by the gentleman from New Hampshire (Mr. D'AMOURS).

The question was taken; and the Speaker pro tempore 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 196, noes 207, not voting 31, as follows:

[Roll No. 60]  
AYES—195

Abdnor
Adabbo
Alioto
Ambros
Anderson, Calif.
Asgen
Atkins
AuCoin
Axley
Baldus
Bancroft
Barnes
Bauman
Beard, R.I.
Beard, Tenn.
Bedell
Bellerson
Benjamin
Bevil
Blanchard
Boggs
Boland
Boner
Bonker
Bouguereau
Briakley
Broomfield
Bruchman
Burton, John
Byron
Koguan
Kramer
Kraus
Clausen
Lederer
Coleman
Conte
Courrèges
Cranes, Daniel
D'Amaros
D'Amours
Dawchik
Deckard
Dellrect
Derricks
Devine
Dining
Docel
Donnelly
Donnelly, Michael
Douglas
Dungan
Early
Edding
Edgar
Evans, Ga.
Fazio
Pazio
Ferrao
Ferraro
Fishe

NOES—207

Akkas
Alexander
Andrews, N.C.
Annunzio
Applegate

Ashley
Bassini
Barens
Bartlett
Behee
Bender
Benson
Biren
Birdali
Bivins
Blanco
Blair
Blume
Bluett
Boggs
Bukaty
Bunker
Bunker
Batts
Bailey
Simons
Flippo
Sasscer
Seitz
Shepherd
Sethler
Seward
Sears
Sleeper
Slocum
Mourer
McNeill
Wrenn
Kibler
Vento
Kemp
Kastenmeier
Kathak
Kastenmeier
Kelley
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CONGRESSIONAL RECORD — HOUSE
February 20, 1980

Mr. McKeon with Mr. Phillip M. Crane.

Messes. HOLLAND, MCCLOSKEY, ROBINSON, TAYLOR, and WEISS
changed their votes from "aye" to "no."
So the motion to reconsider 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 H. RES. 571, DIRECTING ATTORNEY GENERAL OF UNITED STATES TO FURNISH CERTAIN INFORMATION TO HOUSE OF REPRESENTATIVES

Mr. RODINO, from the Committee of the Judiciary, submitted an adverse report (Rept. No. 96-776) 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, as follows:

Mr. CRANE, Mr. ROBINSON, Mr. McCLOSKEY, Mr. ROBINSON, Mr. WEISS, and Mr. CRANE, Mr. McCLOSKEY, Mr. ROBINSON, and Mr. WEISS changed their votes from "aye" to "no."

The motion to reconsider was rejected.

The result of the vote was announced as above recorded.

(6) Notwithstanding any other provision of law, the fee or advance change may be levied for admission of the general public to the seashore.

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

(6) Section 9 of such Act is amended by adding at the end thereof: 'In addition to the�
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

(4) in subsection (d), changing the phrase "subsections (c), (d), and (e)" to read "subsections (c), (d), (e), and (f)" 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 Regional Land Acquisition Project and Fish Hatchery Creek. The boundary of the seashore shall be changed to include any such donated lands.

"(e) Notwithstanding any other provision of law, the fee or advance change may be levied for admission of the general public to the seashore.

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nual listing shall be printed as a House document," and insert in lieu the following: "Emendation of House Report" shall be printed as a House document: Provided, That adequate supplies of previously printed identical reports remain available, new printed reports shall not be printed from 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 that an emendation is necessary.

(b) Insert "(a)" after "Sec. 8."

(b) The chairman of 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 indicating that an emendation is necessary.

"(b)" after "Sec. 8."

(b) Add a new subsection (b) as follows:

(b) The chairman of 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 indicating that an emendation is necessary.

(c) The authority conferred pursuant to this section shall lapse unless (1) the erection of such memorial is commenced within five years after 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.

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

Sec. 114. Section 306 of the Act of October 15, 1966 (80 Stat. 918), is amended by deleting all of subsection (a) and inserting in lieu thereof the following:

"(c) For the purposes of this section there is hereby authorized to be appropriated an amount equal to the sum of $74,000 for Senator National Historical Park Fund such sums may be necessary but not to exceed $74,000 for Senator National Historical Park Fund.

Sec. 115. (a) The Secretary of the Interior is authorized to revise the boundary of the Senator National Historical Park Fund 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 Senator National Historical Park Fund.

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 Senator National Historical Park.

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 as the Fieser Landing for the 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.

The Secretary of the Interior is authorized to acquire by purchase with donated or appropriated funds not to exceed 200 acres of land and submerged lands, waters, or interest therein, at Yaquina Head, in Lincoln County, Oregon, known generally as the Yaquina Head Outstanding Natural Area for the purposes of a mainland tour boat facility for access to Old Yaquina Head Lighthouse.

Sec. 118. Subsection 507(q) of the Act of October 10, 1973, 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 the potomac River and the Potomac River Basin, the Secretary, the National Commission on Fine Arts, and the National Capital Planning Commission are authorized to cooperate with the Potomac River Basin Commission, the Potomac River Basin Commission and the Potomac Electric Power Co., to the extent necessary to protect the scenic, scientific, educational, and recreational values of the Potomac River and the Potomac River Basin.

(b) The Secretary is authorized to cooperate with the Potomac Electric Power Co., the Potomac River Basin Commission, and the Potomac River Basin Commission and the Potomac Electric Power Co., to the extent necessary to protect the scenic, scientific, educational, and recreational values of the Potomac River and the Potomac River Basin.

(c) The Secretary is authorized to cooperate with the Potomac River Basin Commission, the Potomac River Basin Commission and the Potomac Electric Power Co., to the extent necessary to protect the scenic, scientific, educational, and recreational values of the Potomac River and the Potomac River Basin.
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 filed 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) Notwithstanding the provisions 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. 1712).

(c) The reservation of lands for light-house purposes made by Executive order of June 22, 1933, for certain lands totaling approximately 18.1 acres, as depicted on the map referred to in subsection 119(a), is 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 on condition that the lands are reclaimed and restored to the satisfaction of the Secretary.

(d) 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 such history. Each such report shall include pertinent information, with respect to the need for acquisition of such lands and interests by the Secretary, including a detailed statement of the facilities, and the operation and maintenance of the site or structure and the estimated cost of acquisition and development of the site or structure. Each such report shall be accompanied by a statement from the Secretary as to whether he disapproved of a recommendation of the Secretary that a site or structure is suitable for establishment as a national historic site or national memorial.

(e) The Secretary shall, after consultations with the National Park Service, the Secretary of the Interior, the Architect of the Capitol, and the Secretary of the Navy, prepare a management plan for the area. The Secretary may, in accordance with the provisions of this section, the Secretary is authorized to use any funds on hand, or to acquire 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 April 22, 1935, as amended and supplemented, and the Act of August 21, 1936 (49 Stat. 686), as amended.

(f) The Secretary shall be authorized to acquire by donation, purchase with donated or appropriated such sums as may be necessary to carry out the provisions of this section.

(g) The Secretary shall be authorized to acquire by donation, purchase with donated or appropriated such sums as may be necessary to carry out the provisions of this section.

(h) In carrying out the provisions of this section, the Secretary shall, upon request of the Secretary of the Interior, the Architect of the Capitol, and the Secretary of the Navy, transfer to the Secretary of the Interior such lands and real property as may be necessary to carry out the provisions of this section.

(i) The Secretary shall be authorized to acquire 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 April 22, 1935, as amended and supplemented, and the Act of August 21, 1936 (49 Stat. 686), as amended.

(j) The Secretary shall be authorized to acquire 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 April 22, 1935, as amended and supplemented, and the Act of August 21, 1936 (49 Stat. 686), as amended.

(k) The Secretary shall be authorized to acquire 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 April 22, 1935, as amended and supplemented, and the Act of August 21, 1936 (49 Stat. 686), as amended.

(l) The Secretary shall be authorized to acquire 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 April 22, 1935, as amended and supplemented, and the Act of August 21, 1936 (49 Stat. 686), as amended.

(m) The Secretary shall be authorized to acquire 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 April 22, 1935, as amended and supplemented, and the Act of August 21, 1936 (49 Stat. 686), as amended.

(n) The Secretary shall be authorized to acquire 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 April 22, 1935, as amended and supplemented, and the Act of August 21, 1936 (49 Stat. 686), as amended.
owned park lands and waters which (i) have been transferred from another Federal agency; or (ii) were the subject of a lease or permit issued by a Federal agency as of the date of enactment of this title, for the purposes of interior and insular Affairs of the United States House of Representatives and the Committee on Natural Resources of the United States Senate, and updated revisions of such report shall be similarly submitted at subsequent two year intervals. Such report shall cover a period after the date of enactment of this title.

(b) The Secretary is authorized and directed to cooperate with the Secretary of Commerce, the State of California for the enforcement of this title with respect to this subsection, at the request of the Secretary upon his determination that the property is undergoing or is about to undergo a change in use which is compatible with the administration of the park, the park shall be deemed to be preserved for the purposes of this title, or any such area as wilderness shall be established for the purposes of this title, or that the park shall be preserved for the purposes of this title, or that the park shall be preserved for the purposes of this title.

(c) In recognition of the special fragility and sensitivity of the park's resources, it is the intent of Congress that the visitor use of the park be limited to assure negligible adverse impact on the park resources. The Secretary may enter into agreements with the Nature Conservancy and the State of California to provide for the purposes of this title, or that the park shall be preserved for the purposes of this title. The park shall be administered on a low-impact use basis.

(d) 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 determine. The Secretary may enter into agreements with 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, non-profit 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 compatible with the administration of the park, and the Secretary may enter into agreements with 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, non-profit 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 compatible with the administration of the park, and the Secretary may enter into agreements with 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, non-profit 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 compatible with the administration of the park, and the Secretary may enter into agreements with 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, non-profit conservation organization, or an affiliate or subsidiary thereof, shall be acquired only with the consent of the owner thereof.

(e) With respect to the privately owned lands on the park, the Secretary shall adjust or acquire such lands as are needed to preserve or acquire the park as soon as practical and as necessary after the date of enactment of this title. The acquisition of these lands shall take such form as is compatible 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.

(f) 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.

(g) Any property acquired by the Secretary pursuant to this title which previously was subject to 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.

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

(i) 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 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 Natural Resources of the United States Senate, and updated revisions of such report shall be similarly submitted at subsequent two year intervals. Such report shall cover a period after the date of enactment of this title.

3. Any such right retained pursuant to this subsection, and any lease entered into under this subsection shall be subject to such terms and conditions as the Secretary deems necessary to protect park resources.
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 the Eno River in West Virginia as a potential wild and scenic river.

BILL WHITEHURST introduced H.R. 1367 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.

LAMBERT CZERNY, the author of H.R. 1038, to protect historic Palmer’s Chapel in the Great Smoky Mountains National Park.

JOHN 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 REUSCH 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 have continued but need 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 the Golden Gate National Recreation Area 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 that 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 Bulling Bradley, the deletion of several acres of a parcel owned by Dave Weerts, and the agreement to a boundary adjustment conforming to a bargain sale of portions of the Adams property to the trust for public use, 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 Senate 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. Tho, an acquisition of property is expected to continue to be managed in a pastoral manner consistent with the responsibilities of the Secretary. Mr. Giacomini’s present understanding of the area 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:

- **Point Reyes National Seashore Additions—1979**

1. **Tomales Bay State Park (inc. 82.59 acres)—private, 1,041 acres.**
2. **California Dept./Parks & Recreation (see III) (adjacent to Point Reyes National Seashore), 363.64 acres.**
3. **Nature Conservancy (see IV-3), 306.23 acres.**
4. **Audubon Canyon Ranch (2.04—0.67) (see IV-4), 2,661 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), 153.58 acres.**
6. **Adams Property—Fish Hatchery Creek (subject to acreage increase if bargain sale option not implemented), 1,960.66 acres.**
7. **Other: Fish Hatchery Creek Property (including 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, 3 acres.**
10. **Other: Inverness Ridge Property (300.0 acres).**

- **Golden Gate Natl. Recreation Area Additions—1978**

1. **Public—California:** Samuel P. Taylor State Park, 2,543.16 acres, and on lease and permit, 92.22 acres. (To be donated to State Parks and Recreation—October, 1979. To be donated to Marin Conservation League.)
2. **Other: Audubon Canyon Ranch (see V-3), 271 acres.**
3. **Other: Inverness Water Company (To be donated to Marin Conservation League).**
4. **Inverness Water Company (see IV-5), 103.58 acres.**
5. **Recep Nature Conservancy, 303.32 acres.**
6. **Audubon Canyon Ranch, 66.65 acres.**
7. **Inverness IHO Company, 129.58 acres.**

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

#### PCL No. | Acres
---|---
20 | 109-330-16 28.34
21 | 109-340-26 10.04
22 | 109-140-35 40.22
23 | 109-150-07 44.86
24 | 109-150-35 3.07
25 | 109-150-24 4.05
26 | 109-150-23 2.62
27 | 109-140-17 7.12
28 | 109-140-31 44.65
29 | 114-011-88 47.79
30 | 114-011-07 1.0
31 | 114-011-18 1.10
32 | 114-011-16 2.64
33 | 114-040-58 25.16
34 | 114-040-61 66.65
35 | 114-040-03 110.00
36 | 114-040-02 1.94

**Total**: 1,883.94

1 excluding Tomales Bay State Park (See IV-4, Private Lands).

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

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

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 in the activities 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, W.Va. 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.

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, and not to be confused with permitting Federal acquisition in undeclared 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 title II of the bill, which 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.

