HOUSE OF REPRESENTATIVES—*Thursday, December 2, 1982*

The House met at 10 a.m.

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

We pray, O God, that Your spirit of understanding and love will be with us at all the moments of life. In times of apprehension, grant us serenity, in times of disappointment, guide us with perspective and in times of accomplishment give us appreciation. May the spirit of Thanksgiving ever touch our lives that in all the difficulties and joys of living we may be conscious of the gift of Your spirit that sustains us and gives meaning and purpose to each day. Amen.

THE JOURNAL

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

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

MESSAGE FROM THE 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. 322. Concurrent resolution regarding membership in the United Nations General Assembly.

The message also announced that the Senate insists upon its amendment to the bill (H.R. 5447) entitled "An act to extend the Commodity Exchange Act, and for other purposes," disagreed to by the House; agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. HELMS, Mr. DOLE, Mr. HAYAKAWA, Mr. LUGAR, Mr. COCHRAN, Mr. HUDDLESTON, Mr. PRYOR, Mr. BOREN, and Mr. HEFLIN to be the conferees on the part of the Senate.

NUCLEAR WASTE POLICY ACT OF 1982

Mr. UDALL. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 3809) to provide for repositories for the disposal of high-level radioactive waste, transuranic waste, and spent nuclear fuel, to amend provisions of the Atomic Energy Act of 1954 relating to low- level waste, to modify the Price-Anderson provisions of the Atomic Energy Act of 1954 and certain other provisions pertaining to facility licensing and safety, and for other purposes.

The SPEAKER. The question is on the motion offered by the gentleman from Arizona (Mr. UDALL).

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

Mr. McCLORY. 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. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 345, nays 6, not voting 82, as follows:

[Roll No. 406]

YEAS—345

Addabbo	Coughlin	Frenzel
Akaka	Courter	Frost
Albosta	Coyne, James	Fuqua
Alexander	Coyne, William	Gejdenson
Anderson	Craig	Gephardt
Andrews	Crane, Daniel	Gilman
Annunzio	Crockett	Ginn
Anthony	D'Amours	Glickman
Archer	Daniel, R. W.	Gonzalez
Ashbrook	Dannemeyer	Gore
Aspin	Daub	Gradison
Atkinson	Davis	Gramm
AuCoin	Derrick	Gray
Badham	Dickinson	Green
Bafalis	Dicks	Gregg
Bailey (MO)	Dingell	Grisham
Barnard	Dixon	Guarini
Barnes	Donnelly	Gunderson
Beard	Dorgan	Hagedorn
Bedell	Dornan	Hall (OH)
Beilenson	Dowdy	Hall, Ralph
Bennett	Downey	Hall, Sam
Bereuter	Dreier	Hamilton
Bevill	Duncan	Hammerschmidt
Biaggi	Dunn	Hance
Bliley	Dwyer	Hansen (UT)
Boggs	Dyson	Hartnett
Boland	Early	Hatcher
Boner	Eckart	Hefner
Bonior	Edwards (AL)	Heftel
Bonker	Edwards (CA)	Hendon
Bouquard	Edwards (OK)	Hightower
Bowen	Emerson	Hiler
Brinkley	Emery	Hillis
Brodhead	English	Holland
Broomfield	Erdahl	Holt
Brown (CA)	Erlenborn	Hopkins
Brown (CO)	Evans (IA)	Horton
Brown (OH)	Evans (IN)	Howard
Broyhill	Fary	Hoyer
Burgener	Fascell	Hubbard
Campbell	Fazio	Huckaby
Carney	Fenwick	Hughes
Chappell	Ferraro	Hunter
Chappie	Fiedler	Hutto
Clausen	Fields	Hyde
Clinger	Findley	Jacobs
Coats	Fish	Jeffords
Coelho	Fithian	Jenkins
Coleman	Flippo	Jones (TN)
Collins (IL)	Florio	Kastenmeier
Collins (TX)	Foglietta	Kazen
Conable	Ford (MI)	Kemp
Conte	Forsythe	Kennelly
Conyers	Fowler	Kildee
Corcoran	Frank	Kindness
Kogovsek	Nelson	Skeen
Kramer	Nowak	Skelton
LaFalce	O'Brien	Smith (AL)
Lagomarsino	Oakar	Smith (IA)
Lantos	Oberstar	Smith (NE)
Latta	Obey	Smith (NJ)
Leach	Ottinger	Smith (OR)
Leath	Panetta	Snowe
LeBoutillier	Parris	Snyder
Leland	Pashayan	Solarz
Lent	Patman	Solomon
Levitas	Paul	Spence
Lewis	Pease	Stangeland
Livingston	Pepper	Stark
Loeffler	Perkins	Staton
Long (LA)	Petri	Stenholm
Long (MD)	Peyser	Stokes
Lowery (CA)	Pickle	Stratton
Lujan	Price	Studds
Luken	Pritchard	Stump
Lundine	Pursell	Swift
Lungren	Quillen	Synar
Madigan	Rangel	Tauke
Markey	Ratchford	Tauzin
Marlenee	Regula	Taylor
Marriott	Reuss	Thomas
Martin (IL)	Rhodes	Traxler
Martin (NC)	Rinaldo	Trible
Matsui	Ritter	Udall
Mattox	Roberts (KS)	Volkmer
Mavroules	Roberts (SD)	Walgren
Mazzoli	Robinson	Walker
McClory	Rodino	Wampler
McCollum	Roe	Washington
McDade	Rogers	Waxman
McEwen	Rose	Weaver
McGrath	Rostenkowski	Weber (MN)
McHugh	Roth	Weber (OH)
Mica	Roukema	Weiss
Michel	Roybal	White
Mikulski	Rudd	Whitehurst
Miller (CA)	Russo	Whitley
Miller (OH)	Sabo	Whittaker
Mineta	Sawyer	Whitten
Minish	Scheuer	Williams (OH)
Mitchell (NY)	Schneider	Wilson
Moakley	Schroeder	Winn
Molinari	Schulze	Wirth
Montgomery	Schumer	Wolf
Moore	Seiberling	Wolpe
Moorhead	Sensenbrenner	Wyden
Morrison	Shamansky	Wylie
Motti	Shannon	Yates
Murtha	Sharp	Yatron
Myers	Shaw	Young (AK)
Napier	Shelby	Young (FL)
Natcher	Shumway	Young (MO)
Neal	Siljander	Zablocki
Nelligan	Simon	Zeferetti

NAYS—6

Goodling	Hawkins	Mitchell (MD)
Harkin	Lowry (WA)	Roemer

NOT VOTING—82

Applegate	de la Garza	Hansen (ID)
Bailey (PA)	Deckard	Heckler
Benedict	Dellums	Hertel
Bethune	DeNardis	Hollenbeck
Bingham	Derwinski	Ireland
Blanchard	Dougherty	Jeffries
Bolling	Dymally	Johnston
Breaux	Edgar	Jones (NC)
Brooks	Ertel	Jones (OK)
Burton, John	Evans (DE)	Lee
Burton, Phillip	Evans (GA)	Lehman
Butler	Foley	Lott
Byron	Ford (TN)	Marks
Carman	Fountain	Martin (NY)
Cheney	Garcia	Martinez
Chisholm	Gaydos	McCloskey
Clay	Gibbons	McCurdy
Crane, Philip	Gingrich	McDonald
Daniel, Dan	Goldwater	McKinney
Daschle	Hall (IN)	Moffett

☐ 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.

Mollohan	Rosenthal	Vander Jagt
Murphy	Rousselot	Vento
Nichols	Santini	Watkins
Oxley	Savage	Williams (MT)
Patterson	Shuster	Wortley
Porter	Smith (PA)	Wright
Rahall	St Germain	
Railsback	Stanton	

□ 1015

So the motion was agreed to.

The result of the vote was announced as above recorded.

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 further consideration of the bill, H.R. 3809, with Mr. PANETTA in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose on Tuesday, November 30, 1982, the text of H.R. 7817 was considered as an original bill for the purpose of amendment.

Are there any further amendments which are made in order pursuant to the rule?

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

Mr. Chairman, I rise to ask the manager of the bill if he will engage in a colloquy with me?

Mr. Chairman, am I correct that the purpose of the site characterization guidelines in section 112 is to protect the public health and safety and the environment in the siting and development of a permanent repository for the disposal of high-level radioactive waste and spent nuclear fuel?

Mr. UDALL. If the gentleman will yield, the answer is yes. The gentleman has the correct understanding.

Mr. SEIBERLING. Further, as a member of the House Interior Committee, I helped in the drafting of the provisions of this legislation which would essentially designate certain sensitive areas as the last possible choice for development of a nuclear waste repository. The committee also drafted the provisions in this legislation which include an environmental assessment process and a site selection process to identify the conflicts that would arise. Although the bill stresses that our first priority must be public health and safety considerations, is it not also intended that other factors be considered if health and safety criteria can be met by more than one candidate site?

Mr. UDALL. The gentleman is entirely correct.

Mr. SEIBERLING. And further, let me give an example—if one of the identified alternate sites were adjacent to an area legislatively protected because of its high natural values, such as a national park, is it not the intent that it should be designated as a site only as a last resort if none of the other alternative sites satisfy the essential criteria for a permanent repository?

Mr. UDALL. Yes. I would agree with the gentleman.

Mr. SEIBERLING. I have one other question which I believe I should address to the gentleman from Florida (Mr. FUQUA).

Mr. Chairman, I note that the population criteria in section 112 which would apply to title I repositories for disposal of high-level radioactive waste and spent nuclear fuel differs from the population criteria contained in section 213 which guides the development of research, development and demonstration regarding disposal of high-level radioactive waste and spent nuclear fuel. I want to clarify that the bill would require that any research and development facility to be colocated at a selected repository site or a candidate repository site would have to comply with the appropriate siting guidelines provided under section 112. Is that correct?

Mr. FUQUA. Mr. Chairman, if the gentleman will yield, that is my understanding. That is correct and that is the intent.

The CHAIRMAN. Are there any further amendments made in order pursuant to the rule?

AMENDMENT OFFERED BY MR. MARKEY

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

The CHAIRMAN. The Chair will inquire of the gentleman, is the amendment made in order under the rule?

Mr. MARKEY. Yes, it is, Mr. Chairman.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. MARKEY: In section 219(a), strike out "75 percent of the expenses incurred by such State or Indian tribe" in the second sentence and insert in lieu thereof the following: "90 percent of the expenses incurred by such State or 100 percent of the expenses incurred by such Indian tribe, as the case may be,".

Mr. MARKEY (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 Massachusetts?

Mr. STRATTON. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

The Clerk will read.

The Clerk concluded the reading of the amendment.

□ 1030

Mr. MARKEY. I thank the chairman very much.

This is a relatively simple amendment and it is one that tries to make sure that there is a uniform treatment of the States and Indian tribes as they are being affected by Federal action in either placing a permanent repository or a test and evaluation facility in a particular location.

Under H.R. 7187, in the event of a decision to place a permanent repository in a State, reimbursement for monitoring or testing of the site, independent of the Department of Energy, would be reimbursed 100 percent to the Indian tribes and 90 percent to the States. However, for a test and evaluation facility which would have very much the same kind of effect upon a State or Indian tribe in terms of the costs that would have to be incurred to insure that there were no adverse health effects, the reimbursement to the State or Indian tribe is only 75 percent. In terms of the overall commitment that has to be made to the resolution of any problems that might arise because of the siting of these facilities, it seems to me that there ought to be some consistency.

So all that I am asking for is for the States and the Indian tribes, whether it be a permanent repository or a test and evaluation facility, to be treated equally in terms of the Federal reimbursement for costs incurred.

In trying to arrive at what I believe would be fair, I have established the same reimbursement figure for the T&E section as that which will be made to a State or Indian tribe in the event of a siting of a permanent repository. That level is 100 percent to the Indian tribes and 90 percent to the States.

That is the import of the amendment, very simply. It just tries to treat the States and the Indian tribes with some equity.

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

Mr. FUQUA. Mr. Chairman, I move to strike the last word, and I rise in opposition to the amendment.

Mr. Chairman, this provision was added in the bill in the Committee on Science and Technology by an amendment offered by the gentleman from New York (Mr. OTTINGER) to reduce the reimbursement levels.

I might point out that this does not involve a permanent repository, but only a test and evaluation facility; that spent fuel will only be there during the time of this test and evaluation, and then it would be moved on to a permanent repository, wherever that might be located.

So I think that, based upon the clear indication of the committee's sentiment, and also the participation by the States and Indian tribes at the level in the bill, funding is sufficient to do that.

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

Mr. FUQUA. I will be happy to yield to the gentleman from New York, the author of the amendment in committee.

Mr. OTTINGER. I thank the gentleman for yielding.

Mr. Chairman, I think the figure, whichever it is, is an arbitrary figure. There is no scientific basis for choosing 90 or 75 percent, but the consequences to the State or Indian tribe from a test and evaluation facility with just temporary use of radioactive materials clearly is not going to be as great as a permanent repository that is going to be there forever.

I felt in the committee that the payment of 90 percent of those costs, or 100 percent in the case of Indian tribes, was excessive. I still feel that way. I do not feel strongly about it, but I think we would be better off leaving things as they are in the bill.

Therefore, I join my chairman in opposition to the amendment.

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

Mr. FUQUA. I yield to the gentleman from Massachusetts.

Mr. MARKEY. I thank the gentleman for yielding.

Mr. Chairman, here is the problem that I have with the formulations as they presently exist: We say to the State of Nevada or we say to the State of Louisiana, "We are designating your State for a Federal repository test and evaluation facility, but yet we are going to ask you not only to accept all of the nuclear waste that will now be brought to your State, but we are also going to ask you to pick up 25 percent of the costs of making sure that there have been proper evaluations."

To me, it just seems like taking a guy to an execution in a taxicab and having him pick up 25 percent of the cab fare. The least that we should have the decency to do here is to say to a State, "Look, we are selecting you as the slot, but at least in terms of the reevaluation of the program, we are going to help reimburse you for any costs which have been incurred in the due process of the evaluation of this project."

Otherwise, we have not only made this State or Indian tribe the winner of the queen of spades, but we have also made it pay a premium on top of that. I just do not think that is a fair way to operate.

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

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

Mr. OTTINGER. I thank the gentleman for yielding.

Mr. Chairman, at the present we have all kinds of defense nuclear facilities located in the States. In fact, we have bomb testing going on in some of the States. We do not provide reimbursement for that.

This being a test and evaluation facility, we are doing something extraordinary by picking up 75 percent of the costs as it is.

Mr. MARKEY. If the gentleman will yield further, I would agree with the gentleman if there was not implicit in his reimbursement for the permanent facility an understanding that some exceptions should be made for this whole concept of taking nuclear waste and putting it in a State because the risk which is run by the environment in a test and evaluation facility really is very little different than what it will be at a permanent repository in the testing stages of that. And we are going to put upward of 100 metric tons of nuclear waste in this test and evaluation facility. I really, genuinely, believe that once we have established the precedent, once we have intellectually decided that there ought to be an exception to whatever past history we have in giving reimbursement to the States, we ought to be consistent in doing it for all the test and evaluation facilities.

Mr. FUQUA. The 100 metric tons is not going to stay there. It will go to the permanent repository site. So it is not a permanent repository of the nuclear wastes at the test and evaluation facility. That is the reason for this language that was suggested by the gentleman from New York in committee.

Mr. MARKEY. Mr. Chairman, will the gentleman yield further to me?

Mr. FUQUA. I will be happy to yield to the gentleman from Massachusetts.

Mr. MARKEY. I thank the gentleman for yielding.

Mr. Chairman, the problem is that we might not be giving back 100 metric tons to the Department of Energy. What we are worried about is that if there is an accident, if there is a leak, if there is some kind of geologic fault that has not been properly anticipated by the Department of Energy.

The CHAIRMAN pro tempore (Mr. PEYSER). The time of the gentleman from Florida (Mr. FUQUA) has expired.

(On request of Mr. OTTINGER and by unanimous consent, Mr. FUQUA was allowed to proceed for 2 additional minutes.)

Mr. FUQUA. Mr. Chairman, let me reclaim my time. This is the very reason for the test and evaluation facility so that we will prevent accidents, leaks, and other types of things. That is its purpose. We are hopeful that these types of things will not happen. That is the reason we feel the reimbursement provisions are adequate.

Mr. Chairman, I would certainly urge defeat of the amendment.

Mr. MARKEY. Mr. Chairman, will the gentleman yield further to me?

Mr. FUQUA. I yield to the gentleman from Massachusetts.

Mr. MARKEY. I thank the gentleman for yielding further.

Mr. Chairman, that is why we have guinea pigs. The guinea pigs die so that the real patients do not have any problems. What we are saying is that there is a greater likelihood that the guinea pig is going to have the accident than the final patient, the final respository.

So, in fact in terms of reimbursement, we are asking the State, actually, or the Indian tribe that is going to be the guinea pig to take the higher risk. As a result of that, if anyone is to be reimbursed, the area in which we give the higher risk should have the higher repayment ratio.

That seems to me to be common decency to the area being asked to run the highest level of risk.

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

Mr. FUQUA. I yield to the gentleman from New Mexico.

Mr. LUJAN. I thank the gentleman for yielding to me.

Mr. Chairman, I want to congratulate the gentleman and join him in opposition. We have been up and down the street on this particular level of paying the States. This is a compromise figure.

I remember in the Committee on Interior and Insular Affairs, the gentleman from Massachusetts struck out for 100 percent for both States and Indian tribes at that time. The committee felt that that was excessive.

The gentleman from New York (Mr. OTTINGER), in the Committee on Science and Technology, moved the other way, feeling that perhaps the percentages were too high.

It is almost like anything. Any time you get a figure in there, it is a matter of compromise. The State or Indian tribe still has $3 million for monitoring, testing, and evaluation, and the purpose of not giving them 100 percent is so that they will also watch their expenditures.

Now, we are in a tough budgetary situation and we cannot just give an open checkbook to anyone. At the least, if someone has to put up a minimum of 10 percent, they are going to watch that expenditure a little bit. If we give them 100 percent, there is no reason for them to watch their expenditures.

The CHAIRMAN pro tempore. The time of the gentleman from Florida (Mr. FUQUA) has expired.

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

Mr. Chairman, could I have a colloquy with the chairman of the committee?

Mr. FUQUA. I would be glad to.

Mr. MARRIOTT. I would like to know how much money is involved here, No. 1, and what the States might be using the money to do. If the Government is going to go in and do some test and evaluation, what is it that the State needs the money for, and how much money do we anticipate would be involved.?

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

Mr. MARRIOTT. I yield to the gentleman from Florida.

Mr. FUQUA. I thank the gentleman for yielding.

Mr. Chairman, on page 119 of the bill, it says that the amount paid by the Secretary shall not exceed $3 million per year from the date on which the site involved was identified, to the date on which the decontamination and decommission of the facility is complete. Then it cites a statement that the payment may be made to the State in which a potential test and evaluation facility has been identified, and then it cites section 213 and goes on to cite the Indian tribe on whose land the potential site has been identified under the section.

Then it has a limitation following that as to what can be done.

So this would really be for decommission and decontamination.

Mr. MARRIOTT. What does the gentleman anticipate the States would be needing additional funding for?

Mr. FUQUA. I do not anticipate States would need any funding.

Mr. MARRIOTT. It seems to me if we give the States a blank check on the Federal Government, they are going to use it to do things that may not have to be done, and the concern I have is that I want to protect the States but I want to know what the limit to that type of thing is.

Mr. FUQUA. If the gentleman will yield further, the gentleman from New Mexico (Mr. LUJAN) answered the question in a colloquy with the gentleman from Massachusetts: If we give the States a blank check, I am sure they may find some way to utilize that fund in some related activity.

By putting some limit on this, then I think we tend to put some kind of control and make the States be frugal in any expenditures that they may enter into. I do not anticipate that they would incur any costs.

Mr. MARRIOTT. Other than what is in this bill, which is provided by the Federal Government, that is.

Mr. FUQUA. That is correct.

Mr. MARRIOTT. The gentleman does not believe that even with the 75-percent limit that the States are going to incur large amounts of money to do anything.

Mr. FUQUA. They should not, I say to the gentleman.

Mr. MARRIOTT. I thank the chairman.

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

Mr. MARRIOTT. I yield to the gentleman from Massachusetts.

Mr. MARKEY. I thank the gentleman for yielding to me.

Mr. Chairman, just so the record is clear as to what this money is reimbursed for, it would be reimbursements for costs incurred in notifying its citizens of the repository siting plans, in monitoring or testing the site independently of the Department of Energy, and of reviewing Department of Energy activities.

This is not a blank check. This is just something that will deal with rudimentary activities that are going to have to be conducted by the State in any circumstance, and it is also subject to oversight by the Department of Energy in insuring that only costs which have been justifiably incurred are reimbursed by the Federal Government.

Mr. MARRIOTT. Will the gentleman answer a question for me?

Mr. MARKEY. I would be glad to, Mr. Chairman.

Mr. MARRIOTT. What expenses would the State have to incur to monitor what the Federal Government is doing? The States have an organization, all types of people on the payroll to do that now in their various commissions. What additional expense? Would they hire an outside public relations firm to do something, or what is it that the States would have to do?

Mr. MARKEY. Well, as you know, there has been no real experience with the siting of nuclear waste facilities in this country. So no State is really going to have on hand the expertise to be able to adequately deal with this problem.

As you remember, back in Lyons, Kans., back in 1970 when the first deep geologic facility was attempted to be sited, what happened was the State was clamoring for additional protections from the Federal Government. When ultimately water, 250,000 gallons of water, was put into the geologic site that had been designated by the Department of Energy, a week later when they came back there was no water left in the repository. It had just leaked out because of a mistake made by the Department of Energy. That had been developed independently by the State of Kansas officials.

My argument here is: Why should we say to a State which has had no experience, because no State has, to force them to rely upon amateur judgment. Here we should give them at least the right to bring in at least expert opinion, perhaps out of State, to give them the basis of countering whatever arguments are made by the Federal Government in terms of their analysis of salt mines, salt formations, any other geologic questions which would have to be resolved.

□ 1045

Mr. MARRIOTT. Could the States hire environmentalist groups to come in and argue against the whole procedure with this money?

Mr. MARKEY. I do not think that probably is within the purview of what this amendment is. That would come under intervenor funding or other sections. This has to do with the State role, not outside groups.

The CHAIRMAN pro tempore. (Mr. PEYSER). The time of the gentleman from Utah has expired.

(By unanimous consent, Mr. MARRIOTT was allowed to proceed for 2 additional minutes.)

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

Mr. MARRIOTT. I would be happy to yield to the chairman.

Mr. FUQUA. Mr. Chairman, let me try to explain a little further what the bill does. As I have mentioned earlier in our colloquy, there is a $3 million limit to be used by the Secretary to pay for the activities of the section. The gentleman from Massachusetts did not raise that figure, but raises the percentage from 75 percent to 90 percent. The $3 million can be used in section 215, which I read to the gentleman earlier in our colloquy, for consultation and costs. That is designed to reimburse the States for these incurred costs that they have—notification, cooperative agreements.

Mr. MARRIOTT. If I understand then, what the gentleman from Massachusetts wants to do, in addition to the $3 million, any dollars the State wants to spend to check up on the Federal Government, we pay up 75 or 90 percent. Is that the bottom line?

Mr. FUQUA. Yes, but the amendment is defective in that it does not carry out the objective because there are no funds provided. The $3 million is still left intact.

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

Mr. MARRIOTT. I yield.

Mr. OTTINGER. As I understand the gentleman's amendment, the $3 million limitation remains. It is just a question of whether 75 or 90 percent of the cost is assumed.

Mr. MARKEY. That is correct. We are trying to make sure that with the bubbling, boiling cauldron of controversy which will develop over this issue, that the States have been put in a position in which they have been able to advocate most articulately their point of view without feeling that they are going to be put at any economic disadvantage by taking it to its logical conclusion.

Mr. MARRIOTT. That still needs clarification. If I may, let me just ask this question: How much is in the bill now for the States? Is it $3 million? Do the States get $3 million per year to monitor the Federal activities?

The CHAIRMAN pro tempore. The time of the gentleman from Utah has again expired.

(By unanimous consent, Mr. MARRIOTT was allowed to proceed for 3 additional minutes.)

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

Mr. MARRIOTT. Yes.

Mr. OTTINGER. The $3 million is a maximum under this section of the bill. There are other provisions without this limitation with respect to a permanent repository. With respect to this provision of the T&E, what we have is a maximum of $3 million that can go to the States.

Mr. MARRIOTT. Per year, for test and evaluation?

Mr. OTTINGER. That is correct. The gentleman inaccurately stated that the States would have to pick up 90 percent. It is the other way around. The Federal Government would pick up 75 percent under the bill and 90 percent under the Markey amendment. So, it is a question whether the States will assume 75 percent or 90 percent.

Mr. MARRIOTT. The question is this: Are the $3 million in the bill per year to the States, do the States get $3 million per site?

Mr. OTTINGER. A maximum of $3 million.

Mr. MARRIOTT. There is only going to be one anyway.

Mr. OTTINGER. They get a maximum of $3 million.

Mr. MARRIOTT. But not to exceed 25 percent of the cost.

Mr. LUJAN. It is just the opposite.

Mr. OTTINGER. The Federal Government would pay, under the bill, 75 percent of the cost. The States will pay 25 percent. The actual cost will be certified by the State to the Secretary. We will pay 75 percent of the actual cost, or under the Markey amendment we would pay 90 percent.

Mr. MARRIOTT. Not to exceed $3 million.

Mr. OTTINGER. Not to exceed $3 million.

Mr. MARKEY. Mr. Chairman, if the gentleman will yield further, just so that we can keep all this in perspective, the permanent repository is going to cost about $3 billion. The test and evaluation facility is going to cost several hundred million dollars anyway, and now we are going to start tossing around extra hundreds of thousands of dollars like they were manhole covers only because the State wants to have a role in trying to make sure their rights are going to be protected against a $3 billion or a $200 or $300 million project. I just do not see where we have got this thing scaled. Let us in proportion to the risk, the investment the Federal Government may be making, give some kind of proper respect for the rights and the economic interests that the States have.

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

Mr. MARRIOTT. I will be happy to yield.

Mr. UDALL. Mr. Chairman, I think we are spending an awful lot of time on something that really is not all that vital. The fact is, if this T&E facility is located at a site which could become the site of the permanent repository, 90 percent of the State's oversight expense is going to be paid anyway. We ought to be very generous with the States and localities in the location of this permanent facility, but this 75-percent limit deals with the test and evaluation center if it is not at a repository site. We are concerned with the problem of whether it becomes the repository. In that case, the 90 percent applies. I do not think the amendment is necessary. I think the gentleman from Florida has put it in proper perspective.

Mr. MARRIOTT. I thank the Chairman.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Massachusetts (Mr. MARKEY).

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

RECORDED VOTE

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

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 72, noes 321, not voting 40, as follows:

[Roll No. 407]

AYES—72

Aspin	Gejdenson	Rosenthal
AuCoin	Gray	Santini
Beilenson	Hawkins	Schroeder
Bingham	Howard	Schumer
Bonior	Huckaby	Seiberling
Brodhead	Jeffords	Shamansky
Clay	Kastenmeier	Simon
Coelho	Kennelly	Solarz
Collins (IL)	Kildee	Stark
Conyers	Kogovsek	Stokes
Coyne, William	Leland	Studds
Crockett	Long (LA)	Swift
Davis	Lowry (WA)	Tauzin
Dellums	Markey	Vento
Dicks	Mavroules	Walgren
Dixon	Mikulski	Washington
Donnelly	Miller (CA)	Waxman
Dorgan	Mitchell (MD)	Weaver
Downey	Moakley	Weiss
Edwards (CA)	Morrison	Williams (MT)
Evans (GA)	Nowak	Williams (OH)
Foley	Oberstar	Wirth
Frank	Obey	Wyden
Garcia	Rangel	Yates

NOES—321

Addabbo	Boland	Conable
Akaka	Boner	Conte
Albosta	Bonker	Corcoran
Alexander	Bouquard	Coughlin
Anderson	Bowen	Courter
Andrews	Brinkley	Coyne, James
Annunzio	Brooks	Craig
Anthony	Broomfield	Crane, Daniel
Applegate	Brown (CA)	D'Amours
Archer	Brown (CO)	Daniel, Dan
Ashbrook	Brown (OH)	Daniel, R. W.
Badham	Broyhill	Dannemeyer
Bafalis	Burgener	Daub
Bailey (MO)	Butler	Derrick
Bailey (PA)	Byron	Derwinski
Barnard	Campbell	Dickinson
Barnes	Carman	Dingell
Beard	Carney	Dornan
Bedell	Chappell	Dougherty
Benedict	Chappie	Dowdy
Bennett	Cheney	Dreier
Bereuter	Clausen	Duncan
Bevill	Clinger	Dunn
Biaggi	Coats	Dwyer
Bliley	Coleman	Dyson
Boggs	Collins (TX)	Early
Eckart	Kazen	Railsback
Edwards (AL)	Kemp	Ratchford
Edwards (OK)	Kindness	Regula
Emerson	Kramer	Reuss
Emery	LaFalce	Rhodes
English	Lagomarsino	Rinaldo
Erdahl	Lantos	Ritter
Erlenborn	Latta	Roberts (KS)
Evans (DE)	Leach	Roberts (SD)
Evans (IA)	Leath	Robinson
Evans (IN)	LeBoutillier	Rodino
Fary	Lee	Roe
Fascell	Lent	Roemer
Fazio	Levitas	Rogers
Fenwick	Lewis	Rose
Ferraro	Livingston	Rostenkowski
Fiedler	Loeffler	Roth
Fields	Long (MD)	Roukema
Findley	Lott	Roybal
Fish	Lowery (CA)	Rudd
Fithian	Lujan	Russo
Flippo	Luken	Sabo
Florio	Lundine	Sawyer
Foglietta	Lungren	Scheuer
Ford (MI)	Madigan	Schneider
Ford (TN)	Marlenee	Schulze
Forsythe	Marriott	Sensenbrenner
Fowler	Martin (IL)	Shannon
Frenzel	Martin (NC)	Sharp
Frost	Matsui	Shaw
Fuqua	Mattox	Shelby
Gaydos	Mazzoli	Shumway
Gephardt	McClory	Siljander
Gibbons	McCollum	Skeen
Gilman	McCurdy	Skelton
Ginn	McDade	Smith (AL)
Glickman	McDonald	Smith (IA)
Gonzalez	McEwen	Smith (NE)
Gore	McGrath	Smith (NJ)
Gradison	McHugh	Smith (OR)
Gramm	Mica	Smith (PA)
Green	Michel	Snowe
Gregg	Miller (OH)	Snyder
Grisham	Mineta	Solomon
Guarini	Minish	Spence
Gunderson	Mitchell (NY)	Stangeland
Hagedorn	Molinari	Staton
Hall (IN)	Mollohan	Stenholm
Hall, Ralph	Montgomery	Stratton
Hall, Sam	Moore	Stump
Hamilton	Moorhead	Synar
Hammerschmidt	Motti	Tauke
Hance	Murphy	Taylor
Hansen (ID)	Murtha	Thomas
Harkin	Myers	Traxler
Hartnett	Napier	Trible
Hatcher	Natcher	Udall
Hefner	Neal	Vander Jagt
Heftel	Nelligan	Volkmer
Hendon	Nelson	Walker
Hertel	Nichols	Wampler
Hightower	O'Brien	Watkins
Hiler	Oakar	Weber (MN)
Hillis	Ottinger	Weber (OH)
Holland	Oxley	White
Hollenbeck	Panetta	Whitehurst
Holt	Parris	Whitley
Hopkins	Pashayan	Whittaker
Horton	Patman	Whitten
Hoyer	Paul	Wilson
Hubbard	Pease	Winn
Hughes	Pepper	Wolf
Hunter	Perkins	Wolpe
Hutto	Petri	Wortley
Hyde	Peyser	Wylie
Jacobs	Pickle	Yatron
Jeffries	Price	Young (AK)
Johnston	Pritchard	Young (FL)
Jones (NC)	Pursell	Young (MO)
Jones (OK)	Quillen	Zablocki
Jones (TN)	Rahall	Zeferetti

NOT VOTING—40

Atkinson	Edgar	Martinez
Bethune	Ertel	McCloskey
Blanchard	Fountain	McKinney
Bolling	Gingrich	Moffett
Breaux	Goldwater	Patterson
Burton, John	Goodling	Porter
Burton, Phillip	Hall (OH)	Rousselot
Chisholm	Hansen (UT)	Savage
Crane, Philip	Heckler	Shuster
Daschle	Ireland	St Germain
Deckard	Jenkins	Stanton
de la Garza	Lehman	Wright
DeNardis	Marks	
Dymally	Martin (NY)	

□ 1100

Messrs. SHELBY, CONTE, and WYLIE changed their votes from "aye" to "no."