Selection 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 historical 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 authorizing 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 select 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 additional changes. 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 the cooperative use 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 future desires 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 II of the bill will accomplish the following:

1. boundary adjustments for various units of the national park system are authorized;
2. Point Reyes National Seashore.
3. Chesapeake and Ohio Canal National Historical Park.
4. Golden Gate National Recreation Area.
5. Fort Sandburg Home National Historic Site.
7. Fredericksburg and Spotsylvania County Battelfields Memorial National Military Park.
10. Saratoga National Historical Park.
12. 8 increases in acquisition funding are accomplished;
13. Point Reyes National Seashore.
17. Olympic National Park.
20. The North Country National Scenic Trail is designated, adding a route of some 3,200 miles into the park system.
21. A wild and scenic river study of the Birch River in West Virginia is directed.
22. A cooperative study program with the State of Louisiana to preserve Fort Saint Jean Baptiste de Natchitoches is authorized.
23. A development ceiling increase is made to continue the cooperative program at the Ice Age National Scientific Reserve.
24. Continuation of the United States participation in the International Centre for the Study of the Preservation and Restoration of Cultural Property is authorized.
25. A foundation is established for the United States Navy Memorial Foundation to erect a suitable memorial on public grounds in the Capital City.
26. The David Berger Memorial is designated as a national memorial.
27. The Santa Monica Mountains National Recreation Area Advisory Commission is enlarged.
28. The Yaquina Head Outstanding Natural Area in Oregon is established.
29. A generic procedure for identifying and protecting historic sites to memorialize former Presidents is instituted.
30. Numerous technical and correcting amendments are made.

I urge my colleagues to join in adopting the Senate amendments and clearing this measure for signature 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 as a bill 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 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, and the Service will 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 suitable candidates for acquisition (which are a grand total of two) and the National Park Service might find it mutually beneficial to have some flexibility in acquisition programming, 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 Senate has taken 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 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 that new Channel Islands National Park. Again, I want to commend my good friend and colleague, Mr. LAGOMARSINO, for his excellent leadership in bringing about this very important legislation, and special acknowledgement is also due our very able subcommittee chairman, Mr. 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. The use of this plan as a foundational document in setting 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 starting 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 the Public Law 93-383, as amended, relative to continually monitoring the welfare of areas studied, the National Park Service should simultaneously submit to the Congress annually each October a report on the condition of the integrity and welfare of each area studied, as it currently exists or has changed since the previous such submission, starting the 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 continually monitor and document the welfare of these areas to assure that the values warranting initial listing still remain, scientific features which deserve to be protected to assure 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 about the House bill.

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, Mr. BURTON, and his fellow subcommittee chairman, Mr. CRAINSTON, who introduced the companion bill in the Senate, my California colleague, Senator ISHII, and Senate subcommittee chairman, Mr. BUMPERS, whose efforts there made the new park a reality. Further, I wish to recognize the superb work of the present chairmen of the House and Senate National Parks Committees, Mr. CLAUSEN and Mr. SEBELIUS for their 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 ISHII, and Senate subcommittee chairman, Mr. BUMPERS, whose efforts there made the new park a reality. Further, I wish to recognize the superb work of the present chairmen of the House and Senate National Parks Committees, Mr. CLAUSEN and Mr. SEBELIUS for their efforts in expeditiously approving this legislation in the committee and in the House last May. 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 monument to include Santa Barbara and Anacapa Islands to include San Miguel, Santa Cruz, and Santa Rosa Islands in a new national park.

The islands 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 pressures of man's technological activities. The waters surrounding the islands contain marine resources unparalleled in the eastern Pacific, including fish, sea birds and marine life which nurture the more visible species of sea birds and pinnipeds found there.

The Channel Islands offer crucial habitat for many 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 people as well as the present-day 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 in public ownership as national monuments.

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 several provisions 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 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 the production of the Santa Barbara Channel. Provision of no provision of this act would affect oil and gas development. I would like to state for the record that the 1-nautical mile administrative boundary imposed 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. 2992.

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 hereby 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. 3894) 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. 3894, with Mr. Fithian in the chair. The Clerk read the title of the bill. The CHAIRMAN now recognizes the gentleman from New Jersey (Mr. Florio).

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

Mr. Chairman, H.R. 3894 is a bill to amend the Resource Conservation and Recovery Act and to reauthorize the Federal Hazardous and Nonhazardous Solid Wastes Regulatory Programs, and for other purposes.

The bill now authorizes the Administrator to make certain technical changes, to strengthen the existing Federal hazardous 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 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 establishing 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 the $30 million allocation 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 resolution of the problems of cleanup and containment of abandoned and inactive hazardous waste sites.

The bill also strengthens the non-hazardous solid waste provisions by re-authorizing $300 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 new law. 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 non-hazardous 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 wastes, the 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, 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 common sense 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 foreseeable 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 the authority to seek court enforcement if EPA is not able to negotiate for meaningful results. It provides EPA with the opportunity to use common sense 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 neglectful 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 repeatedly ignored these provisions as 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. ORRIN. 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 constituents that I represent. I come from Saginaw, Mich., has the largest cast iron foundries in the world. More tonnage of castings are poured there than any other place in the country.

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 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 authorize the Administrator to propose regulations which would reclassify certain wastes. These amendments would limit EPA's ability to classify certain wastes as "hazardous" pending further comprehensive and carefully studied evaluations of 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 which will have a positive effect on unjustified regulatory action by the Environmental Protection Agency.

As 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 the strict timetable imposed on the Agency. EPA has missed statutory deadlines, and is now scrambling to issue final rules mandating the proper procedures. The Agency's motives may be generally commendable, but from my perspective, it appears that EPA may be hastily classifying wastes as hazardous—imposing burdensome costs on businesses—without proper or sufficient data to support their classification.

In recent weeks, I have become aware of a 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 sludge 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
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 thousands of 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 this was 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, I was considering offering an amendment, along the lines of the one 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 this hazardous sludge will be 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 exists. I will have the 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 time frame 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.

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. As I walked through the site, wearing protective clothing and a gas mask, my overwhelming impression was one of destruction and root rotting dead birds and plants littering the ground and otherwise useless 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 this highway has also served to decrease 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 this bill is contained 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 components consisting of explosives, radioactive materials, and more.

It is urgent that the Federal Government respond to these dangers immediately. The Commerce Committee's bill reauthorizes the Federal Government'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 wastewater to generate steam for Scott's manufacturing process. This project is one of 25 nationwide dying for lack of incentive to proceed due to fiscal 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 subpoena witnesses, equipment, funds, and other material 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 make the opportunity to commend my colleague from across the river, Jim Florio, for his leadership on this bill. His efforts here will be recognized as the kind of work 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. 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 enforcement program has had its unfortunate impact on many communities across 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 potentially lethal materials was being stored at the facility without their knowledge. Immediately Wilsonville filed suit to stop Earthline, and in August 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 on Earthline'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 account 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 expended 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 fairness 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. 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 give 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. 1394, the Resource Conservation and Recovery Act Amendment 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 and its chairman 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 legislation authorizes, 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 solid waste 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.

I have recognized that many of the programs it addressed were local in nature and were most susceptible to local solutions. Accordingly, State and local authorities have been encouraged to implement State solid waste and hazardous waste plans was encouraged through Federal grant programs. Only in the area of hazardous waste, posing sub-courses of similar incidents throughout the country, was the Federal regulatory role emphasized.

The problem of improper and environmentally unsound solid and hazardous waste disposal is most clearly reflected 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 and 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 in development and the disregard of national publicity has been focused on Love Canal, "Valley of the Drums," PCB-dumping in North Carolina, toxic dumping in Pittston, Pa., and dozens 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 working diligently to achieve this result. This bill, however, authorizes necessary funding for programs that will prevent recurrence of unsafe, hazardous waste handling practices and strengthens existing enforcement authorities to promptly avert 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 programs under the act. This compares with an authorization of $149,500,000 for fiscal year 1979 for major programs under the act. 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 implementing of State hazardous waste programs; $30,000,000 for grants to States for development and implementation of State solid waste plans; $18,000,000 to EPA for grants to States and local government authorities for solid waste management and resource recovery programs; $20,000,000 for a new State aban-
Mr. Chairman, H.R. 3994 also makes some important amendments to existing law. The bill empowers the Administrator 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 existence or extent of a substantial hazard.

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 operation of such facilities. The bill further provides for grants to rural districts for removal or amelioration of hazardous waste which may present a significant health or environmental hazard.

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

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

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 assure 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. Congress simply was not aware of the problem. Generators and disposers of hazardous waste may have been ignorant of their responsibility or may have been reluctant 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 situation will provide tools which are both 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 sites which will enable us to understand the dimensions of the problem.

Remedies exist, although some may be complex and expensive. The 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 ig-
nored the real and potential conse-
quences of land pollution. These dangers 
must be redressed. This legislation is an 
important part of the long-term effort to 
solve the problems of land pollution.

Mr. ECKERDT. Mr. Chairman, I must 
regrettably oppose the passage of 
H.R. 4774, which would amend the Na-
tional Labor Relations Act to provide 
that any employee who is a member of a 
religion or sect historically holding con-
scious objections to the military draft 
can legally be offered a religious exemp-
tion only for about seven denom-
inations which have established doctrine 
against supporting unions. New religions, 
which could not "historically" hold such 
denominations, are improperly left out as 
are loosely organized sects and even a pro-
found belief by a single person. Most 
established and traditional" religions 
exclude those with the vision of Jesus— 
Abraham, Jesus, Mohammed, Bud-
ha, 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 ad-
herents came to number in the millions. 
By codifying this restrictive exemption 
from union security agreements, 
rather than leaving the definition vague, I 
believe that we may well accomplish the 
only part of what we have set out to do.

Defining the religious exemption so 
strictly 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 cases such as 
Kurtzman v. Board of Ed. in 
New York, 403 U.S. 603, 612-13 (1971), 
and three tests to determine conflict with 
establishment clause:

First, the statute must have a secular 
legitimate purpose; second, its 
primary effect may not be one that 
neither advances nor inhibits religion; 
finally, that statute must not foster "an excessive 

As is pointed out in a perceptive article 
in 51 Notre Dame Lawyer 461, February 
1976, "Is Title VII's Reasonable Accom-
modation Requirement a Law 'Respect-
ning an Establishment of Religion'?", 
the only probable answer is that the 
"excessive entanglement" criterion here, 
and the courts have rarely used the sec-
ular legislative purpose test to strike 
down conflicting statutes except in ex-
reme cases (Epperson v. Arkansas, 393 
U.S. 97 (1966)—struck down a pro-
tection for the right of religious belief, 
here an objector was allowed to 
advocate a religious training and belief 
exercise, as well as a mere 
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 
"reasonable accommodation" in these 
statutes, a law which requires an 
employment of religious belief in the 
life of its possessor a place 
parallel to that filled by the God of those 
professing a particular religion. (3) Is it 
so as to single out wholly existing 
sect.

We believe that the 
reasonably accommodate an employee's or 
sects in the life of its possessor a place 
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so as to single out wholly existing 
sect.
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 in Congress assembled,

SHORT TITLE

Section 1. This Act may be cited as the "Resource Conservation and Recovery Act Amendments of 1979".

AUTORIZATION OF APPROPRIATIONS

Sec. 2. (a) Section 5005(a) of the Solid Waste Disposal Act, as redesignated by section 3(b)(1) of this Act, is amended by striking out "1978" and substituting "1979" 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 after the period following the same: "and $2,500,000 for the fiscal year 1980."

(c) Section 4008(a)(2) of such Act is amended by striking out "1978 and" and substituting "1978" and by inserting the following before the period following the same: "and $50,000,000 for the fiscal year 1980."

(d) Section 4008(e)(2) of such Act is amended by inserting the following after "1979:" and after the period following the same: "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 after the period following the same: "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 after the period following the same: "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. 5008. 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 new section is amended by adding the following new item at the end thereof:

"Subtitle E

5008. Authorization of appropriations.".

AMENDMENTS OF 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 following the same: "or other hazardous waste that is handled properly anyway under the normal Resource Conservation and Recovery Act provisions and regulations based on the area of such facility."

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 regulation.

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 problems that are not there while the real disasters go unchecked. We cannot allow that to happen.

Mr. FLORIO. Mr. Chairman, I have no further requests for time.
(1) Section 6006 of such Act is amended—
(1) by striking paragraph (1) and inserting in lieu thereof “4005(b)”; and
(2) by inserting “State” or in paragraph (5) after “The Administrator shall” and inserting in lieu thereof “the Administrator shall”;

(a) REVIEW OF CERTAIN ACTIONS

(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”; and
(3) by striking out “suit” in the last sentence of subsection (a) and striking out “or” after “in but not limited to”—
(4) by inserting “(b) 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;

(2) commencing a civil action for appropriate relief, including a restraining order or permanent or temporary injunction; and

(b) VIOLATIONS.—Any person who willfully violates, or fails or refuses to comply with, any order of the Administrator under subsection (a) may, in an action brought in any district court of the United States, be fined not more than $5,000 for each day in which such violation occurs or such failure to comply continues.”.

(1) Section 7006 of such Act is amended—

(a) by inserting “(a) REVIEW OF FINAL REGULATIONS AND CERTAIN PETITIONS.—” before “Any”;

(2) by adding the following new subsection (e) at the end thereof:

“(b) REVIEW OF CERTAIN ACTIONS UNDER SECTIONS 3005 AND 3006.—Review of the Administrator’s action—
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 "(" in line 11 and insert in lieu thereof: "September 1, 1989.

Page 16, line 17, strike out "five years" and all that follows down through line 18 and insert in lieu thereof: "September 1, 1985.

Page 17, strike out the period at the end of line 3 and substitute "; and".

Page 17 after line 4, insert:

"for the period that extends from 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 soil or dissolved materials 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 lieu of the subsection under section 3005 of the Resource Conservation and Recovery Act, the Administrator shall require the operator of an existing wastewater treatment facility to comply with requirements of section 3004(e) and 3004(f) 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 in making the determinations required by paragraph (1) of this subsection, the Administrator shall require the operator of an existing wastewater treatment facility to conduct and report the results of such studies, testing and monitoring.
promise which seeks to avoid unnecessary regulation, yet which protects our environment from hazardous wastes.

Essentially this amendment provides for the treatment of wastewater in 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 necessarily make major reconstruction 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 reflecting the scope and intent of the amendment.

This amendment seeks to strike an equitable balance between (1) the need to protect contamination of underground water supplies by hazardous waste from wastewater treatment facilities and (2) the substantial investment which has been made to build or upgrade systems to meet applicable requirements of the Clean Water Act and which was in operation or under construction before the enactment of this act. The amendment adds a new paragraph (c)(4) of Section 3004 of RCRA which would require the Administrator to determine whether a treatment facility is eligible for the exemption under Section 3004.

(3) There was no objection.

Mr. SWIFT. (during the reading). Mr. Chairman, I ask unanimous consent that the amendment offered as a substitute for the amendment added in said section, which is entitled to an exemption authorization of the Administrator, 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.)

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 costly and cumulative regulation of these facilities under both the Clean Water Act and the Resource Conservation and Recovery Act. The Environmental Protection Agency objected to my amendment, surfacing the language was too broad and went too far.

Accordingly, I initiated a discussion among affected 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.

For the purpose of collecting samples under this provision, downgradient wells should be installed so as to provide maximum opportunity for the interception of any plume emanating from the facility. A number of test monitoring wells should be located over or near groundwater supplies. The monitoring wells should be located in a manner consistent with the objectives of this act.

The amendment also provides that at any time the Administrator (or a State with an authorized program) finds that a treatment facility is no longer eligible for the exemption authorization of the Administrator, it 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 and this exemption is entitled to an exemption authorization of the Administrator, at any time, to require preventers to provide such information as is necessary for him to make a determination and to allow for the affected groups, at any time, to present information to support the determination. In this case, for purposes of determining whether a treatment facility is eligible for the exemption, the Administrator may not require leachate monitoring where necessary to determine or clarify groundwater. He may, however, require leachate monitoring where necessary to confirm whether that necessary for him to make a determination and to allow for the affected groups, at any time, to present information to support the determination. In this case, for purposes of determining whether a treatment facility is eligible for the exemption, the Administrator may not require leachate monitoring where necessary to determine or clarify groundwater. He may, however, require leachate monitoring where necessary to confirm whether that facility is releasing hazardous waste into groundwater, including facilities which do not leak at all or facilities which are not located over or near groundwater supplies will occur.

EPA's proposed Section 3004 regulations do not indicate which requirements have been proposed to implement Section 3004 (3) or Section 3004 (4). To provide for groundwater contamination, the Administrator should identify those requirements applicable to wastewater treatment facilities which are issued under the authority of Section 3004 (3) or Section 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 other material released from a treatment 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 groundwater 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 procedures would be the type of case requiring remedial action.

For the purpose of collecting samples under this provision, downgradient wells should be installed so as to provide maximum opportunity for the interception of any plume emanating from the facility. A number of test monitoring wells should be located over or near groundwater supplies, and such other factors as the Administrator deems appropriate.
under other provisions of RCRA or other applicable statutes.

This amendment is not intended in any way to weaken EPA's authority under RCRA or Section 300(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:


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 and 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 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 undressed.

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:

February 20, 1980
CONGRESSIONAL RECORD—HOUSE
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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 facilities under the Resource Conservation and Recovery Act.

After the Committee's approval of your amendment, we 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 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 problems.

We are pleased that these enlightening and constructive discussions have resulted in agreement that the enclosed amendment to add a new Section 3004 of the Act should be substituted for your Committee amendment. Agreement was also reached that the enclosed substitute clearly and 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 standards of the Resource Conservation and Recovery Act. The legislative history accompanying your revised amendment makes clear that an existing facility that is not retrofitted or replaced according to EPA requirements must not be releasing hazardous waste into groundwater in a manner inconsistent with the standards of the Act's objectives.

Section 1003 of the Act sets forth the objectives of this Act 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 any 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:

"Facilities shall be located, designed, constructed, and operated in such manner as to prevent any air emissions from such facilities from violating 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 amendments and legislative history.

I want to 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 it absolutely clear that the understanding of the substitute amendment is correct.

As I understand it, this substitute amendment would require that industrial wastewater treatment facilities be retrofitted or replaced according to EPA standards 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 wastewater 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 EPA 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.
CONGRESSIONAL RECORD — HOUSE

February 20, 1980

The CHAIRMAN. The Clerk will read as follows:

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.

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 striking 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, 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 person(s) 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 or 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 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 reviewed by the Administrator, not later than 10 days after conclusion of the hearing. Any hearing under subsection (a) of a subsection shall be commenced within 90 days of the issuance of the order and shall be conducted pursuant to 544 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 a civil action brought in the United States District Court for such violation, 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. Without objection, there is no 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 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 monitoring, testing, analysis, and reporting with respect to such facility or site as the Administrator deems necessary 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 or operator of such facility or site 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) MONITORING, ETC. CARRIED OUT BY ADMINISTRATOR.—(1) The Administrator determines that no owner or operator referred to in subsection (a) or (b) shall require such person to whom such order is issued to submit to the Administrator within 30 days of 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.

(2) MONITORING, ETC. CARRIED OUT BY OTHER.—(A) If the Administrator determines that no owner or operator referred to in subsection (a) or (b) shall require such person to whom such order is issued to submit to the Administrator within 30 days of 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.

(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) TO REIMBURSE THE ADMINISTRATOR OR ANY AUTHORITY OR PERSON FOR THE COSTS OF SUCH ACTIVITY.

(3) FOR PURPOSES OF CARRYING OUT THIS SUBSECTION, THE ADMINISTRATOR OR ANY AUTHORITY OR PERSON AUTHORIZED UNDER SUBSECTION (a) OR (b) MAY CONTRACT WITH ANY PERSON FOR THE COSTS OF ANY ACTION CARRIED OUT UNDER SUBSECTION (a) OR (b), INCLUDING WITHOUT LIMITATION THE COSTS OF ANY ACTION CARRIED OUT UNDER SUBSECTION (a) OR (b) TO REIMBURSE THE ADMINISTRATOR OR ANY AUTHORITY OR PERSON FOR THE COSTS OF SUCH ACTIVITY.
located, resides, or is doing business. Such costs shall be deductible to require compliance with such order and to assess a 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 a great deal of national attention. I want to thank the chairman of the subcommittee, the gentleman from New Jersey (Mr. Florio), and the ranking minority member, the gentleman from Tennessee (Mr. Staggers), for their excellent work on this legislation. I strongly support it.

As I will get to in a minute, this amendment is relatively noncontroversial. It is the first amendment that we have been presented with that would address the problem of abandoned sites. This legislation, which has been described as the superfund legislation, will be passed by 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 the amendment was recommended 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 does not address pollution or otherwise threatening 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 the 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 disposal, transportation, and storage. However, after the law was adopted, new information revealing the serious magnitude of the hazardous waste problem was discovered, it became clear that severe 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 prospective nature. RCRA does not address the issue of abandoned or inactive sites. The Oversight and Investigations Subcommittee’s 13 days of hazardous waste hearings have 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 the 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 test is clearly divorced from the imminent and substantial endangerment test currently invoked under section 7003. The crucial limitations of sections 3013’s are described in the Oversight and Investigations Subcommittee report on hazardous waste:

This authority is of limited utility for several reasons. First, 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 are met, an "imminent and substantial endangerment 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 amendment's test is clearly divorced from 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 the imposition of civil penalties. The costs of excavation and cleanup are not factors in 3013’s equation. This section is a preventative tool whose trigger is unrelieved 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. Clean-up 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 million. For less than $200 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 indeed a piddling compared with cleanup and damages costs.

Subsection (b) is included to ensure that the responsible party 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 site 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 again thank the industry’s efforts to make this a better measure and I welcome their support.

The short history of this amendment is as follows. It was the impetus 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 but 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 2, after line 21, insert the following new subsection at the end:

"(c) INTEGRATION WITH THE SURFACE MINING CONTROL AND RECLAMATION ACT OF 1977.—Before the promulgation of final regulations relating to mining wastes or overburden under any section of subtitle C or G 90 days after the date of enactment of this Act, the Administrator shall review any regulations applicable to the treatment, storage, or disposal of any mining wastes or overburden. 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 at the end:

"(f) COAL MINING WASTES AND RECLAMATION PERMITS.—Notwithstanding subsections (a) through (e), 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 necessary amendment and a 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 am proud 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 get the bill passed. I want to congratulate 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 Environmental Protection Agency has had the Department of the Interior have comparable regulatory authority over hazardous coal mining waste disposal. Final performance standards already have 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 between the EPA and the Interior Department in formulating those requirements. The amendment would provide a comprehensive framework for a single 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.

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 Administrators 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 intended 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. Staggars).

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 29, insert-(c) 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 for any new or expanded, or existing facilities 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 on 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 State agency having 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 place 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.

I desire to table 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 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 this 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 treatment facility is proposed to be located. Through the hearing process, EPA would be required to provide an opportunity for any point 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 a wide public notice be given to people, just 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 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 requests.

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 Riboli. 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 Maysville and Augusta, Ky., and other communities.

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 have advance notice of the permit application, and they will have the opportunity to be heard.

The counties affected by this proposed site are located, in 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 I urge that this 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's amendment puts 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 the hazardous waste sites, whether they are 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 plans and that there is 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 the facility is proposed to be located. This would involve local units of government.

It would require the publication, not only in printing media, but over the entire county, of public hearings, 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. Within a community of about 600 people, had located within the city limits a dump operated by Earthline Corp., and the corporation, purposefully 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 experience 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 notify interested parties in the immediate geographic area 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. 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 Illinois.

Mr. FLORIO. The gentleman is asking a question somewhat different from the amendment.

Mr. MOFFETT. I thank the gentleman.

Mr. PERKINS. 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 overall adoption of the State Plan. The section that the gentleman is concerned about that in this bill, the inventory of abandoned sites, is a component of the State Plan and will be as a result of the passage of this law. So there is an opportunity for public 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.

Mr. PERKINS. 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 overall adoption of the State Plan. The section that the gentleman is concerned about that in this bill, the inventory of abandoned sites, is a component of the State Plan and will be as a result of the passage of this law. So there is an opportunity for public 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.

Mr. FLORIO. 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 its place "section." Page 4, line 17, strike out the close quotation marks and the period following.

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 its place "section." Page 4, line 17, strike out the close quotation marks and the period following.
(S) (A) Notwithstanding the provisions of paragraph (3), the Administrator may prescribe regulations, under the authority of this Act, to prevent radiation exposure which presents a threat to human health or the environment from the use in construction or land reclamation (with or without revegetation) of waste materials generated from the combustion of coal or other fossil fuels.

(II) fly ash waste, bottom ash waste, slag waste, or other waste generated primarily from the combustion of coal or other fossil fuels.

(B) Owners and operators of disposal sites for waste listed in subparagraph (A) may be required by the Administrator, through regulations prescribed under authority of section 2002 of this Act—

(1) to notify the Administrator of the submission of such information or particular part thereof, to which the Administrator has access under this subparagraph if made public, whether or not such information is protected under any other Federal or State law in lieu of the substantive law of the States concerning the disposal of such waste materials; and

(2) to make available such information as the Administrator determines.

(ii) is amended—

(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 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 coal and other natural resources; and

(8) the current and potential utilization of such materials.

In furtherance of this study, the Administrator may, as he deems appropriate, review studies and other actions of other Federal and State agencies concerning such waste 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 and 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.

(c) Materials Generated From the Extraction, Beneficiation, and Processing of Ores and Minerals, Including Phosphate Rock and Uranium Ore.—The Administrator shall conduct a detailed and comprehensive study of the adverse effects on human health and the environment from the disposal of such waste materials. Such study shall include an analysis of—

(1) the source and volumes of such materials generated per year;

(2) 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;
House

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.

February 20, 1980

CONGRESSIONAL RECORD—HOUSE

3361

Mr. BEVILL. Mr. Chairman, I rise to offer an amendment to H.R. 3864, 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 his attention on the need to develop our domestic coal resources.

Mr. Chairman, I am pleased to report that this amendment has been discussed and supported by the distinguished chairman of the Interstate and Foreign Commerce Committee, Mr. Staggers, who 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 attention 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 plants.

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 that EPA has not progressed in any sense toward 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.

Mr. BEVILL. Mr. Chairman, I rise to offer an amendment to H.R. 3864, 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 his attention on the need to develop our domestic coal resources.

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

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There was no objection.

Mr. BEVILL. Mr. Chairman, I rise to offer an amendment to H.R. 3864, 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 his attention on the need to develop our domestic coal resources.

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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 any of the other regulations under programs under these other statutes. Nor will it preclude EPA from imposing reasonable requirements to keep track of where these 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 mechanisms of surveying, platting, and public recording.

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 direction 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 this 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—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 this reason, the Nation seeks to develop coal, we must also seek to develop alternate energy sources.