Messers. WAXMAN, TAUZIN, HERTEL, and GRAY changed their votes from "no" to "aye."

Mr. HERTEL changed his vote from "aye" to "no."

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. RODINO

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

The CHAIRMAN. The Chair will inquire, is the amendment in order under the rule?

Mr. RODINO. It is, Mr. Chairman.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. RODINO: On page 61, line 5, strike out the entire subsection through line 8.

Mr. RODINO. Mr Chairman, this is a very simple and very straightforward amendment. What it does, very simply, is to strike from the bill a provision that requires the courts of appeals to give expedited treatment to actions brought under the Nuclear Waste Disposal Policy Act.

I share the concerns of the committee in including such an amendment. I know that they were highly motivated, but I must suggest its deletion, and I am sure that after my explanation the Members will appreciate the reason for it.

On Monday, September 20, of this year, this House passed by voice vote H.R. 6872, the Federal Court Reform Act of 1982. Title 3 of that bill repealed what were then 85 existing statutory civil priorities which required expedited judicial action on a variety of certain types of cases. This action was taken based on the recommendation of the Judicial Conference of the United States, the American Bar Association, and the administration. We can well appreciate what would occur if we added another at a time when we have already eliminated, and wisely so, the kind of action that would have required that in those 85 particular cases there would have been expedited action.

These kinds of statutes really do not work. They are well-intended, but they only frustrate the courts because, as we know, the courts are already under a mandate to give first priority to criminal cases under the Speedy Trial Act. In addition, under current practice, the courts give expedited treatment to other types of cases involving liberty, such as habeas corpus applications and reviews of recalcitrant witnesses' status and civil contempts.

□ 1115

If we were to adopt this, we would merely be creating an illusion for ourselves that the court was going to act in these particular cases and act in an expedited manner. We would be creating a false impression.

I believe that it is important that we recognize that the action that the House took in September was the wise action and we want to just follow suit and eliminate this provision.

I am sure that the courts, recognizing good cause, would take the kind of action that is necessary in these particular cases.

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

Mr. RODINO. I yield to the gentleman from North Carolina.

Mr. BROYHILL. I certainly understand the gentleman's concern he has expressed. As he knows, there are those of us who have been supporting this section and, of course, this subsection. I am sure the gentleman understands the reasons why we are concerned.

These cases are complex, they have great controversy, and there is always the potential for undue delay in the consideration of the issues in these cases.

It was for that reason that we put this subsection in.

I can understand the gentleman's concern is that if this finds its way into a number of statutes the courts then find it very difficult as to how to sort this out and where to give priority.

But as the gentleman knows, we do not want, if this would be the section deleted, it would not be our purpose to say that the courts should be giving whatever side would like to have a delay. We would want to make sure that they do give expedituous consideration and priority treatment to these cases.

Mr. RODINO. That is the very reason why I am suggesting the deletion of this, so the courts, recognizing the urgency of the matters that come before it, would take that kind of action and, therefore, would not prejudice any kind of action that might be developing under the Nuclear Waste Policy Act.

Mr. BROYHILL. The gentleman does understand that these cases, being as controversial as they are, if you do not have some type of insistence that we have the potential of years of delay in the courts.

The CHAIRMAN. The time of the gentleman from New Jersey (Mr. RODINO) has expired.

(At the request of Mr. BROYHILL and by unanimous consent Mr. RODINO was allowed to proceed for 2 additional minutes.)

Mr. RODINO. I think the gentleman should be assured that there certainly would not be any delay.

However, if this section is not deleted, it would only lead to other actions on the part of other committees that would be seeking the same thing. This would run counter to what the judicial process is all about.

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

Mr. RODINO. I yield to the gentleman from Illinois.

Mr. RAILSBACK. I want to commend the chairman and say I share, by the way, generally, the concerns and I favor expediting these actions. I want to commend the chairman and simply point out that in the bill we passed there were two provisions. One says that each court of the United States shall determine the order in which civil actions are heard and determined. But it does something additionally. It says that that section also provides that the courts shall expedite any action for temporary or preliminary injunctive relief or any other action if good cause therefor is shown.

I think we would rather not start or embark on another series of statutory priorities which in my opinion would be a terrible mistake.

All of the courts are against this.

But I think we want to make it clear by the colloquy that we are engaging in, and I know others are going to want to engage in, that we expect the courts to take into account the very serious nature of these kinds of actions.

Mr. RODINO. I can assure the gentleman that is my intention.

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

Mr. RODINO. I yield to the chairman of the subcommittee that dealt with this question.

Mr. KASTENMEIER. Mr. Chairman, we considered this fact and that is why the language was as the gentleman from Illinois just recited.

Furthermore, not all cases brought under this act would require expedited treatment. So either we start adding No. 1 again for expedited treatment, having wiped all 85 other categories out and therefore start really the precedent all over again, or we accept the gentleman from New Jersey's amendment confirming the House's judgment earlier this year, and I hope we do the latter.

The CHAIRMAN. The time of the gentleman from New Jersey (Mr. RODINO) has again expired.

(At the request of Mr. OTTINGER and by unanimous consent Mr. RODINO was allowed to proceed for 3 additional minutes.)

Mr. OTTINGER. Will the gentleman yield?

Mr. RODINO. I yield to the gentleman.

Mr. OTTINGER. We have no objection.

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

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

Mr. UDALL. I wanted to say to the distinguished chairman that I understand his concern and I am sympathetic to it. We have gotten ourselves in difficulty where every committee on every major bill has an expedited judicial section and it turns out that the guy with the latest date of enactment is technically entitled to go to the front of the line.

We have here a bill which is designed to get this country off dead center on nuclear waste policy. I think we are going to be able to do it.

But in this case we have two competing considerations. One is to protect, if you will, judicial review. People who are concerned about this repository need to be assured that they will have a chance to go to court and that they will be able to make their case.

On the other hand, the country needs to know that this is not going to be delayed in the courts forever.

I think with the colloquy we have had and the understanding we have had that the amendment could be accepted and would not do any great damage and would preserve the thing the gentleman has fought for, to stop cluttering up the lawbooks with more and more of these independent, single, expedited judicial review kinds of things.

Mr. RODINO. It is my clear impression that many of the cases that the committee would be concerned with coming under this act would undoubtedly meet the good cause criteria and would warrant this kind of expedited action.

Mr. UDALL. I thank the gentleman.

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

Could I have the attention of the gentleman from New Jersey (Mr. RODINO) to continue to engage in a colloquy.

I thank the gentleman for his patience and I will not take but just a minute or two. But to follow along the arguments of the gentleman from New Mexico, I must agree with him. We have, for whatever reasons, delayed the political decision of making a final decison on this matter to put in place a procedure, a process to select a final resting place for these waste materials.

Of course, there is the concern that there could be undue judicial delay.

I would appreciate if the gentleman would address that once again to assure this gentleman that if we do accept this amendment of his assurance of the courts acting in an expeditious way and to assure that there is not going to be the continued years of litigation that are tying up the courts in knots with motions.

I am not a lawyer, but I have seen this happen.

Could the gentleman respond?

Mr. RODINO. Will the gentleman yield?

Mr. BROYHILL. I am glad to yield to the gentleman.

Mr. RODINO. Insofar as this gentleman can give any assurances as to what the courts might do and how they might take action, historically if one reviews the cases and the kinds of actions the court takes and when, the good cause criteria always dictates that action is expedited.

There is no question in my mind that the urgency of the matters that would be related to this particularly important issue would come undoubtedly within that criteria and, therefore, I would see no impediment.

On the other hand, if we were to continue the process that was extant up until September when this House took action, with 85 other priorities mandated in an expedited manner, we would find that committees would continue to do the same thing and the very action the gentleman is looking for would be frustrated.

So I am saying let us leave it to the courts under this criteria and I am certain that this would be the case.

Were it not, I am sure we could always review it once again. But I have no hesitancy in saying that I would not be taking this position unless I felt that it was in the best interest of expedited judgment.

Mr. BROYHILL. I thank the gentleman for his continued explanation.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New Jersey (Mr. RODINO).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. PETRI

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

The Clerk read as follows:

Amendment offered by Mr. PETRI: In section 115, strike out subsection (a) (and redesignate subsection (b) as subsection (a)).

In section 115(a), as so redesignated, strike out "PETITIONS" and insert in lieu thereof "DISAPPROVAL".

In section 115, strike out subsections (c) through (f) (and redesignate subsection (g) as subsection (b)).

In section 135(f)(3)(A), strike out "and subsections (d) through (f) of section 115" in the first sentence.

In section 135(f)(3), strike out subparagraph (B) and insert in lieu thereof the following:

(B)(i) The provisions of this subparagraph are enacted by the Congress—

(I) as an exercise of the rulemaking power of the Senate, and as such they are deemed a part of the rules of the Senate, but applicable only with respect to the procedure to be followed in the Senate in the case of a resolution under this paragraph, and such provisions supersede other rules of the Senate only to the extent that they are inconsistent with such other rules; and

(II) with full recognition of the constitutional right of the Senate to change the rules (so far as relating to the procedure of the Senate) at any time, in the same manner and to the same extent as in the case of any other rule of the Senate.

(ii)(I) Not later than the first day of session following the day on which any notice of disapproval is submitted to the Congress under paragraph (2), a resolution shall be introduced (by request) in the Senate by the chairman of the committee to which such notice of disapproval is referred, or by a Member or Members of the Senate designated by such chairman.

(II) Upon introduction, a resolution shall be referred to the appropriate committee or committees of the Senate by the President of the Senate, and all such resolutions with respect to the same Federal site shall be referred to the same committee or committees. Upon the expiration of 60 calendar days of continuous session after the introduction of the first resolution with respect to any Federal site, each committee to which such resolution was referred shall make its recommendations to the Senate.

(iii) If any committee to which is referred a resolution introduced under clause (ii)(I), or, in the absence of such a resolution, any other resolution with respect to the Federal site involved, has not reported such resolution at the end of 60 days of continuous session of Congress after introduction of such resolution, such committee shall be deemed to be discharged from further consideration of such resolution, and such resolution shall be placed on the appropriate calendar of the Senate.

(iv)(I) When each committee to which a resolution has been referred has reported, or has been deemed to be discharged from further consideration of, a resolution described in clause (iii), it shall at any time thereafter be in order (even though a previous motion to the same effect has been disagreed to) for any Member of the Senate to move to proceed to the consideration of such resolution. Such motion shall be highly privileged and shall not be debatable. Such motion shall not be subject to amendment, to a motion to postpone, or to a motion to proceed to the consideration of other business. A motion to reconsider the vote by which such motion is agreed to or disagreed to shall not be in order. If a motion to proceed to the consideration of such resolution is agreed to, such resolution shall remain the unfinished business of the Senate until disposed of.

(II) Debate on a resolution, and on all debatable motions and appeals in connection with such resolution, shall be limited to not more than 10 hours, which shall be divided equally between Members favoring and Members opposing such resolution. A motion further to limit debate shall be in order and shall not be debatable. Such motion shall not be subject to amendment, to a motion to postpone, or to a motion to proceed to the consideration of other business, and a motion to recommit such resolution shall not be in order. A motion to reconsider the vote by which such resolution is agreed to or disagreed to shall not be in order.

(III) Immediately following the conclusion of the debate on a resolution, and a single quorum call at the conclusion of such debate if requested in accordance with the rules of the Senate, the vote on final approval of such resolution shall occur.

(IV) Appeals from the decisions of the Chair relating to the application of the rules of the Senate to the procedure relating to a resolution shall be decided without debate.

(V) If the Senate receives from the House a resolution with respect to any Federal site, then the following procedure shall apply:

(I) The resolution of the House with respect to such site shall not be referred to a committee.

(II) With respect to the resolution of the Senate with respect to such site—

(a) the procedure with respect to that or other resolutions of the Senate with respect to such site shall be the same as if no resolution from the House with respect to such site had been received; but

(b) on any vote on final passage of a resolution of the Senate with respect to such site, a resolution from the House with respect to such site where the text is identical shall be automatically substituted for the resolution of the Senate.

(C)(i) The provisions of this subparagraph are enacted by the Congress—

(I) as an exercise of the rulemaking power of the House of Representatives, and as such they are deemed a part of the rules of the House, but applicable only with respect to the procedure to be followed in the House in the case of resolutions under this paragraph, and such provisions supersede other rules of the House only to the extent that they are inconsistent with such other rules; and

(II) with full recognition of the constitutional right of the House to change the rules (so far as relating to the procedure of the House) at any time, in the same manner and to the same extent as in the case of any other rule of the House.

(ii) Resolutions shall, upon introduction, be immediately referred by the Speaker of the House to the appropriate committee or committees of the House. Any such resolution received from the senate shall be held at the Speaker's table.

(iii) Upon the expiration of 60 days of continuous session after the introduction of the first resolution with respect to any Federal site, each committee to which such resolution was referred shall be discharged from further consideration of such resolution, and such resolution shall be referred to the appropriate calendar, unless such resolution or an identical resolution was previously reported by each committee to which it was referred.

(iv) It shall be in order for the Speaker to recognize a Member favoring a resolution to call up a resolution after it has been on the appropriate calendar for 5 legislative days. When any such resolution is called up, the House shall proceed to its immediate consideration and the Speaker shall recognize the Member calling up such resolution and a Member opposed to such resolution for 2 hours of debate in the House, to be equally divided and controlled by such Members. When such time has expired, the previous question shall be considered as ordered on the resolution to adoption without intervening motion, No amendment to any such resolution shall be in order, nor shall it be in order to move to reconsider the vote by which such resolution is agreed to or disagreed to.

(v) If the House receives from the Senate a resolution with respect to any Federal site, then the following procedure shall apply:

(I) The resolution of the Senate with respect to such site shall not be referred to a committee.

(II) With respect to the resolution of the House with respect to such site—

(a) the procedure with respect to that or other resolutions of the House with respect to such site shall be the same as if no resolution from the Senate with respect to such site had been received; but

(b) on any vote on final passage of a resolution of the House with respect to such site, a resolution from the Senate with respect to such site where the text is identical shall be automatically substituted for the resolution of the House.

(D) For purposes of this paragraph—

(i) continuity of session of Congress is broken only by an adjournment sine die; and

(ii) the days on which either House is not in session because of an adjournment of more than 3 days to a day certain are excluded in the computation of the 90-day period referred to in subparagraph (A) and the 60-day period referred to in subparagraphs (B) and (C).

In section 116(b)(2)(B), insert at the end thereof the following new sentences:

The Secretary may enter into a tentative agreement with any State under this subparagraph at any time following the approval of a candidate site in such State under section 112(c). Any such tentative agreement shall set forth the amount of assistance to be provided to such State under this paragraph if a construction authorization for a repository is granted with respect to the site in such State, and the procedures to be followed in providing such assistance. Any such tentative agreement shall become binding upon the Secretary upon the granting of such construction authorization.

In section 118(b)(2)(B), insert at the end thereof the following new sentences:

The Secretary may enter into a tentative agreement with any Indian tribe under this subparagraph at any time following the approval of a candidate site on the reservation of such Indian tribe under section 112(c). Any such tentative agreement shall set forth the amount of assistance to be provided to such Indian tribe under this paragraph if a construction authorization for a repository is granted with respect to the site on the reservation of such Indian tribe, and the procedures to be followed in providing such assistance. Any such tentative agreement shall become binding upon the Secretary upon the granting of such construction authorization.

Mr. PETRI (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 Wisconsin?

There was no objection.

Mr. PETRI. Mr. Chairman, I rise to offer an amendment which would strengthen the State veto provisions of this legislation so that States will have an absolute veto over the placing of nuclear-waste facilities within their borders.

My purpose for offering this amendment is to ameliorate the fears of a State worried about having to accept the site without its consent, moving the focus of the issue to the merits of the site.

In my judgment, the stronger a veto power we give the States the less likely they are to exercise it. Without a strong State veto, the public and local officials simply will not trust the Federal Government, and the Department of Energy in particular, not to try to ram down their throats something potentially injurious to them. With it, they will feel more comfortable about the process all the way along. Knowing that they have some power to block a site, they will be less likely to focus their energies and attention on the tactics of obstructionism and more likely to focus on the merits of a repository.

Thus the absolute State veto is a positive measure, designed to insure that the public and local officials are really consulted during the entire process of site selection, and that they come to a basic acceptance of an eventual site. Without such local acceptance, any decision will be tied up in court challenges and other obstruction for years. Besides, when local people directly affected by a decision are consulted, they can often make suggestions that improve the eventual result.

My amendment would provide for an absolute State veto by striking out the two-House override portion of the bill, section 115. The amendment is designed to affect only repositories and leaves the committee language concerning interim storage sites as is.

I would like to make it clear that this absolute State veto amendment will not prevent Congress from overriding a State veto. Congress and the President will still retain this ability and could override a State veto by simply passing a separate law approving a site, the State veto not withstanding. This amendment would only make the process slightly more difficult, giving the State greater assurance the veto will be upheld.

My amendment also allows the Secretary of Energy to enter into tentative agreement with a State at any time after site characterization for the amount of economic assistance to be provided under paragraph 116(b)(2) in the event the site is approved. This allows the Secretary to enter into agreements earlier than the committee language calls for.

In my mind, the issues of State veto and economic compensation have always been linked, since people will be more likely to accept a truly safe waste site if it is clear that their economic interests will not be harmed.

Unlike the last nuclear waste bill brought before the House in 1980, the current version contains very good provisions for economic compensation. In addition, a repository will create up to 5,000 new construction jobs for 6 years, 1,000 new jobs to operate the site, as well as 1,800 new support jobs and a billion-dollar property tax base. Therefore, it should be possible to gain public acceptance for a safe site, and the absolute veto will help clear the air and further the longrun interests of everyone concerned.

For those Members who are concerned about States rights and would like to see States have a real influence on site location, there is an additional reason why the absolute State veto is needed. The other body has already passed its version of a nuclear waste bill. That legislation contains a very weak State veto provision, similar to the Broyhill amendment which the House narrowly passed on Monday. If the House bill is not changed, there would be no way to increase the strength of the State veto in conference.

However, if the absolute State veto amendment is adopted, our House conferees would have a substantial bargaining chip, allowing them room to compromise on the issue and still settle on provisions calling for a viable State role in the selection process. I am convinced that the absolute State veto is the wisest provision, but at least we need a stronger State role than we will get if my amendment is not adopted.

I have one final thought I would like to leave with my colleagues. If a State actually exercises a State veto, we really ought to give the Secretary of Energy or the President the authority to embargo-nuclear waste exports from the vetoing State or the authority to require that State to make its own arrangements for disposing of any nuclear waste it might generate itself. This idea is not in my amendment today, but I think we should think seriously about it. The State veto should not be merely a license to act irresponsibly. If a State generates waste, it has some responsibility to dispose of it, and it should not be able to simply foist that off on someone else.

□ 1130

Mr. UDALL. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, we have tried for 35 years to get a high-level waste policy for the country. We may be on the verge of success and if you adopt this amendment, you have killed the bill. The cold fact is that you are not going to find 1 of the 50 States who will accept a repository. So we are going to have to make a national decision, after very carefully considering the different sites and considering the States concerned, where this repository is going to be.

A fundamental principle of this bill is that we are going to give the States a veto. It is a real burden on the State to say, "On behalf of the other 49 States, you shall be in the site of this repository," and we are only going to do it after we have involved them very early in the process, and given them an opportunity try to stop the project. But at some point in the Federal interest, in the national interest, the country has got to come along and have a right to override that veto.

We now have in the bill a pretty good provision, from the standpoint of the States. It is going to be fairly easy for the States to issue a veto and to make it stick. But to say that the States have an absolute veto is to kill the bill, and I would urge my colleagues to oppose it.

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

Mr. UDALL. I yield to my friend, the gentleman from New York.

Mr. OTTINGER. Mr. Chairman, I feel the same. I feel the States do deserve very strong protection. Both the gentleman from Arizona and I opposed the Broyhill amendment. We would have given the States the protection of requiring two Houses of Congress to override a State veto rather than requiring one House to sustain the veto that prevailed in the Broyhill amendment. We were unsuccessful by a narrow vote in committee. We may get another chance at that in the House. But to go further and say that there should be an absolute veto I think is going too far and also runs in the face of the action that has already been taken by the committee. So I would urge defeat of the amendment.

[Mr. BROYHILL addressed the committee. His remarks will appear hereafter in the Extensions of Remarks.]

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

Mr. Chairman, I rise in opposition to the amendment offered by Mr. PETRI which provides for an absolute State veto of a repository with no provision to protect the national interest. I fully support thorough and adequate State participation in the decisionmaking process leading to the siting and operation of a high-level waste repository. The bill before us, however, already provides for State participation. According the States an absolute veto power intrudes too far on a fundamentally Federal program and is unnecessary from a health and safety standpoint. We must all recognize that, as in other activities under the Atomic Energy Act, the Federal Government will exercise comprehensive and pervasive regulatory control over high-level radioactive waste repositories. This control is designed not only to assure that the environment and the health and safety of the public will be adequately protected, but also that the important Federal policy of developing atomic energy technology will be fulfilled. Under existing law, as interpreted in cases such as Northern States Power Co. against Minnesota,[1] Washington State Building and Construction Trades Council against Spellman,[2] and Illinois against General Electric,[3] States may not upset our fundamental national policies and complicate our comprehensive Federal regulatory framework by attempting to veto or to bar nuclear facilities, including disposal facilities, meeting applicable Federal requirements. I believe that this is a sound approach and that we should support it by opposing the amendment in question.

Mr. MARRIOTT. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to this amendment, although I have sympathy for what the gentleman is trying to do. And I would certainly hope that my good friend (Mr. PETRI) might withdraw this amendment.

Let me just make this commitment to him: I am concerned about the language that is in this bill. I believe the Broyhill amendment is in fact unconstitutional. If it is deemed to be unconstitutional, it will in fact provide no protection for the States whatsoever, and I plan to ask for a separate vote on the Broyhill amendment when the appropriate time comes. I think we have a chance of readdressing this issue on States veto rights and the role of Congress, and I would ask my good friend to withdraw that amendment and support us on the opportunity of getting a separate vote on the other amendment.

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

Mr. MARRIOTT. I yield to the gentleman from Mississippi.

Mr. MONTGOMERY. Mr. Chairman, it seems like the strategy the gentleman has mentioned, if the gentleman from Wisconsin would withdraw his amendment, we do have a chance on a separate vote in the whole House. We only missed by six votes of defeating the Broyhill amendment that did give the States more rights and more considerations. I think we have a much better chance of taking the route that the gentleman from Utah suggested, and I would hope that the gentleman from Wisconsin would withdraw his amendment.

Mr. MARRIOTT. I thank the gentleman.

Mr. Chairman, I would just simply say that we do need to provide adequate protection for the States. The original language of the committee bill was the proper language, and I think we ought to go back and get a separate vote on that. I would leave that decision, though, up to my good friend.

● Mr. GOLDWATER. Mr. Chairman, I oppose the amendment offered by Congressman PETRI. Although I happily support State participation in the

[1] 447 F. 2d 1143 (1971). This ruling was endorsed in Train v. Colorado Public Interest Research Group, 426 U.S. 1, 17 (1976).

[2] 684 F. 2d 627 (9th Cir. 1982).

[3] 683 F. 2d 206 (7th Cir. 1982).

repository decisionmaking process, I believe that giving States an absolute veto power is subject to unacceptable abuse. In particular, it affords an unwarranted opportunity for antinuclear groups to prompt unreasonable delay and turmoil in the ultimate siting, construction, and operation of a high-level waste repository.

Mr. Chairman, we face a special challenge when we deal with atomic energy because of the phobic thinking which characterizes much of the debate on that subject. A phobia is a fear based on an exaggerated, unrealistic danger. One author has called it "a malignant disease of 'what ifs'." He explains that—

> The phobic thinking process is a spiraling chain reaction, to use an atomic energy analogy, of "what ifs" and each "what if" leads to another. Phobic thinking always travels down the worst possible branching of each of the "what ifs" until the person is absolutely overwhelmed with the potentials for disaster.[1]

The fruits of this phobic thinking is nowhere better represented than in perceptions of nuclear power. This is well illustrated in Dr. Upton's recent article in Scientific American entitled "The Biological Effects of Low-Level Ionizing Radiation."[2] Dr Upton graphically demonstrates that various groups in our society perceive nuclear power as many orders of magnitude more hazardous than it in fact is. This misperception is especially applicable to radioactive waste disposal. For example, a recent survey of scientists found that 99 percent felt the risks of nuclear energy were acceptable and the 100 percent felt that enough information was available to solve remaining problems, including nuclear waste disposal. In contrast, journalists, particularly of the electronic media, were heavily of the opposite opinion.[3] Dr. DuPont indicates that the phobic reaction among nonexperts is largely attributable to a failure to place the largely hypothetical risks of atomic energy in perspective with the many actual and much greater hazards which we commonly and ordinarily incur, and, indeed, even in perspective with the many actual and much greater hazards from alternative energy technologies

The misperception of the risks associated with nuclear waste disposal has led to unnecessary delays due to what amounts to overconcern and overregulation. We have got to the point where we worry about the infinitesimal risk that a repository will be hit by a cataclismic meteor or will be the site of a volcanic eruption.[4] This has frustrated attempts to site, construct, and operate waste facilities. It is undercutting our ability to accomplish the fundamental purpose of the Atomic Energy Act of 1954 to develop atomic energy technology and to keep our Nation in the forefront of atomic energy research. I believe that this fundamental purpose of the act is a good one. Nuclear power was and remains a safe, clean, and environmentally preferable means to generate electrical energy. If we do not vigorously pursue the nuclear energy option, we are in the ironic position of relying on less safe and less environmentally sound means of generating our electricity.

Mr. Chairman, I am troubled by legislation the effect of which is to foster the erection of unwarranted impediments to continued development of atomic energy technology. I believe that such legislation is largely a manifestation of a nuclear phobia and plays into the hands of antinuclear groups who will use it to thwart our essential national policies and to inhibit reliance on an environmentally desirable source for our electrical energy to the detriment of the public. We must be alert to striking the proper balance between competing interests so that all legitimate health and safety concerns are taken into account but in a fashion such that antinuclear groups are unable to exploit phobias and irrational fears to undermine the Atomic Energy Act. I fear that veto authority will be exploited by antinuclear groups to delay a vital Federal program and to frustrate essential national interests.●

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin (Mr. PETRI).

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

Mr. PETRI. Mr. Chairman, I demand a recorded vote, and pending that, I made the point of order that a quorum is not present.

The CHAIRMAN. Evidently a quorum is not present.

The Chair announces that pursuant to clause 2, rule XXIII, he will vacate proceedings under the call when a quorum of the Committee appears.

Members will record their presence by electronic device.

The call was taken by electronic device.

□ 1145

QUORUM CALL VACATED

The CHAIRMAN. One hundred Members have appeared. A quorum of the Committee of the Whole is present. Pursuant to clause 2, rule XXIII, further proceedings under the call shall be considered as vacated.

The Committee will resume its business.

The pending business is the demand of the gentleman from Wisconsin (Mr. PETRI) for a recorded vote.

A recorded vote was refused.

So the amendment was rejected.

AMENDMENT OFFERED BY MR. MARKEY

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

The Clerk read as follows:

Amendment offered by Mr. MARKEY: Strike out sections 101 and 102 and insert in lieu thereof the following (and conform the table of contents in section 1 accordingly):

APPLICABILITY

SEC. 101. (a) ESTABLISHMENT OF REPOSITORIES.—Any repository required to be licensed under section 202 of the Energy Reorganization Act of 1974 (42 U.S.C. 5842) shall be established in accordance with the procedures set forth in this Act.

(b) AUTHORITY OF COMMISSION.—Nothing in this Act shall be construed to expand or contract the licensing authority of the Nuclear Regulatory Commission with respect to any atomic energy defense activity under the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.) or the Energy Reorganization Act of 1974 (42 U.S.C. 5801 et seq.). The Commission shall not have any authority over the production or handling of any high-level radioactive waste or spent nuclear fuel resulting from any atomic energy defense activity prior to its delivery to a repository, except as otherwise provided in any other provision of law.

In section 1, after paragraph (15), insert the following new paragraph (and redesignate the following paragraphs accordingly):

(16) The term "person" includes any governmental entity.

In section 111(a)(3), strike out, "civilian".

Mr. MARKEY. Mr. Chairman, now we reach a central question in the nuclear waste deliberations that we are considering here this week. The central question: Should military nuclear waste be included in this legislation? Question: Should 90 percent of all the nuclear waste in this country be included in this bill? Question: The American people, according to a full-page advertisement in the Washington Post this week, put in by the American Nuclear Energy Council, want to see legislation passed to establish a comprehensive—a comprehensive—nuclear waste policy program. According to their advertisement, the public agrees with that point. It says that, according to a recent national opinion survey, 9 out of 10 Americans—92 percent—say the Government should stop procrastinating and resolve this issue once and for all.

Now, when the American people were polled and asked, "Do you think we ought to talk or do you think we ought to resolve the nuclear waste question once and for all?" Do you think in their minds they are excluding 90 percent of all the nuclear waste in this country, which is military waste? I do not think they are.

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[1] Robert L. DuPont, Nuclear Phobia—Phobic Thinking About Nuclear Power (The Media Institute 1980).

[2] Arthur C. Upton, "The Biological Effects of Low-Level Ionizing Radiation," Scientific American (February, 1982).

[3] Wall St. J., p. 32, Nov. 9, 1982.

[4] For example, see Brown and Crouch, "Extreme Scenarios for Nuclear Waste Repositories," Health Physics 43:345 (1982).

I think in their minds they have a hard time differentiating whether nuclear wastes which are put in the permanent repository are civilian or military.

My opinion is that the American people want a solution once and for all to the entire nuclear waste problem in this country. That is what my amendment will do.

It says this: Defense Department, if you want to dispose permanently of your nuclear waste, you do not have to put it in the civilian respository that we are creating in this legislation.

However, if you are going to bury it, then you are going to be bound by the same rules and regulations, by the same process as will the civilian nuclear waste repository program. In terms of giving away military secrets—if you do not want to give your wastes to the civilian repository, you keep it, you dispose of it, and you monitor it for the next 20,000 years. But at least use the same guidelines to protect the citizens as will the domestic utility industry in cooperation with the Department of Energy in disposing of civilian nuclear wastes.

This does not seem like a terribly onerous burden to put on the Department of Defense. DOD has come up with ideas like Densepack. The Department is working on weapons systems that can hit a nickel in the middle of the Kremlin. I do not know why the Defense Department cannot easily conform to the regulations that are incorporated into H.R. 7187 so that a facility can be constructed following the guidelines of this act to in perpetuity take care of the 90 percent by volume of all the defense nuclear waste which has been generated.

So if you represent Utah or Nevada or Louisiana or Washington State, or wherever any of these repositories might be sited, do you think your citizens are saying, we want a lower standard for defense wastes than we have for civilian wastes even though the health effects are exactly the same? Or, do you think they believe that all nuclear wastes are going to be covered by this bill?

My belief is that if we are really going to be honest, and if we are not going to mislead the American people and other Members of Congress, then we are going to have to confront the fact that the waste problem is one that has to be dealt with comprehensively.

We will never return to this subject matter again. Let me repeat that. We will never return to this subject matter again if we do not deal with this bill comprehensively today. We will deal with the 10 percent which is civilian nuclear waste. We will take care of the domestic utility industry problem of disposing of the waste which is onsite at reactor generators today. But we will not come back, not for at least a decade if ever, to look at the issue of the other 90 percent of the nuclear waste which is in those defense facilities.

The CHAIRMAN. The time of the gentleman from Massachusetts (Mr. MARKEY) has expired.

(At the request of Mr. MONTGOMERY and by unanimous consent Mr. MARKEY was allowed to proceed for 1 additional minute.)

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

Mr. MARKEY. I yield to the gentleman from Mississippi.

Mr. MONTGOMERY. I thank the gentleman for yielding.

I am a little confused on the gentleman's amendment. As I understand it, it does eliminate section 102. And the reason I am interested in it is that I offered an amendment in the House Armed Services Committee that would permit States and Indian tribes to participate in action on defense nuclear waste the same as it would on commercial nuclear waste.

It seems to me the gentleman's amendment would completely knock out the amendment that I offered in the Armed Services Committee.

Mr. MARKEY. No; it does not do that.

Mr. MONTGOMERY. Therefore, I have nothing left.

Mr. MARKEY. If I can reclaim my time, as presently written, of the 50 sections in this bill which apply to civilian nuclear waste facilities, only four—only four—will apply to military waste facilities.

□ 1200

What we are trying to do here is to build in the other 46 sections, not take any out, but build in another 46 sections which will give the additional protections to the Indian tribes and to the States, which are not presently in the bill. So if the gentleman is interested in protecting the Indian tribes and the States, not only do I want to see the protections that the gentleman has already put in the bill, but I want to put in the other 46 sections which are in this bill to protect the States and Indian tribes in the event of citing civilian waste facilities and apply them to any defense waste facilities.

Mr. MONTGOMERY. Well, I hate to disagree with the gentleman, but it seems to me that the amendment as offered by the gentleman knocks out what we did in the Armed Services Committee.

The CHAIRMAN. The time of the gentleman from Massachusetts has again expired.

(At the request of Mr. MONTGOMERY, and by unanimous consent, Mr. MARKEY was allowed to proceed for 1 additional minute.)

Mr. MONTGOMERY. Mr. Chairman, if the gentleman will yield further, the leadership in the Armed Services Committee opposed my amendment and the amendment was adopted; but I am really afraid that the gentleman's amendment totally knocks out what we did in the Armed Services Committee to make nuclear wastes in the military coincide with the same thing that is happening commercially.

Mr. MARKEY. To reclaim my time, I am very proud of the fight the gentleman made in the Armed Services Committee in taking on the leadership and the amendment which he included is a very worthy one. It just did not go far enough. I understand the difficulties we have in dealing with people who do not want to see any coverage of military waste, so the incremental progress the gentleman made is very helpful. But again, it is only 1 step in a 50-step journey. We are going to try to take the additional 50 steps right now by making sure that we have got all those additional protections in so that when and if the Defense Department builds a nuclear waste facility, it is bound by the same standards as the civilian waste repository.

Whatever residents live nearby this defense facility will suffer the exact same health consequences if there has been a mistake made in the siting and in the environmental impact statement and the population evaluation as they would suffer living nearby a civilian waste repository.

Mr. LUJAN. Mr. Chairman, I move to strike the requisite number of words. I rise in opposition to the amendment.

The gentleman from Massachusetts is correct in saying that commercial waste is 10 percent by volume of the high-level radioactive waste in this country. However, the radioactivity of the commercial wastes is about 90 percent of the total radioactivity of the country's high-level waste inventory. Furthermore by the time a repository is available under this bill, the commercial wastes will represent 97 percent of the total radioactivity. If we were only concerned with the volume of waste to be disposed of, the issues for this bill would be very simple. However, the radioactivity, not the volume, is the key factor in high-level radioactive waste issues. To threaten national security for only 3 percent of the total waste does not make much sense. It especially does not make much sense in view of the long history the Department has had of successfully operating its facilities with adequate protection of public health and safety.

I urge my fellow Members to join me in opposing this amendment.

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

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

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

I would only point out that I think the gentleman from Massachusetts is making a problem of a nonproblem, that the Department of Defense has a program in place. They are handling their nuclear waste problem.

The issue that we are addressing here is commercial waste and that is where our attention has been lax. It is here where we need to concentrate our efforts and not confuse the issue by including an additional burden that is being managed quite well at the present time.

I would urge defeat of this amendment.

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

Mr. LUJAN. I think the gentleman from Texas wants his own time.

Mr. MARKEY. Will the gentleman from New Mexico yield on his own time?

Mr. LUJAN. I think in the interest of time I will yield back my time so that the gentleman from Texas may proceed.

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

Mr. Chairman, I rise in strong opposition to this amendment because I think it is mischievous with respect to national security. The administration has a well-founded fear that requiring the licensing of any defense repository could be a national security problem in that NRC is required to make most of the licensing-related information it obtains from DOE publicly available. Data that would be publicly available under the Freedom of Information Act could include all sorts of information that may be of benefit to unfriendly nations. This could include information regarding the facility that the particular waste was obtained from, the constituent elements of the waste, including radioisotopic content, and other information regarding the quantity and quality of the waste product. It is conceivable that this information could be used to infer the processes used to obtain that material and the useful products that the Defense Department may be employing. I cannot cite all of the potential uses or misuses of the information that may be available because I simply do not know them. But I can assure you unequivocally that this kind of information can be gleaned from otherwise innocent data.

The present provisions in the bill require the President to evaluate this issue, and if no problem is found, to use the commercial facilities for the disposal of defense waste. If it is a problem, the President will have the opportunity to evaluate the issue and make a determination on it. I think these provisions make sense and they should not be changed. Our Science and Technology bill H.R. 5016 would allow emplacement of defense waste in a civilian repository without any licensing of defense facilities.

I therefore urge that this amendment be soundly rejected.

Mr. OTTINGER. Mr. Chairman, would the gentlewoman yield?

Mrs. BOUQUARD. I yield to the gentleman from New York.

Mr. OTTINGER. I just would like to set the record straight. I think we have achieved the best compromise that we could in this bill with respect to defense waste; but the testimony that we got in our committee was that there are no national security problems with putting the defense waste in a commingled repository, provided that the NRC was not empowered to go back and inquire exactly how the waste got there and the processes; so I do not want the record to be confused on that basis. I supported the gentleman from Massachusetts (Mr. MARKEY) in a similar amendment in our committee. I must reluctantly oppose him today, because the provision we have before us is a compromise agreement of which I am a part.

Mrs. BOUQUARD. That is the statement I just made, it does allow emplacement of defense waste in a civilian repository.

Mr. OTTINGER. That is correct.

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

Mr. Chairman, I would like to take a moment at this time, if I may, to speak about the bill in general and not directly to this amendment.

I am in opposition to this bill, but I would like to explain my position on this. I find myself voting frequently here on some of these amendments with many individuals who have a strong disagreement and an antagonism toward nuclear power. I have no antagonism toward nuclear power. As a matter of fact, I think nuclear power is going to be the saving grace to this Nation and to the world some day as a source of energy. I am personally strongly in favor of nuclear power.

My reasons are somewhat different in opposing what we are doing here. I have no fear of hysteria associated with nuclear power. I think it is safe and efficient. The problem I have is that I think what we have done since the Second World War is that we have never allowed the marketplace to determine what it should determine, that is whether nuclear power is safe and efficient or not. What we have done is that we have subsidized its research and development. We have subsidized insurance and now we plan to subsidize and support industry in the disposal of nuclear waste. For so long nuclear power as an issue has been dealt with on an emotional level and I think it should be dealt with in terms of free market principles.

I think there is a good defense for nuclear power. We have had nuclear submarines for 30 years and this concern that nuclear generators are somewhat dangerous does not seem to hold much water when you think that many men have been sleeping beside nuclear generators for 30 years and we have had absolutely no ill effect from this.

When you compare nuclear power to coal, all of a sudden we find out that coal is the real culprit. The Office of Technology Assessment, a creature of this Congress, has declared that right now today we have 39,000 deaths per year from coal pollution.

And yet we, with our legislation here in the Congress, have actually encouraged coal production. It is estimated that in 3 years 50,000 people will die from coal pollution.

They also claim there is no insurmountable technical obstacle to safe disposal. I happen to believe that and I happen to think there are a lot of things in industry and in this country today that are more dangerous than nuclear waste and yet the marketplace can handle them.

What we are doing here is assuming the responsibility and the liability for people who make a profit off nuclear power. I think the risk and the danger and the liability of nuclear waste should go to those people who are making the money and that is the utility companies and whoever else uses nuclear power.

We should reject the notion that the Government should continue to fund R&D, the insurance and waste disposal. The liabilities and risks should not be passed on to the taxpayer.

My position is that Government should have a neutral position; that is, they should protect the marketplace, allow it to develop, but put the liability and responsibility on those who are in a position to make some profits off the nuclear industry.

For this reason, I object to the whole idea that the Government should assume this role of waste disposal. I think it is nothing more than a subsidy to big business and instead we should allow the marketplace to operate.

Even though it is my interpretation that nuclear power is good, we truly do not know if nuclear power is efficient and safe. Only the marketplace can determine this and what we are doing today is distorting the marketplace.

Mrs. BOUQUARD. Mr. Chairman, will the gentleman yield?

Mr. PAUL. I yield to the gentlewoman from Tennessee.

Mrs. BOUQUARD. Mr. Chairman, I thank the gentleman for yielding.

I would like to refer the gentleman to section 302(a) under Contracts, which specifically obligates the utilities to pay for the cost of this facility; so this, indeed, is not a cost to the Federal Government.

Mr. PAUL. Well, I know that if there is any reimbursement at all, if this was a true reimbursement and no assumption of liability by the Government, I do not think we would even have the program. We do not have a Government program to deal with sulfuric acid and other dangerous elements; so I think the fact that we are involved means that there will be some indirect subsidy to business.

Mrs. BOUQUARD. Well, I would remind the gentleman from Texas that at the time our industries built the present nuclear plants in place, it was planned that we would have reprocessing plants in place to take care of the waste to be disposed of. Because of the political debate of the past 5 years, we do not have a balanced nuclear energy program that completes the back end of the fuel cycle. The Federal Government in effect has created the problem, by not allowing reprocessing or providing a balanced energy program.

Mr. PAUL. My major point is that we distort the marketplace by not allowing the market to operate. We do not even know for sure, even though in my opinion we should have nuclear power, I think programs like this distort the market and we do not get the right information that we need to decide whether or not nuclear power is really safe; so I do not believe we should be subsidizing this industry.

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

Mr. Chairman, the gentleman from Massachusetts (Mr. MARKEY) has been setting up a straw man and then trying to knock it down. He has been alleging that there is nothing in here to take care of defense waste; but the gentleman apparently has not looked very carefully at the amendment that was adopted by the committee the other day, offered by myself on behalf of the Armed Services Committee.

Actually, there is no "Department of Defense waste." The waste that is generated that the gentleman takes exception to is Department of Energy waste stemming from the defense activities of the Department of Energy. But I would call the attention of the House—the gentleman from Massachusetts has been offering so many amendments on this bill that he may not have had an opportunity to read this one—but I would point out that in the amendment adopted by the House with regard to defense wastes, in section (b) of that amendment it says:

> Not later than two years after the date of the enactment of this Act, the President shall evaluate the use of disposal capacity at one or more repositories to be developed under subtitle A of title I for the disposal of high-level radioactive waste resulting from atomic energy defense activities.

□ 1215

And again in section 3:

> In the repository for the disposal of high-level radioactive waste resulting from atomic energy defense activities only shall be subject to licensing under section 202 of the Energy Reorganization Act of 1973 and comply with all of the requirements of the Commission, that is, the Nuclear Regulatory Commission, for the siting development, construction and operation of a repository.

So the gentleman from Massachusetts has set up a straw man and is hitting us over the head for something that is already included in this legislation.

The fact of the matter is that there is no "two-track solution" as he is suggesting, one for civilian waste and another for what he has referred to as "the sacred cow of defense security." Incidentally, I wonder where this country would be if it had not been for that so-called sacred cow over the last 30 to 35 years of this Nation? As a matter of fact, as we are debating this bill today, it is the 40th anniversary of the chain reaction in Chicago brought about by the atomic pile created by Enrico Fermi. I think we ought not to try to downgrade and denigrate the achievement that that great refugee from fascism managed to contribute to the safety and security not only of the United States but of the entire free world.

Indeed, if the gentleman from Massachusetts had done his homework, he would have known that the Committee on Armed Services, in making our report, on page 11 says this:

> The Committee on Armed Services amendments are designed to prevent the establishment of storage facilities for civilian-generated nuclear waste at facilities now being operated for national defense purposes. The committee emphasizes that the recommended amendments do not foreclose the disposal of defense-generated radioactive wastes in such repositories as may be established by this legislation.
>
> The amendments do not mean that some parts of the real estate under the control of the Department of Energy may not be used for the interim storage of civilian-generated radioactive wastes. Moreover, the committee amendments do not exempt atomic energy waste defense activities of the United States from any law or regulation that now applies to those activities.

The CHAIRMAN. The time of the gentleman from New York (Mr. STRATTON) has expired.

(By unanimous consent, Mr. STRATTON was allowed to proceed for 2 additional minutes.)

Mr. STRATTON. Mr. Chairman, if the gentleman from Massachusetts had really been concerned about this, he should have realized that just yesterday in the authorization bill for the Department of Energy, which was passed unanimously, we had programs authorizing more than $500 million for defense waste management, research, development, and construction of waste management facilities.

But the gentleman was not even on the floor when this bill was up, so I do not think we can take his amendment very seriously.

The defense activities of the Department of Energy have been pursued with great care and precision. The House Committee on Armed Services has managed them with great skill, and I think the amendment must be rejected.

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

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

Mr. MORRISON. I thank the gentleman for yielding.

Mr. Chairman, I want to agree with the gentleman's statement. I point out that most of the U.S. military waste is in my district in the State of Washington. The military is acknowledged to be about 5 years ahead of the civilian processing and handling of nuclear waste.

I do not want to see this legislation slow down the excellent progress being made in this particular area, so I suggest we defeat the amendment.

Mr. STRATTON. Mr. Chairman, I think the gentleman is making a very good point: That the Department of Energy has been on the ball in this aspect for many, many years. The civilian waste problem is now finally beginning to be considered in this House, although it is taking us a good deal of time.

The gentleman from Massachusetts is trying to louse up the defense program while the civilian aspect is being considered.

Mrs. HOLT. Mr. Chairman, will the gentleman yield to me?

Mr. STRATTON. I yield to my colleague, the gentlewoman from Maryland.

Mrs. HOLT. I thank the gentleman for yielding to me.

Mr. Chairman, on previous occasions I have stated my support for H.R. 7187. I have also indicated my deep concern over the complicated nature of the bill's provisions. These do not reflect the technical or engineering problems that might arise in selecting a site and constructing an R&D repository or permanent repository. The interim storage provisions are probably more complicated than was the Apollo program plan to put men on the Moon.

This is unfortunate for several reasons. First, it adds years of convoluted political approval paths to what should be engineering decisions. Second, and of greater concern to me, is the constant effort by some to involve atomic energy defense activities in this maze. The amendment offered by the gentleman from Massachusetts is just such an effort. It has no merit and should be defeated.

As defined in section 2 of H.R. 7187, the term "atomic energy defense activity" means any activity of the Secre-

tary of Energy performed in whole or in part in carrying out any of the following functions: Naval reactors development; weapons activities including defense inertial confinement fusion; verification and control technology; defense nuclear materials production; defense nuclear waste and material by-products management; defense nuclear materials security and safeguards and security investigations; and defense research and development.

When the Armed Services Committee considered H.R. 3809, the major effort was to assure that the atomic energy defense activities were excluded from the provisions of the act. This thought was carried over into H.R. 7187 under section 101(a). As mentioned by Chairman STRATTON, he will introduce an amendment to have the "applicability" section removed from title I and incorporated in a new section 8, since the atomic energy defense activities are not logically included in a title on the disposal and storage of waste.

The amendment offered by the gentleman from Massachusetts would also ignore logic and remove the exclusion due atomic energy defense activities. Perhaps that stems from the serious misconception in this House that no one is in charge of our defense nuclear waste program and that at some time in the near future we will be overwhelmed by nuclear waste. It is difficult to trace the origin of such rumors which would be laughable if it were not for the fact that well-meaning but uninformed citizens and House Members, repeat those absolutely incorrect statements.

We do know how to handle nuclear wastes in this country, and so do the experts in many other nations. Safe interim storage has been a fact, not a wish, for 40 years. In that time not one member of the American public has been seriously inconvenienced, let alone harmed by nuclear waste. If any of my colleagues have knowledge to the contrary, I would be interested in hearing it.

The defense waste processing facility will provide the final step in the interim processing of the high-level waste at Savannah River for final disposal. The facility which should be ready for hot operations by 1990, will immobilize the high-level waste sludge, which contains most of the long-lived radionuclides, for storage, transportation to, and disposal in a geologic repository.

The waste isolation pilot plant, located near Carlsbad, N. Mex., will demonstrate closure of the defense nuclear fuel cycle. The WIPP facilities will be capable of routine operations to receive, inspect, package, and emplace pilot plant quantities of remote-handled high-level and transuranic waste and contact-handled waste in an environment typical of a repository. This research and development facility will be sized to handle quantities typical of defense nuclear waste inventories and anticipated generation rates.

We often hear catchy phrases such as: "Nuclear waste; let us have more than a 10-percent solution." This is associated with the rumors predicting total inundation by defense nuclear waste. As a matter of fact, I frequently am told that the waste repository bill before the House is not satisfactory because it does not cover the interim waste storage or other activities of the defense nuclear waste program. That is true. The bill must not cover the defense nuclear waste program or any other atomic energy defense activity. We on Armed Services hope to assure that the smoothly working waste program we support does not become involved with anything like the ponderous and complex practices and procedures to which H.R. 7187 is dedicated.

In less than 10 years the defense waste program will be capable of turning out glass encapsulated high-level waste suitable for repository burial. Those logs will wait for a repository to be built. It will not be the other way around.

I agree to the need of this Nation for a permanent repository for nuclear waste, and temporary storage for spent fuel from commercial power reactors. But we cannot afford the repository and temporary storage if the legislation which provides for such facilities will seriously affect national security.

Mr. Chairman, I support the one-House to sustain version of the bill. While I agree that States should participate in the siting, construction, and operation of high level waste repositories, I believe that we all must recognize that we are dealing with a program of national significance: the development of atomic energy technology. It is contrary to the fundamental purposes of the Atomic Energy Act to give a State veto or quasi-veto authority over a repository, national laboratory, or any other nuclear facility. Moreover, it is contrary to the supremacy clause and interstate commerce clause of our Constitution and to decisions of the Supreme Court. I would also add that a veto or quasi-veto is not required to protect health and safety. Under the Atomic Energy Act, the Federal Government will pervasively and comprehensively regulate for these purposes. State vetos and duplicative or differing requirements are contrary to the well-established Federal regulatory framework. Indeed, the additional State interference may in fact jeopardize health and safety and our national defense as well as result in a waste of taxpayers' and ratepayers' money. Vetos and superfluous regulatory demands are generally not permissible with respect to the federally regulated activities involved. We should not permit them in this context. The Fuqua-Broyhill version of section 115 provides ample room for State participation and is consistent with existing law and our Constitution. I support it and we all should.

Mr. STRATTON. I thank the gentlewoman.

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

The CHAIRMAN. Is there further debate on the amendment?

Mr. FOGLIETTA. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the amendment.

Mr. Chairman, as a member of the Armed Services Committee, I was part of the debate on whether defense-produced nuclear waste should be subject to the provisions of this bill. I worked closely with my colleague from Mississippi (Mr. MONTGOMERY) and I was glad to see the committee accept his amendment to subject military waste at least to the States rights provisions of the bill.

I was pleased with the Armed Services Committee's actions, however, only in a limited manner. I felt at that time that subjecting defense-produced waste to the States rights provisions of the bill was the best that we could do in the Armed Services Committee. Yet, it was not nearly what I feel is most appropriate.

As we have already heard today, almost 90 percent, by volume, of nuclear waste generated in our Nation is the result of defense production. To pass a national, comprehensive program for disposal that only applies to about 10 percent of our waste makes little sense.

Concerns have been raised that having military nuclear waste come under the provisions of this bill would subject the military to a burdensome and oppressive bureaucracy that could slow down our weapons production systems. I am not convinced that such concerns are valid.

Some of my colleagues have expressed a concern that our Nation's security could be threatened by giving the Nuclear Regulatory Commission responsibility for disposal of nuclear waste produced by our military. They are afraid that the NRC might divulge information about the waste that could be useful in figuring out exactly what the military is producing. I point out that the Energy Reorganization Act of 1974 requires that the NRC license all repositories. Yet, the NRC is not in a position to give out information about the military waste. Access to classified and restricted information is controlled by the originating agency.

Mr. Chairman, we do need a nuclear waste disposal bill. But we need a bill that is truly comprehensive. Excluding

90 percent of our Nation's waste in order to arrive at a bill that has a chance of passing is not a good trade-off. The environmental, health, and safety concerns that surround nuclear waste disposal are every bit as much a factor when disposing of defense-produced waste as with commercial, civilian waste. I strongly support my colleague, Mr. MARKEY's amendment, and I hope that my colleagues will join me.

Thank you.

Mr. STRATTON. Mr. Chairman, will my colleague on the Committee on Armed Services, the gentleman from Pennsylvania, yield to me?

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

Mr. STRATTON. I thank the gentleman for yielding.

Mr. Chairman, is the gentleman in the well aware that the amendment of the gentleman from Massachusetts (Mr. MARKEY) which he has just said that he is supporting would actually knock out the so-called Montgomery amendment which was adopted with the support of the gentleman from Pennsylvania in the Committee on Armed Services? I do not think he may be aware of that.

Mr. FOGLIETTA. My understanding, Mr. Chairman, and I expressed this to the gentleman from New York, is that this amendment would encompass and would expand that amendment and not knock it out totally.

Mr. STRATTON. If the gentleman will yield further to me, I have just been in consultation with the gentleman from Mississippi, the author of the amendment, and he is bleeding because of the result of the Markey amendment, were it to be adopted. So the gentleman might want to consult with the gentleman from Mississippi (Mr. MONTGOMERY).

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

Mr. FOGLIETTA. I thank the gentleman from New York, and I yield to the gentleman from Massachusetts.

Mr. MARKEY. I thank the gentleman for yielding.

Mr. Chairman, I want to assure the gentleman from Pennsylvania (Mr. FOGLIETTA) that the gentleman from Mississippi (Mr. MONTGOMERY) is in fact very pleased that we are strengthening whatever provisions he put in there because he expressed a very strong interest in making sure that the States and Indian tribes have all the protections that are possible.

What this amendment does is to take the Montgomery formulation and put some real flesh on it to make sure those States and Indian tribes are given the protections that will be given to other areas in which civilian nuclear facilities are placed.

So taking the spirit of the Montgomery amendment in the Committee on Armed Services, we have helped to build upon it, to make sure that of those protections he was looking for are included, and we have done so in a specific fashion.

Mr. FOGLIETTA. That was my understanding also. I thank the gentleman from Massachusetts (Mr. MARKEY).

Mr. WEISS. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the amendment.

Mr. Chairman, I want to commend the gentleman from Massachusetts for the series of amendments that he has offered. What we are contending with is one of the most serious problems to face the people of this country. Yet there is an attempt in this body, in spite of all the danger signals, all of the near disasters that have befallen the people of this country from nuclear power over these past few years, almost as if God were warning us, to terminate the discussion with the briefest of mention.

So the gentleman from Massachusetts (Mr. MARKEY) is to be commended for insisting that this subject deserves and must be given a thorough airing.

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

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

Mr. MARKEY. I thank the gentleman for yielding.

Mr. Chairman, I would like to, if I may, clear up a number of misstatements that have been made by opponents of this amendment in this debate.

First, the gentleman from New Mexico says that 97 percent of the radioactivity is in the civilian waste; therefore, only 3 percent of the problem is military, so that does not make it that bad of a problem. He leaves a misimpression, however. Ninety-seven percent of the total radioactivity might be in the civilian waste, but 90 percent of the volume of the waste, is military waste.

Let me just give you an idea of what that means. All the civilian waste in the country is about 104,000 cubic feet, which is about one football field 2 feet deep. Military waste is about 1,130,000 cubic feet, if solidified. However, defense waste is in a very dilute liquid form right now, so in terms of the total amount of nuclear waste, it is many, many times greater on the military side.

The radioactivity is less. That is true. If one is exposed to it, one might die in an hour instead of only the 10 minutes that it might take if you are exposed to civilian waste. But in terms of the civilian population, it is almost impossible for them to be able to differentiate the effect it is going to have on their families.

Now, moving on to the next misstatement, the gentleman from California asked why we should talk about the Defense Department since they are doing such a terrific job taking care of the waste problem; why do we not just leave well enough alone?

Unfortunately, the gentleman from California is totally wrong. The Defense Department does not have a permanent waste program. They store it just the way the civilian program stores it. They do not have the vaguest idea what to do with it any more than we do. So anyone out there who has been misled by any of the people who have gotten up saying, "do not touch the Defense Department; they are doing such a terrific job," believe me, they are wrong. The Department of Defense does not know what to do yet about permanent disposal. They do not want to have a good, tough, strong environmental program in place and they are concerned about being bound by regulations that are going to insure that the public is protected. They do not know what to do about permanent disposal either.

The gentleman from New York says I set up a strawman; the bill already says defense wastes can be put in civilian reactors; so why is the gentleman from Massachusetts so concerned? Of all the arguments that are spurious on the floor of this body, the two that I have always found to be the most interesting are the ones that say it is not needed and that it is already in the bill and it is redundant.

How could one possibly argue against an amendment that is redundant? We ought to just accept it and move on. Why waste the time of the House?

The reason the gentleman knows it is not a strawman and the reason he fights so hard is, in fact, because there is no guarantee that defense waste is going to be covered in H.R. 7187; there is no protection for the environment; there is no guarantee that the States rights are going to be vindicated; or that we are going to have judicial review.

All of those things have to be included and they are not included.

The gentlewoman from Tennessee also made a terrible mistake in misstating the effect of this bill. Let me make it very clear. I specifically drafted the language in the amendment so that we made sure that everyone understood that we were not mandating that defense waste be put in civilian facilities. If defense facilities are built though, they have to be built under the same standards as civilian facilities. They could be kept under defense control, although the Department of Energy would be constructing and monitoring them.

□ 1230

In addition, the language of the amendment states:

The Commission (NRC) shall not have any authority over the production or handling of any high-level radioactive waste or spent nuclear fuel resulting from any atomic energy defense prior to its delivery to a repository * * *

So, the Defense Department does not have to hand over any of this waste, but if it does, it does so only when it is assured that it has disguised any possible Defense secrets that are in the material. Up until that point, the NRC has no authority over defense wastes.

Of all of the arguments which have been made against my amendment, every one of them is totally and completely wrong. They are erroneous.