It is the unusual position 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. This 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 waste, bottom ash waste, and flue gas emission control waste generated primarily from the combustion of coal and other fossil fuels, is in the forecourt of this amendable 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 byproducts, such as 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 generating process.

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 have had 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 even if future regulations were to 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 on its use regulation is not justified.
municipal refuse, the source 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 that amendment, slightly modified 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 the 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, those 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." Earnings them as 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 there is no substantial threat to people or the environment exists from these wastes. However, if EPA is successful in issuing rules regulating these special wastes, a new flourishing industry which recycles these byproducts would be gravely disrupted and possibly closed down.

Responding to this regulatory threat, I introduced H.R. 4586 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 uses.

My bill is important to Illinois and other coal producing States because nearly 63 million tons of fly ash and bottom ash are 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, as filler 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 use 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 indebted 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 prejudicing the regulation of any 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 adopt 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, this should be highly placed 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 using these valuable resources. Since 1975, over 300 miles of secondary roads constructed by the West Virginia Department of Highways have been based on 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 is obvious that we must 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 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 the potential for serious health risks. As such, the amendment does not force EPA to act promptly to increase its understanding of these materials. The amendment directs EPA to act promptly to increase its understanding of these materials and their environmental impacts. But EPA itself has found that it has very little information on these materials, and that such information as it has indicates the potential for serious health risks. The amendment does not force EPA to act promptly to increase its understanding of these materials. The amendment allows EPA, during the study period, to regulate the use of wastes in the construction industry and to regulate such wastes in order to prevent radiation exposure which would cause unreasonable risks to health.

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 health risks associated with radioactive uranium and phosphorus 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 elevated levels of radioactive elements in the groundwater. 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 15 percent greater than that for the United States as a whole, as well as a higher risk of other types of cancer. For the 15,000 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 disposed of, EPA found the radon daughter concentrations which, over a lifetime of exposure, could be expected to cause an increase in lung cancer risk of 20 percent. Residents of these homes were also exposed to gamma radiation levels that were higher than normal background levels.

In a third study on the use of cement containing phosphate slag in 156 homes in Idaho, EPA found that the radon daughter concentrations were elevated levels of gamma radiation. Approximately three times current Federal radiation protection guidelines for members of the general population. These 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.

Mr. PERKINS. 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. BEVILL. I yield to the gentleman from Kentucky (Mr. PERKINS). Mr. PERKINS. I want to compliment the gentleman for his amendment. I support the amendment and feel it is an important step.

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 on health.

Some of the wastes associated with phosphate and uranium mining are radioactive and pose very serious known health risks. In a report by the EPA, when improperly used or disposed. Your amendment allows EPA, during the study period, to regulate the use of these wastes in the construction industry and to regulate such wastes in order to prevent radiation exposure which would cause unreasonable risks to health.

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 health risks associated with radioactive uranium and phosphorus 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 15 percent greater than that for the United States as a whole, as well as a higher risk of other types of cancer. For the 15,000 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.

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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 founded on the principle adverse impacts of these coal by-products. 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 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.

Slag wastes such as smelting slag subject to stringent regulations at this time? I think 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 I commend him for his diligent efforts in formulating a reasonable and balanced approach to a difficult issue. This amendment is necessary to assure that genuinely necessary regulation 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 a classification of waste by-products of the mining and combustion of coal and other fossil fuels by-products which might overbear 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 a classification of waste.
result would run counter to one of the principal designs of the Resource Conservation and Recovery Act—conservation and recovery of materials. The 1977 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 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 Solid Waste Disposal 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 produced under presently applicable Federal and State laws, but would preclude, until after completion of the required study and clarification under the provisions of this act, the ability to recover energy and materials from 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 regulations, however, under the provisions of this act, 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 Control and Reclamation Act of 1977. Further extensive regulation under RCRA, especially in the absence of needed equipment and appropriate regulations, would be duplicative and extremely burdensome to the coal mining industry. It is the reason that I am offering an amendment today, to coordinate the requirements of this act with the Surface Mining Control and Reclamation Act of 1977. Further extensive regulation under RCRA, especially in the absence of needed equipment and appropriate regulations, would be duplicative and extremely burdensome to the coal mining industry.

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such other recommendations for legislation and administrative actions relating to resource recovery as it considers appropriate.

Before May 15, 1981, the Administrator may submit preliminary recommendations to the Administrator, the Office of Management and Budget, and other appropriate agencies for purposes of preparing a program in connection with the fiscal year 1982 budget.

(c) The Commission shall be composed of not more than 12 members, appointed by the Administrator of the Environmental Protection Agency from among persons who are not officers or employees of the Federal Government and who are specially qualified to serve in the Commission by reason of their education, training, or experience. The membership of the Commission shall include persons who represent the views of consumer groups, local government organizations, industry associations, 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, as other persons employed intermittently in Government service are allowed expenses under section 5703 of the United States Code. A meeting of the Commission shall constitute a quorum but a lesser number may hold hearings.

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 31, United States Code.

(1) Upon request of the Commission, the Administrator of the Environmental Protection Agency or the head of any Federal agency shall furnish such information to the Commission in carrying out its duties under this section.

(2) The Commission may, for the purpose of carrying out this section, hold such hearings, and make such investigations as the Commission may deem necessary and adopt such rules of practice, procedure, and evidence as it may deem appropriate.

(3) The Commission shall provide such information to the Commission as the Commission considers appropriate.

(L) The Commission may secure directly from any department or agency of the United States Government such information as the Commission deems necessary to carry out this Act. Upon request of the Commission, the Administrator or any other Federal agency shall furnish such information to the Commission.

(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 striking out "identification communities" in paragraph (1) thereof and substituting "Identification localities in the United States" thereafter in that subparagraph.

(2) striking out clause (B) thereof and redesignating clauses (B) (C) and (D) as (A) and (B) respectively.

(3) striking out "solid waste disposal facilities in which more than 75 per centum of the waste generated is from areas outside the jurisdiction of the communities" in paragraph (1) thereof and substituting "solid waste disposal facility which is owned by the unit of local government and is subject to an order issued by the Administrator based on a finding that the proposed facility is necessary to provide solid waste disposal and is consistent with the national interest.

for which an order has been issued by the Secretary of the Interior, or by the Administrator, for storage, disposal, or both, which is subject to a State approved end-use recreation plan, or mission, storage, or disposal, and (iii) which is owned by the Administrator.

(4) striking out "which have" in clause (B) of paragraph (1), as redesignated by paragraph (2) of this section, and substituting the words "are in" in the first sentence after the word "an" with the approval of the Commission, the Administrator may procure temporary and intermittent services under section 3109(b) of Title 31, United States Code, and shall furnish such information as the Commission may request.

(5) inserting before the period at the end of paragraph (1) "including possible methods of improvement in the first sentence of paragraph (2) and substituting "consistent with the national interest" for "as set forth in the fiscal year 1980" in paragraph (2) of such section.

(6) striking out "each of the fiscal years 1978 and 1979" in paragraph (2) and substituting after the word "site" in the first line thereof, "in the fiscal year 1980".

(7) striking out "the conversion, improvement, and stabilization of solid waste located at the disposal sites referred to in paragraph (1) of section 8 of such Act, as amended", and inserting after the word "site" in the first line thereof, "in the fiscal year 1980".

(8) inserting the following new sentence at the end of paragraph (2): "No unit of local government shall be eligible for grants under this section with respect to any site which exceeds 65 acres in size.";

(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 section:

In revising any regulations under section 3001 identifying additional characteristics of hazardous waste or listing any additional substance as hazardous waste subject to this section, the Administrator may require any person referred to in this section to file with the Administrator (or with States having hazardous waste permit programs under section 3009 of the Act) the information 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 offer 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 the problems by providing a Federal, State, and local initiatives 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 to 49 States and $4 million available to States and $8 million available to localities.

In order to receive this assistance both States and localities must show new intent to perform the necessary analysis to de-
termine the feasibility of recovering energy and materials from waste. Also, in order to assure Statewide coordination of solid waste planning, localities must receive State approval of the grant application as a condition for receiving Federal assistance.

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 Administration on Resource Recovery. The Commission is authorized to make recommendations to the President and the Congress regarding the effectiveness of the resource recovery and the economic development potential of waste-to-energy and materials recovery, and innovative technology and systems for the recovery of energy and materials from 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.

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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 15 and substitute: handling of hazardous waste, or
"(5) transports, treats, stores, or disposes of any hazardous waste identified or likely under the gross 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));"

Page 6, line 22, strike out "and"

Page 6, line 23, strike out the period and substitute: and

Page 6, after line 23, insert:

A reasonable person would exercise in such a situation.

Ms. MIKULSKI (during the reading).

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.

Ms. MIKULSKI. Mr. Chairman, I offer an amendment.

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

Ms. MIKULSKI. Mr. Chairman, I offer an amendment.

Mr. FLORIO. I am happy to yield to the gentleman from New Jersey (Mr. MOFFETT).

Mr. MOFFETT. 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 enforcement tools, the alternatives will be illegal dumping. We have got to make sure that there are stiff and sure penalties for illegal dumping so that this problem does not ever rear its head in this country.

I want to congratulate 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 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.
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 threat, the chief executive.

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 been trying to find an 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 declare it an emergency supply of water and now are dealing with general language.

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 intragency 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 1978. 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, 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 others before the danger becomes more real.

Mr. MADIGAN. Mr. Chairman, will the gentlewoman yield to the gentleman from Illinois?

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 recommended by the Department of Justice.

Ms. MIKULSKI. This was an amendment that was recommended by the Department of Justice because they felt it was important to require that hazardous waste management facilities be of the 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.

Mr. MADIGAN. If the gentlewoman will yield further, 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 person 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 for this important legislative dialogue.

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 is guilty of the offense?

Mr. MADIGAN. Who has committed the felony?

Mr. FLORIO. The question, as I understand it, is in the event of a disposal and a carter, who is it that will be found guilty of the offense?

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

Ms. MIKULSKI. I yield.

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 the question of penalty. Mr. Chairman, I move to express my support for H.R. 3994, the Resource Conservation and Recovery Act Amendments of 1979.

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

Mr. FLORIO. Mr. Chairman, I move to the question of penalty. Mr. Chairman, I move to express my support for H.R. 3994, the Resource Conservation and Recovery Act Amendments of 1979.

Mr. MADIGAN. Mr. Chairman, I move to strike the requisite number of words.
The fear of contaminant seepage has caused many of my constituents to be concerned about their safety. Many local citizens and I have accompanied them as they 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, however, need for better containment before site selection. It also illustrates the concern of local residents caused by hazardous waste storage.

The Federal Government must have the ability to respond to situations where hazardous wastes threaten 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 dumping. I support H.R. 3994 and urge its passage.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Maryland (Mr. 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 (a) and redesignate all succeeding subsections accordingly:

(a) 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:

(1) 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;

(2) Notify the Secretary and the Director of the Administrator's receipt of notifications 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 from Indiana (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. As I am sure you know, much of our hazardous materials operations must be accounted for the greatest possible protection from these dangers.

I am offering this amendment today in order to insure that workers who are involved in the 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 about hazardous waste treatment, storage or disposal facilities, sites where cleanup is planned or underway, and specifying and characterizing hazardous situations at particular facilities.

Once OSHA and NIOSH receive this information, these agencies will be better equipped to carry out their duties which include conducting investigations and studies on standardizing hazardous waste operations.

In addition, the Administrator of EPA will notify OSHA and NIOSH of the availability of other information collected under sections 3002, 3003, 3004 and 3106 of RCRA which relate to standards for hazardous waste 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.

Mr. MADIGAN. 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 6, insert the following new line: "(r) Section 6004 of such Act is amended by-

(1) inserting immediately after "an executive agency" (as defined in section 106 of title 5, United States Code) in subsection (a)(1), "or any unit of the legislative branch of the Federal Government";

(2) inserting after "Executive agency" in subsection (a)(3), "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 precise figure. But, I have been told that just pulling together the information would be a sizable task and that our office stationery and mimeograph accounts for only a small percentage of the paper we use. Given the volume of reports and publications generated by the Congress to not 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. While more than some of the smaller executive branch agencies already covered by the statute.

My amendment is carefully drafted in that it is aimed at a close balance. The House Committee on House Administration and the Senate Committee on Rules and Administration have perplexed unfairly and unreasonably against the marketability of recyclable materials during any regulatory proceedings conducted by the Department of Commerce.

One of the major congressional purposes underlying RCRA was to enhance the market of depletable materials through maximum industrial recycling. This amendment will further such effort by prohibiting discrimination or economic restrictions on any recovered 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. 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 extend 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 this bill to 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. 3864. This bill amends the Solid Waste Disposal Act to provide a 1-year reauthorization, and it provides the Environmental Protection Agency with much-needed 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., disposed of a waste product to public health, safety, and the environment. This company, after closing down its incinerator which had been used to dispose of chemical drum contents and 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 hazardous waste disposal site. Any 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.

Although instances are, I believe, representative of a widespread problem of abandoned 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 recommendations. 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 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 and immediate 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 disposal 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.

Mr. MADIGAN. I thank the gentleman from New Jersey for his support.
Mr. FLORIO. Mr. Speaker, I ask unanimous consent that I engage in an extended discussion in which I will revise and extend my 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.

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 other technical and conforming changes as may be necessary to reflect the actions of the House in amending the bill H.R. 3004.

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.