The CHAIRMAN. The time of the gentleman from New York has expired.

(At the request of Mr. MARKEY and by unanimous consent, Mr. WEISS was allowed to proceed for 1 additional minute.)

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

Mr. WEISS. I will be pleased to yield.

Mr. MARKEY. Let me state as succinctly as I can that national security interests are not jeopardized by my amendment. All of this waste stays under Defense control completely, totally. They do not have to give it up. All I am saying is this: A bill ought to be comprehensive. It ought to include all waste. Defense waste ought to be covered by the same standard as civilian waste, but at the same time the Defense Department, working with the Department of Energy, ought not to be compelled to put this stuff in civilian facilities. If they do build their own permanent geologic repository in the environment of the United States, then they ought to be bound by the same regulations as civilian facilities.

That is it; quite simple; nothing up the sleeve; nothing clandestine; right out front. Let us protect the people; let us protect the States; let us have a comprehensive nuclear waste bill. Let us not fool the American people into believing we have solved the problem when 90 percent of it is unresolved.

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

Mr. Chairman, this has been one of the most difficult bills I have had to handle in a long time. It was assigned to six different committees. Time was running out, and another 2 years apparently going down the drain. We finally made an agreement among the major committees involved on this vehicle which we are bringing to the floor.

There are things that I do not particularly strongly support that are in the bill, which I am bound by my agreement with my colleagues to support. There are some pretty good arguments made by the gentleman from Massachusetts. We should not have two kinds of facilities. We ought to have a single track, but we have got to this late stage of the session and we have got to put first things first.

We are making in this bill, if we get it passed, this final decision to get ourselves a deep geologic storage facility for high-level nuclear waste. We are going to have a mechanism by which this can be done.

I think it is a very difficult process to go through, to get a program authorized even for the civilian one. I said earlier in the debate that I think the Defense people are going to be coming knocking on the door when we get this thing ready to go in a few years. I hope that we will be ready to take their waste along with the civilian waste. But, I want to emphasize that we come out all right anyway at this point. We come out in pretty good shape, because the President is required to decide within 2 years whether the facility that we are going to get licensed under this bill shall also be used for military waste. I think when people look back and see the difficulty we have gone through simply to get this far, I think the President's decision will be favorable toward uniting the civilian and defense repository programs.

Second and finally, this bill has a lot of baggage already that makes it pretty hard to carry. I would emphasize that the bill, even if the Markey amendment is defeated, will have in it a requirement for licensing. NRC has to license facilities for defense or civilian uses. It will not have the other protections in addition to licensing that Mr. MARKEY has talked about, but it is a pretty good job. It is the best we could do. I am personally going to vote against the amendment, and I hope we can get on with the passage of the bill.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts (Mr. MARKEY).

The question was taken; and the chairman announced that the noes appeared to have it.

RECORDED VOTE

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

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 105, noes 281, not voting 47, as follows:

[Roll No. 408]

AYES—105

Addabbo	Brodhead	Downey
Anderson	Burton, John	Dwyer
Aspin	Clay	Early
AuCoin	Coelho	Eckart
Barnes	Conyers	Edwards (CA)
Bedell	Coyne, William	Fascell
Beilenson	Crockett	Fazio
Biaggi	Deckard	Fithian
Bingham	Dellums	Florio
Boggs	Dicks	Foglietta
Bonior	Donnelly	Fowler
Bonker	Dorgan	Frank
Garcia	McKinney	Schumer
Gejdenson	Mica	Seiberling
Gibbons	Mikulski	Sensenbrenner
Guarini	Miller (CA)	Shamansky
Harkin	Minish	Shannon
Hawkins	Moakley	Solarz
Hertel	Mottl	Stark
Howard	Murphy	Stokes
Hoyer	Nowak	Studds
Jacobs	Oakar	Synar
Jeffords	Oberstar	Traxler
Kastenmeier	Obey	Vento
Kildee	Pease	Walgren
Levitas	Rangel	Washington
Long (MD)	Ratchford	Waxman
Lowry (WA)	Reuss	Weaver
Lundine	Rodino	Weiss
Markey	Roe	Whitten
Martin (IL)	Rosenthal	Williams (MT)
Matsui	Sabo	Wirth
Mattox	Santini	Wolpe
Mazzoli	Scheuer	Wyden
McHugh	Schroeder	Yates

NOES—281

Akaka	Dyson	Jones (TN)
Albosta	Edwards (AL)	Kazen
Alexander	Edwards (OK)	Kemp
Andrews	Emerson	Kennelly
Annunzio	Emery	Kogovsek
Applegate	English	Kramer
Archer	Erdahl	Lagomarsino
Ashbrook	Erlenborn	Lantos
Badham	Ertel	Latta
Bafalis	Evans (IA)	Leach
Bailey (MO)	Fary	Leath
Bailey (PA)	Fenwick	LeBoutillier
Barnard	Ferraro	Lent
Beard	Fiedler	Lewis
Benedict	Fields	Livingston
Bennett	Fish	Loeffler
Bereuter	Flippo	Lott
Bethune	Foley	Lowery (CA)
Bevill	Ford (MI)	Lujan
Bliley	Ford (TN)	Luken
Boland	Forsythe	Lungren
Boner	Fountain	Madigan
Bouquard	Frenzel	Marlenee
Bowen	Frost	Marriott
Brinkley	Fuqua	Martin (NC)
Brooks	Gaydos	Martin (NY)
Broomfield	Gephardt	Mavroules
Brown (CA)	Gilman	McClory
Brown (CO)	Ginn	McCollum
Brown (OH)	Glickman	McCurdy
Broyhill	Goldwater	McDade
Burgener	Gonzalez	McDonald
Butler	Goodling	McEwen
Byron	Gore	McGrath
Campbell	Gradison	Michel
Carman	Gramm	Miller (OH)
Carney	Gray	Mineta
Chappell	Gregg	Mitchell (NY)
Chappie	Grisham	Mollohan
Cheney	Gunderson	Montgomery
Clausen	Hagedorn	Moore
Clinger	Hall (IN)	Moorhead
Coats	Hall (OH)	Morrison
Coleman	Hall, Ralph	Murtha
Collins (TX)	Hall, Sam	Myers
Conable	Hamilton	Napier
Conte	Hammerschmidt	Natcher
Corcoran	Hansen (ID)	Neal
Coughlin	Hansen (UT)	Nelligan
Courter	Hartnett	Nelson
Craig	Hatcher	Nichols
Crane, Daniel	Hefner	O'Brien
Crane, Philip	Heftel	Ottinger
D'Amours	Hendon	Oxley
Daniel, Dan	Hightower	Panetta
Daniel, R. W.	Hiler	Parris
Dannemeyer	Hillis	Pashayan
Daub	Hollenbeck	Patman
Davis	Holt	Paul
DeNardis	Hopkins	Pepper
Derrick	Horton	Perkins
Derwinski	Hubbard	Petri
Dickinson	Huckaby	Peyser
Dingell	Hughes	Pickle
Dornan	Hunter	Price
Dougherty	Hutto	Pritchard
Dowdy	Hyde	Pursell
Dreier	Jeffries	Quillen
Duncan	Jones (NC)	Rahall
Dunn	Jones (OK)	Railsback

Regula	Skeen	Vander Jagt
Rhodes	Skelton	Volkmer
Rinaldo	Smith (AL)	Walker
Ritter	Smith (IA)	Wampler
Roberts (KS)	Smith (NE)	Watkins
Roberts (SD)	Smith (NJ)	Weber (MN)
Robinson	Smith (OR)	Weber (OH)
Roemer	Smith (PA)	White
Rogers	Snowe	Whitehurst
Rose	Snyder	Whitley
Rostenkowski	Solomon	Whittaker
Roth	Spence	Williams (OH)
Roukema	Stangeland	Winn
Roybal	Staton	Wolf
Rudd	Stenholm	Wortley
Russo	Stratton	Wright
Sawyer	Stump	Wylie
Schneider	Swift	Yatron
Schulze	Tauke	Young (AK)
Sharp	Tauzin	Young (FL)
Shaw	Taylor	Young (MO)
Shelby	Thomas	Zablocki
Shumway	Trible	Zeferetti
Siljander	Udall	

NOT VOTING—47

Anthony	Evans (IN)	Marks
Atkinson	Findley	Martinez
Blanchard	Gingrich	McCloskey
Bolling	Green	Mitchell (MD)
Breaux	Hance	Moffett
Burton, Phillip	Heckler	Molinari
Chisholm	Holland	Patterson
Collins (IL)	Ireland	Porter
Coyne, James	Jenkins	Rousselot
Daschle	Johnston	Savage
de la Garza	Kindness	Shuster
Dixon	LaFalce	Simon
Dymally	Lee	St Germain
Edgar	Lehman	Stanton
Evans (DE)	Leland	Wilson
Evans (GA)	Long (LA)	

□ 1245

Mr. VANDER JAGT and Mr. ALBOSTA changed their votes from "aye" to "no."

Mr. SHANNON and Mr. DICKS changed their votes from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

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

LEGISLATIVE PROGRAM

Mr. LOTT. Mr. Chairman, I have asked for this time for the purpose of getting the schedule for the rest of today and tomorrow and, hopefully, for next week, and for that purpose I yield to the gentleman from Washington (Mr. FOLEY).

Mr. FOLEY. Mr. Chairman, I thank the distinguished Republican whip for yielding.

Mr. Chairman, with respect to the question advanced by the gentleman from Mississippi, the distinguished Republican whip, we will continue on the present legislation, the nuclear waste disposal legislation, until completed today, and, time permitting, we will take up the conference report on the Nuclear Regulatory Commission authorization. That will conclude the business of today.

On tomorrow, Friday, the House will meet at 10 o'clock, and we will adjourn no later than 3 o'clock in the afternoon to consider the fiscal 1983 Interior and related agencies appropriation legislation. Members should be advised that votes are expected on that legislation tomorrow.

I am sorry that I cannot accommodate the gentleman from Mississippi on the schedule for next week, but we will be happy to make the announcement on next week's schedule on tomorrow.

Mr. LOTT. The gentleman does expect, though, looking toward next week, that we will be in session on Monday, starting at 10 o'clock, and we can expect to have votes on Monday; is that correct?

Mr. FOLEY. The gentleman is correct. We expect a full schedule next week, Monday through Friday, and it is expected that the surface transportation legislation will be on the floor, among other things, next week. Members should anticipate that votes will be taken on bills on Monday. Meeting hours will be announced later, and may be adjusted to accommodate our respective caucus and conference meetings in the mornings.

Mr. LOTT. Does the distinguished majority whip have an idea at this time of the exact meeting time for this week?

Mr. FOLEY. Well, we shall announce the meeting times later. They may have to be changed because our respective parties will have organizational meetings during the early part of the week.

Mr. LOTT. Mr. Chairman, does the gentleman hope to be able to announce the details of the schedule for next week later on this afternoon? Will that announcement be made today or tomorrow?

Mr. FOLEY. We expect to announce the details of the schedule for next week on tomorrow.

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

AMENDMENT OFFERED BY MR. MARKEY

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

The Clerk read as follows:

Amendment offered by Mr. MARKEY: In section 112(b)(1)(A), strike out the fourth and fifth sentences and insert in lieu thereof the following:

"Each recommendation of a candidate site under this subsection shall include a detailed statement of the basis for such recommendation."

In section 112(b)(1), strike out subparagraph (B) and redesignate the subsequent subparagraph accordingly.

In section 112(b)(2), strike out "assessment described in paragraph (1)" in the last sentence and insert in lieu thereof "impact statement".

In section 112(e), strike out "Except as otherwise provided in this subsection, each" and insert in lieu thereof "Each".

In section 113(b)(1), insert the following new subparagraph before subparagraph (A) and redesignate the subsequent subparagraphs accordingly:

(A) an environmental impact statement, prepared in accordance with section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)), of the site characterization activities planned for such candidate site and a discussion of alternative activities relating to site characterization that may be undertaken to avoid any adverse impacts, the issuance of which environmental impact statement shall be considered to be a final agency action subject to judicial review in accordance with the provisions of chapter 7 of title 5, United States Code, and section 119;

In section 113(b)(2), insert "and environmental impact statement" after "plan" each place it appears.

In section 113, strike out subsection (d) and insert in lieu thereof the following:

(d) PRELIMINARY ACTIVITIES.—Except as otherwise provided in this section, (1) each activity of the Secretary under this section that is in compliance with the provisions of subsection (c) shall be considered a preliminary decisionmaking activity; and (2) no such activity shall be considered to be a major Federal action under section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)), or to require any environmental review under subparagraph (E) or (F) of section 102(2) of such Act.

In section 119(a)(1)(E), strike out "112(b)(1) or".

Mr. MARKEY (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 Massachusetts?

There was no objection.

Mr. MARKEY. Mr. Chairman, this amendment is another in a series of amendments that have tried to give full protection to the States in order to insure that they are given adequate safeguards against the abuse of the environment in the State. This deals with the question of environmental assessment and environmental impact statements that will be conducted in the process of site characterization.

What is site characterization? Under this legislation the Secretary of Energy shall recommend to the President five candidate sites. That means five different places in the country that could serve as the permanent repository.

□ 1300

It also requires that not less than two different geologic media be tested among these five sites as the location of the permanent repository.

As the Department of Energy goes out into these different States taking large areas of a State and trying now to decide whether or not it has the proper characteristics for the permanent repository, permanent disposal for 20,000 years of nuclear wastes, clearly there are going to have to be some very serious geologic tests which will be conducted before a final determination can be made as to the appropriateness of one of these five for the permanent site.

We now have to decide what should be the protection given to this State as

these sites are being disturbed, as the environment is being disrupted, as shafts are being drilled.

At what point should there be an environmental assessment, an environmental impact statement, to insure that proper protections are made?

Under the NEPA law, the National Environmental Policy Act, we set up a series of tests which would be undergone to insure that the invironmental protection was guaranteed, no matter what action was taken, Department of Energy, Department of Defense; no matter what activity is conducted in our country NEPA would apply as a standard, as a minimum standard of protection for the environment.

Under the law which is applied to any other project in any other aspect of American life there is a standard. First you have an environmental assessment after an idea is formulated. In this instance the idea is let us drill holes over four or five States' areas and find out which would be the best place to site a permanent repository.

The environmental assessment is limited in scope. It is less scientific and it has less public access but it is reviewable; you can take that decision to a court and you can say "I do not think they did a very good job on that environmental assessment."

Assuming that that then is affirmatively resolved, you can move on to the next stage which is a full environmental impact statement. There you would have more scientific data, more alternative would be considered, a greater scope would be included, and again it would be reviewable by a court of law to insure that the NEPA standards were being upheld.

At that point you would then be able to engage in the activity that you were contemplating. In this instance it would be the beginning of the drilling of shafts, the disruption of the environment, and in some instances the inclusion of some nuclear wastes for testing to see whether or not a site has the proper characteristics to be the permanent repository.

This would go on in four or five facilities.

What does this bill do? This bill eliminates almost all of the protections which were built in for in many instances much minor disruptions of the environment.

We substitute a system that says this: We shall have an environmental assessment. Remember, there is a great difference between an environmental assessment and an environmental impact statement.

An environmental assessment has a much lower burden of proof. It has much of a legalistic aspect to it.

Here is the process that we are now going to engage in: An environmental assessment will be made but the environmental assessment is, as we all know, not an environmental impact statement. It is more legalistic, it is more passing of paper between parties. There really is no indepth scientific analysis as to what the effect of any of these experiments are going to have upon the terrain, upon the environment, in a particular State.

Most importantly, reversing what is the present law under NEPA, we take out judicial review with this process so now after only an environmental assessment, after only a perfunctory exchange of information between parties, the Federal Government now has the right to come in and drill.

No environmental impact statement will be completed before they drill or before DOE puts nuclear wastes in that hole to determine what the effect upon the environment will be.

At this point, after all of the experiments have been conducted, after all of the nuclear wastes have been deposited, after the shafts had been drilled perhaps down as far as 2,000 or 3,000 feet, after all of that has been done, now the President selects one of the five sites to be the final repository.

The CHAIRMAN. The time of the gentleman from Massachusetts (Mr. MARKEY) has expired.

(By unanimous consent Mr. MARKEY was allowed to proceed for 5 additional minutes.)

Mr. MARKEY. In picking that site the President triggers the mechanism to initiate an environmental impact statement. So after you have drilled the shaft, after you have put down some nuclear wastes to test the site, after a process that has eliminated all judicial review has been completed, at this point, with no real public access, with no real judicial review, now you make a recommendation to the President saying we have found the site which we have totally disrupted and the other four sites, which might have been marred permanently. But at this we will have a process that will require an environmental impact statement.

That is what my amendment does. It puts back into place the NEPA law. It says that NEPA, a law which affects all other environmental or potentially environmentally disrupting activities in this country, that this activity as well shall be guided by that law.

It is a good law. It is a wise law. It is a law that the gentleman from Michigan and many others in this body fought long and hard to put on the books.

My argument is a simple one. It is that we do not know what we are doing. We do not have the vaguest idea what the effect of this legislation is going to be.

We are talking about spending $100 million per site. That is five sites, $100 million apiece, without any environmental impact statement, without a real environmental assessment, and with no judicial review.

So these States are going to be in a position in which there will be a tremendous amount of activity in a State without any real protection for the State.

This amendment then has the intention of just building in those rudimentary protections that have traditionally been a part of the law in this country.

We could go back to Lyons, Kans., back 10 years ago when without adequate protections they dumped a couple of hundred thousand gallons of water in a hole in Lyons, Kans., that had been designated as the site for the permanent repository in this country. What happened? They came back a couple of days later and all of the water had drained out of the geologic repository that was going to be the site.

There was no State participation, no real review, no real ability on the part of the State or the local community to have a real participatory role in any of the decisionmaking processes.

No one wants to block the siting of a premanent repository. We all share a common goal. Let us not in a 15-year process that we have to do the job right sweep out of the way rights and protections which were built into the law over the past couple of decades to insure that when serious potential disruption to the environment occurs that we have at least built in some minor roadblocks that will have to be hurdled by a bureaucracy which is hell bent on getting a solution to political mandate.

If we can at least give the people that kind of check and balance I think we have built a fundamental protection into this law.

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

Mr. MARKEY. I am glad to yield.

Mr. OTTINGER. I think the gentleman's amendment is an exceedingly important one and I only wish I could support him.

I think an environmental impact statement at this juncture would be entirely appropriate and badly needed. The best we could get in our negotiations to reach an accommodation on this bill, however, was to have an environmental assessment at this juncture with an accelerated judicial review.

I think the gentleman misstated when he spoke and said there would be no judicial review. That being a part of the compromise, I have to support it.

But I think that the considerations and the arguments the gentleman makes ought to be carefully listened to by the House and they are very cogent indeed.

Mr. MARKEY. I thank the gentleman and again restate my hope that the amendment is adopted.

Mr. BROYHILL. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, the gentleman in his debate I think has tended to confuse Members who were following this debate with some of the statements he has made.

The fact is that we have provided for an environmental assessment at the characterization stage.

The only thing the gentleman has to do is to turn to page 19 and see that that environmental assessment which is issued shall be considered a final agency action subject to judicial review. That is in the law.

I would have to call this amendment the catch-22 amendment because, as we read it, an environmental impact statement would be required before the Secretary could even set foot on the property, on the proposed candidate site.

By inserting a full-blown environmental statement requirement, with full-blown judicial review at this point, I can assure you it is going to have the effect of delaying the siting of a final repository for years to come.

As I pointed out, the bill already fully addressed the environmental concerns at this stage of the siting process. It requires extensive environmental assessment which is judicially reviewable.

That assessment includes some of the following, and I would like to point this out to the Members:

An evaluation of suitability of the site for characterization, and they must use the guidelines that are spelled out in section 112 in that evaluation.

Also an evaluation of the effect of the site characterization on public health and safety and the environment.

Additionally, a reasonable comparative evaluation with other sites.

A description of the decision process by which any candidate site was recommended.

Also an assessment of regional and local impact.

The gentleman has made the implication to Members that no public hearings are required. That is not true. The Secretary shall hold public hearings in the vicintiy of such candidate site to inform residents of the area in which such candidate site is located of the proposed recommendation and to receive their comments.

In addition, the act goes on to require the Secretary to consult and work with the Governors of the legislatures of the States and the governing bodies of any Indian tribes that might be affected.

Also, there is another section that we wrote in here at the request of the Governors to require that upon any written request for information by a Governor or by a legislature or by the governing body of an Indian tribe that the Secretary shall reply in writing to such request within 30 days of the receipt of such request.

If the Secretary fails to respond within that timeframe then the Secretary shall immediately suspend all activities in such State and shall not renew such activities until a written response from the Secretary has been given.

I could go on and I wish I had time here to go on and recite all of the various subsections and sections of this bill that we included to assure consultation and cooperation with the States.

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

Mr. BROYHILL. I yield to the gentleman from New Mexico.

Mr. LUJAN. I think the gentleman is correct in what he said. I think that the entire intent here is to be sure that the Secretary goes in and makes the proper assessment, that if we require him to make an environmental impact statement before he steps on the ground, how in the world could we ever get the information in order to make the environmental impact statement?

So the whole idea is to get moving. As long as you are not going to put the repository on a particular site there is not the need for the full-blown environmental impact statement. But we have done environmental assessments before that, so that we can see what problems we are moving into.

It does not make sense that for a site the Secretary might just look at and discard that an environmental impact statement would be necessary.

Mr. BROYHILL. It is very possible in judicial review that a judge could find that the environmental impact statement was not sufficient because the Secretary was not able to go in and do a proper evaluation of the site itself.

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Mr. LUJAN. That is correct. And the gentleman correctly defines it as a catch-22 situation, because if you cannot get onto the property you cannot make an environmental impact statement.

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

Mr. Chairman, the bill now has provisions which basically do the job that our colleague, the gentleman from Massachusetts, wants to do. We have got to keep in mind that our goal in this bill is to put in motion a process which in about 10 or 12 years will give us one specific permanent deep geologic repository. The bill sets up a process that leads us in that direction. It is important that we go as fast as we can, but it is important that we protect the environment, that we have environmental impact statements, that we have judicial review, and I think we have done a fairly good job in all of these areas in the language now in the bill.

The procedure is that five States will be nominated by 1984. With regard to each one of those, we do not make an environmental impact statement but an environmental assessment, which, as a result of specified criteria, is just about as good as an environmental impact statement. Then we drill three of those five, get additional information, and then we pick one of them. And after we have picked the one candidate site as the most likely one, then we do the complete environmental impact statement. Then is when it is needed. Then is when all the questions will have been raised.

So I think we do basically what the gentleman from Massachusetts is trying to do, and I would hope that the amendment would be defeated.

Mr. GOLDWATER. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, I would suggest to my colleagues that this amendment neither is burdensome and does not really provide any substantial additional environmental protection. I believe that these multiple reviews that would be required under this amendment would, in essence, delay a final repository until after the year 2000.

Now, the committees involved in writing this legislation over the past 2 or 3 years have been greatly concerned about complying with the NEPA regulations, and it has been discussed and debated at great lengths. The language in this bill does represent a compromise, but, at the same time, keeping with the spirit of the National Environmental Policy Act, and also creates the vehicle in which we can realize a repository.

In essence, what the authors of this legislation have provided is a NEPA road map, directions that are specific, so that it will not be challenged or, if it is challenged in the courts, there is specific language and intent which can be referred to.

I would also point out that, in addition to this language, which is very specific in addressing ourselves to the environmental impact, we also must recognize that the States are playing a very specific role in their concern over the environment and the impact upon their areas of jurisdiction. They are concerned, and they will be looking at the impact of such a site selected. In addition to that, in this bill the Nuclear Regulatory Commission is required to monitor and to follow and to look at the whole process, and then to make recommendations as we proceed to refine the whole process.

So I think this amendment is really a lot of smoke because the issue at

hand has been very thoroughly discussed, addressed, and, I think, provisions made that will take care of the great concern that we must and should have over any impact it has on our environment.

Mr. Chairman, I would urge the defeat of this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts (Mr. MARKEY).

The amendment was rejected.

The CHAIRMAN. Are there any further amendments permitted under the rule?

● Mr. OTTINGER. Mr. Chairman, the consensus bill under consideration before the House today will establish the process of finding a permanent solution to the problems associated with nuclear waste. For almost four decades, Government policies have allowed ever-increasing quantities of radioacitve materials to be generated without providing for disposal of these materials in a safe and environmentally sound manner.

Unfortunately, past Federal efforts to establish demonstration repositories have met with serious problems. DOE's history of failures and false assurances to Congress and the public give little cause for confidence. In 1970, DOE assured us that the salt domes at Lyons, Kans., were ideal for a waste repository and that all their geological, hydrological, and other scientific tests confirmed this. DOE proposed legislation which was narrowly defeated in the House providing for permanent storage there. Shortly thereafter it was discovered that the Lyons, Kans., repository leaked. Similar false assurances and problems were encountered at the WIPP site chosen by DOE as a repository for military waste. The past failure to dispose of high-level radioactive materials will require rebuilding public confidence in the ability of the Government to safely dispose of these materials.

The bill before us today is by no means my ideal bill, but nonetheless it comes close enough to establishing a sound policy for the development of a repository that I reluctantly support it. When H.R. 6598 was reported from our committee it was the unwholesome progeny of greed, with wholesale elimination of participation by the public and State and local governments and seriously truncating environmental, NRC, and judicial review. I was discouraged that these extreme industry positions adopted by the narrowest of votes in our committee, threatened the hopes of many that a consensus could be reached on this long overdue policy.

Fortunately, following the actions of the various committees, we were able to fashion a consensus bill. The bill incorporates the provisions, and the legislative history, of H.R. 3809, H.R. 6598, and H.R. 5016. It still includes some provisions that I do not like, but significant changes have been made. And I feel that most importantly, we now have a bill which will give us a start toward disposing of these wastes.

I am pleased that the consensus bill before us provides for a better review of proposed repository sites prior to their being recommended for site characterization. It is important that sites are selected based on geologic suitability rather than on the basis of convenience. I am also pleased that the bill contains no special interest provisions which would absolutely exclude any one site. And I believe it is crucial to the success of the program that the States are given strong participation rights, including the right to disapprove a site unless both Houses of Congress agree that a repository should be located there.

While I still strongly believe there is no need for a Federal interim storage program, I believe the consensus bill has made a number of improvements which will help to insure that the program will be a last resort program, and that it will be run as safely as possible.

I also commend the chairman of the two committees on which I serve—Energy and Commerce and Science and Technology—for fashioning a compromise to blend the R&D activities with the repository program. The consensus bill is designed to insure that the safeguards and protections in the development of a repository contained in the Energy and Commerce and Interior bill will not be undermined by the development of an unlicensed test and evaluation facility.

The original bill, with request to monitored retrievable storage, had impossible deadlines and unprecedented restrictions on NEPA and the NRC licensing process. However, I believe that the Udall amendment has made that provision acceptable.

The Secretary must promulgate guidelines which will be the basis for the selection and subsequent evaluation of site as a potential location for a repository. The geologic condition of the site is stated to be the primary consideration in the selection and evaluation of a site. The fundamental premise of the bill is that, for the first disposal facility, a geologic formation deep in the Earth's core is most likely to provide the greatest amount of protection of the public health and safety for long-term isolation of these highly toxic substances.

The decision to go with deep geologic disposal is based on a belief that, no matter how well crafted, no manmade barrier is likely to last the eons during which the radioactive waste must be contained. We cannot be sure of the integrity of the packaging for decades, much less the thousands of years during which the waste will be active. It is expected that the engineered barrier will be developed to provide the greatest possible degree of containment, but it is not anticipated that the barrier will be used to justify or improve the ability of the host formation to provide the ultimate isolation.

The monitored retrievable storage (MRS) proposal contained in this act provides a necessary backstop in the event the geologic program runs into unexpectedly difficult technical problems. Although this is considered unlikely, the MRS proposal will insure that shorter term engineered containment alternatives receive proper consideration and development.

Under the repository program the Secretary is required to nominate five candidate sites in two different geologic media by July 1984 and at least one additional site in an additional medium by February 1985. Although these sites can be nominated at any time after the site selection guidelines have been published, the purpose of requiring a specific minimum number of sites and media is to encourage the Secretary to consider media other than salt and areas other than those with which the Department is most familiar. It is therefore anticipated that the Secretary will carefully review a range of potential candidate sites before recommending those which he believes most likely to prove to be suitable

Since only three of the six nominated sites need be characterized for environmental review of licensing purposes, it is anticipated that the Secretary will perform ongoing evaluations and reviews which will provide at least two suitable alternatives to the site eventually recommended for the repository.

In the environmental impact statement accompanying the recommendation of the repository site, the Secretary is required to discuss three sites at which a preliminary determination has been made that such sites are suitable for the development of a repository and at which site characterization activities have been completed. While this requirement is not intended to force the Secretary to demonstrate site suitability to the same degree as the recommended site, it is intended to provide the State in which the recommended site is located with assurance that the site selection was based on geologic suitability considerations from among sites which are genuine alternatives. In testimony before the subcommittee, the States expressed their disappointment with the current site identification process, indicating that the Department had selected particular sites without troubling to determine or discover suitable alternatives.

The Secretary is required, with respect to alternative sites, to make a preliminary determination of suitabil-

ity. It is envisioned that this preliminary determination would occur late in the site characterization program. It would make little sense for this determination to be made prior to testing at-depth, and consequently prior to a detailed understanding of the sites' geologic characteristics.

In addition to the preliminary determination of site suitability, there is the requirement that site characterization activities be complete at the three sites. The intent behind this requirement is to once again insure that all sites being characterized are given equal consideration as to their suitability and to prevent the site selection process from becoming a stacked deck for or against a specific site. I sincerely hope that these changes, especially that of a preliminary determination on site suitability, when taken together, will insure the honesty, competence and fairness of a site selection process based primarily on geologic suitability of the location.

The purpose of the public hearings requirement during the site selection and characterization stage is to inform the public and State and local governments or Indian tribes of the activities scheduled for the site and the purpose of such activities and to give them a chance to raise objection and concerns at the earliest possible stage of the site selection process. It is recognized that the hearings wil perform two important functions. One is to insure that the public is fully informed of all activities to be performed at the site. Such information has the potential to reduce public opposition to site development. It is also anticipated that information received at the hearings will improve the DOE's planning and insure consideration of issues important to the public. The hearings are therefore a key component in what is expected to be a continuing process of information sharing and cooperation necessary to build public confidence, and will thereby directly effect the success of the repository development program. As such, the Secretary is expected to make every effort to insure that members of the public desiring to express themselves will be provided with a fair and reasonable opportunity and that all information developed regarding the site will be made fully available to them. The Secretary shall base the recommendation of the site for repository development on the record of the hearings, the results of site characterization and the criteria contained in the guidelines.

The Secretary is required to accompany each recommendation of a candidate site with a detailed environmental assessment. The assessment is subject to judicial review. The assessment is designed to insure that DOE has performed the necessary environmental evaluations of potential sites prior to their recommendation as a candidate site. The Secretary is required to prepare a final environmental impact statement (EIS) to accompany the nomination of a repository site to the President and as part of its application to the Commission for construction authorization. The Commission is authorized to adopt the Secretary's EIS, to the extent practicable, to prevent unnecessary duplication of Federal effort. To the extent the Commission does adopt the EIS, the Commission's responsibility to prepare an EIS under section 102(2)(C) of NEPA is discharged. The Commission may adopt sections or portions of sections of the EIS under this provision, and its responsibility to prepare additional or supplemental reports as it deems necessary is recognized.

The purpose of section 120 is solely to expedite decisions on authorizations which may be granted pursuant to other laws. The language in section 120(a) which states "to the extent permitted by the applicable provisions of law administered by such agency or officer" is included to make clear that section 120(a) in no way affects the discretionary authority of such agency or officer to grant or deny such authorization pursuant to such other law.

Section 121 of the bill is designed to require EPA to establish standards of general applicability to protect the environment from offsite releases of radioactive materials in repositories. The NRC must promulgate requirements for approving or disapproving authorizations for repository construction. The requirement in section 121(b)(1)(B) that the NRC requirements and criteria shall not be inconsistent with comparable EPA standards in no way affects the independent responsibility of the NRC to protect the public health and safety under the Atomic Energy Act of 1954 in the development of such technical requirements. This is consistent with similar statutory language at the end of section 114 that requirements relating to NEPA are also in no way intended to affect the independent responsibilities of the Commission to protect the public health and safety.

If, and only if, the NRC determines after formal hearings that a utility cannot meet its spent fuel storage needs itself and that shortage of storage capacity would interfere with the operation of the reactor, the Secretary is authorized to provide not more than 1,700 metric tons of storage capacity for commercial spent nuclear fuel. The Secretary is provided four options to meet this responsibility. One option is to convert one or more existing Federal facilities, including the modification or expansion of such facilities, to this purpose. Although such conversion and use of a facility for spent nuclear fuel storage would otherwise require a license from the Commission, it is recognized that the data required for such licensing—verification of pipe welds and welder qualifications, manufacturer, and grade of steel used in the holding tanks, for example—would probably no longer be available. In the absence of such information, the NRC would be unable to make a licensing determination in accordance with its regulations. Therefore, the use of Federal facilities for storage of spent fuel, and modification and expansion of those facilities is exempted from NRC licensing to the extent that such licensing would have required documentation which is unavailable.

Although the Commission is not required to license existing Federal facilities used for spent fuel storage, it is required to determine whether such use would adversely affect the public health and safety. In making this determination, the Commission shall consider the environmental assessment or environmental impact statement prepared by the Secretary for the use of such facility or site.

The Secretary is required to provide interim storage capacity only for those utilities desiring such capacity which have demonstrated to the NRC, in a hearing on the record, that without the Federal capacity, the reactor's continued operation is jeopardized and that there is no private alternative which can provide the necessary storage within the time required. These safeguards have been established to insure that the provision of Federal storage capacity is a bona fide last resort of the utility, and limits the Federal responsibility established in this act.

The Commission is required to determine whether a utility has qualified under the "last resort" test for Federal storage capacity. It is anticipated that the Commission will certify only such capacity required prior to the time the utility can provide for its own storage needs or until a permanent repository is available.

The purpose of this subtitle is to prevent interference with reactor operation due to insufficient storage capacity. It is strictly limited to prevent any possibility that interim storage provided by the Federal Government could be used for indefinite storage or undermine the efforts and priorities of the repository development program, or the efforts of the utilities to provide for their own interim storage requirements. With the addition of language excluding the applicability of the act to facilities used in connection with atomic defense activities, combined with language in section 135 subjecting interim storage to that exclusion, the Federal facilities will be extremely limited.

I am particularly pleased that this bill contains no findings or provisions which could preempt State or Federal

laws, judicial decisions, or administrative agencies by a congressional determination that there is reasonable assurance that a safe disposal method currently exists. There is no such determination, and such findings which were originally included in the bill were deleted to insure that there be no preemption.

In conclusion, I am hopeful that we can finally get down to the task of building a repository to dispose of our nuclear wastes. We have developed a program that will start us down the road, while preserving opportunities to carefully explore options. I commend all of those who have worked so diligently on this bill.●

● Mr. LUJAN. Mr. Chairman, it is in the interests of taxpayers, regulated industry, and the public in general to pursue safe, cost effective and cost-justified approaches to ultimate stabilization of bulky low-level radioactive waste from mineral processing operations involving source material regulated by the Commission. Safe onsite stabilization is by far the most cost-effective and cost-justified approach. NRC has recognized this fact in its new low-level repository regulations and in other public statements. Unfortunately, there is a potential obstacle to onsite disposal for such wastes, except in the case of byproduct material; that is uranium or thorium mill tailings. This obstacle arises in that, in contrast to the law with respect to byproduct material, existing law may not provide for ultimate Government ownership of the stabilized tailings from extraction of zirconium, hafnium, or rare earths. This gap raises a concern among some that these tailings may therefore not be adequately assured against unwarranted intrusion or misuse in the future. In addition, the gap is an unwarranted disincentive for onsite stabilization because it subjects owners to the risk of shifting regulatory requirements even after they have completed expensive and good-faith efforts to meet all currently applicable requirements. The amendment proposed by my colleague, the gentleman from West Virginia, and adopted on the floor authorizes a transfer of stabilized material under appropriate conditions so as to pose no cost to the taxpayer, unless the Government is responsible under other law. It thus serves to obviate these problems and permits the Commission more vigorously to pursue onsite disposition of the tailings material in question. I am therefore pleased to support the amendment offered by the gentleman from West Virginia as a logical extension of a sound Commission policy with respect to onsite stabilization.●

● Mr. GOLDWATER. Mr. Chairman, I rise in strong support of H.R. 7187, the Nuclear Waste Policy Act of 1982. This legislation establishes a comprehensive nuclear waste management program which our Nation desperately needs. This program will allow us to move forward with the permanent disposal of high-level radioactive waste.

For many years now, we in Congress have debated the merits of various proposals to dispose of the growing quantities of nuclear wastes. In the summer of 1978, I visited the Hanford Laboratory facilities in the State of Washington to review their nuclear waste management activities. These activities focused on an investigation of basalt geologic formations for nuclear waste disposal. While satisfactory progress had been made, I was disappointed to learn that the permanent repository was still scheduled to begin operation more than 10 years down the road. This schedule was quite different from the pace of earlier activities at Hanford in which entire production reactors were built in just 13 months. This situation led me to seriously question our commitment to solving the nuclear waste problem.

Because I was convinced that the problem was a national concern, I introduced legislation in 1979 which called for the construction of a commercial-scale demonstration repository for nuclear wastes. That legislation, the Nuclear Waste Management Research, Development and Demonstration Act of 1979, required the Department of Energy to undertake an accelerated nuclear waste management program. The Department was directed to build and operate a repository within a specific timeframe. A Nuclear Waste Advisory Committee, composed of public and private sector representatives, was also recommended.

In my opinion, this proposal was necessary to keep nuclear power a viable option in California and other parts of the United States where restrictive laws had banned or slowed needed nuclear development. It was introduced at a time when the California State Legislature had refused to provide an exemption for the proposed, but since canceled, Sun Desert nuclear project from a California law that prohibited the construction of new nuclear powerplants until an adequate waste disposal technology had been demonstrated.

I believed, however, that we would need additional nuclear powerplants to satisfy the future energy requirements of my State. Our current inability to build them, due to the California law, would prove extremely damaging in the long run. Therefore, during the 96th Congress, I again introduced legislation that would have required the Department of Energy to construct a technology demonstration repository for high-level radioactive wastes. This legislation was based on the need to provide for a sound research and development base, including integrated technology demonstration activities, to support the construction of a permanent repository.

The Science and Technology Committee held several days of hearings during the 95th, 96th, and 97th Congresses on my proposal and several other nuclear waste legislative initiatives. During those hearings, there was a review of a seemingly endless series of studies and reports on the subject of nuclear waste. The hearing witnesses made it clear that the nuclear waste disposal issue had been studied to death. Quite frankly, I grew tired of having it delayed. What the Nation needed was a farsighted program to get the job done, and in my mind that included the construction and operation of a repository in a timely manner.

Since we now possess the technology for developing a permanent repository, it is imperative that we proceed expeditiously with a solution to our waste problems if we are to maintain nuclear energy as a viable energy option. In some parts of the country, the construction of new nuclear powerplants has already been affected due to the pressing and nuclear waste problem.

The Nuclear Waste Policy Act of 1982 will help restore public confidence in our Nation's ability to cope with nuclear wastes. It will help us avoid the frightening prospect of an energy shortage by providing for the timely construction of needed facilities to dispose of these wastes. And it will properly guide us in selecting disposal sites consistent with our public health and welfare needs and national security requirements.

Some of the key features of this legislation should be noted. First, the bill outlines an expeditious timeframe for the construction of a permanent waste repository. Second, it provides for an effective State government role in the construction and operation of a nuclear waste repository. Third, appropriate site standards consistent with environmental requirements will be developed. Fourth, and most important, the bill provides for a strong research and development program which, through a test and evaluation facility, should demonstrate the feasibility of a sound nuclear waste management program. The test and evaluation facility is the center piece of the nuclear waste management program. It will resolve technical questions which may otherwise occur during the permanent repository construction authorization or during the issuing of an operating license. It would also allow for the evaluation of the designs for the repository and the packaging, handling, and emplacement of the waste and spent fuel. It may improve the operating capacity of a final repository without excessive radiation exposure to workers. I firmly believe that the other provisions of this legis-

lation are complimentary, but additional to, the test and evaluation facility concept.

Mr. Chairman, the legislation we are now considering will provide our Nation with a firm policy to manage our nuclear waste. It will allow us to fully take advantage of the promise of nuclear energy. I urge my colleagues to support this legislation.●

● Mr. LOWERY of California. Mr. Chairman, although I support participation by States, and, for that matter, the public in general in the decisionmaking process leading to siting and construction of a repository, I believe that State veto or quasi-veto authority is far too extreme. It is unacceptably inconsistent with the basic tenets of the Atomic Energy Act as declared by our courts. It undermines the fundamental purpose of the act to develop atomic energy as an alternative source of energy for our country and it confuses, complicates, and impedes the regulation of nuclear activities by the Federal Government as provided under that statute. I believe that this is detrimental to our national defense and security and to the public health and safety. I accordingly oppose legislation conferring veto authority on States and I support legislation, such as the substitute for section 115 proposed by Congressmen FUQUA and BROYHILL, which is consistent with the Atomic Energy Act. The attached staff analysis summarizes current law:

STAFF MEMORANDUM RE REGULATORY AUTHORITY RELATING TO HIGH LEVEL WASTE REPOSITORIES

The Atomic Energy Act (Act) authorizes comprehensive regulation by the Nuclear Regulatory Commission (NRC) of radiological hazards associated with the nuclear industry and, pursuant to section 274 of the Act, 42 U.S.C. § 2021, by states which are parties to so-called "discontinuance agreements" with the NRC as provided in their agreements. In addition, NRC (or its predecessor) since 1971 has regulated non-radiological hazards associated with atomic energy activities under the National Environmental Policy Act (NEPA), as interpreted in the D.C. Circuit's famous Calvert Cliffs decision.[1]

In the seminal case of *Northern States Power Co.* v. *Minnesota*, 447 F.2d 1143 (1971), the United States Court of Appeals for the Eighth Circuit ruled that the comprehensive and pervasive federal regulation of radiological hazards associated with nuclear power activities as well as the fundamental federal purpose of developing atomic energy technology precluded additional duplicative or conflicting state regulation of those hazards. This ruling was endorsed by the Supreme Court in *Train* v. *Colorado Public Interest Research Group*, 426 U.S. 1, 17 (1976). Other courts have similarly affirmed that state regulation of radiological hazards associated with Atomic Energy Act activities is not permissible except as specifically provided under section 274 of the Act or under other statutes enacted by Congress specifically providing limited exceptions to the general rule. See, e.g., *Washington State Building and Construction Trades Council* v. *Spellman*, 684 F.2d 627 (9th Cir. 1982) (Atomic Energy Act prevents additional state regulation of low level radioactive waste disposal); *Illinois* v. *General Electric*, 683 F.2d 206 (7th Cir. 1982) (Atomic Energy Act prevents state attempt to bar AFR storage facility). Moreover, states can not interfere with the basic purpose of the Atomic Energy Act to develop atomic energy by discriminatory treatment of atomic energy activities under the guise of regulating non-radiological concerns. See, e.g., *Marshall* v. *Consumer Power Co.*, 65 Mich. App. 237, 237 N.W 2d 266, 282 (1975).

As a corollary to the above, under current law, states generally can neither bar high level radioactive waste storage or disposal facilities nor exercise duplicative or conflicting regulatory authority over radiological hazards associated with such facilities because of the pervasive Federal regulatory scheme.[2] In particular, states lack any veto or quasi-veto power over the siting of such facilities or over the construction and ultimate operation of these facilities. The chief state authority under existing law with respect to regulation of radiological hazards associated with high level radioactive waste facilities is the authority to participate (by filing comments and presenting evidence) in federal regulatory and licensing proceedings relating to such facilities. This authority assures that states can raise all legitimate concerns and have these concerns weighted in the decisionmaking process. The states may also seek judicial review and of course may bring their concerns to Congress.●

MODIFICATIONS OF AMENDMENTS

Mr. UDALL. Mr. Chairman, I ask unanimous consent that the following technical corrections be made in the substitute, to reflect the intention of the committee.

The CHAIRMAN. The Clerk will report the modifications.

The Clerk read as follows:

In the amendment offered by Mr. UDALL to section 141(c)(1) change the first sentence to read:

"Preparation and submission to the Congress of the proposal required in this section shall not require the preparation of an environmental impact statement under section 102(2)(c) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(c)).".

In the amendment offered by Mr. MARKEY to section 116(a)(3) after the word "Governor" insert "or legislature".

Mr. UDALL (during the reading). Mr. Chairman, I am advised that these are technical amendments, that they are understood, and I ask unanimous consent that they be considered as read and printed in the RECORD.

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

There was no objection.

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

There was no objection.

The CHAIRMAN. The modifications are agreed to.

The CHAIRMAN. Are there any further amendments permitted under the rule? If not, the question is on the amendment in the nature of a substitute, as amended.

The amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker pro tempore. (Mr. NATCHER) having assumed the chair, Mr. PANETTA, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the Bill (H.R. 3809) to provide for repositories for the disposal of high-level radioactive waste, transuranic waste, and spent nuclear fuel, to amend provisions of the Atomic Energy Act of 1954 relating to low-level waste, to modify the Price-Anderson provisions of the Atomic Energy Act of 1954 and certain other provisions pertaining to facility licensing and safety, and for other purposes, pursuant to House Resolution 601, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

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

Is a separate vote demanded on any amendment to the amendment in the nature of a substitute adopted by the Committee of the Whole?

Mr. MARRIOTT. Yes, Mr. Speaker.

Pursuant to the provisions of House Resolution 601, I demand a separate vote on the amendment proposing a new section 115 to the amendment in the nature of a substitute.

The amendment offered by the gentleman from North Carolina (Mr.

[1] *Calvert Cliffs' Coordinating Committee* v. *AEC*, 449 F.2d 1109 (D.C. Cir. 1971) (requires AEC to "take into account" and to "balance" non-radiological concerns pursuant to NEPA). Note, however, that the Supreme Court has subsequently indicated that NEPA is "essentially procedural" in nature. *Vermont Yankee Nuclear Power Corp.* v. *NRDC*, 435 U.S. 519, 558 (1978); *Strycker's Bay Neighborhood Council* v. *Karlen*, 444 U.S. 223, 227 and 228 n. 2 (1980).

[2] States enjoy certain limited regulatory authority over air emissions of radionuclides from high level waste repositories pursuant to sections 116 and 122 of the Clean Air Act Amendments of 1977. However, the Seventh Circuit has perspicaciously indicated that state Clean Air Act authority must be construed in a fashion compatible with the Atomic Energy Act and that the Clean Air Act does not accord states veto authority over radioactive waste storage or disposal facilities. *Illinois* v. *General Electric*, 683 F.2d 206 (7th Cir. 1982). States also may be in a position to attempt to regulate radiological hazards posed by high level waste repositories under the "Underground Injection Control" (UIC) Program of the Safe Drinking Water Act (SDWA), 42 U.S.C. §§ 1421 et seq. (an underground radioactive waste repository may be an "underground injection well" for purposes of EPA's SDWA UIC program). However, such regulation is logically subject to the same constraints recognized in the aforementioned Seventh Circuit decision. Enactment of high level waste legislation providing guidelines and timetables for resolving questions concerning the siting, construction, and operation of high level repositories will further inhibit state initiatives the effect of which is to thwart or to hinder the federal program under the Atomic Energy Act through imposition of duplicative, conflicting or other impeding requirements.

BROYHILL) was adopted in the Committee of the Whole on November 29, and is printed on page H8544 of that RECORD.

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

The amendments were agreed to.

The SPEAKER pro tempore. The Clerk will report the amendment on which a separate vote has been demanded.

The Clerk read as follows:

Amendment: Page 35, beginning on line 19, strike out section 115 in its entirety and insert in lieu thereof the following:

REVIEW OF REPOSITORY SITE SELECTION

SEC. 115. (a) IN GENERAL.—The designation of a site as suitable for application for a construction authorization for a repository shall be effective at the end of the 60-day period beginning on the date that the President recommends such site to the Congress under section 114, unless the Governor of the State in which such site is located, or the governing body of an Indian tribe on whose reservation such site is located, as the case may be, submits to the Congress a notice of disapproval under section 116 or 118. If any such notice of disapproval is submitted, the designation of such site shall not be effective except as provided under subsection (b).

(b) CONGRESSIONAL REVIEW OF SITE.—If any notice of disapproval of a repository site designation is submitted to the Congress under section 116 or 118 after a recommendation for approval of such site is made by the President under section 114, the designation of such site as suitable for license application as a repository shall be effective upon the expiration of the first period of 90 calendar days of continuous session of the Congress following the date of the receipt by the Congress of such notice of disapproval unless, during such period, either House of the Congress passes a resolution in accordance with this subsection disapproving such site designation.

(c) DEFINITION.—For purposes of this subsection, the term "resolution under this section" means a resolution of either House of the Congress, the matter after the resolving clause of which is as follows: "That the ——— hereby approves the notice of disapproval submitted by ——— regarding the disapproval of the site at ——— for a repository for the disposal of high-level radioactive waste and spent nuclear fuel.". The first blank space in such resolution shall be filled with the designation of the appropriate House of the Congress; the second blank space in such resolution shall be filled with the designation of the State Governor or Indian tribe governing body submitting the notice of disapproval involved; and the last blank space in such resolution shall be filled with the geographic location of the proposed repository site involved.

(d) PROCEDURES APPLICABLE TO THE SENATE.—(1) The provisions of this subsection are enacted by the Congress—

(A) as an exercise of the rulemaking power of the Senate, and as such they are deemed a part of the rules of the Senate, but applicable only with respect to the procedure to be followed in the Senate in the case of resolutions under this section, and such provisions supersede other rules of the Senate only to the extent that they are inconsistent with such other rules; and

(B) with full recognition of the constitutional right of the Senate to change the rules (so far as relating to the procedure of the Senate) at any time, in the same manner and to the same extent as in the case of any other rule of the Senate.

(2)(A) Not later than the first day of session following the day on which any notice of disapproval of a repository site selection is submitted to the Congress under section 116 or 118, a resolution under this section shall be introduced (by request) in the Senate by the chairman of the committee to which such notice of disapproval is referred, or by a Member or Members of the Senate designated by such chairman.

(B) Upon introduction, a resolution under this section shall be referred to the appropriate committees of the Senate by the President of the Senate, and all such resolutions with respect to the same repository site shall be referred to the same committee or committees. Upon the expiration of 60 calendar days of continuous session after the introduction of the first resolution under this section with respect to any site, each committee to which such resolution was referred shall make its recommendations to the Senate.

(3) If any committee to which is referred a resolution introduced under paragraph (2)(A), or, in the absence of such a resolution, any other resolution under this section introduced with respect to the site involved, has not reported such resolution at the end of 45 days of continuous session of Congress after introduction of such resolution, such committee shall be deemed to be discharged from further consideration of such resolution, and such resolution shall be placed on the appropriate calendar of the Senate.

(4)(A) When each committee to which a resolution under this section has been referred has reported, or has been deemed to be discharged from further consideration of, a resolution described in paragraph (3), it shall at any time thereafter be in order (even though a previous motion to the same effect has been disagreed to) for any Member of the Senate to move to proceed to the consideration of such resolution. Such motion shall be highly privileged and shall not be debatable. Such motion shall not be subject to amendment, to a motion to postpone, or to a motion to proceed to the consideration of other business. A motion to reconsider the vote by which such motion is agreed to or disagreed to shall not be in order. If a motion to proceed to the consideration of such resolution is agreed to, such resolution shall remain the unfinished business of the Senate until disposed of.

(B) Debate on a resolution under this section and on all debatable motions and appeals in connection with such resolution, shall be limited to not more than 10 hours, which shall be divided equally between Members favoring and Members opposing such resolution. A motion further to limit debate shall be in order and shall not be debatable. Such motion shall not be subject to amendment, to a motion to postpone, or to a motion to proceed to the consideration of other business, and a motion to recommit such resolution shall not be in order. A motion to reconsider the vote by which such resolution is agreed to or disagreed to shall not be in order.

(C) Immediately following the conclusion of the debate on a resolution under this section and a single quorum call at the conclusion of such debate if requested in accordance with the rules of the Senate, the vote on final approval of such resolution shall occur.

(D) Appeals from the decisions of the Chair relating to the application of the rules of the Senate to the procedure relating to a resolution under this section shall be decided without debate.

(e) PROCEDURES APPLICABLE TO THE HOUSE OF REPRESENTATIVES.—(1) The provisions of this section are enacted by the Congress—

(A) as an exercise of the rulemaking power of the House of Representatives, and as such they are deemed a part of the rules of the House, but applicable only with respect to the procedure to be followed in the House in the case of resolutions under this section and such provisions supersede other rules of the House only to the extent that they are inconsistent with such other rules; and

(B) with full recognition of the constitutional right of the House to change the rules (so far as relating to the procedure of the House) at any time, in the same manner and to the same extent as in the case of any other rule of the House.

(2) Resolutions of repository siting approval shall, upon introduction, be immediately referred by the Speaker of the House to the appropriate committee or committees of the House. Any such resolution received from the Senate shall be held at the Speaker's table.

(3) Upon the expiration of 45 days of continuous session after the introduction of the first resolution under this section with respect to any site, each committee to which such resolution was referred shall be discharged from further consideration of such resolution, and such resolution shall be referred to the appropriate calendar, unless such resolution or an identical resolution was previously reported by each committee to which it was referred.

(4) It shall be in order for the Speaker to recognize a Member favoring a resolution to call up a resolution under this section after it has been on the appropriate calendar for 5 legislative days. When any such resolution is called up, the House shall proceed to its immediate consideration and the Speaker shall recognize the Member calling up such resolution and a Member opposed to such resolution for 2 hours of debate in the House, to be equally divided and controlled by such Members. When such time has expired, the previous question shall be considered as ordered on the resolution without intervening motion. No amendment to any such resolution shall be in order, nor shall it be in order to move to reconsider the vote by which such resolution is agreed to or disagreed to.

(f) COMPUTATION OF DAYS.—For purposes of this section—

(1) continuity of session of Congress is broken only by an adjournment sine die; and

(2) the days on which either House is not in session because of an adjournment of more than 3 days to a day certain are excluded in the computation of the 90-day period referred to in subsection (c) and the 45-day period referred to in subsections (d) and (e).

(g) INFORMATION PROVIDED TO CONGRESS.—In considering any notice of disapproval submitted to the Congress under section 116 or 118, the Congress may obtain any comments of the Commission with respect to such notice of disapproval. The provision of such comments by the Commission shall not be contrued as binding the Commission with respect to any licensing or authorization action concerning the repository involved.

Page 30, line 17, strike out "and legislature".

Page 44, line 10, strike out "and legislature".

Page 44, line 11, strike out "jointly".

Page 44, line 15, strike out "and legislature".

Page 44, line 19, strike out "and legislature".

Page 44, line 21, strike out "and legislature".

Page 45, line 5, strike out "and legislature".

Page 45, line 7, strike out "and legislature".

Mr. UDALL (during the reading). Mr. Speaker, I ask unanimous consent that further reading of the amendment be dispensed with, and that it be printed in the RECORD.

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

There was no objection.

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

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

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

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

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 213, nays 179, not voting 41, as follows:

[Roll No. 409]

YEAS—213

Alexander	Craig	Gramm
Anderson	Crane, Daniel	Gray
Andrews	Crane, Philip	Gregg
Anthony	D'Amours	Grisham
Archer	Daniel, Dan	Guarini
Ashbrook	Daniel, R. W.	Hagedorn
Badham	Dannemeyer	Hall (OH)
Bailey (MO)	Daub	Hamilton
Bailey (PA)	Dickinson	Hammerschmidt
Barnard	Dornan	Hartnett
Beard	Dougherty	Hatcher
Benedict	Dreier	Hefner
Bennett	Duncan	Hendon
Bereuter	Dunn	Hiler
Bethune	Edwards (AL)	Hillis
Bevill	Edwards (OK)	Holland
Bliley	Emerson	Hollenbeck
Boner	Emery	Holt
Bouquard	Erdahl	Hopkins
Brinkley	Erlenborn	Horton
Brooks	Ertel	Hubbard
Broomfield	Evans (DE)	Hunter
Brown (CO)	Evans (GA)	Hutto
Brown (OH)	Evans (IA)	Hyde
Broyhill	Fary	Ireland
Burgener	Fascell	Jeffries
Butler	Fiedler	Jenkins
Byron	Findley	Johnston
Campbell	Flippo	Jones (NC)
Carman	Forsythe	Jones (TN)
Carney	Fowler	Kazen
Chappie	Frenzel	Kemp
Cheney	Frost	Kennelly
Clausen	Fuqua	Kindness
Clinger	Gaydos	Kramer
Coats	Gephardt	Latta
Coleman	Gibbons	Leath
Collins (TX)	Ginn	LeBoutillier
Conable	Goldwater	Lent
Corcoran	Goodling	Levitas
Courter	Gradison	Lewis
Loeffler	Pursell	Solomon
Lowery (CA)	Quillen	Spence
Lungren	Rahall	Stangeland
Marks	Rangel	Stenholm
Martin (NC)	Rhodes	Stratton
Martin (NY)	Rinaldo	Stump
Mattox	Ritter	Synar
McClory	Roberts (KS)	Tauke
McCollum	Roberts (SD)	Taylor
McDade	Robinson	Thomas
McDonald	Roe	Trible
McEwen	Rogers	Vander Jagt
McGrath	Rose	Volkmer
Mica	Rostenkowski	Walker
Michel	Roukema	Wampler
Mineta	Rudd	Weber (OH)
Moorhead	Sawyer	White
Murphy	Schulze	Whitehurst
Murtha	Sharp	Whitley
Myers	Shaw	Whittaker
Napier	Shelby	Williams (OH)
Natcher	Shumway	Winn
Nelligan	Siljander	Wolf
O'Brien	Skeen	Wortley
Oxley	Smith (AL)	Wright
Parris	Smith (NE)	Wylie
Pashayan	Smith (NJ)	Yatron
Pease	Smith (OR)	Young (FL)
Pickle	Snowe	Young (MO)
Price	Snyder	Zeferetti

NAYS—179

Addabbo	Gore	Oberstar
Akaka	Green	Obey
Albosta	Gunderson	Ottinger
Annunzio	Hall (IN)	Panetta
Applegate	Hall, Ralph	Patman
Aspin	Hall, Sam	Paul
AuCoin	Hansen (UT)	Pepper
Barnes	Harkin	Perkins
Bedell	Heftel	Petri
Beilenson	Hertel	Peyser
Biaggi	Hightower	Pritchard
Bingham	Howard	Ratchford
Boggs	Hoyer	Regula
Boland	Huckaby	Reuss
Bonior	Hughes	Rodino
Bonker	Jacobs	Roemer
Bowen	Jeffords	Rosenthal
Brodhead	Jones (OK)	Roth
Brown (CA)	Kastenmeier	Roybal
Burton, John	Kildee	Russo
Clay	Kogovsek	Sabo
Coelho	Lagomarsino	Santini
Conte	Lantos	Savage
Conyers	Leach	Scheuer
Coughlin	Leland	Schneider
Coyne, William	Livingston	Schroeder
Crockett	Long (LA)	Schumer
Deckard	Long (MD)	Seiberling
Dellums	Lott	Sensenbrenner
Derrick	Lowry (WA)	Shamansky
Dicks	Lujan	Shannon
Dingell	Luken	Simon
Donnelly	Lundine	Skelton
Dorgan	Madigan	Smith (IA)
Dowdy	Markey	Smith (PA)
Downey	Marlenee	Solarz
Dwyer	Marriott	Stark
Dyson	Martin (IL)	Staton
Early	Matsui	Stokes
Eckart	Mavroules	Studds
Edwards (CA)	Mazzoli	Swift
English	McCurdy	Tauzin
Fazio	McHugh	Udall
Fenwick	Mikulski	Vento
Ferraro	Miller (CA)	Walgren
Fields	Miller (OH)	Washington
Fish	Minish	Watkins
Fithian	Mitchell (MD)	Waxman
Florio	Mitchell (NY)	Weaver
Foglietta	Moakley	Weber (MN)
Foley	Molinari	Weiss
Ford (MI)	Montgomery	Whitten
Ford (TN)	Moore	Williams (MT)
Fountain	Morrison	Wirth
Frank	Motti	Wolpe
Garcia	Neal	Wyden
Gejdenson	Nelson	Yates
Gilman	Nichols	Young (AK)
Glickman	Nowak	Zablocki
Gonzalez	Oakar	

NOT VOTING—41

Atkinson	Bafalis	Blanchard
Bolling	Dymally	McKinney
Breaux	Edgar	Moffett
Burton, Phillip	Evans (IN)	Mollohan
Chappell	Gingrich	Patterson
Chisholm	Hance	Porter
Collins (IL)	Hansen (ID)	Railsback
Coyne, James	Hawkins	Rousselot
Daschle	Heckler	Shuster
Davis	LaFalce	St Germain
de la Garza	Lee	Stanton
DeNardis	Lehman	Traxler
Derwinski	Martinez	Wilson
Dixon	McCloskey	

□ 1330

Messrs. SCHEUER, MADIGAN, and HUGHES, and Mrs. MARTIN of Illinois changed their votes from "aye" to "no."