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 bill, S. 1156, and to insert in lieu thereof the provisions of H.R. 3004, 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 substituting "1976" 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)(4) of such Act is amended by striking out "1978" and substituting "1979," and by inserting the following after "1978": "; 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 $30,000,000 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 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 inserting the following new item at the end thereof:

"Sec. 5005. Authorization of appropriations:"

AMENDMENTS TO SOLID WASTE DISPOSAL ACT

Sec. 3. (a) (Par.) 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) Section 3006 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 or 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 wa-ter supply is occurring or is reasonably likely to occur.

(2) For purposes of assisting the Administrator or the State, mak­ ing the determinations required by paragraph (1) of this subsection, the Adminis­ trator (or the State) may require the owner or operator of an existing wastewater treatment facility to conduct, and report the results of, such studies, tests, analyses, and observations as the Administrator (or the State) finds reason­ ably necessary to make such determinations, provided such studies, tests, analyses, and observations are conducted by or under the direction of the Administrator (or the State) and may not require leachate monitoring unless the Administrator (or the State) determines that leachate monitoring is neces­ sary to confirm or to supplement any 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 3003(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, the Administrator (or the State) may require such facility to cease operations under this title or other authority of 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.

(1) Section 3004 of such Act is repealed and the following sections are redesignated accordingly.

(2) 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 60 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, transport, and 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 such regulations are not compatible with requirements promulgated under any section of subtitle C relating to mining wastes or overburden is not adequately addressed in such regulations the Administrator shall transmit such determination, together with suggested revisions and supporting documentation, to the Secretary for his consideration.

The table of contents for such subtitle E is amended by inserting the following new item relating to section 2004 and redesignating the succeeding items accordingly.

Sec. 2004 of the Solid Waste Dis-
(d) Section 3001 of such Act is amended by adding the following paragraphs at the end thereof:

(1) by inserting “or section 7008 of subtitle G” after “subsection”;

(2) by striking “maintained by any person” and inserting “disposal, or other handling of hazardous wastes, of or in connection with such wastes, of or in connection with such wastes, shall be subject to the provisions of this Act,”

(3) by inserting “or has handled” after “otherwise handles”;

(4) by inserting “Any owner, operator, or agent in charge” after “any officer or employee” and inserting in lieu thereof “any officer, employee, or representative”; and

(5) by inserting “duly designated officer employee” and inserting in lieu thereof “authorized officer, employee, or representative.”

(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 “inerts” at the end of paragraph (F);

(2) by inserting a comma and the following at the end of such paragraph (F): “and for the purposes of such study, to enter any property think, or other measures, together with regulatory development or other information developed or accumulated by the Administrator or the Environmental Protection Agency, or by any person under subclause (A) of this paragraph or declarant of such information, to disregard it constitutes a risk that is of such a nature that to disregard it constitutes a risk that is of such a nature that to disregard it constitutes a risk that is of such a nature that to disregard it constitutes a risk that is of such a nature that to disregard it constitutes a risk that is of such a nature that to disregard it constitutes a risk that is of such a nature that to disregard it constitutes a risk that is of such a nature that to disregard it constitutes a risk that is of such a nature that to disregard it constitutes a risk that is of such a nature that to disregard it 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that a reasonable person would exercise in such a situation."

(k) Section 3012 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) Subsection (h) of such Act is amended by adding the following new section at the end thereof:

"HAZARDOUS WASTE SITE INVENTORY

'Sec. 3012. State hazardous waste site 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 hazardous waste has been stored or disposed of, which has taken place before the date on which permits are required under section 3006 for such storage or disposal of hazardous waste;

"(2) such information relating to the amount, nature, and toxicity of the hazardous waste at each such site as may be practicable to determine in order to ascertain the extent of any health hazard which may be associated with such site;

"(3) the names, addresses, or corporate headquarters, if ownership of each site has been 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 if such site is on which such activity ceased) and information respecting the nature of any other activity currently carried out at the site.

For purposes of assisting the States in compiling information under this section, the Administrator shall make available to each State under such program the following 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 a State may exercise such authority in the case of States having an authorized hazardous waste program, and any State may by order require any person to submit such information necessary to carry out such monitoring, testing, and reporting in accordance with such proposal, and may provide that such order be reviewed and, if appropriate, modified by the Administrator."

(2) The proposal to carry out such monitoring, testing, and reporting in accordance with such proposal, and the determination of the Administrator respecting such proposal, require such person to carry out such monitoring, testing, and reporting in accordance with such proposal, 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 inventory."

(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 thirty days after 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 an inventory program in such State. In any such case, the Administrator shall have the authorities provided with respect to State programs under subsection (a).

(3) the further authority for grants to States under section 3012. Hazardous waste site inventory. .

(4) by striking out "any" and inserting in lieu thereof "the inventory under subsection (b) shall" and substituting "inventory under subsection (b) shall" for "inventory under subsection (a) shall."

(5) by striking out "Any and inserting in lieu thereof "Upon promulgation of criteria under section 1008 of such Act." and (4) by striking out "Not" in subsection
(a) (as redesignated by paragraph (1) of this subsection) and inserting in lieu thereof:

"(D) proposed
agencv"

and inserting in lieu thereof "management activities".

(A) 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 consumption of such materials.

"(B) The table of contents for such Act is amended by inserting the following new item after item 11001:

"11002. Nondiscrimination requirement.

"(C) 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 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 estimate the percentage of the total material required to be procured and the percentage 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 guidelines under section 5004, 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 (c) (4), 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 agen-


cies 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 related equipment, and establish a certification program by vendors of the percentage of recovered materials used, and shall provide information and instructions to the Administrator concerning the availability 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 material which must be treated, stored, or disposed of;

"(C) the economic and technological feasibility of producing and using such items; and

(7) by inserting "not later than September 1, 1981," after "in the first sentence of subsection (e)".

"(e) Such Act is amended by adding the following new subsection:

"(f) OCCUPATIONAL SAFETY AND HEALTH.- In or near a hazardous waste treatment, storage, or disposal facility or site; and

"(g) Section 6005 of such Act is amended by inserting the following new section after section 6004:

"The President shall--

"(A) provide the following information, as such information becomes available, to the Secretary and the Director:

"(1) the identity of any hazardous waste treatment, storage, disposal facility or site where clean-up is planned or underway;

"(2) information identifying the hazards that are 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

"(3) information describing the condition of the hazardous waste treatment, storage, or disposal facility or site; and

"(B) Notify the Secretary and the Director of the Administrator's receipt of notific-
ation under section 3001 or reports under sections 3002, 3003 and 3004 of this Title that may be used or made available to the Secretary and the Director.

"(2) Section 5004 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) (4), "any unit of the legislative branch of the Federal Government;"

(2) inserting after "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 Repre-sentatives and the Committee on Rules and Administration of the Senate, with regar-d to any unit of the legislative branch of the Federal Government;"

"(3) Section 7002 of such Act is amended by--

(1) 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 dis-pose" 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 "Authority of Adminis-trator." after "7003," and adding the following as a new subsection (a) thereof in which the Administrator may take under this section may include (but shall not be limited to)--

(a) issuing such orders as may be necessary to protect public health and the en-
vironment, and

(b) instituting a civil action for appropria-te relief, including a restraining order or permanent or temporary injunction.

(4) (B) estimate the percentage of the total ec-
vironment, and

(5) by inserting the following new section after section 7004:

"The Secretary of Commerce may present a petition to any unit of the Executive branch of the Federal Government; and

(6) by adding the following new subsection (b) at the end thereof:

"(b) REVIEW OF CERTAIN ACTIONS UNDER SECTIONS 3006 AND 3008. Review of the Ad-

ministrator's action--

"(1) in issuing, denying, modifying, or re-

(7) in granting, denying, withdrawing authorization or interim authorization un-

der section 3006, may be had by any interested person in the Federal Circuit 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, or withdrawal, or after such date only if such application is based solely on grounds which were not received in the review required by this paragraph. 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 para-

(5) thereof and substituting "; ac-

tion";
"(5) by striking out "proper." in paragraph (2) thereof and substituting "proper.";

"(c) Section 7009 of such Act is amended by striking out "unincorporated and nonincorporated and nonorganized." and substituting "unincorporated and nonorganized."

"(d) Section 8009 of such Act is amended—

"(1) by striking out the last sentence of subsection (f) 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 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) 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 adverse effects, if any, of those wastes and their disposal on human health or the environment. The study shall include all of the following:

"(1) the sources 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 or 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.

"(o) CEMENT KILN DUST WASTE.—The Administrator shall conduct a detailed and comprehensive study concerning the adverse effects on human health and the environment, if any, of the disposal of cement kiln dust waste. Such study shall include all of the following:

"(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 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 or 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 this section, 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) RECOVERY ACT AMENDMENTS OF 1979.—The Administrator shall conduct a detailed and comprehensive study concerning the adverse effects on human health and the environment, if any, of the disposal of mining waste, including such adverse effects on human health or the environment from surface runoff or leachate. Such study shall include all of the following:

"(1) The Administrator shall conduct a study to determine the impact of those alternatives 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 the sources and volume of discarded materials currently associated with the exploration for, or production of, crude oil and natural gas on the environment; and

"(2) the Administrator shall conduct a study on the adequacy of means and measures currently employed by the oil and gas drilling and production industry, Government agencies, and others to control potential dangers to human health or the environment from the disposal of mining waste, including such adverse effects on human health or the environment from surface runoff or leachate; and

"(3) if the Administrator determines that under such plan the costs of such alternatives, or their implementation, would be excessive, the Administrator shall conduct a study of mining waste required by subsection (b) of this section and shall include appropriate findings and recommendations for Federal and non-Federal 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 this section. 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.

"ENERGY AND MATERIALS RECOVERY

SEC. 4. (a) The Congress finds that—

"(1) municipal solid waste contains valuable energy and materials 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 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 potentials for utilizing techniques for the recovery of energy and materials from waste, and Federal assistance in implementing energy and materials recovery programs should be available to all such communities in relation to their needs and potential.

"(b) Section 4001 of the Solid Waste Disposal Act (relating to objectives) is amended by inserting "including improving 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) Section 4003 of the Solid Waste Disposal Act (relating to objectives) is amended by inserting "negotiating and" and "negotiating and enforcing agreements with" after "and implementing".

"(e) Section 4008(a) of the Solid Waste Disposal Act (relating to minimum requirements for State plans) is amended by inserting after "recovered material" the following in the second column of the table following subsection (a) of such section:

"(f) ENERGY AND MATERIALS RECOVERY PROGRAM (REPEALED).—(1) A State which has a plan approved under this title or which has submitted a plan approved under this title and which has not been found by the Administrator to be in noncompliance with any requirement under section 4008(a) and (b) of this Act shall be eligible for grants under this section if—

"(1) the source and volumes of such materials generated per year;
'February 20, 1980

"(A) analyze and determine the economic and technical feasibility of facilities and programs to recover energy and materials from municipal waste, including solid waste, industrial, 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;

"(B) assist municipalities within the State in developing plans, programs, and projects to recover energy and materials from municipal waste, and make recommendations to appropriate governmental authorities for overcoming such impediments;

"(C) assist municipalities to feasibly plan for municipal waste; and

"(D) coordinate the resource recovery planning under subparagraph (C).

Section 4003 of such Act is amended—

"(1) (A) shall include—
"(A) the evaluation of, and establishment of priorities and thereof, opportunities for industrial and commercial users of all types (including public utilities and industrial processes) to utilize energy and materials recovered from municipal waste;

"(B) comparisons of the relative costs of energy recovered from municipal waste in relation to energy recovered from fossil fuels and other sources, and

"(C) studies of the transportation and storage problems associated with the development of energy and materials recovery technology, including consideration of subsistence, equipment purchase, construction, startup or operation activities.

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) of the Solid Waste Disposal Act is amended by inserting the following new paragraph at the end thereof:

"(2) (A) and (B) are hereby repealed.

"(f) Five 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 a per diem of $400, and incidental expenses not to exceed $100 a day, in lieu of subsistence, in the same manner as persons employed intermittently in Government service, as provided in section 5703 of title 5 of the United States Code.

"(g) Five members of the Commission shall constitute a quorum but a lesser number may hold hearings.

"(h) With the approval of the Commission, the Chairman may procure temporary and intermittent services at rates not to exceed the rates authorized by section 159(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 its personnel to the Commission to assist the Commission in carrying out its duties under this section.

The Commission may, for the purpose of carrying out this section, hold such hearings, request such information from any department or agency of the United States, and take such testimony, and receive such evidence, as the Commission considers appropriate.

The Commission may secure directly from any department or agency of the United States.
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.

Cuba is also teaching radicals from other Latin American countries how to develop popular complaints into revolutionary situations. The specialists say the radicals 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 considerably more real and serious than the possibility of direct Cuban domination in Latin American countries by Cuban troops.

But the twin U.S. answers to the threat are to provide economic and diplomatic aid to help reduce poverty that breeds revolution and upsets social and political reforms. The U.S. response might be broken into two parts:

1. Over a number of years the U.S. must foster the development of explosive pressures and then touch sparks to them.

2. The U.S. must help create conditions in which the U.S. and others are long-term responses:

- Fostering the development of explosive pressures and then touching sparks to them.
- Creating conditions in which the U.S. and others can foster the development of explosive pressures and then touch sparks to them.

The existence of revolutionary opportunities in the region after the coup in Grenada last March and the fall of President Anastasio Somoza Debayle in Nicaragua last July are now evident. These events led to the creation of a special task force by the Carter administration to study instability in the region. It was the result of requests from several Latin American countries.

The specialists, most of whom analyze Latin American developments for the U.S. government, said Cuba's new activity apparently results from seeing new opportunities in the region after the coup in Grenada last March and the fall of President Anastasio Somoza Debayle in Nicaragua last July.