Messrs. HOPKINS, WHITE, GAYDOS, BEVILL, BROOKS, and LATTA changed their votes from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the amendment in the nature of a substitute, as amended.

The amendment in the nature of a substitute, as amended, was agreed to.

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

□ 1345

TITLE AMENDMENT OFFERED BY MR. UDALL

Mr. UDALL. Mr. Speaker, I offer an amendment to the title.

The Clerk read as follows:

Title amendment offered by Mr. UDALL: Amend the title of H.R. 3809 so as to read "A bill to provide for the development of repositories for the disposal of high-level radioactive waste and spent nuclear fuel, to establish a program of research, development, and demonstration regarding the disposal of high-level radioactive waste and spent nuclear fuel, and for other purposes."

The title amendment was agreed to.

A motion to reconsider was laid on the table.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT of H.R. 3809, NUCLEAR WASTE POLICY ACT OF 1982

Mr. UDALL. 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 and to make such other technical and conforming changes as may be necessary to reflect the actions of the House in amending the bill, H.R. 3809.

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

There was no objection.

GENERAL LEAVE

Mr. UDALL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to

revise and extend their remarks in the RECORD on the bill just passed.

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

There was no objection.

PERMISSION FOR COMMITTEE ON APPROPRIATIONS TO FILE PRIVILEGED REPORT ON DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATION, 1983

Mr. YATES. Mr. Speaker, I ask unanimous consent that the Committee on Appropriations may have until midnight tonight to file a privileged report on the Department of the Interior and related agencies appropriation bill for fiscal year 1983.

Mr. McDADE reserved all points of order on the bill.

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

There was no objection.

PERMISSION FOR COMMITTEE ON APPROPRIATIONS TO FILE PRIVILEGED REPORT ON DEPARTMENT OF DEFENSE APPROPRIATIONS, 1983

Mr. YATES. Mr. Speaker, I ask unanimous consent that the Committee on Appropriations may have until midnight tonight to file a privileged report on the bill making appropriations for the Department of Defense for the fiscal year ending September 30, 1983, and for other purposes.

Mr. EDWARDS of Alabama reserved all points of order on the bill.

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

There was no objection.

MAKING IN ORDER ON MONDAY, DECEMBER 6, 1982, OR ANY DAY THEREAFTER, CONSIDERATION OF DEPARTMENT OF DEFENSE APPROPRIATION BILL, 1983

Mr. YATES. Mr. Speaker, I ask unanimous consent that it may be in order on Monday, December 6, 1982, or any day thereafter, to consider the Department of Defense appropriation bill for fiscal year 1983.

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

There was no objection.

PERMISSION TO HAVE UNTIL MIDNIGHT, FRIDAY, DECEMBER 3, 1982, TO FILE CONFERENCE REPORT ON H.R. 7072, AGRICULTURE, RURAL DEVELOPMENT, AND RELATED AGENCIES APPROPRIATIONS, 1983

Mr. YATES. Mr. Speaker, I ask unanimous consent that the managers may have until midnight tomorrow, December 3, 1982, to file a conference report on the bill (H.R. 7072) making appropriations for the Department of Agriculture, rural development, and related agencies programs for the fiscal year ending September 30, 1983, and for other purposes.

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

There was no objection.

PERMISSION FOR COMMITTEE ON RULES TO FILE CERTAIN PRIVILEGED REPORTS

Mr. LONG of Louisiana. Mr. Speaker, I ask unanimous consent that the Committee on Rules may have until midnight tonight to file certain privileged reports.

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

Mr. LOTT. Reserving the right to object, Mr. Speaker, I do so for the purpose of inquiring what gentleman anticipates would be filed late by the Rules Committee tonight?

Mr. LONG of Louisiana. Mr. Speaker, if the gentleman will yield, the gentleman knows there is going to be a meeting of the Committee on Rules at 3 o'clock this afternoon to take up the appropriation bill for the Department of the Interior. We would hope that a report could be filed on that.

Mr. LOTT. Further reserving the right to object, that is the only issue?

Mr. LONG of Louisiana. That is No. 1.

The second appropriation bill is the Departments of Commerce, Justice and State and the Judiciary and related agencies. The gentleman knows that we have held hearings on that; however, we have had additional requests in the Rules Committee for additional witnesses that want to be heard, and the committee will make a decision at 3 o'clock as to whether or not to hear these additional witnesses.

Mr. LOTT. Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

LEGISLATIVE PROGRAM

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

Mr. MICHEL. Mr. Speaker, I have asked for this time for the purpose of inquiring of the distinguished majority leader the recess schedule or any other pertinent information for the Members that he may be willing to divulge at this time.

Mr. WRIGHT. Mr. Speaker, will the distinguished minority leader yield?

Mr. MICHEL. I am happy to yield.

Mr. WRIGHT. I think the material we are about to recite and thus place in the record is a matter of interest and concern to all Members.

Following is the proposed House Calendar for 1983:

The Congress wil convene on January 3. The oath of office will be administered on that day to all Members. We expect to be in session that full week for the organization of the House.

We plan a district work period from January 10 through January 24.

On January 18, the President would send his budget message and it would be received in the absence of the House and included in the RECORD.

On January 25, the House would reconvene and on that evening, Monday, January 25, it is expected that the President would bring his state of the Union message.

There will be a Washington work period continuing from that point until February 10.

February 11 through 13 is the Lincoln district work period.

February 14 through 17 is a Washington work period.

February 18 through 21 is the George Washington district work period—maybe we had better go back over that.

The first Washington period has nothing to do with George Washington, but Washington, D.C.

February 14 through 17 is a work period here in the city of Washington, and beginning on the 18th and continuing through the 21st, a home district work period in which will be commemorated the birthday of the founder of our country.

Then February 22 through March 24, a Washington, D.C., work period.

March 15, the committees, of course, must submit reports to the Budget Committee on the fiscal year 1984 budget.

March 25 through April 4 will be the Easter district work period.

From April 5 through May 26, we will be here for a Washington work period.

On May 16, we must have completed action on the first budget resolution. That will be the deadline for reporting fiscal year 1984 authorization bills from the standpoint of the authorizing committees as well.

From May 27 through 31, there will be a Memorial Day district work period.

We will be back here in Washington from June 1st through the 30th.

Beginning on July 1 and continuing through the 10th, there will be an Independence Day district work period.

July 11 through August 12 will be a Washington work period.

From August 12 through September 11, an August to Labor Day district work period.

From September 12 through the 15, a Washington work period.

September 16 through 18, a Yom Kippur district work period.

September 19 through October 11, a Washington work period.

October 12 through 16, a Columbus Day district work period.

October 17 through 28, a Washington work period.

October 28 will be our adjournment target.

Now, reference, of course, can be made to this point in the RECORD for our permanent reference.

In addition, I am sure that the majority and minority whips will very soon have the whip cards published in order that Members may carry them on their person and they will be available shortly.

Mr. MICHEL. I thank the gentleman.

I wonder if he might respond to a question along this line: Next week both his party and our party will be organizing for the new Congress with our Members-elect. Since we will be having a session or having sessions next week, that is a very limited timeframe in which to have these organizational meetings, his caucuses and our conference. I would imagine they would be convening at 9 o'clock in the morning. Has there been any thought given to having the House convene at 1 o'clock, rather than noon, so that there could be at least 3½, nearly 4 hours, for a meeting in the morning when we are organizing, as distinguished from the very protracted time it usually takes Members, 15 or 20 minutes, to get here, anyway, and then the time is so short.

Mr. WRIGHT. If the minority leader would yield further, I think the point is extremely well taken. Obviously, there is a lot of work to be done by both the Republican and the Democratic caucuses. It is our expectation, therefore, that on next Monday the House would convene at 2 p.m., thus granting adequate time, and at this point perhaps it would be useful if I should go through the schedule generally for next week.

We would expect to have the Consent Calendar on Monday and take up either the Defense Department appropriation or the Surface Transportation Act, depending upon which of the two may be ready for consideration on the House floor.

On Tuesday, December 7, we expect to meet at 1 p.m., the hour suggested by our distinguished minority leader. It is a day for the Private Calendar.

Then we would take up either the Surface Transportation Act if it has not been taken up the day before or the Defense Department appropriation.

We would expect that for the remainder of the week, Wednesday and the balance of the week continuing through Friday, the House would meet at 2 p.m., on Wednesday and then at 10 a.m. for Thursday and Friday, in order that we might have completed the necessary work in our respective caucuses on Monday, Tuesday, and Wednesday.

□ 1400

On Wednesday, Thursday, and Friday, when the House does convene, we would expect to complete the Defense Department appropriation bill, the Energy and Water appropriations, and State, Justice and the Judiciary appropriations.

Members may expect possible action next week on a continuing appropriation for fiscal year 1983.

Also scheduled for consideration next week, time permitting, is H.R. 5133, Fair Practices in Automotive Products Act, subject to the granting of a rule.

Members should expect late sessions next week. Conference reports, of course, may be brought up at any time.

Any other program in addition to this would be announced later.

Mr. MICHEL. Did the gentleman make clear that tomorrow the House will definitely be in session between the hours of 10 a.m. and 3 p.m.?

Mr. WRIGHT. It is expected that the House will be in session.

Mr. MICHEL. Will the Interior appropriations bill be the order of business?

Mr. WRIGHT. If the Rules Committee completes its action, grants a rule, and if it is eligible for consideration under the rules of the House and is allowed to come up, that would be our expectation.

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

Mr. MICHEL. I yield to the gentleman from Mississippi.

Mr. LOTT. I thank the gentleman for yielding.

I would like to address just a couple of brief questions to the distinguished majority leader.

No. 1: Concerning the schedule for next year, I presume it is still tentative and could be subject to minor changes one way or the other. Is that accurate or not?

Mr. WRIGHT. Mr. Speaker, will the gentleman yield to me?

Mr. MICHEL. I yield to the distinguished majority leader.

Mr. WRIGHT. I thank the gentleman for yielding.

Mr. Speaker, of course, if there are reasons for changing it, we can change it. Nothing is ever totally set in concrete. It is just the proposed schedule for the House Calendar for next year, but if there are valid considerations warranting a change, we always can make changes.

Mr. LOTT. If the gentleman will yield further, I would like to make one request or suggestion: Some of us are young enough to have children still in school and we like very much to have some period during the year when we can be with our children. Traditionally we have been out from around August 3 or 4 to September 3 or 4, but for the last couple of years it slipped over to the middle of August, August 13 on this schedule, through September 11.

I would like to urge the leadership to give some consideration to the fact that many of us would have to be back in this city September 3 or 4, or earlier, to get our children in school, and, therefore, we would have less than 2 weeks to spend any time with our children. I would like to make that plea on behalf of some of us who have children.

Mr. WRIGHT. If the gentleman will yield further, the gentleman makes a good and valid point. The gentleman from Texas, chairman of the Committee on Government Operations, young JACK BROOKS, has just made that point to me. Therefore, it seems to me we might take it under advisement.

Mr. SAM B. HALL, JR. Mr. Speaker, will the gentleman yield to me for a question of the majority leader?

Mr. MICHEL. I would be happy to yield to my friend from Texas.

Mr. SAM B. HALL, JR. I thank the gentleman from Illinois, the distinguished minority leader, for yielding to me.

Mr. Speaker, I would like to ask the distinguished majority leader: I understand that on next Thursday the Rules Committee will take up the regulatory reform measure. If a rule comes out on that measure next Thursday, is there a possibility or probability that that bill could come up the beginning of the following week?

Mr. WRIGHT. If the gentleman will yield further, surely, there is a possibility. There are several pieces of legislation which may be considered on a time-permitting basis. The other body, according to the majority leader, Mr. BAKER, expects, I think, to conclude on the 15th, which would be Wednesday, 2 weeks from yesterday.

Now, if the session continues until the latter part of that week, there may be opportunity for certain bills that otherwise would not be eligible for consideration. There are several bills that might be considered. That is one of them.

Time becomes the crucial factor as we near the end of the session, of course.

Mr. SAM B. HALL, JR. I thank the gentleman.

CONFERENCE REPORT ON H.R. 2330, NUCLEAR REGULATORY COMMISSION AUTHORIZATION, 1982 AND 1983

Mr. UDALL. Mr. Speaker, I call up the conference report on the bill (H.R. 2330) to authorize appropriation to the Nuclear Regulatory Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and section 305 of the Energy Reorganization Act of 1974, as amended, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to the rule, the conference report is considered as having been read.

(For conference report and statement, see proceedings of the House of September 28, 1982.)

POINT OF ORDER

Mr. FRENZEL. Mr. Spaker, I have a point of order against section 23 of the conference report substitute.

The SPEAKER pro tempore. The gentleman will state his point of order.

Mr. FRENZEL. Mr. Speaker, I make a point of order that the matter contained in section 23 of the conference substitute recommended in the conference report would not be germane to H.R. 2330 under clause 7 of rule XVI if offered in the House and is, therefore, subject to a point of order under clause 4 of rule XXVIII.

The SPEAKER pro tempore. Does the gentleman from Arizona (Mr. UDALL) desire to be heard?

Mr. UDALL. Mr. Speaker, we concede the substance of the point of order the gentleman is making.

The SPEAKER pro tempore (Mr. NATCHER). The point of order is sustained.

MOTION OFFERED BY MR. FRENZEL

Mr. FRENZEL. Mr. Speaker, pursuant to the provisions of clause 4, rule XXVIII, I move that the House reject section 23 of the conference substitute recommended in the conference report.

The SPEAKER pro tempore. The gentleman from Minnesota (Mr. FRENZEL) is recognized for 20 minutes on his motion.

Mr. FRENZEL. Mr. Speaker, I rise in opposition to section 23 which contains an import restriction on uranium. This restriction was not a part of the House bill. It is not germane to the House bill and was one which was forced upon our conferees at the insistence of the Senate.

This provision has not received consideration by either House committee which had jurisdiction over this bill. This is a proposed, in my judgment unfair, trade barrier which comes less than a week after our U.S. Trade Representatives and Members of the House and Senate came back from the GATT ministerial meeting in Geneva, at which time all of us pledged to promote a moratorium on new trade barriers all over the world.

It seems to me there is no reason why we should support this restriction, particularly in light of the fact that it is nongermane and there have been no House hearings on it.

Currently, total uranium imports to the United States are less than 10 percent of the U.S. consumption and those imports come from friendly allies. About three-quarters of them come from Canada and Australia.

Under the current limitations which are scheduled for phaseout this year, imports from 1977 through 1981 were less than half of the allowed maximum. Imports have risen from 5 percent in 1977 to 10 percent in 1981, less than 10 percent, and that is no evidence of a surge in imports.

The national security argument is feeble, too. It is estimated that Government and commercial inventories of uranium could supply the Nation for 12 years. The President, as it is well known, already has the authority under 19 U.S.C. 1562 to limit imports whenever he finds them to be a threat to national security.

The administration opposes this provision very strongly.

The domestic uranium industry's problem is not imports, but a low demand caused by a slowdown in the nuclear powerplant program.

We can likely expect to provide some sort of compensation under our international trade treaties, and that compensation will probably be aimed at U.S. agricultural exports or at high-technology exports. I would guess that this compensation would be in the neighborhood of $200 million.

Further, Mr. Speaker, the cost to consumers of this amendment is staggering. The administration estimates that by 1990 the additional consumer cost would be about $1.6 billion.

The restriction itself is a clumsy one, as one would expect of one that has had no hearings. It triggers when projected levels of imports reach certain levels. Further, it bypasses the injury test required in our law and granted to our trading partners under our international trade agreements.

It is my fervent hope that we will not be the first nation in the world to violate the resolution which our country signed in Geneva last week at the GATT ministerial, at which time the trade ministers of 88 countries pledged to try to resist protectionist measures within their respective countries. I would urge my colleagues to vote against section 23 of this conference report.

□ 1410

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

The SPEAKER pro tempore. Is the gentleman from Arizona (Mr. UDALL) opposed to the motion?

Mr. UDALL. I am, Mr. Speaker,

The SPEAKER pro tempore. The gentleman from Arizona (Mr. UDALL) is recognized for 20 minutes.

Mr. UDALL. Mr. Speaker, there is a rising tide of protectionism abroad in our country, and I share the concern the administration and my friend from Minnesota have expressed.

When the conference committee began its prolonged deliberation on the Senate amendment's outright uranium import restrictions, I told my colleagues that I embraced the philosophy that a rising tide raises all boats, and I remain committed to that point of view today. But unfortunately, the tide may be rising too late for our domestic uranium mining and milling industry. Over the past 2½ years, over half the miners have been laid off, exploration has dropped by 66 percent, and the number of operating mines has dropped by over 63 percent. As a result, the very limited relief provided in section 23 of the conference agreement is timely and needed, and I urge my colleagues to support the conference provision.

It is well known that the uranium import issue was the most difficult issue in the conference that we had over several weeks. The provision was the subject of extensive discussion by the conferees. A letter expressing opposition to the Senate amendment was sent to the conferees by the Ways and Means Committee's Subcommittee on Trade. The conferees received other letters expressing concerns from the Special Trade Representative and the Departments of State, Justice, and Energy. There are no easy answers in this situation.

Let me emphasize that we come back here with a much different provision than the one adopted by the Senate. The Senate provision would have restricted imports of uranium from foreign sources at 20 percent of our annual consumption and would have required each licensed nuclear plant to use 80 percent domestic uranium for fuel. The compromise before the House is a true compromise. The conference agreement sets in motion a rational process for ascertaining the viability of our domestic uranium industry and relationship of that industry's health to the national security.

So, let me clear up some misinformation about the conference recommendation on uranium supply. The compromise is not an import quota or restriction. We had to hang tight on this for a number of sessions to make sure that was the case. Under the agreement, when the level of project im-

ports reaches 37.5 percent for 2 consecutive years, a tariff is not triggered, but a study is triggered under existing law into the national security implications of imports. The President can act upon the recommendations of the study or he can take no action.

A 2-year contracting moratorium under the compromise is imposed during the course of the study on the national security implications of imports so as to prevent new contracts for higher levels of imports. No imports already under contract will be restricted in any way. If the study concludes that the level of imports is of concern, then higher levels will have been avoided. The moratorium will be shorter than 2 years if the study is done sooner. The long-term nature of utility uranium contracts—10 to 15 years—and the high level of existing inventories will prevent any shortages for utilities during that time.

Another key distinction between the Senate provision and the conference agreement relates to the expiration date of the provision. Under the Senate bill, a strict limitation on actual uranium imports would be in effect immediately. The conference report, which does not restrict imports, would expire in 1992, 10 years from now.

My colleagues may be interested to know that the Edison Electric Institute has concluded—I emphasize—that:

> The provision as adopted by the conference is primarily a study and we (EEI) do not believe it would actually result in an import limitation during the 1980's or early 1990's because current contracts are in place covering those requirements. Thus, while it would appear that there are potential limitations, we do not view this provision as an actual restriction * * *

My colleagues, the conference agreement on uranium supply enjoys the support of the National Governors Association, the Western Governors Conference and the AFL-CIO.

I strongly encourage my colleagues in the House to adopt the entire conference report, including these supply provisions.

Mr. Speaker, I yield 5 minutes to the gentleman from New Mexico (Mr. LUJAN).

Mr. LUJAN. Mr. Speaker, I thank the gentleman from Arizona for yielding time to me.

Mr. Speaker, Congress has consistently recognized the importance of maintaining a viable domestic uranium industry. Indeed, we supported a priority program to develop such an industry during and after World War II in order to avoid reliance on undependable foreign sources of supply. We adopted section 161(v) of the Atomic Energy Act directing the Atomic Energy Commission, now the Department of Energy, to take such actions in the provision of enrichment services as were necessary to maintain a viable domestic industry. The Department, to my sorrow, has failed to implement this provision. And now our domestic industry is, by the admission of a draft report of the Department, in a condition which can hardly be considered viable.

The uranium supply provision before us makes use of existing law to assure the maintenance of a viable uranium industry. It simply calls for the Department to issue criteria for determining viability and to make a viability determination, based on best available statistics, on an annual basis. This will serve to compel implementation of section 161(v). In addition, the provision makes use of existing trade laws.

Mr. Speaker, I realize that some have expressed concern about the portion of this section providing for a temporary moratorium on new contracts for foreign uranium if the foreign fraction of commitments reach 37½ percent. However, this moratorium is essential if we are to have time to take the actions necessary under existing law to preserve our uranium industry, an industry vital to the national security and essential to our energy independence.

□ 1420

Mr. FRENZEL. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, we have heard the statement by the managers of the bill, including the most recent one, particularly talking about national security aspects.

Obviously any signatory to our international trade agreements does have the option of protecting national security. However, in this case, the President himself and our administration have determined that this particular amendment is not a national security amendment. The administration, which is very concerned with our national security, has asked us to defeat the amendment. The reason the Department of Energy did not act on the suggestion of the study was because the Department of Energy felt that that was a bad policy.

Mr. Speaker, I will place in the RECORD a letter written by Secretary of State, George Shultz to the Speaker of the House of Representatives dated November 22, 1982. I would like to quote from the letter just briefly.

Secretary Shultz writes:

> An import restriction of this kind would be totally inconsistent with the U.S. Government's long-standing commitment to free trade. The proposed 2-year import moratorium . . . triggered by a specific import level, would represent a measure of the very kind we are urging other nations to avoid.

The Secretary goes on to say that such a restriction "would constitute a reversal of U.S. policy without consultation by friends and allies and would be seen by countries as evidence of unreliability of the United States in the nuclear field. The perception of U.S. unreliability and unilateralism would constitute a setback to U.S. nonproliferation efforts."

The Secretary says later in the same letter: The foreign countries most affected by the "restrictions are Canada and Australia. These two allies have provided significant support for U.S. nonproliferation policy. Both countries have strongly urged deletion of this amendment, and Canada has implied that it would challenge it in the GATT."

Mr. Speaker, the full text of the letter is as follows:

THE SECRETARY OF STATE,
Washington, November 22, 1982.

Hon. THOMAS P. O'NEILL, Jr.,
Speaker of the House of Representatives.

DEAR MR. SPEAKER: I am writing to express the Department of State's opposition to Section 23 of the NRC authorization bill (HR-2330), as set forth in the Conference Report. Section 23 calls, inter alia, for the imposition of a moratorium on new contracts or options for uranium imports, pending study of the effects of such imports. The Conference Report was approved by the Senate on October 1.

An import restriction of this kind would be totally inconsistent with the U.S. Government's longstanding commitment to free trade. The proposed two-year import moratorium on uranium imports, triggered by a specified import level, would represent a measure of the very kind we are urging other countries to avoid. In addition, if the provision is passed, the U.S. might well face a serious challenge in the GATT, and we might very well expect retaliation from our major trading partners in areas such as agriculture and high technology.

Such an import restriction would constitute a reversal of U.S. policy without consultation with friends and allies and would be seen by many countries as evidence of the unreliability of the United States in the nuclear field. The perception of U.S. unreliability and unilaterialism could cause a setback to U.S. non-proliferation efforts, which are based in part on influencing other countries' activities by performing as a reliable nuclear partner.

The previous embargo on uranium imports, initiated in 1964, was extremely disruptive to the world market. The current phase-out of this embargo is working well. Since total uranium imports now comprise less than 10% of domestic consumption, the current economic difficulties being experienced by the domestic uranium industry cannot fairly be traced to foreign imports. World prices of uranium have been declining due to slowed growth of electricity use and a slowdown in civilian nuclear energy programs in many countries. The major negative foreign policy consequences of highly visible and controversial controls on uranium imports would far outweigh any short-term benefits which could reasonably be expected to flow to the domestic industry.

The foreign countries which would be most seriously affected by the proposed restrictions are Canada and Australia. These two allies have provided significant support for U.S. non-proliferation policy. Both countries have strongly urged deletion of this amendment, and Canada has implied it would challenge it in the GATT.

Passage of Section 23 will have serious consequences on our efforts to promote free trade, as well as on our non-proliferation goals. I strongly urge that you support deletion of this provision from the Conference Report of the NRC authorization bill. The Office of Management and Budget advises that from the standpoint of the President's program there is no objection to the submission of this letter.

Sincerely yours,

GEORGE P. SHULTZ.

Mr. Speaker, I yield 5 minutes to the distinguished chairman of the Subcommittee on Trade, the gentleman from Florida (Mr. GIBBONS).

Mr. GIBBONS. Mr. Speaker, I thank the gentleman from Minnesota (Mr. FRENZEL), and I thank the gentleman from Arizona (Mr. UDALL) for their courtesies in this debate.

Mr. Speaker, let me assure all the Members of the House that we do not seek to wreck the conference report. This has been clearly admitted to be not germane to the conference by the distinguished chairman of the committee, and there is no doubt in my mind that if the House deletes this measure—and it should delete this measure—it will just go back to the Senate and the Senate will accept the conference report.

Let me explain to the Members how this got in the conference report. If this had been introduced in the House, it would have been referred to the appropriate committees; if it had been introduced in the Senate, it would have been referred to the appropriate committees. It was never introduced anyplace. It was one of those notorious Senate amendments on which there was no record vote, and as usual there was nobody on the floor and we ended up in conference with it and our conferees are stuck with an unconscionable negotiating position.

I cannot get mad at anybody who has a mineral industry in their State that is depressed right now. I have the phosphate industry, and it is in much worse condition than the uranium industry. It has had very high unemployment. It is not related to imports, nor is the unemployment in this industry related to imports. It is related to domestic demand, and that is the problem and we should all admit that and face up to it.

No, this is not a quota. This is an embargo. If American prices get too high and people turn to other places for uranium supplies, then there is a 2-year embargo placed upon the contracting, just going out and contracting for the supply. Then immediately domestic prices will jump; immediately consumers will be faced with rate increases all over the United States, and they will be terrific rate increases because uranium is now supplying 50 percent of the power base of New England and other States that will be in the same sort of predicament.

My State which relies very little on uranium will not have that problem, so I have no parochial interest in opposing this.

There are adequate remedies under the present law that have been in existence for a long time, so that uranium industry, if it is impacted as they think it is going to be impacted can go and get relief. In addition to that, there are national security remedies that are available for this problem.

If the national security in this country is in any way affected, the President can immediately override all the trade laws we have and can take appropriate action to protect the domestic industry. So there is no need for us to even be considering this except that it was foisted off on the Senate at a deep and dark hour by a handful of Senators, and it was forced upon our conferees or we get no bill.

Mr. Speaker, it is time to say, "no" to the Senate. They have done this far too many times. It is bad economic policy, it is bad politics, it is bad government, and it should be deleted.

Mr. UDALL. Mr. Speaker, I yield such time as he may consume to the gentleman from New York (Mr. OTTINGER).

Mr. OTTINGER. Mr. Speaker, I join my colleague, the gentleman from Arizona (Mr. UDALL), as a member of the conference committee in supporting this provision and opposing the motion. I do not think any of us want to see us in a posture of international trade restriction.

The problem is that we were confronted with a very difficult situation in the conference, and I think, under the leadership of the gentleman from Arizona, we were able to get very substantial concessions where there are no longer import quotas or restrictions. There is just a provision for this study and a restriction on future contracts during the 2 years that study is being made. So I think we were very successful in conference in ameliorating the very strict and damaging import restrictions that were in the Senate provision.

Mr. Speaker, I think, in the interest of comity, if there is any kind of accommodation between the two Houses, we ought to acknowledge that the committee did a very good job in conference, and we have come out with an acceptable provision that is not unduly restrictive, and it should be supported by the House.

Mr. UDALL. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, I think we are all going to be faced in these next few months and years, day after day and time after time, with industries and groups wanting special protection as this recession becomes a worldwide recession, and I think all of us are going to have to acknowledge that we have difficulties in our own areas and our own districts.

My State is one of the major hard rock mining States in America, and the miners feel very strongly about this legislation. We watered it down from what clearly was a quota situation to a study which, if certain effects are found, will be turned into eventual action, but it will be followed with laws on the books with some kind of protection that will be put in those laws, and I do not see how we could have done a better job or come back with a better result given the situation that faced us in this time of severe economic difficulties.

Mr. Speaker, I yield 2 minutes to the gentleman from New Mexico (Mr. LUJAN).

Mr. LUJAN. Mr. Speaker, I would like to concur with the gentleman and with the gentleman from New York, who made a particular statement that is not a quota restriction. We did start off seeking a 20-percent limitation on imports. As it turned out, we were not able to do that, and I can understand the rationale that was used in the conference.

□ 1530

But what we finally ended up with was that a study should be made of the national security implications of a declining uranium industry and what that would do as far as our national security was concerned.

A mandatory action required is that the Secretary start this 2-year study. If he finds that we are adversely being affected, then the mix of uranium in the enrichment process may be increased, and that increase will be from domestic uranium.

Beyond that, there is the report to the President by the Secretary of Energy. The Secretary reports to the President possible courses of action. One could be a limitation on imports. But the President will choose a course of action and will submit it to the Congress.

So I want to reiterate that this is not necessarily an import restriction, that this is principally a study, and as a matter of fact, we are really asking the Department of Energy to implement the remedy processes that they have under present law.

Mr. UDALL. Mr. Speaker, I yield 2 minutes to the gentleman from North Carolina (Mr. BROYHILL).

Mr. BROYHILL. Mr. Speaker, I rise in reluctant opposition to the amendment offered by the gentleman from Minnesota, my good friend, Mr. FRENZEL, and in support of the conference report.

Unfortunately, the adoption of this amendment would have the effect of the conference report going down and we do not know what might happen if we might adopt the balance of the

conference report with an amendment and send it back over to the other body.

It is doubtful as to whether in these waning hours we could get final action on this bill.

I must agree with the gentleman from New York, it was a difficult conference. Anytime you send your conferees to conference with the other body on a bill where there is a great deal of divergence of issues, it makes for difficult conferences. But our duty is to try to come up with the best compromise that we can.

I would point out there are other parts of this bill that have been supported by a vast majority of this House and that these parts of this bill are not only needed but are vital if we are to continue the development of nuclear power in this country.

I specifically refer to those parts of the bill that relate to the licensing and the startup of nuclear generating facilities.

Many Members know of the difficulties that many nuclear electric generating facilities have had in getting their final licenses approved. We have had a number of cases where the plant has been idle for months, costing utilities consumers millions of dollars while awaiting a final license.

There is a provision in this bill which we can, under certain circumstances, permit a temporary operating license. We hope next year to get into more detail on this subject of licensing procedures themselves. But at least there is a temporary solution to some of the problems in this bill.

I hate to see those amendments go down because of the adoption of the Frenzel amendment.

Mr. FRENZEL. Mr. Speaker, I yield 1 minute to my distinguished colleague, the gentleman from Florida (Mr. GIBBONS).

Mr. GIBBONS. Someone once pointed out that there is no free lunch and you cannot get anything for nothing.

I think we should point out, because this is a trade debate, that the principal loser in this will be two sectors of the American economy and perhaps one of our best trading partners.

The principal victim in the foreign area will be Australia, where they are our biggest import source. In fiscal year 1982, that has just closed—and I wish the gentleman from New York (Mr. OTTINGER) would pay attention to this because this directly affects him, being the biggest supporter of trucks and autos—we sold to Australia $500 million worth of trucks and autos. We also sold to Australia $600-some-million worth of machinery and equipment, some of which was manufactured in New York.

We are going to lose those markets. We are going to increase consumer costs, and we are just hurting ourselves, all because a few willful Senators in the middle of the night stuck this amendment in there and forced it off on our committees.

That is no way to conduct this Government.

Mr. FRENZEL. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from Massachusetts (Mr. MARKEY).

Mr. MARKEY. I thank the gentleman for yielding me this time.

This is a very, very tough question. It is a very close question, and I think that people could very logically come down on either side of it, depending upon how you would weigh the equities on the interests that you believe ought to be prevailing ones in a debate of this nature.

I think, however, the gentleman from Minnesota has made a good point and it ought to be sustained. We are setting a bad precedent in section 23. If we use a potentially acceptable, theoretically acceptable loophole in GATT to justify this restriction upon imports of uranium into our country, we may indeed have escaped legal recrimination from these other countries.

But I think we are very likely going to incur trade retaliation regardless.

We are looking here at telling Canada or telling Australia or telling others that we are going to bump your products out of our country and we are going to do so in violation of the spirit of GATT.

I think the trade history in this country shows that you cannot undertake action which is calculated to hurt the industries of other countries without seeing retaliatory action taken in recourse.

So here, for example, I believe there is a very, very great risk that we run that there will be some sectoral retaliation which will take place.

For example, in the United States, uranium is used in our nuclear generating industry, located in the Northeast or other parts of the country. Some of us might be dependent upon nuclear energy, as, for example, we are in New England. But in New England we are now trying to consummate arrangements with Canada with regard to importation of their surplus hydropower. We might see there now a change in the Canadian negotiations posture with us and what they want to charge us for that hydropower for New England.

So while the Senate is trying to take care of Arizona or New Mexico, we up in New England or New York or other parts of the country will pay the price. There is no free lunch. There is no way of believing you can shove free trade with friends in this way and have it not come out another. It will. It invariably will. It inexorably will. It eventually will show up in another form.

I believe we will have harmed because, in addition, we have to talk about whether or not in fact there is a real problem with the domestic uranium industry and what is the source of it.

The primary source of the problem is that when they were opening these mines, when they were projecting what the growth of the uranium industry in this country would be a generation ago, the prospect was that there would be 300, 400, 500 nuclear reactors in our country.

There has not been a new nuclear reactor ordered in the past 5 years and there will not be another one for as long as we live in this country.

So we have a problem. We have an industry that was propped up, that was subsidized, that was put into business by one set of circumstances and now the whole premise upon which this industry was born has changed.

There appears now to be a surplus of uranium which will be available domestically through the coming generations. There is a real serious problem of a uranium glut worldwide.

What we will do is not only misanalyze the cause of the problem but I think we will exacerbate other problems that we have not just with trade, but also in terms of nonproliferation.

If we tell other countries such as Canada and Australia, that look to us as a market as potential purchaser of their uranium—that they no longer are welcome here, I am really afraid that as bad as our nonproliferation policy is, as bad as the Reagan nonproliferation policy is with regard to the sale of uranium or plutonium, dangerous nuclear materials to other countries, that they will feel the pressure. They will feel the domestic economic pressure to find other sources for the sale of this material because they will feel that pressure as well, and I am afraid what we will wind up with in 20 or 30 years in this world is not asking the question who has nuclear bombs but asking the question who does not have nuclear bombs.

□ 1440

So I think we have to be very, very careful as we enter into this very, very dangerous, unchartered terrain. I think it is important for us to have the Ways and Means Committee and subcommittees of jurisdiction to look at our overall trade policy, not just with regard to uranium, but with regard to high tech firms, with regard to our automobiles, to begin to put together a comprehensive policy that we all can rally behind, because I think it is critically important that we do so.

I am saying that at some future point it might not be important for us to take this kind of action against a country which is trying to undermine an industry, but let us do it in a com-

prehensive way, let us do it in an organized way, in a well-thought-out way.

Mr. FRENZEL. Mr. Speaker, I yield myself 3 minutes.

Mr. Speaker, I insert in the RECORD at this point two letters, the first of which was written by Chairman ROSTENKOWSKI of the Ways and Means Committee, and other senior members of that committee, on the subject of this matter, dated September 29, 1982, and another letter of the same date, from the U.S. Trade Representative, the Honorable Bill Brock, to members of the Ways and Means Committee on the same subject:

COMMITTEE ON WAYS AND MEANS,
Washington, D.C., September 29, 1982.

Subject: Conference Report on H.R. 2330, The Nuclear Regulatory Commission Reauthorization Act.

DEAR COLLEAGUE: This week the House will consider the conference report on H.R. 2330, the Nuclear Regulatory Commission Reauthorization Act, which contains a restriction on foreign purchases of uranium by U.S. nuclear power facilities. This provision was adopted by the conferees at the insistence of the Senate. The House bill contained no such restriction and none was ever considered by either Committee responsible for the bill.

We believe this restriction will have a significant adverse effect on our foreign relations. Limitations of this nature are proscribed by Article III of the General Agreement on Tariffs and Trade (GATT) and passage of the bill could lead to disputes with several important trading partners. The President already has discretionary authority to limit imports whenever he finds them to constitute a national security threat and we believe restrictions would be unjustified absent such a finding.

Another troubling problem is the potential effect of this legislation on consumers, who will have to bear the burden of higher energy costs. In some parts of the country nuclear energy provides up to 50 percent of electrical power, yet no credible assessment of the economic impact was offered by the Senate sponsors.

During consideration of the conference report we intend to join other Members in seeking rejection of the foreign purchasing limitation. A provision of such significance to our foreign policy and domestic economy should receive thorough attention from the appropriate committees before it is considered on the floor. We urge your support in opposing this hastily-adopted import restriction.

Sincerely yours,

DAN ROSTENKOWSKI,
Chairman,
Committee on Ways and Means.

SAM H. GIBBONS,
Chairman,
Subcommittee on Trade.

BARBER B. CONABLE, Jr.,
Ranking Minority Member,
Committee on Ways and Means.

GUY VANDER JAGT,
Ranking Minority Member,
Subcommittee on Trade.

BILL FRENZEL,
Member,
Subcommittee on Trade.

THE U.S. TRADE REPRESENTATIVE,
Washington, September 29, 1982.

Hon. BILL FRENZEL,
House of Representatives,
Washington, D.C.

DEAR BILL: I am writing to you once again to express the Administration's continued opposition to Section 23 of the Nuclear Regulatory Commission Authorization bill (H.R. 2330) as set forth in the Conference Report.

Section 23 contains provisions that would trigger an automatic moratorium on contracting for imported uranium upon a projected estimate that future imports might reach a specified level. Inherent in this formula is the assumption that this specified level of imports equates to a threat to the viability of the domestic uranium industry and thus our national security.

The Administration is concerned with the health of the domestic uranium industry, and its role in meeting our national security and energy needs. We also understand that the viability of this industry could be threatened were imports to increase dramatically. The President already has express statutory authority (under 19 U.S.C. 1562) to limit imports whenever he finds them to pose a threat to the national security. However, since total uranium imports comprise less than 10 percent of domestic consumption, the economic difficulties of our domestic industry cannot be fairly blamed on foreign imports.

Therefore, the Administration finds unacceptable any proposal that automatically "triggers" a trade restrictive action absent a finding of injury, consistent with our international obligations. We also oppose any proposal based upon the assumption that a predetermined level of imports constitutes a threat to the domestic industry and the national security. To accept such proposals would be a reversal of this Administration's trade policy, and would counter our efforts to discourage other countries from adopting similar measures.

Enactment of this uranium import restriction will hurt the workers and consumers of this country. This provision unquestionably violates our international obligations. We can expect that the uranium exporting countries, particularly Australia and Canada, will take action to retaliate against U.S. exports. Such retaliation, especially in the area of agriculture and high technology, could well lead to loss of U.S. jobs and work to the disadvantage of U.S. industry as a whole.

Additionally, in some parts of the United States, nuclear energy provides up to 50 percent of electrical power; higher uranium costs will raise energy costs to consumers and businesses. The Department of Energy projects that by 1990, this uranium import restriction would cost U.S. consumers $1.6 billion annually, based on 1981 dollars. Factories that are highly dependent upon nuclear energy will be faced with power cost increases at a time when they can least affort it. This will reduce their competitiveness in the United States and world markets.

We realize that the uranium industry, like many U.S. industries, is facing serious economic difficulties. However, adoption of Section 23, while possibly providing short-term relief to the domestic uranium industry, will have damaging consequences in the short run and the long run, not only for our trade policy, but for other U.S. industries.

I strongly urge you to support efforts on the House floor to eliminate this provision from the NRC Authorization Conference Report. The Office of Management and Budget advises that there is no objection from the standpoint of the President's program to the presentation of these comments.

Very truly yours,

WILLIAM E. BROCK.

Mr. Speaker, I would like everyone in this Chamber to know that I think our committee and our conference managers did a splendid job. I think we have a fine bill here, with the exception of this offending section 23.

I realize that any conference requires compromise, and that a spirit of comity between the two bodies is required to produce laws. Conferences are always difficult.

However, one of the reasons why we have the rule I invoked today was to get our conferees off the hook when nongermane materials are presented and would not otherwise be acceptable in the House. It was designed to help our conferees in supporting the House rules and the House position.

It has also been stated that this provision does not represent a restriction. It is my chore to inform this group that the administration feels it is an enormous restriction and hopes that my motion is sustained and that section 23 is removed.

Chairman ROSTENKOWSKI wrote:

During consideration of the conference report we intend to join other Members in seeking rejection of the foreign purchasing limitation. A provision of such significance to our foreign policy and domestic economy should receive thorough attention from the appropriate committees before it is considered on the floor. We urge your support in opposing this hastily-adopted import restriction.

So do I, Mr. Speaker. I hope my motion is sustained.

Mr. Speaker, I yield such time as he may consume to the gentleman from New Mexico (Mr. SKEEN).

Mr. SKEEN. Mr. Speaker, this Nation has long recognized that a viable domestic uranium industry is not only an integral part of the nuclear fuel cycle but also vital to assure our national defense and security. Unfortunately, the domestic industry's continued viability is being seriously threatened by unnecessary overregulation and by our rapidly increasing dependency on imported uranium.

The domestic uranium industry's ability to compete with foreign producers is seriously jeopardized because of unwarranted and costly regulatory impositions. For example, NRC has adopted onerous radon flux regulations, known as the uranium mill licensing requirements, which will cost the domestic industry a billion or more dollars but which NRC itself admits are unjustified. Indeed, in a recent memorandum, high-level agency staff declared that the risk from radon flux from tailing is "immeasurable and insignificant." The

NRC is now threatening to revoke New Mexico's regulatory jurisdiction because the State, after a lengthy hearing, concluded that NRC staff was correct and the Commission's approach was unsupported and impracticable. It is poor policy and poor government to impose billion-dollar requirements, which the agency admits are not justified, on a critical and already beleaguered industry. The language reported by the conference committee should remedy this problem by requiring EPA and NRC to assure that regulatory burdens are not out of proportion to benefits and that pertinent factors, such as economic costs and the significance of health risks, are properly weighed in setting agency requirements. While this will likely require EPA and NRC to reconsider and reformulate at least some of their actions, uranium mills will remain subject to NRC or agreement State licensing control in the interim while EPA and NRC develop a supportable approach. The public health will thus continue to be fully protected. The conferees have also appropriately clarified that NRC cannot revoke a State program without a hearing and that mill tailings are regulated either by a State under the agreement States program or by NRC, but not by both. In short, there is no dual jurisdiction.

I also wish to emphasize that it obviously makes no sense for the rules to keep changing on operators and DOE. EPA should issue reasonable standards (assuming arguendo that further standards beyond those specified in 10 CFR, part 20 are required) and NRC should not then adopt reasonable requirements. NRC should not first act, then EPA, and then NRC again. I read the language reported by the conferees as consistent with this interpretation. However, a puzzling statement crept into the conference report which makes a confusing attempt to sanctify NRC's precipitous action in issuing standards in advance of EPA standards. I certainly hope that this is not construed as somehow overriding the words of the statute or as giving our imprimatur to bureaucratic turmoil and lack of sound administrative practices.

The conferees have also taken some steps to address our rapidly developing dependence on imported uranium. I realize that some have urged that any action which may favor our domestic industry is contrary to interests in free trade. However, the uranium industry has long been viewed as vital to our national security and energy independence. Moreover, Canada and other uranium exporting countries have well-known policies to support the prices of their uranium through control over export contracts. These policies are intended to subsidize their own producers and consumers at the expense of importing countries, such as the United States. They are enforced in part by laws restricting or penalizing the applicability of American antitrust requirements. Since the price and availability of imported uranium is regulated by foreign governments, it is unfair and unwise not only from the perspective of our domestic producers but also from the perspective of our consumers to allow foreign uranium suppliers to dominate the American market so as to render our domestic industry incapable of servicing our needs. By way of illustration, I ask unanimous consent that a few excerpts from some Canadian and Australian documents suggesting the policies pursued by those countries be included in the RECORD.

Excerpts from statement by the Honorable Donald S. MacDonald, Minister of Energy, Mines and Resources on Canada's Uranium Policy, September 5, 1974:

Under existing uranium export policies, the regulating agencies are required prior to issuing an export license to examine contracts with respect to implications of such matters as international safeguards, *the relationship between contacting parties, price and volumes of sales* to the export market, and reserves and rate of exploitation. * * * While recognizing that considerable time may elapse between negotiating a sale and completing a contract, the Board will require producers to submit, within 90 days of the acceptance of an offer by a purchaser, documentation *giving the base pricing, quantity and delivery conditions.* * * * (Emphasis added.)

Excerpts from notes for an address by the Honorable Marc Lalande, Minister of Energy, Mines and Resources to the Canadian Electrical Association, June 22, 1981:

Here I would like to comment briefly on the federal government's basic export policy, whether it involves electricity or any other source of energy. We are strongly in favour of exporting energy, provided the Canadian market has first been fully and completely served, and provided the short- and medium-term expansion prospects of that market have been accurately established and an adequate safety margin has been retained to cover future needs. Beyond this, we are strongly encouraging producers to export their surplus, as determined by the National Energy Board; they would thus help the United States to further minimize their dependence on oil imported from overseas. *Such exports must, however, be priced high enough so that Canadian producers can realize a profit; such profits should then enable them to keep the prices they charge to Canadian consumers at a reasonable level.* (Emphasis added.)

Excerpts from Australia's Mineral Resources—Development and Policies (1981):

The fundamental objective of [Australian uranium export] controls is to protect the national interest. Among other things, export controls are used *where necessary to ensure fair and reasonable world market prices are achieved;* adequate supplies are available for the domestic market; international and strategic obligations are met; and the Government's nuclear safeguard and physical protection requirements on exports are met. * * * (Emphasis added.)

Although I fully support the provisions in the authorization bill, I believe that more must be done to sustain a domestic uranium industry capable of holding down prices and fulfilling our domestic needs in time of crises. In particular, current DOE approaches to uranium enrichment, such as the fixed tails assay and the split tails policy, must be modified. These DOE policies unfairly depress the demand for uranium and amount to a costly and hidden tax on the domestic uranium industry and its employees for the purpose of subsidizing the DOE enrichment program, including DOE's development of gas centrifuge technology. DOE should abandon these burdensome policies immediately. This would expand the demand for uranium and put some of the thousands of unemployed uranium miners in New Mexico and other States back to work.

● Mr. GORE. Mr. Speaker, I urge my colleagues to support the motion to strike section 23.

This section is an attempt to assist the ailing domestic uranium industry by limiting competition from foreign uranium imports. I do not believe that section 23 could accomplish what its sponsors apparently hope for. It is not addressed to the root causes of the domestic uranium industry's problem.

While it is true that foreign uranium enjoys a natural competitive advantage over domestic uranium, the fundamental reason for the current depressed state of the uranium industry is the decline in demand for electricity. In the past, nuclear plant owners, such as TVA, have been large purchasers of uranium. Faced with declining demand for electricity and the increasingly prohibitive costs of building nuclear plants, TVA and other electric systems have canceled many nuclear plants in the last few years.

In addition, many of these electric systems already had purchased substantial amounts of uranium to fuel these now canceled plants, and simply do not need to purchase more uranium at the present time. For example, in 1973 TVA believed that it would need 86 million pounds of uranium between 1979 and 1990 to fuel its projected 17 nuclear generating units. During the seventies, TVA purchased less than half of that amount, canceled or indefinitely deferred plans to build eight of these units, and now has a uranium inventory and supplies under contract sufficient to last it at least until 1988. Many of the Nation's other electric systems are in a similar position. Section 23 does not address, nor could it provide any remedy for, the overall decline in uranium demand.

To the extent that foreign competition is garnering an increasing share

of the meager domestic uranium market, it is doing so because of its natural competitive advantages. Many foreign uranium ore bodies contain high quality, easily accessible reserves which cost far less to mine than uranium found in this country. For example, a good U.S. mine produces 3 to 4 pounds of uranium concentrate per ton of ore mined, whereas the ore bodies in Saskatchewan average approximately 27 pounds of uranium per ton of ore.

The response proposed by section 23 to this natural competitive advantage is both inequitable and shortsighted. It is inequitable because it will have a disproportionate impact on electricity consumers across the Nation. For the past decade, those consumers have borne the burden of ever-increasing fuel costs and dramatically higher electric rates. Electric systems have a responsibility to turn to the lowest priced uranium available—which may well be low-cost foreign uranium reserves. When section 23 makes it impossible for electric systems to purchase these foreign reserves, their consumers will have to pay the penalty in even higher electric rates.

Further, uranium producers have claimed that the formation of the international uranium cartel in 1972 was encouraged by this kind of domestic industry protection policy. TVA and its electricity consumers were significantly injured by that cartel and have taken the lead in suing its members for their antitrust violations. We do not think that uranium producers should now have section 23 as an excuse to repeat that history.

The approach taken by section 23 also appears shortsighted from a national security standpoint. After all, uranium is not a renewable resource. By forcing electric systems to purchase domestic uranium, section 23 simply would implement a deplete America first policy. In addition, the largest bodies of low-cost foreign uranium resources are heavily concentrated in countries which are our current allies—Australia and Canada. No one can say with certainty, however, what the future will bring after we have used up domestic resources and are forced inevitably to turn to foreign sources for supply. For example, we already have seen Australia's Labor Government preclude development of uranium mining during the midseventies, and Canada has implemented a policy to insure that the needs of its own utilities are met first before uranium is exported. Thus, the United States might well be better protected in the long run without any limitations on current purchases of foreign uranium.

I urge my colleagues to support the action to strike section 23.●

Mr. UDALL. Mr. Speaker, I insert in the RECORD at this point two letters I referred to earlier, one from the Edison Electric Institute, supporting the conference report, and one from the American Federation of Labor and Congress of Industrial Organizations, supporting the conference report:

EDISON ELECTRIC INSTITUTE,
Washington, D.C., September 22, 1982.

Hon. WILLIAM E. BROCK,
U.S. Trade Representative, Washington, D.C.

DEAR BILL: The Edison Electric Institute strongly supports the Nuclear Regulatory Commission Authorization for fiscal years 1982 and 1983 (H.R. 2330). We have recommended that Congress approve the Conference Report as soon as possible and we will urge the President to sign into law this important bill.

EEI supports free trade and is aware of your concerns over a provision which requires a study of the domestic mining industry and which, depending upon the outcome of the study, could be followed by a future limitation on the amount of uranium imported into the United States. However, the provision as adopted by the conference is primarily a study and we do not believe it would actually result in an import limitation during the 1980's or early 1990's because current contracts are in place covering those requirements. Thus, while it would appear that there are potential limitations, we do not view this provision as an actual restriction and the issue pales in comparison to other vital issues addressed in this important bill.

H.R. 2330 includes nuclear power plant licensing reforms crucial to the well-being of the utility industry. One of these is the authority provided NRC to grant a temporary operating license (TOL) to a plant whose construction and safety approval procedures are complete but for which the final public hearing has not been conducted. Granting a TOL to new plants which would otherwise sit idle awaiting the final hearing could save consumers up to $30 million per plant per month. Part of this cost, of course, can be attributed to the imported oil that would otherwise be displaced by new nuclear capacity. The impact, therefore, on the U.S. balance of payments situation is obvious.

Another key provision reverses the so-called *Sholly* decision which requires the Commission to hold a public hearing, if requested by an intervenor, on any routine license amendment. Since a utility applies for hundreds of licensing amendments for operating plants, the *Sholly* decision, if not overturned, could result in hearings prolific enough to devastate the industry.

For these reasons, we ask you to join us in seeking the President's support of the Conference Report.

Sincerely,

FREDERICK L. WEBBER.

AMERICAN FEDERATION OF LABOR AND CONGRESS OF INDUSTRIAL ORGANIZATIONS,
Washington, D.C., September 30, 1982.

I would like to urge your support for the conference report on H.R. 2330, the Nuclear Regulatory Commission Reauthorization Act. This critical piece of legislation deserves congressional attention prior to the recess.

In particular, I would like to urge your support for the uranium supply provisions of the conference report. We would like to make clear that these provisions do not establish a quota on uranium imports.

The U.S. uranium industry is in extremely critical condition. DOE has reported that over 50 percent of uranium industry workers have been laid off. The uranium supply provisions of he conference report will revitalize the industry and put uranium miners back to work.

The uranium supply provisions of the conference report require a Presidential study of the impact of foreign uranium on U.S. national security. In addition, this section requires appropriate studies by the Department of Commerce and International Trade Commission before any limitation on uranium imports can be established. The section will require monitoring by the Department of Energy of contracting for foreign uranium and if contracting exceeds 37.5 percent of U.S. demand, then a brief limitation on further contracting will take place. Article 21 of the General Agreement on Tariffs and Trade specifically provides for adjustments to trade for uranium.

Again, I urge support for the conference report and consideration of this important piece of legislation prior to the recess.

Sincerely,

RAY DENISON,
Director,
Department of Legislation.

Mr. UDALL. Mr. Speaker, I ask for a "no" vote on the pending motion.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Minnesota (Mr. FRENZEL).

The question was taken; and the Chair being in doubt, the House divided, and there were—ayes 8, noes 9.

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

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

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 241, nays 148, not voting 44, as follows:

[Roll No. 410]

YEAS—241

Albosta	Carman	Dwyer
Annunzio	Clausen	Dyson
Anthony	Clinger	Early
Archer	Coats	Edwards (AL)
Ashbrook	Coleman	Edwards (CA)
Atkinson	Collins (TX)	Emerson
AuCoin	Conable	Erdahl
Barnes	Conte	Erlenborn
Bedell	Corcoran	Evans (DE)
Beilenson	Coughlin	Evans (IA)
Benedict	Courter	Fazio
Bennett	Coyne, William	Fenwick
Bereuter	Crane, Daniel	Fiedler
Bethune	Crockett	Fields
Biaggi	D'Amours	Findley
Bingham	Daniel, Dan	Fish
Billey	Daniel, R. W.	Florio
Bonior	Dannemeyer	Foglietta
Bonker	Daub	Ford (TN)
Bowen	Dellums	Forsythe
Brinkley	Derrick	Fowler
Brodhead	Derwinski	Frank
Brooks	Dickinson	Frenzel
Broomfield	Dicks	Garcia
Brown (CA)	Donnelly	Gejdenson
Brown (CO)	Dorgan	Gephardt
Brown (OH)	Dornan	Gibbons
Burgener	Dougherty	Gilman
Burton, John	Downey	Glickman
Butler	Dreier	Gore
Campbell	Dunn	Gradison

Gramm	Martin (NC)	Schneider
Green	Mattox	Schumer
Gregg	Mavroules	Sensenbrenner
Grisham	McClory	Shamansky
Guarini	McCollum	Shannon
Gunderson	McDade	Sharp
Hagedorn	McDonald	Shaw
Hall (IN)	McGrath	Shumway
Hall (OH)	McKinney	Siljander
Hamilton	Mica	Skelton
Hammerschmidt	Michel	Smith (AL)
Harkin	Mikulski	Smith (IA)
Hartnett	Miller (OH)	Smith (NE)
Hertel	Moakley	Smith (NJ)
Hiler	Molinari	Smith (OR)
Holland	Montgomery	Solomon
Horton	Moore	Spence
Huckaby	Mottl	Stangeland
Hutto	Myers	Stark
Hyde	Napier	Staton
Ireland	Neal	Stenholm
Jacobs	Nelson	Stratton
Jeffords	O'Brien	Studds
Jeffries	Oberstar	Swift
Jenkins	Obey	Tauke
Johnston	Oxley	Tauzin
Jones (NC)	Panetta	Thomas
Jones (OK)	Parris	Traxler
Kastenmeier	Pashayan	Trible
Kildee	Patman	Vander Jagt
Kindness	Paul	Volkmer
Lagomarsino	Pease	Walgren
Lantos	Petri	Washington
Latta	Peyser	Waxman
Leach	Pickle	Weber (MN)
Leath	Price	Weber (OH)
Leland	Pritchard	Weiss
Lent	Railsback	Whitehurst
Levitas	Rangel	Whittaker
Lewis	Ratchford	Winn
Loeffler	Reuss	Wolf
Lott	Rinaldo	Wolpe
Lowery (CA)	Ritter	Wortley
Lowry (WA)	Roberts (KS)	Wyden
Lundine	Robinson	Wylie
Lungren	Roemer	Young (FL)
Madigan	Rostenkowski	Young (MO)
Markey	Roukema	Zablocki
Marlenee	Russo	
Martin (IL)	Sawyer	

NAYS—148

Addabbo	Gaydos	Mineta
Akaka	Ginn	Minish
Anderson	Gonzalez	Mitchell (MD)
Andrews	Goodling	Mitchell (NY)
Applegate	Gray	Moorhead
Aspin	Hall, Ralph	Morrison
Bailey (MO)	Hall, Sam	Murphy
Bailey (PA)	Hansen (ID)	Murtha
Barnard	Hansen (UT)	Natcher
Beard	Hatcher	Nelligan
Bevill	Hawkins	Nichols
Boggs	Hefner	Nowak
Boland	Heftel	Oakar
Boner	Hendon	Ottinger
Bouquard	Hightower	Pepper
Breaux	Hillis	Perkins
Broyhill	Hollenbeck	Pursell
Byron	Holt	Quillen
Carney	Hopkins	Rahall
Chappie	Howard	Regula
Cheney	Hoyer	Rhodes
Clay	Hubbard	Roberts (SD)
Coelho	Hughes	Rodino
Collins (IL)	Hunter	Roe
Conyers	Jones (TN)	Rogers
Craig	Kazen	Rose
Dingell	Kennelly	Rosenthal
Dowdy	Kogovsek	Roth
Duncan	Kramer	Rudd
Eckart	LeBoutillier	Sabo
Edwards (OK)	Livingston	Santini
Emery	Long (LA)	Scheuer
English	Long (MD)	Schroeder
Ertel	Lujan	Schulze
Evans (GA)	Luken	Seiberling
Evans (IN)	Marriott	Shelby
Fary	Martin (NY)	Simon
Fascell	Matsui	Skeen
Ferraro	Mazzoli	Smith (PA)
Fithian	McCurdy	Snowe
Flippo	McEwen	Snyder
Ford (MI)	McHugh	Solarz
Fuqua	Miller (CA)	Stokes
Stump	Watkins	Wirth
Synar	Weaver	Wright
Taylor	White	Yates
Udall	Whitley	Yatron
Vento	Whitten	Zeferetti
Walker	Williams (MT)	
Wampler	Wilson	

NOT VOTING—44

Alexander	Dixon	Martinez
Badham	Dymally	McCloskey
Bafalis	Edgar	Moffett
Blanchard	Foley	Mollohan
Bolling	Fountain	Patterson
Burton, Phillip	Frost	Porter
Chappell	Gingrich	Rousselot
Chisholm	Goldwater	Roybal
Coyne, James	Hance	Savage
Crane, Philip	Heckler	Shuster
Daschle	Kemp	St Germain
Davis	LaFalce	Stanton
de la Garza	Lee	Williams (OH)
Deckard	Lehman	Young (AK)
DeNardis	Marks	

□ 1500

Mr. LONG of Maryland, Mr. HUNTER, Mrs. HOLT, Mrs. KENNELLY, and Messrs. LUKEN, MINISH, McEWEN, and WEAVER changed their votes from "yea" to "nay."

Messrs. WOLPE, SMITH of Iowa, MICA, ROEMER, ARCHER, PRICE, and BIAGGI, Mrs. ROUKEMA, and Messrs. PEYSER, LOEFFLER, STENHOLM, VOLKMER, SMITH of Oregon, ANNUNZIO, ROBINSON, WHITEHURST, D'AMOURS, LOWERY of California, MARLENEE, DAN DANIEL, FISH, TRIBLE, and BLILEY changed their votes from "nay" to "yea."