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leaders of old, sometimes moribund, movements in various countries on how to expand their political base, turn latent grievances into explosive issues, and organize groups that represent a potential challenge to governments. A guerrilla example to be followed in Nicaragua, the Dominican Republic, Venezuela and other countries was quickly sent to these countries and others like Haiti and Panama. But most were what the British had called "comic opera operations" that failed.

More careful preparations led to more serious revolutionary efforts. The theory that in Cuba was that guerrilla warfare would be the key to the overthrow of the Castro regime. The theory was then growing in Havana that the blowtorch of the United States would be the way 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 be a "tactical" 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 Sandinistas 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 seemed to be the critical element that led to the Sandinista victory over Somoza in January.

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 down to regional coordination with 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 to help train the Sandinistas.

After Somoza fled Nicaragua, the local committees that had run Sandinista operations assumed broad powers over food distribution, communications and other things. These powers have gradually been expanded. At the same time, union and other mass organizations have been brought under Sandinista control, the media have been muzzled, and military services strengthened.

"The infrastructure for a complete Communist system 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 Europe in 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 support for Cuba to Latin American revolution.

When Fidel Castro came to power in Cuba on January 1, 1959, he called for his guerrilla example to be followed in Nicaragua, the Dominican Republic, Venezuela and other countries. But these efforts ended with the death of the Sandinistas, sometimes moribund, movement.

"But at the moment (in Nicaragua) there's still enough divergence of views to slow the process," one specialist said.

After Somoza fell, the Cubans began paying more attention to neighboring El Salvador and Guatemala. Both countries had old, ineffective police forces 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 People has been shifted from its base among a small core of radicalized university students to appeal to the masses of poor Indians. This is a shift from the traditional Sandinista guerrilla movement 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, counting on large-scale unemployment and other economic problems to produce radical changes, they are also watching for possibilities in South America, where the American future is an 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 threat of a major railroad failure, as the Rock Island Railroad. Legislation is being introduced which would provide for the acquisition of the Rock Island Railroad, 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 now I want to show the importance 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 so forth. If the Congress does not comply with the requirements for the proposed track, the Rock Island Line may not be consummated. Legislation is being developed to address these complex problems and should be introduced shortly.

Second is the track's deteriorated physical condition of the line. Last summer, the Federal Railway Administration investigated something over half—52 percent—of the line's track, and found that 44 percent of the 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 of the speed will not necessarily give us the full picture.

Furthermore, the physical problems cannot be solved by simple replacement of rails, and the subgrade stabilization and surfacing will be required on some of the line to bring it up to ICC’s minimum volume thresholds, which are designed to provide a minimum degree of safety for the 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 again.

Clearly, with that level of investment in dollars and time before the acquired line could even become operational, during which the intercity passenger service would 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 this magnitude. In the case of some potential purchasers, a Government loan assistance program for purchase and rehabilitation might 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 immersed in governmental red tape and controls and with having to meet future loan repayment schedules after having suffered net operating losses on the purchased line. As the long-term plan is 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 qualified railroad with respect to the amount incurred in any taxable year to upgrade to class 1 standards the Rock Island line acquired by such railroad. The credit would 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 of a 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 railroad link in our national rail system. It does not require a costly Government bureaucracy to administer. It does not entail Government loan commitments and guarantees. 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 incurred by the investor 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 the short-run 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 red tape.

I am pleased that my friend and colleague, Keith Seccombe, 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 the nation’s vital rail problems and join us in pushing for its prompt enactment.

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.)

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 for 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.

Mr. Speaker, I am offering this legislation merely 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. Members of the Commission 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 $33,000 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 grips of double-digit inflation. I am no longer to think what these 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 public is getting the same result 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. ORKAN) 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, my purpose was to visit nuclear facilities in Great Britain, France, and Germany. My primary purpose was to look at their progress in handling their high-level nuclear wastes through the development of 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. The facilities in each 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 December 20, 1979. Despite that decision and President Carter'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. The conclusion is not only factually, but it is in the position of moving ahead on storing the vitrified or glassified nuclear waste in permanent repositories, such as underground salt mines.

Therefore, Mr. Speaker, I hope that 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, I recommend present 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 expensive, 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 they 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 role for identifying appropriate waste management approaches as well as the standard setting role for determining the dose levels for the waste management activity. This agency is considering setting up a semiprivate organization to implement the government's waste management goal 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. They take a position of speaking down to our Allies.

The NNPA requirement that any American equipment involved in the fusion process under financing 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 nuclear 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 estimated 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 for 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 by the departments 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 this.

Britain is working on the breeder reactor, reprocessing of nuclear spent fuel, and vitrification (glassification) of high-level wastes. The Department of Energy has 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 it 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 visit the Dounreay Prototype Fast Breeder Reactor and Reprocessing Facility.

In the early 1980's, the United Kingdom focuses support on 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 systems 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 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.

The Commissariat l'Energie Atomique (CEA) is the French Atomic Energy Commission. Their goal 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 a national presence 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 course of action available to it 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 25 percent. By 2000, nuclear power will supply 75 to 85 percent of France’s energy needs.

The French view this as a national necessity. Ninety-nine percent of their electricity is supplied by nuclear power. By 1985, the figure will be 95 percent. By 2000, nuclear power will supply 80 to 85 percent of France’s electrical needs.

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France is also making conservation strides. By 1980, 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 uses last year. A specific tax on oil is levied to increase conservation, a portion of proceeds going specifically for nuclear power and energy conservation.

The CEA 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 will initially planned in 1960 and built in 1966 to service 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. On the day we visited this plant, it was still in the process of being retrofitted so that the double containment could be achieved.

The LaHague facility will have enough extra capacity in 1985 through 1995 to service 20 foreign reactors each year for the next 5 years. The French have already contracted out this open space on their production line. These contracts are held by Japan, Sweden, Denmark, and Germany. By 1988 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 a vitrification 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 computerized mass diagram and television tube displays.

It was pointed out by the French that our facility at Barnwell at this point in its operation has not even come close to representing 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 melt 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 the process equipment prior to its startup. This was accomplished.

The French currently plan to store the glassified waste in the AVM storage holes for 30 years before permitting 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 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 can 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 with the Phenix project is that 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 50 millirem. The total manrem from this operation was 17.

For the Phenix reactor the French have identified six key safety parameters which they grouped on a picture board of the shut-down facility in front of the operator. The operator also has all alarms immediately displayed to him on a television-type display.

Following this visit, we traveled to Crevières 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 England, and several other European countries.

The major departure of the Super Phenix design from previous experience is in the design of the steam egenerator. 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, when activated, the control shutoff 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 calibrator 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 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 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 the energy system. 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 U.S. energy strategies 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 power plants. 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. 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 are established, although Germany's electricity is supplied in general is developing only 1 percent of Germany's electricity. The United States does not have any. The Germans believe that this is a significant conservation item.

Ten percent of German electricity is currently used in Germany. Five 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. Germany's electricity system 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 breeder. 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 an example, a proposed nuclear center at Gorleben in Lower Saxony has been held hostage to political considerations, although all agree as to the technical feasibility of building the center. It would contain thermal reactors, breeder, reprocessing of spent fuel, vitrification, and final disposal 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 current nuclear programs. They have tried to collocate 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 safe by the basis of all technical considerations.

All reactor licensing has been conditioned on resolving the "back end" of the fuel cycle. 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 plutonium from fission products. Thus, the waste decays to harmless levels in 1,000 years. Recycling 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 made that 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 50 percent 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 used in Germany. Five percent will be nuclear in 1985, 25 percent is expected by the year 2000.

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 plutonium from fission products. Thus, the waste decays to harmless levels in 1,000 years. Recycling 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 made that 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 50 percent the utilization of uranium, all of which is imported. The Germans believe this is a significant conservation item.

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Ten percent of German electricity is currently used in Germany. Five 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. Germany's electricity system 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 breeder. 100 percent of which Germany must import.

The political problems with nuclear power are linked to upcoming elections in which it is being used as "created issues." But have no real monetary significance.

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 sentiment of nationalism is ending all of this.

We visited the permanent waste disposal facility at Asse. It was originally built in 1966 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 antiflue that the salt is located in is 100-million-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 baseline 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 power plants.

Thirteen hundred 55-gallon drums of intermediate-level waste have been disposed of at Asse. The intermediate-level waste comes from the 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 250 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 cooling system for the salt is being performed at a rate of 40 watts per liter. In this testing, convergence testing is being done on the salt.
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 18 months and employs 400 people. It 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. This advantage concerns Germany 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 large quantities of burned 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 national security and 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 dig 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 liberties excessively. Government agencies perform the background check for employees who are employed as guards or workers within the plutonium facility.

The basis for designing 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 can be removed from 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.

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. 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 the waste 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 February 11 and 12, 1980. I would have voted as follows:


H.R. 4774: Conscientious objection to
February 20, 1980

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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. 3985: 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. 3985: Noise Control Act authorization. Committee amendment to allow a one House veto of EPA rules under the Noise Control Act. "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 importance when he came to Washington.

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.

The 10 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 increases inflation.

Liberals through the 1960's and 1970's believe they could totally reduce unemployment, eliminate poverty, enhance productivity and improve the quality of life which stimulated inflationary 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 of inflationary 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.

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 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 solving 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 would not have 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 nappy tax on our domestic oil, an alert New England economist is now pointing out that similar action seems perfectly reasonable.

It contends artfully 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 act to control 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. So far it has ignored the economic injustices being inflicted upon the region by the profit hungry woodlots 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 and almost $100 in New York City for firewood.

The forest lords of northern New England are making obscene profits at the expense of both firewood buyers in the big cities and their own local village neighbors.

One-half of all homes in Vermont, New Hampshire, and Maine now have wood burning stoves or furnaces, but so far it has ignored the economic injustices being inflicted upon the region by the profit hungry woodlots barons of northern New England.

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 and harvesting of fire­wood in New England and other regions where it is now commonly used. The present Department of Energy has only about 20,000 employees and is too burdened with regulating the oil industry to be saddled with responsibility for controlling 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. Present Vermont woodlot barons from taking advan­tage of the 12-fold increase in oil prices since that time. Most would have been able to foresee the current scarcity of energy, so they should not be allowed to charge these high prices today. A maximum retail price of $85 per cord plus some modest inflation adjustments would be perfectly reasonable.

Firewood from trees planted after 1978 should be priced by 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 sub­ classifications 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 should designate Alaskan 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 with summer season.

History shows that price controls usually create shortages, so Congress will want to back up the price controls program with severe penalties. The government should punish first time offenders by making them keep a federal auditor on their payroll, fine them $2,000, and burn down the trees of third time offenders.

The best way to punish greedy forest owners and prevent them from paying forest owners above officially prescribed levels is by reducing the amount of wood available to everyone. As many forward-thinking lawmakers have noted, penalties for sale of wood are not limitless. Priorities for Federal expenditures that do not take advantage of local forest resources may result in shortages, so anything that reduces 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 but an excise tax on firewood sales. Such a tax will guarantee the government some revenues even if inflationary cost increases bring down federal price controls and put most woodlot harvesting operations out of business.

The United States government cannot 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 and increase forest resource costs, and reduce the ability of our political leaders to control energy supplies.

The energy policies which we adopt will determine the price of energy in the future. Our generation is determined to prevent epidemics, health research offers great hope for reducing enormous suffering and proving 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 infinite. The problems are more complex, and the 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 Sciences 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 with the recognition, visibility and an opportunity for constructive oversight.

The Health Research Act of 1980 addresses the guidelines used to review and support research proposals and gives the NIH and its component institutes the authority to set priorities and allocate funds among the various programs of the NIH. 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 increase pre­vention and education programs in the NIH, eliminate present disincentives for persons entering research through the 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 Wexman, then 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 and clarifies 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 other 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—these 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—were added to an omnibus bill by the distinguished ranking minority member of the subcommittee, Tim Wexman, 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 existing, noninstitutional 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 understanding of various disease processes brought about 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. I am convinced 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 solution for eradicating smallpox.

Now we have no smallpox, as a result of vaccinations, and we must have the scientists and researchers who will dedicate themselves to the task. 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 insurmountable, incomprehensible diseases. Ultimately, the ideal technology for combating disease will be a world-wide campaign of measures for the prevention of disease. This can be done now, with 1980 excellence, with a health care cost 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 co-sponsored 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 $8.4 billion. The primary justification cited is the need to provide the IMF with additional resources, to be contributed by all member countries, to help finance the continually increasing debt burden experienced by oil-importing nations and to prevent the continually increasing surplus being amassed by oil-exporting countries (OPEC).

It is the less developed countries (LDCs) that, in the most obvious sense, are faced with 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 U.S.

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 provided the real in requirement of LDCs and 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 high deposit 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 next few days, including the bank regulatory agencies, to, among other issues, determine the extent of the banks’ ability to prudently play the recycling role and the extent 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 Moran: World’s Banks Face Big Task of Recycling OPEC Surplus Funds.” The article follows:

MONETARY MORANS: 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 sudden and sizable inflow of oil dollars into the world’s financial system by placing the burden of OPEC.”

The relatively lack 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 1973. 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 could have highly dangerous consequences, ranging out to a collapse of the world’s financial system, a surge in trade protectionism and a series of 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 tider profits for the banks if official agencies can provide enough help.

OMINOUS TALK

The problem has spurred some ominously talk. David Rockebox, chairman of Chase Manhattan Bank, forecasts "tremendous economic seas and gale-force financial winds, strong enough even to overwhelm successful developing countries. Sen. Jacob Javits of New York sees the international monetary system up against "the most serious threat since World War II. And Otkar Emlinger, 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-crises hope to push OPEC toward price moderation, poor countries toward the International Monetary Fund’s discipline and away from private banks, away from the temptation to meddle in the international credit markets.

While the Reserve Board Chairman Paul A. Volcker says he doesn’t see “any immediate crisis,” he does deem recycling a “serious problem,” the alarm-crises hope. Monday before the House Banking Committee yesterday, he cautioned U.S. banks to be “prudent” in extending fresh credits to the poor countries despite the difficulties.

What worries the bankers the most right now is the threat of wider controls on international capital movements. They oftentimes administration steps—especially the freeze of Iranian assets. And they see which 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 banks.” 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,” warns Yves Lauanan, chief economist for Societe Generale, a big Paris bank.

SOURCES OF WITHDRAWALS

Although the 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 and other currencies are deposited outside their home countries and thus presumably beyond governmental reach. The international capital movements. They are playing the major roll in recycling. The latest round of balance of payments adjustment process on those in that country once more, to help finance the continually increasing surplus being amassed by oil-exporting countries (OPEC).
Although OPEC nations' suspected skittishness about deposits in U.S. banks is perhaps the most obvious danger, it probably is the least pressing. Many bankers say their 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 with their proposed "substitution account" to absorb surplus dollars in exchange for a new IMF asset. Also posing obstacles to the lending side of the international financial system 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," test they are out of some of the more exotic countries, a California banker warns.

In addition, Jan Tumlir, chief economist of the Geneva-based General Agreement on Trade and Tariffs and Trade, warns of another global problem--doubt whether some developing countries can devise "a sufficient number of investment projects" to make construction firms, if not necessarily without such help, and they lack qualified personnel to handle the proposals of building projects. New York brokerage house, that more developing countries could join Turkey, Zaire, Japan, and even Eire, "tend to be more conspiracy" of the already devalued dollar, 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.

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 British Foreign and Commonwealth Office, "In my opinion, one of the major obstacles to the re-entry of long-term capital into the developing world is the lack of confidence in the stability of the international financial system." He says that 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 worried that the Soviet bloc "would be as oblique as they had assumed in helping their European clients repay debts, if necessary, Moscow might withhold such help, and thus rather than lend, they would merely raise the rate at which the Soviet bloc countries have been staked. He says that as a result of this changed climate, some nations may become even more dependent on the Soviet Union itself.

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But instead, competition among banks to put abundant funds to work in developing countries and especially to reduce the foreign exchange shortage of some nations, is the one advantage that the international financial system has over the national banking systems of rich nations. As a whole, bankers "have done a pretty miserable job of predicting political risks," a spokesman for Bache Halsey, 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 as- sured of sending money back, even though these governments have little say. If necessary, Moscow might withhold such help, and thus stick American banks with the tireless efforts of a constituent, Mrs. Doye Fannin, to cut through layers of bureaucratic red tape and indifference in order to bring immigration papers, 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 as a man-literally, 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, separate, leaving the small child to fend for himself.

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 adulthood as a man-literate 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 nurse.

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 dead 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...
February 20, 1980

CONGRESSIONAL RECORD—HOUSE

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.

During World War II, Dr. Bullock served with the Office of Price Administration, on the Board of Economic Warfare (as chairman), and as a Research Director and Consultant to the Department of State. This was followed in 1948 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 February 5, 1951, and in 1953 he 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 15 of Dr. Roy Johnson Bullock, former staff administrator of the Committee on Foreign Affairs.

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 years 1942-48 he 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.

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 not, in the United States, 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 not, in the United States, 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 not, in the United States, 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 not, in the United States, 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 not, in the United States, 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 not, in the United States, 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 not, in the United States, 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 not, in the United States, 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 not, in the United States, 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 not, in the United States, 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 not, in the United States, 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 not, in the United States, 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 not, in the United States, 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 not, in the United States, 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 not, in the United States, 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 not, in the United States, an immigrant.

The Speaker pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. Leland) is recognized for 5 minutes.

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 described her 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 Chronicle in particular for the love 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.”

A Sad Note

I lost one of my best friends Sunday night when the Alley Theater’s Nina Vance passed to a long, hard fight with cancer. Nina and I started out together when...
HOUSEHOLD GOODS SHIPPER PROTECTION ACT

The HOUSE hold Goods Shipment Protection Act addresses these concerns in two specific ways. First, the ICC is given enforcement authority to issue cease-and-desist orders which declare as unlawful the use of 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. In addition, the section also allows the ICC to bring its own civil enforcement actions to collect the penalties for violations.

Section 2. The bill encourages household goods shippers to assist in the expeditious and equitable resolution of shipper disputes by establishing informal dispute settlement procedures. Developed in consultation with carriers, 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, 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 is 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 (ICC) over the past 3 years in enforcing its orders, the 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 understatement 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, 21,421 complaints were 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 1976.

For these reasons, I believe that household goods shippers require protection from unfair or deceptive acts or practices by 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 the ICC, in a timely, and inexpensive manner.

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Commission to enforce its own fines against household goods carriers for violations of rules or orders developed under the Commission's authority beyond negotiating penalties to be assessed by the Department of Justice against shippers. The ICC also established "penalty procedures" to enforce violations of recordkeeping rules. Under this new provision, the ICC is empowered to penalize carriers directly for engaging in or using practices or service charges to cause "substantive" harm to the consumer.

Section 6. Private Enforcement. Section 6 establishes the right of action of a household goods shipper as well as a government department, agency, or instrumentality against shippers who can prove their damages sustained as a result of an act or omission on the part of such carrier. It also allows 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 persons or partnerships, or such carriers, or those who violate any ICC rule, regulation or order with respect to the Commission's authority to prohibit unfair or deceptive acts or practices or to regulate the transportation of household goods. In addition, this section establishes guidelines for calculating such civil 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 continuance of a violation, will be payable to the United States Treasury. The penalties are in addition to the ICC's authority to impose civil fines to be assessed by the Commission to enforce its own fines against household goods carriers.

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 decisions and of the resolution and its attendant obligations to all parties to the dispute; (4) the open and fair presentation of evidence by any or all parties to the dispute; (5) the right of my party to the dispute to appeal the decision to the railroad; (6) the admission of the decision as evidence in a court proceeding relative to such dispute; (7) the negligence of the shipper; and (8) the awarding of attorney's fees to successful shipper claimants, under certain circumstances, when an action at law, relating to a household goods shipment dispute, has been brought in court.

LITHUANIAN INDEPENDENCE DAY

The SPEAKER pro tempore, Under a previous order of the House, the gentle-

man from New York (Mr. STRATTON) is recognized for 5 minutes.

Mr. HANLEY. Mr. Speaker, February 16, 1980, marked the 62d anniversary of the Lithuanian Independence Day. I take this opportunity once again this year to pay tribute to the Lithuanian people who have shown their courage and their patriotism. The famous saying that "time is a continous process" was never more fitting than in this case. The Lithuanian people have shown their courage and their patriotism during the many years as the Soviet Union has ruled them. They have shown their courage and their patriotism by fighting against the Soviet Union and its many rule, regulation or order, 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 that have been submitted to the subcommittee. From all I can tell, no consensus yet exists on any single piece of legislation, though in piecing together the various proposals, I care that 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 that have been submitted to the subcommittee. From all I can tell, no consensus yet exists on any single piece of legislation, though in piecing together the various proposals, I care that 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.

INTRODUCTION OF BILL TO AMEND THE FEDERAL RESERVE ACT

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This parallel is as sad and frightening to us as the 30 Lithuanians, Latvians, and Estonians who on January 28 signed an open letter to Mr. Brezhnev and to U.S. 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 failure of the conference 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." This is not a government called for by 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 rekindled today.
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 that 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 mandate that increase in 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. GRAMM, 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 from the small saver to the large investor. 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. In this regard I note that they have balanced all interests fairly to date.

Again, sharing the wisdom of my chairman, Mr. GRAMM, I also urge the regulators to raise the savings rate one-half of 1 percent within a year and to develop new accounts to ensure 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 be of significant interest to those who follow the savings and loan movement. The new powers for the savings and loans and mutual savings banks which mirror the provisions of our good colleague from Georgia, Mr. BALZ, are designed to protect the financial solvency of savings and loans, savings and loans which also have mutual savings banks.

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. BALZ, are provisions which provide for financial support of less well-capitalized institutions. These provisions will ensure that the unique circumstances of the conference offers for the timely resolution of long delayed actions.

Having moved swiftly to meet this need to consult and investigate the pending proposals and to assure the Congress that the savings and loan system is not being impacted institutions. We need to be careful that the institutions stability is not endangered.

This section of actions will finally, once and for all, without any question result in a new era for the savings and loan movement. It is my hope that the savings and loan movement will have a long term satisfaction for interest rate controls for savers and for earning institutions. We need to be flexible but we must be persistent in seeing that the future rate of interest maintains the level of 6 percent, a level that is commensurate with the value of services provided by these institutions.

Lastly, I have suggested a rise in the Federal Reserve rate that would be paid irrespective of the true market conditions prevailing at some future time.

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 Federal Reserve rate that would be paid irrespective of the true market conditions prevailing at some future time.

Mr. Speaker, I offer this bill in an attempt to expand the options available to my 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, discount rate setting, remote branching and automatic transfers. Excepted from this table are other issues raised by the Senate passed bill dealing with the "Q", truth in lending, and others.

Surely it was significant to all parties that the House conferences 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 investigate the pending proposals and to assure the Congress that the savings and loan system is not being impacted institutions. We need to be careful that the institutions stability is not endangered.

This section of actions will finally, once and for all, without any question result in a new era for the savings and loan movement. It is my hope that the savings and loan movement will have a long term satisfaction for interest rate controls for savers and for earning institutions. We need to be flexible but we must be persistent in seeing that the future rate of interest maintains the level of 6 percent, a level that is commensurate with the value of services provided by these institutions.

Lastly, I have suggested a rise in the Federal Reserve rate that would be paid irrespective of the true market conditions prevailing at some future time.
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, acting through its executive, administrator, or in any other fiduciary capacity,

Sec. 204. Section 203 of the Home Owners' Loan Act of 1933 is amended by adding at the end thereof the following:

"(3) Trust powers—

"(1) Authority of board.—The Board is authorized and empowered to grant by special permit to an association applying therefor, for the purpose of extending loans, the power to act as trustee, executor, administrator, guardian, or in any other fiduciary capacity.

"(2) Grant and exercise of powers deemed necessary for the protection of private or court trusts, and (C) shall not exercise thereafter any or all of the powers enumerated in this section, shall take an oath or make an affidavit, the president, vice president, cashier, or any other officer, director, or employee any funds held in trust under the powers conferred by this section, or to enroll such oath or affidavit in the books and records of such association, may in its discretion, issue to such association a permit to act under the laws of the State in which the association is located.

"(3) Grant and exercise of powers deemed necessary for the protection of private or court trusts, associations so authorized and empowered to grant by special permit in accordance with this section, shall have power to execute the bond usually required of its officers or employees required of it by way of security for the faithful performance of its duties as a trust company, as provided by the law of the State in which the association is located. Associations shall have power to execute such bond when so required by the laws of the State in which the association is located.

"(4) Prohibited operations.—

"(6) Deposits of securities for protection of private or court trusts, execution of and exemption from bond.—Whenever the Board, by its order or resolution, directs an association to accept, in any capacity, any of the powers granted by this section, or for the protection of private or court trusts, and (D) shall not exercise thereafter any or all of the powers granted by this section, or to enroll such oath or affidavit in the books and records of such association, 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.

"(7) Official's oath or affidavit.—In any case in which the laws of a State require that an official of any association, its 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 any other officer required of it by law, such officer of such association may take the necessary oath or execute the necessary affidavit.

"(8) Bankers' Liens, etc.—

"(9) Considerations determinative of grant or denial of applications; minimum capital and surplus for issuance of permit.

"(10) Consideration of the amount of capital and surplus of the applying association, whether or not such capital and surplus is sufficient for the needs of the community to be served, and any other facts and circumstances that the Board may consider proper, and may refuse the application accordingly.

"(11) 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, or other corporations which have such powers.

"(12) That any such association may, upon consent of the Board, such association (A) shall not exercise thereafter any or all of the powers granted by this section, or to enroll such oath or affidavit in the books and records of such association, 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.

"(13) Upon the issuance of such a certificate by the Board, such association (A) shall take effect on December 16, 1985.

"(14) Such certificate shall be subject to the provisions of this section or the regulations of the Board made pursuant thereto.

"(15) Such association shall be entitled to use such powers and for the protection of private or court trusts, and (C) shall not exercise thereafter any or all of the powers granted by this section, or to enroll such oath or affidavit in the books and records of such association, 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.

"(16) Upon the issuance of such a certificate by the Board, such association (A) shall not exercise thereafter any or all of the powers granted by this section, or to enroll such oath or affidavit in the books and records of such association, 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.
to a Federal stock charter provided it has never exercised that power.

Sec. 206. Section 5(a)(b) of the Federal Home Loan Bank Act, as amended, is amended by adding at the end thereof the following:

"(D) The first sentence of section 7(i) (12 U.S.C. 1821(a))."

T.TLE III—MUTUAL SAVINGS BANK

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..." except that—

"(A) not more than 20 per centum of the assets of such a bank may be so loaned or invested; and

"(B) 60 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, if in the judgment of the Board, the purpose of the following:

"(a) Section 401(b) (12 U.S.C. 1724(b))."

T.TLE IV—FEDERAL DEPOSIT INSURANCE

Sec. 401. (a) 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(1) (12 U.S.C. 1817(1)).

(C) The last sentence of section 11(a) (12 U.S.C. 1821(a)).

(D) The fifth sentence of section 11(j) (12 U.S.C. 1821(j)).

The amendments made by this section are not applicable to any claim arising out of a default, as defined in section 401(a) of the National Housing Act, hereinafter 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 withdrawable accounts payable on demand or with unexpired maturities of one year or less, or in the case of institutions which are authorized to issue such other base or bases as the Board may determine, 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 at the rate of 5 per centum upon the closing of the Home 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 deposit insurance institutions, provided that by 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, such phase-in must be completed; 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, subscribed for pursuant to the rights of holders of savings accounts, savings certificates, and debt obligations of the Corporation, shall be deemed to be reserves for Federal, and the provisions of this subsection in accordance with rules and regulations adopted by the Corporation. The Corporation shall provide in its rules and regulations for charging losses..."

G.E.NE.RAL L.EAVE

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 California?

There was no objection.

L.EAVE O.F A.BSENCE

By unanimous consent, leave of absence was granted as follows:
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 matter):

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.

(At the request of Mr. LELAND) to revise and extend their remarks and include extraneous matter):

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. LEZARD, 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. FINLEY.

(At the request of Mr. ERDAHL) to include extraneous matter:

Mr. RUDD.
Mr. CONE.
Mr. VANDER JAGT in two instances.
Mr. WYDLER in two instances.
Mr. MOOREHEAD of California.
Mr. RITTER.
Mr. MICHEL in two instances.
Mr. SCHULTZ.
Mr. SYMONS in four instances.
Mr. LUNGER.
Mr. HAM.
Mr. HILLIS.
Mr. KEMP in two instances.
Mr. HOPKINS.
Mr. SNELIUS.
Mr. THOMPSON.
Mr. CLINGER.
Mr. COLLINS of Texas in two instances.
Mr. BASHAM.
Mr. GLENN.
Mr. REGULA in two instances.
Mr. KELLY.

Mr. FRENZEL in three instances.
Mr. SOLOMON.
Mr. DEMINGS in two instances.
Mr. PURSELL.
Mr. DANIEL B. CRANE.
Mr. DOWNS in two instances.
Mr. RHODES.
Mr. PAUL in six instances.
Mr. ROUSSELOT.
Mrs. HOLT.
Mr. BOB WILSON in two instances.
Mr. ESCHWORN.
Mr. PORTER.

(The following Members (at the request of Mr. LELAND) to include extraneous matter):

Mr. DORN.
Mr. WALGREEN.
Mr. STARK.
Mr. ALEXANDER.
Mr. CAVANAUGH in two instances.
Mr. STOKES.
Mr. GUDGER.
Mr. BLANCHARD in two instances.
Mr. FROST.
Mr. ROBERTSON in four instances.
Mr. MCHUGH.
Mr. CLAY.
Mr. BEDELL.
Mr. RHODES.
Mr. HAMILTON.
Mr. ST. GERMAIN.
Mr. SHANNON.
Mr. FORD in two instances.
Mr. RANGLER.
Mr. HAWKINS.
Mr. GUARINI.
Mr. SIMON.
Mr. McFARLAND in six instances.
Mr. RAHALL.
Mr. APPLEGATE.
Mr. USALL.
Mr. KENNEDY.
Mr. LONG of Maryland.
Mr. WOLF.
Mr. FORD of Tennessee.
Mr. ATKINSON in two instances.
Mr. SWALLEN.
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. 467. 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 "Two Jims 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 26th 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:

3607. 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 670(c)(2) of the Revised Statutes, as amended; to the Committee on Appropriations.

3608. 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.

3609. 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.

3610. 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.

3611. A letter from the Secretary of Labor, transmitting a report on the number of cases reviewed and the number of exemplary re-habilitation certificates issued during calendar year 1979, pursuant to section 6(f) of Public Law 90-83; to the Committee on Armed Services.

3612. A letter from the Deputy Assistant Secretary of the Interior for Indian Affairs, transmitting a copy of a 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.
H. R. 6540. A bill to provide a program of emergency unemployment compensation; to the Committee on Ways and Means.

By Mr. BROADHEAD:

H. R. 6544. A bill to amend the Food and Agriculture Act of 1977 to require the Secretary of Agriculture to make payments to anyone who ships agricultural commodities to the United States every year; to the Committee on Ways and Means.

By Mr. ECKHARDT:

H. R. 6543. A bill to amend the Internal Revenue Code of 1954 to provide a method for capital recovery for investment in plant and equipment, and to encourage economic growth and modernization through increased capital investments; to the Committee on Ways and Means.

By Mr. FINDLEY:

H. R. 6546. A bill to provide Federal financial assistance to States for programs to identify women who received diethylstilbestrol 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. GRASSLEY:

H. R. 6545. A bill to delay proposals for sales of 10 percent of the Federal Reserve System's golds and certain other Federal positions by postponing for 4 years the appointment of members of the Board of Governors, Agricultural, 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 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 authorize the Comptroller of the Currency to provide for the reduction of certain railroad property, additional deposits maintained at federally insured depositary institutions, and for other purposes; to the Committee on Banking, Finance, and Urban Affairs.

By Mr. HEPNER:

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. SERRATOS):

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. SERRATOS (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, to use a site for an international organization, as sites for government, and for other purposes; to the Committee on Public Works and Transportation.

By Mr. L. H. LLOYD of Maryland:

H. R. 6551. A bill to amend the Internal Revenue Code of 1954 to eliminate the provision which provides for employer payments of social security account employer payments of social security
rity in determining whether the em­
ployer discriminates against low-paid em­
ployees in providing pension benefits; to the Committee on Ways and Means.

By Mr. MARLENEE: H.R. 6552. A bill to provide for the con­
struction of the Alaksa-Edakau Highways in Montans; to the Committee on Public Works and Transportation.

By Mr. MANKLEY: 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 wherever possible to the public safety officers whose survivors are eligible for certain bene­
fits; to the Committee on the Judiciary.

By Mr. REYNOLDS of New York: H.R. 6554. A bill to authorize appropri­
aions for the fiscal years 1981 and 1982 for certain maritime programs of the Depart­
ment of Commerce, and for other purposes; to the Committee on Merchant Marine and Fisher­
ies.

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 order the acquittal of the defendant if the jury is satisfied that the defendant is guilty of a crime and that the crime is not serious enough to warrant a conviction.

By Mr. TRAXLER: H.R. 6557. A bill to provide that the Na­tional Medal of Science, which is currently awarded for outstanding contributions in the fields of technology, mathematical, and engi­
neering sciences, also be awarded for out­
standing contributions in the behavioral and social sciences; to the Committee on Science and Technology.

H.R. 6575. A bill to name the Veterans' Administration hospital located at 1600 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 sub­
stance allowance for senior Reserve Officer Training Corps Cads from $100 a month to $150 a month; to the Committee on Armed Services.

By Mr. ZABLOCKI (for himself, Mr. BROOMEFIELD, Mr. FOUNTAIN, Mr. FAS­CHELL, Mr. HAMilton, Mr. Wolf, Mr. BARNES, Mr. BOWEN, Mr. DERWINSKI, Mr. WINN, Mr. LAGOMARISO, Mr. PETERSON, Mrs. PENFICK, and Mr. QUATLES): H. Con. Res. 282. Concurrent resolution expressing the sense of the Congress with respect to the recent foreign policy initiative which attempts to undermine the stability of Tuni­
sia; to the Committee on Foreign Affairs.

By Mr. PALMER: H. Res. 580. Resolution to provide for the expenses of investigations and studies to be conducted by the Select Committee on Com­
mitees; to the Committee on House Admin­
istration.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

H.R. 4:42. Mr. SKELTON.
H.R. 809: Mr. BEAVER.
H.R. 1028: Mr. BEAVER.
H.R. 104: Mr. SANCHEZ.
H.R. 1918: Mr. CARNEY, Mr. STACK, Mr. ASPIN, and Mr. FOUGA.
H.R. 2977: Mr. ASHLEY.
H.R. 3269: Mr. ANDERSON of California and Mr. LUNBERG.
H.R. 4207: Mr. LEWIS.
H.R. 4404: Mr. LUNBINE.
H.R. 4407: Mr. LUNBINE and Mr. TAUKE.
H.R. 4409: Mr. LEWIS and Mr. TAUKE.
H.R. 4406: Mr. BOWEN.
H.R. 4409: Mr. DECKS.
H.R. 5647: Mr. BOWEN.
H.R. 5617: Mr. THOMAS.
H.R. 5623: Mr. PAZHAYAN.
H.R. 5743: Mr. CAVANAUGH.
H.R. 5981: Mr. BARNES, Mr. BEDELL, Mr. CRAT, Mr. HEFFET, Mr. STACK, and Mr. WAX­
MAN.
H.R. 5987: Mr. CARTER, Mr. DERWINSKI, Mr. DUNCAN of Tennessee, Mr. EVANS of Georgia.
H.R. 5989: Mr. LASH and Mr. KAY.
H.R. 6074: Mr. BRANDON, Mr. HARRIS, and Mr. BOWEN.
H.R. 6086: Mr. LAGOMARISO, Mr. BOWEN, Mr. CRABBA, Mr. MURPHY of Pennsylvania, Mr. LEEKERS, Mr. FISH, and Mr. DUNCAN of Tennessee.
H.R. 6077: Mr. GRAY, Mr. STOKES, Mr. MI­NETA, Mr. MARKS, Mr. OAKAR, and Mr. TAUK.
H.R. 6079: Mr. WATKINS, and Mr. WHITLEY.
H.R. 6081: Mr. DUNCAN of Delaware, Mr. DODGHERTY, Mr. FORRYTH, Mrs. PEPPER, Mrs. LSCHOLZ, Mr. OAKAR, Mr. ROE, Mr. WALCONE, Mr. TAYLOR, Mr. BOWEN, and Mr. PASHAYAN.
H.R. 6196: Mr. CARTER, Mr. DOWNEY, Mr. HUTTO, Mr. NEAL, and Mr. CHARLES WILSON of Texas.
H.R. 6208: Mr. ANTHONY, Mr. LLOYD, Mr. NEAL, Mr. EDGAR, Mrs. LSCHOLZ, Mr. LA­FalCE, Mr. FALCO, Mr. SHANNON, Mr. MINET, Mr. LEVINE, Mr. STIMIS, Mr. OBERSTAR, Mr. HARKIN, Mr. MIKULSKI, Mr. WHITTAKERS, Mr. CLEVELAND, Mr. CARNEY, Mr. YATES, Mr. DAVIS of Michigan, Mr. EVANS of Georgia, Mr. DUNCAN of Ten­nese, Mr. MITCHELL of Maryland, and Mr. BOWEN of California.
H.R. 6237: Mr. ROBINSON and Mr. SACK.
H.R. 6244: Mr. PASHAYAN, Mr. WAXMAN, and Mr. MATU.
H.R. 6314: Mr. WINN, Mr. BOWEN, Mr. MOOREHEAD of California, Mr. SPENCE, Mr. DAN DOR, Mr. WHITTAKERS, Mr. W. PAT, Mr. VICTOR, Mr. TWENZIL, Mr. PHILIP M. CRAW, Mr. MOORE, Mr. LSCHOLZ, Mr. BEVILL, Mr. BURKMAN, Mr. EDWARD of Oklahoma, Mr. CLEVELAND, Mr. GINSBERG, and Mr. HANSEN.
H.R. 6377: Mr. MOAKLEY, Mr. MCKINNEY, Mr. COORS, Mr. JONES of Colorado, Mr. CORMAN, Mr. KEMP, Mr. KILDEE, Mr. KOGOVE, Mr. STURD, Mr. MARKEY, Mr. FISH, Mr. MCCORUM of California, Mr. BROOMEHEAD, Mr. PROST, Mr. MILLER of California, Mr. MITCHELL of Maryland, Mr. PHILIP M. CRAW, Mr. MATTON, Mr. WEZZ, Mr. WALKEN, Mr. MOLOHAN, Mr. ROTH, Mr. ASPIN, Mr. DODD, Mr. MAIJOULES, Mr. LAFALCE, Mr. MATTEA, Mr. BONISH of Michigan, Mr. BARTLEY, Mr. HOLLOR, Mr. DOWNEY, Mr. ROE, Mr. SABO, Mr. VENTO, Mr. STOKES, Mr. MIKULSKI, Mr. BARNES, Mr. ERTER, Mr. WATH, and Mr. DOWEY.
H.R. 6428: Mr. BEDELL, Mr. BEREUER, and Mr. CAVANAUGH.
H.R. 6444: Mr. WHITARH.
H.R. 6522: Mr. MAGUIRE.
H.J. Res. 69: Mr. JACOB.
H.J. Res. 145: Mr. EVANS of the Virgin Is­lands, Mr. SABO, Mr. WATKINS, and Mr. APPLE­
GATE.
H. Con. Res. 122: Mr. SWIFT, Mr. WYDL, and Mr. CONT.

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 appro­
priation of funds for the education of the handi­
capped; to the Committee on Approp­
riations.

280. Also, petition of the Permanent Coun­
cill 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; to the Committee on Pub­
lic Works and Transportation.

283. Also, petition of the Board of Direc­
tors, Southwest Kansas Royalty Owners As­
sociation, Hugoton, Kans., relative to the proposed windfall profits tax on domestic crude oil; to the Committee on Ways and Means.