So the motion to reject section 23 of the conference report was agreed to.

The result of the vote was announced as above recorded.

POINT OF ORDER

Mr. STRATTON. Mr. Speaker, I make a point of order that the matter contained in sections 14, 17, and 18 of the substitute for the Senate amendment in the conference report would not be germane to H.R. 2330 if offered in the House and is, therefore, subject to a point of order under the rules of the House.

I make this point of order, Mr. Speaker, because sections 14, 17, and 18 would be permanent changes in law and this bill is a 2-year authorization bill; also, the three sections contain matters that fall within the jurisdiction of the Armed Services Committee.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Arizona (Mr. UDALL).

Mr. UDALL. Mr. Speaker, I concede the point of order and wish to be heard in the regular order on the motion.

The SPEAKER pro tempore. The point of order is sustained.

MOTION OFFERED BY MR. STRATTON

Mr. STRATTON. Mr. Speaker, I offer a motion.

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

The Clerk read as follows:

Mr. STRATTON moves that the House reject sections 14, 17, and 18 of the substitute recommended in the conference report.

The SPEAKER pro tempore. The gentleman from New York (Mr. STRATTON) will be recognized for 20 minutes, and the gentleman from Arizona (Mr. UDALL) will be recognized for 20 minutes.

The Chair now recognizes the gentleman from New York (Mr. STRATTON).

□ 1510

Mr. STRATTON. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, I have made a point of order against the consideration of the conference report on H.R. 2330.

As the conference report points out, H.R. 2330 was passed by the House and then amended by the Senate. The conferees adopted numerous Senate amendments, which would be in violation of the provisions of clause 7 of rule XVI if such amendments had been offered as an amendment in the House. In other words, Mr. Speaker, several of the Senate amendments are nongermane since they deal with appropriations and subjects different from that under consideration in the House bill.

Furthermore, the conference report invades the jurisdiction of several committees of the House, since it contains directions and limitations on Government agencies other than the Nuclear Regulatory Commission.

Section 14 of the conference report, for example, is nongermane as an amendment to the House bill authorizing appropriations for the Nuclear Regulatory Commission. Section 14 was a Senate amendment that deals with special nuclear material by amending the Atomic Energy Act of 1954, but special nuclear material is material that is used for the purpose of making nuclear weapons and is, therefore, under the jurisdiction of the Committee on Armed Services.

The language of section 14, as adopted by the conferees, would therefore have been nongermane had such an amendment been offered in the House.

Section 17, which was a Senate amendment to the House bill, is also nongermane since it would revise permanent law through a 2-year authorization. This section would revise a statute dealing with the release of information concerning security measures by the Secretary of Energy, and other matters that involve the nuclear weapons program of the Department of Energy.

Section 18 of the conference report would revise permanent law through a 2-year authorization bill. The Senate amendment is also nongermane because it affects the Department of Energy in general, the Department of Energy defense programs in particu-

lar, and the Environmental Protection Agency, in addition to the Nuclear Regulatory Commission.

Mr. Speaker, this conference report, as the action taken by the gentleman from Minnesota a little while ago and sustained overwhelmingly by the House, is a Christmas tree. It contains a number of provisions that have been tacked onto a simple 2-year appropriation authorization bill for the Nuclear Regulatory Commission, and a good many of those really are not germane in the House or have no bearing on the basic operations of the Nuclear Regulatory Commission.

The appropriate committees of the House have a right to carefully consider these members if they are properly introduced and referred to them. But important changes in existing law should not be forced on the House through backdoor, nongermane Senate amendments, and we should not be forced to have only 40 minutes of debate on subjects that would change a national policy that has existed since the 1940's.

This is particularly the case with respect to section 14. It has been the national policy of the United States that the Federal Government shall have access to all special nuclear materials. This policy was based on the paramount importance of these materials to the national defense, and the Government has always claimed a right to these special nuclear materials no matter where they were located, either in a nuclear power reactor or elsewhere. However, the Senate, in section 14, would reverse that policy in a bill that is intended to authorize appropriations for the Nuclear Regulatory Commission. It would prevent the Government from recovering materials from any licensed facilities in time of war or for pressing needs from any facility licensed under the Atomic Energy Act.

As a matter of fact, Dr. Herman Roser stated the administration's strong position in opposition to this proposal in connection with an amendment added to H.R. 3809. He pointed out that the cost of section 14 could be as much as $15 billion to $30 billion to the taxpayers of the United States.

Section 17 is also another nongermane amendment. The statute which it deals with prohibited the dissemination of certain unclassified information if that information could be reasonably expected to result in having adverse effects on public health and safety.

The purpose of the legislation was to prevent terrorist acts or sabotage at vital Department of Energy defense facilities.

The Committee on Armed Services has found that there have been threats and certain information regarding alarm system layouts, wiring diagrams, and other information that would be helpful to terrorists or saboteurs have been available even to the Soviet Embassy or to the PLO through the Freedom of Information Act.

The Secretary of Energy could not classify this information under our classification arrangements, but now, by a nongermane amendment to this bill, the Senate would require the Secretary of Energy to make this information available freely, which could assist terrorists in making attacks on our nuclear installations.

How silly can we be?

The SPEAKER pro tempore. The time of the gentleman from New York (Mr. STRATTON) has expired.

Mr. STRATTON. Mr. Speaker, I yield myself 2 additional minutes.

Mr. Speaker, the nongermane amendment represented in section 18 of the conference report amends the law dealing with uranium mill tailings. This amendment would put the Nuclear Regulatory Commission in the position of establishing standards for health and safety, rather than the EPA, which now has that authority under the law.

The Committee on Armed Services in recent weeks has held exhaustive hearings on the subject of uranium mill tailings, and dozens of expert witnesses have appeared before the committee and were unable to cite any evidence that mill tailings have or ever will constitute a threat to the public health or safety.

Under the amendment offered in the Senate, the Nuclear Regulatory Commission, which has no authority, would be required to come up with standards which could require costly cleanup operations with regard to a substance which, as I have said, we have been assured has no harmful effect, and this has been so certified by competent witnesses before our committee.

So I think these three nongermane amendments: One of which would cost the Nation some $30 billion in recovering special nuclear materials in time of danger; the amendment that would open up to future terrorists the security procedures in effect in our nuclear installations, and an amendment that would require the expenditure of millions of dollars to cleanup a nonexisting threat, certainly should be voted down.

Mr. Speaker, I urge the House to reject, as they have already done with respect to section 23, sections 14, 17, and 18 of the substitute recommended in the conference report.

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

GENERAL LEAVE

Mr. UDALL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the debate and the motion offered by the gentleman from Minnesota (Mr. FRENZEL) and on the series of motions subsequent thereto.

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

There was no objection.

Mr. UDALL. Mr. Speaker, I yield 3 minutes to the gentleman from Oregon (Mr. WEAVER).

□ 1520

Mr. WEAVER. Mr. Speaker, I thank the gentleman and my chairman. One of the provisions we are discussing here is the provision that would prohibit the use of nuclear waste materials from being incorporated for military explosive uses. This is similar to an amendment that I offered in the Interior Committee, and was accepted in the Interior Committee, to the nuclear waste bill. I had the opportunity to offer this amendment on the floor to the nuclear waste bill, but I chose not to because of the argument made to me that it was more properly placed in this bill, in this conference report. I accepted that argument, and I argue here therefore that it should remain, the Senate provision prohibiting the use of commercial nuclear materials for nuclear explosive devices, be prohibited.

I feel very strongly, Mr. Speaker, that the Atoms for Peace movement that began in the 1950's would be seriously undermined if we converted Atoms for Peace to commercial Atoms for Peace in war. I think that would tend to destroy the very idea of any peaceful nuclear use if we said, "No, we are going to change Atoms for Peace into Atoms for War."

I think that would be one of the worst things this country could do in leading the world toward more peaceful uses and purposes of the resources and materials we have. If we broadcast to the world, Mr. Speaker, that we were using our Atoms for Peace also for war, it could have a devastating effect on the leadership of the United States in this field.

So, I ask that the Senate provision prohibiting commercial nuclear act or materials from being used for nuclear explosive devices be kept in the bill.

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

Mr. Speaker, I might simply respond to the distinguished gentleman from Oregon that the Atoms for Peace proposal was a part of the original Atomic Energy Act, and that the capability of the Government to recover atomic energy from spent nuclear fuel provides the nuclear atoms that have been made available for peace that was part of the original ligislation.

The gentleman says he was advised to put his amendment in this particular bill, but I might suggest to him he

would have been better advised to add that amendment to a bill coming out of a committee with jurisdiction over special nuclear materials, to wit the Committee on the Armed Services.

Mr. Speaker, I yield 10 minutes to the gentlewoman from Maryland (Mrs. HOLT).

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

Mr. Speaker, I rise in support of the motion to strike sections 14, 17, and 18 from the conference report on H.R. 2330.

Those of us who engage in conferences with the Senate are all too aware of the problems caused by nongermane amendments that seem to easily find their way into House bills that are carefully considered by appropriate House committees, that are sensitive to the germaneness rule and to the jurisdiction of other House committees.

A good many of these nongermane amendments are floor amendments that have not been exposed to the hearing process or to debate. Some of these amendments that the House conferees are urged to bring back to the House, in spite of the longstanding rule on germaneness, are pet projects of staff persons or parochial interests that could never be passed if they were in the form of a freestanding bill. Such is the case with the conference report on H.R. 2330.

This bill began as a Nuclear Regulatory Commission Authorization Act for fiscal years 1982 and 1983. The bill, now after the adoption of many nongermane Senate amendments, is simply an omnibus Atomic Energy Act amendments bill. This small, 2-year authorization bill now contains no fewer than 11 substantive and sweeping amendments to current law.

If these amendments were so badly needed, one wonders why the appropriate committees of the other body and of this body did not introduce such legislation, hold hearings, solicit the views of the administration, report a bill, and give the Members of this House an opportunity to debate the merits of these changes to permanent law.

Every legislative reorganization act that I remember has tried to deal with this type of abuse of the legislative process. We now have a mechanism for dealing with this sort of abuse. This is our opportunity to enforce that mechanism and the germaneness rule. This is our opportunity to assist House conferees in the future who spend endless hours being lobbied and harangued to accept amendments that we know that the rules of the House will not permit us to accept.

We now have the mechanism to vote down nongermane and ill-conceived amendments tacked on to House bills. Today, let us enforce the House rules. Let us send out the message that House bills are not the baggage carriers for every pet project that occurs to staff people or to members having parochial interests. Let us preserve the integrity as well as the honesty of the legislative process. Let us vote down these nongermane amendments.

Mr. Speaker, I strongly oppose section 14.

The fact that section 14 makes no sense is easily illustrated if we consider a few questions. Are we to ban military use of food because it is derived from the same farms that produce food for civilian use? Are we to prohibit military consumption of petroleum if that petroluem is taken from the same fields that produce it for civilian uses? Are we to preclude our soldiers, sailors and airmen from consuming Coca-Cola and Pepsi-Cola because the plants which produce our servicemen's beverages are basically civilian in nature? Should electricity from nuclear powerplants not be used for atomic energy defense activities? Are we to forbid chemical plants which produce goods from civilians from ever supplying the military? Obviously we are not and will not. But if we are not doing these ridiculous things, then why are we considering a similar action with respect to plutonium derived from civilian spent nuclear fuel? The answer, I am told, is that we must adopt a law barring military use of spent nuclear fuel because antinuclear groups otherwise will erroneously claim, as they erroneously will anyway, that civilian nuclear powerplants are "bomb factories." Well, I am deeply troubled, and I believe that we all should be, that it has somehow suddenly become ghastly and immoral to contribute to the Nation's defense, even as a "bomb factory." In years past, our bomb factories helped us protect our freedom and helped us to end wars started by totalitarian aggressors by supplying us with the means to defense ourselves. Even as we speak, these now lowly bomb factories continue to protect our liberties keeping this generation's crop of totalitarian aggressors at bay. In sum, this amendment is based on the presumption that our national defense is somehow immoral. This is grounds enough to oppose it. But there are other reasons as well. For one thing, it is illogical and wasteful of taxpayers' money to hinge decisions relating to the national defense on misperceptions and propaganda propounded by antinuclear groups. If it is economically desirable to resort to military use of spent nuclear fuel, why not allow the military to make that use? Why should taxpayers be burdened with the additional billions to produce plutonium for nuclear weapons if the President and the Congress agree that nuclear weapons must be produced and the plutonum could be made available from spent fuel.

Mr. Speaker, I believe that section 14 is flatly detrimental to the Nation's interests and I oppose it. We all should.

Mr. UDALL. Mr. Speaker, I yield 3 minutes to the gentleman from Massachusetts (Mr. MARKEY).

Mr. MARKEY. Mr. Speaker, what we are talking about here is turning every nuclear powerplant in America into a bomb factory. That is what we are talking about. We are saying that, whether you have Diablo Canyon, Three Mile Island, or Seabrook, every time one of our constituents turns on the light, they will also be producing materials that will be used to build nuclear bombs in this country. Is that what you want our civilian nuclear program to be, a generator of nuclear materials for bombs?

Now, we have for the past couple of decades tried to put together a policy in this country. In 1968, we signed the Arms Proliferation Treaty. In 1978, we put together the Non-Proliferation Act. We were trying to tell Pakistan, India, Brazil, and Argentina, "Don't take these civilian reactors with their plutonium or uranium to build nuclear weapons," because that would tear down the curtain that existed between civilian and military uses of the atom. So, we tried to construct a myth—and it is only a myth—but at least put up some walls, some safeguards, to make sure it would be pretty difficult to do it.

But, now former Secretary Edwards and others in the Reagan administration that do not think it really is economical to build more defense facilities to produce plutonium or uranium, they want to use part of the waste of civilian reactors. So, if you want to kill the nuclear industry in this country, if you want to be sure that the nuclear industry will die as sudden a death as any industry has ever, you let every man, woman and child in this country believe that every time they turn on the switch, every time a piece of toast pops up, every time they plug in a toaster, every time they use nuclear electricity, that they are also producing nuclear bombs.

Do you think the nuclear freeze issue is big? Wait until you see the reaction in this country of people who think that they are making bombs every time they are popping up their toast. It will kill the industry. The nuclear industry opposes the position of the gentleman from New York. They want to have a ban on the use of uranium and plutonium in civilian reactor facilities to be used for nuclear weapons. They do not want to see that wall torn down. They do not want to see the example which would be set to spread to other countries, the Third World countries—to the Qadhafi's, the

Galtieri's—to others who really generally do want to convert civilian peaceful programs into military programs.

Yes, there is a myth that exists. The myth is that there is such a thing as a peaceful atom and a war-like atom. No, there is one atom. It can be used either way depending upon whose hands it is in. It is about time we understood that every nuclear powerplant in this country is also potentially a bomb factory. If we want to go from an era in which we think of them as plants that generate electricity, which have this unfortunate byproduct of nuclear waste, into an era in which the generation of nuclear bombs has this wonderful byproduct of electricity, fine, support the gentleman from New York, but I tell you, in supporting him, you will also sound the death knell for the domestic civilian nuclear industry in this country. Never again will we build another plant.

Mr. UDALL. Mr. Speaker, I yield 3 minutes to the gentleman from New York (Mr. OTTINGER).

Mr. OTTINGER. Mr. Speaker, let me first address the questions of jurisdiction that were raised by my good colleague and dean from New York. We intentionally established in this country civilian control over the nuclear genie. We took out of the Defense Department the control of nuclear materials. As a matter of fact, even defense-related nuclear materials were put into the Department of Energy. The committees of the House that had to do with energy and the Interior Department were given control over the Nuclear Regulatory Commission and over the Department of Energy's civilian nuclear activities. The motion before us deals with the uses of civilian-produced spent fuel, which is clearly within the jurisdiction of the Interior and Energy and Commerce Committees. Therefore, it is entirely appropriate that we should be concerned and deal with these matters.

Second, perhaps the greatest danger to the world, far greater than the danger that the Russians will drop bombs on us, is the problems of proliferation. We can be reasonably assured that the Russians will not drop bombs on us because they know that if they do so we will destroy them in retaliation.

One of the most shocking proposals in contravention of our antiproliferation efforts that has been made by this administration is the suggestion advanced by my colleague from New York (Mr. STRATTON) contained in his motion—namely, to permit civilian spent fuel in our own country to be used for military purposes.

To do so would set a terrible example. At the present time we are seeking to prevail upon countries like Pakistan, North Korea, South Africa, India, and others, that they should not use their civilian reactors for military purposes, and that they should subject their civilian reactors to international safeguards for assure that there is no diversion of waste to produce bombs. Indeed, those negotiations are going on at the very moment that we are sitting here considering this measure today.

India, of course, set the horrible example. They showed that in spite of the arguments of many nuclear advocates that civilian nuclear reactors could never be used to produce bombs and that spent fuel was the least likely way to make bombs, India in fact used plutonium produced in their research power reactor to construct and detonate a nuclear device.

The conversion of civilian spent fuel to make bombs with the attendant specter of weapons proliferation has been shown to be a very real threat. U.S. conversion of civilian fuel for weapons would undermine our antiproliferation efforts.

It has been argued that the commercial spent fuel may be needed for the weapons program due to the inability of defense facilities to produce sufficient quantities of plutonium.

The SPEAKER pro tempore. The time of the gentleman from New York (Mr. OTTINGER) has expired.

Mr. UDALL. Mr. Speaker, I yield 2 additional minutes to the gentleman from New York (Mr. OTTINGER).

Mr. OTTINGER. Mr. Speaker, I thank the gentleman from Arizona.

This argument has proceeded despite the lack of documentation of any existing or projected shortfalls in plutonium supplies for weapons purposes. The real reason behind this is that the Department of Energy under Secretary Edwards has a fascination with reprocessing and it wants to get the civilian industry into reprocessing even though it is uneconomic and even though it creates these proliferation dangers. I am sure the Members are well aware of this administration's strong encouragement for reprocessing of commercial spent fuel and the severe technical impediments encountered in our and other countries' attempts to operate a cost-effective reprocessing facility. Since this administration has so far been unsuccessful in its efforts to revive private industry's interest in reprocessing, it appears that it is willing to forge ahead itself into this murky and, to date, unproductive field by allowing reprocessing of our civilian wastes for military purposes despite the lack of need, the diseconomics or the grave proliferation dangers.

Rejection of this provision would send a clear and unmistakable signal to every other nation that the United States is retreating from the fundamental premise and purpose of our nonproliferation policy. To undermine our vital anti-proliferation policy solely to bolster the nuclear industry with taxpayer dollars where private industry itself fears to tread, strikes me as a bad bargain indeed.

Mr. Speaker, I strongly urge the support of the Members for the provision in the conference bill and their rejection of the motion offered by the gentleman from New York (Mr. STRATTON).

The SPEAKER pro tempore. The Chair now recognizes the gentleman from New York (Mr. STRATTON).

Mr. STRATTON. Mr. Speaker, may I inquire, how much time do I have remaining?

The SPEAKER pro tempore. The gentleman from New York (Mr. STRATTON) has 11 minutes remaining, and the gentleman from Arizona (Mr. UDALL) has 10 minutes remaining.

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

The gentleman from Massachusetts (Mr. MARKEY), with his usual flair, managed to exaggerate the situation rather considerably when he made the comment a moment ago that this particular proposal would make a bomb factory out of every nuclear powerplant. That, of course, is total absurdity.

The basic law under which we have been operating has been in effect since 1946, and it has been in the hands of the Atomic Energy Commission, and the Joint Committee on Atomic Energy, headed by the chairman of our own Armed Services Committee (Mr. PRICE) which have been monitoring this situation since those years.

The fact of the matter is—and it is no surprise to anyone who is at all knowledgeable in physics—that spent nuclear fuel in a nuclear reactor is capable of yielding, under certain processes, a certain amount of plutonium, which is the material that is used for atomic weapons. I know that it is fashionable these days to deplore atomic weapons, but the fact of the matter is that because of those weapons providing a deterrent, we have had no nuclear world war for some 37 years.

The purpose of allowing spent reactor fuel to be reprocessed in an effort to recover whatever plutonium can be derived from it is a simple emergency provision. The House a few moments ago rejected any limitations on importing uranium into the country, but if for various reasons in time of emergency we were not able to get the uranium that we wanted, this kind of processing would provide us with whatever materials might be required to defend ourselves in an emergency situation. For us to deny ourselves of that capability which has been in the basic law since 1946—not by the deliberation of this House, not by the holding of hearings in either this House or the other body, but simply because of

a nongermane amendment put in on the floor by some Member of the other body and, as the gentleman from Minnesota (Mr. FRENZEL) pointed out in connection with the section that he succeeded in knocking out, with probably no Members on the floor at the time it was discussed—is simply totally irrational and unconscionable.

This is the kind of decision that, if we are going to make it and if that is what we want to do, should be made with deliberation, with the advice of the people knowledgeable in this field, and certainly with the concurrence of the appropriate committees of the House of Representatives, and that is why this kind of thing should be rejected.

The gentleman from New York (Mr. OTTINGER) suggested that somehow there are two different kinds of nuclear fuel, the bad kind and the good kind, just as did the gentleman from Oregon (Mr. WEAVER). But the fact of the matter is that the atoms, whether we put them to work for peace, whether we put them to work in the hospitals with medical isotopes, or whether we use them to irradiate food and preserve it for the hungry masses around the world, are all generated in exactly the same place and by exactly the same process. It is just a matter of where we use them and how we use them. Certainly we have not proliferated the available plutonium capabilities from spent nuclear fuel since that original law went into effect, but it would be a serious mistake for us to deny ourselves, simply because some Senator wanted to get something into the bill, and with very little discussion, if any, and succeeded in getting it in, just as he got in the other section which the House previously eliminated.

Mr. DELLUMS. Mr. Speaker, will the gentleman yield briefly to me for a question?

Mr. STRATTON. I am glad to yield to the gentleman from California.

Mr. DELLUMS. Mr. Speaker, I would like to ask the gentleman the following question:

Given the fact that we have roughly 10,000 strategic weapons and over 20,000 tactical nuclear weapons and we are presently developing additional strategic and tactical nuclear weapons, can the gentleman construct a scenario that would render this country vulnerable in some kind of crisis that would require us within a relatively short period of time to go to civilian nuclear powerplants to develop weapons when we already have over some 30,000 right now? What is the scenario that would put us in the crisis situation?

□ 1540

Mr. STRATTON. As a matter of fact, there has been a substantial suggestion that we ought to be bringing some of the battlefield nuclear weapons that are currently in Europe back from Europe and rely instead on the Pershing II which is a much more effective counterweapon to the threat that the Soviets are posing to NATO with their SS-20's.

If those weapons were brought back on a ship and the ship happened to be sunk, then we would have lost a substantial number of the weapons the gentleman is referring to.

Not only that, but nuclear weapons, just like Members of Congress, get older, get less effective and with less power and vigor, so we are annually retiring hundreds of nuclear weapons from our inventory and replacing them with younger, more alert, more vigorous weapons.

The fact that we might have a particular inventory at one particular moment does not necessarily mean that we ought to deny ourselves a fallback position if, God forbid, we should require it.

Mr. DELLUMS. Would the gentleman yield further?

Mr. STRATTON. Be glad to yield.

Mr. DELLUMS. In responding to the two examples the gentleman gave: First, age and erosion is an evolutionary process which certainly does not communicate urgency and, second, I would think that the gentleman would agree with me that on a scale of 1 to 10 the probability of the sinking of a ship that we have brought back with nuclear weapons is somewhere between zero and 1.

So where is the crisis we are talking about? Where is the urgency and immediacy the gentleman alludes to as the major thrust of his argument against the proposition that was propounded in this conference report?

Mr. STRATTON. The point that we are making here is that these provisions which we are bringing to the attention of the House are nongermane, they are irrelevant to the bill, which is an appropriation bill for the Nuclear Regulatory Commission and they infringe on the authority of the Armed Services Committee. Nuclear Regulatory Commission certainly has no responsibility over the defense activities of the Department of Energy; and the committee chaired by the distinguished gentleman from Arizona (Mr. UDALL) also has no authority over these defense matters as well.

The gentleman from California is a distinguished member of the Committee on Armed Services and that is the committee that has this direct and awesome responsibility. We are trying here to defend the role of the House and not be stampeded by some nongermane amendment presented by one Member of the other body without any real discussion.

Mr. DELLUMS. Will the gentleman yield for a final question?

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

Mr. UDALL. Mr. Speaker, I yield myself 6 minutes.

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

Mr. UDALL. I yield briefly to the gentleman from California.

Mr. DELLUMS. I thank my colleague for yielding.

I simply want to suggest to my distinguished colleague from New York and members of the Armed Services Committee that given his response to my two questions that the major thrust of his argument clearly is not that this country is in some way vulnerable to some crisis but what this argument is really all about is committee jurisdiction and not really the vulnerability of our Nation.

I think if we can put that major straw man aside then we can deal with what the real issue is here. It is certainly not the vulnerability of the United States to some nuclear attack or in some way being vulnerable because we cannot build enough bombs. We have enough bombs to destroy this entire planet.

I thank my colleague for yielding.

Mr. UDALL. Mr. Speaker, we have had a difficult time with our committee being assigned these important and controversial matters. I think everyone understands the difficulty of getting with the other body in a conference and there are procedures where all kinds of nongermane amendments can be attached and we have to deal with them in as realistic a fashion as we can.

I would like to ask my friend from New York (Mr. STRATTON) a question. I enjoy his quick mind and he, like myself, I am sure, tries to be consistent.

Is there an inconsistency between the gentleman's position earlier in the day when it was very important that nuclear wastes be separated, commercial wastes be separated from defense wastes? Now the gentleman appears to be saying in this controversy this afternoon that it is very important that special nuclear materials not be separated, that commercial wastes be used for weapons production, plutonium for weapons production, and it is important that we blend and mingle the two together.

Does the gentleman have some rationale for his difference of opinion on these two situations?

Mr. STRATTON. Will the gentleman yield?

Mr. UDALL. I am happy to yield to the gentleman for an answer.

Mr. STRATTON. The gentleman is aware of the fact, I would assume, and I tried to bring it out in my brief remarks in connection with the gentleman's waste bill, there is a great deal of defense waste which is being proc-

essed, which is being dealt with and handled very effectively by the Department of Energy in its defense activities.

With respect to nuclear spent fuel we have virtually very little of this available and we have in fact not reprocessed very much of it.

The point is not whether there is any inconsistency there. The question is whether we should automatically deny ourselves this capability.

I would point out to the gentleman, the gentleman from California seems to think, as well as the gentleman from Arizona and the gentleman from Oregon, that this is some terrible thing that we in the United States are engaging in under the Department of Energy headed by Secretary Edwards.

Secretary Edwards is back in South Carolina. He is not running the Department. We have another head of the Department.

The fact of the matter is that all of the nuclear weapons states have reprocessing plants used to obtain plutonium for the nuclear weapons program.

Mr. UDALL. I hope the gentleman will forgive me for taking back my time in just a moment but I have very little time left. I had hoped to get a short, comprehensive and concise answer.

Mr. STRATTON. I am pointing out the gentleman that this is not unique to the United States. The United Kingdom has a plant at Windlesham. France has a plant at LeHavre. Belgium has a plant at Mol. The Soviet Union has a plant. All of them signed the nonproliferation treaty.

Mr. UDALL. Mr. Speaker, before my time runs out let me emphasize there are three different matters in the motion made by the gentleman from New York (Mr. STRATTON).

Very quickly, the first one was passed by the other body by a vote of 89 to 9 and this prevents the use, and it is identical to the Weaver amendment, the use of plutonium from spent fuel for the construction of nuclear weapons.

It would seem to me we ought to have the sense to adopt this, that we have enough problems with nuclear. The mere idea that we are going to extract plutonium to make bombs and get that plutonium from commercial reactors serves only to muddy the waters.

I do not want the utilities in the position of having to explain to their customers that it was really all right, that plutonium for bombs was an inevitable byproduct of turning your lights on.

The second matter objected to by the Armed Services Committee in our conference report is, and this provision is identical to a provision in the Senate bill, the original Senate amendment was the Hart-Simpson proposal accepted by the other body without objection, the provision which makes three changes in the existing section 148 regarding the Department of Energy's authority to withhold certain unclassified information.

I would emphasize that we are dealing here only with unclassified information and it does not affect the Department of Energy's authority to withhold classified information.

I think that clearly is a desirable provision.

□ 1550

The third item is in section 18. The amendments to the Uranium Mill Tailings Act do not create any new regulatory requirements or change any Federal jurisdiction. They have been agreed upon in response to a request by uranium-producing States and by the uranium industry. They do these things:

First, they increase the States' flexibility in licensing of tailings disposal;

Second, they straighten out deadlines that cause disruption in implementation of these matters; and

Third, they clarify that EPA will set general standards and NRC will set specific requirements pertaining to control.

The amendments are strongly supported by the mining industry and by the Senators and Representatives of the uranium producing States.

I would hope, Mr. Speaker, that the House would vote against the motion offered by the gentleman from New York.

Mr. Speaker, I include in the RECORD the joint letter signed by myself, Chairman ZABLOCKI and other Members, relating to one of the matters that I just discussed:

HOUSE OF REPRESENTATIVES,
Washington, D.C., November 22, 1982.

DEAR COLLEAGUE: When the House considers the conference report on the Nuclear Regulatory Commission authorization bill for fiscal years 1982 and 1983 (H. Rept. 97-884), a technical point of order may be raised resulting in a separate vote on Section 14. This provision amends the Atomic Energy Act of 1954 to prohibit the use of spent fuel from commercial nuclear power plants as a source of materials with which to manufacture nuclear weapons.

If such a vote is necessary, we ask that you join us in voting to retain Section 14 as part of the conference report.

The effect of Section 14 of the conference agreement would be to deny the President discretion to act without congressional concurrence to begin extraction of plutonium from commercial spent fuel for use in our nuclear weapons program. Such discretion would run counter to the historic distinction our nation has made between the peaceful and military uses of fission energy. Section 14 reiterates this distinction.

In addition, at a time when the United States is trying to discourage reprocessing of power reactor fuel in other countries, it would be imprudent for us to invent new reasons for extracting plutonium from our own domestic commercial reactor fuel. To do so encourages similar thinking in other countries and needlessly undercuts our nonproliferation policy.

We also point out that this conference provision originated in the Senate where it was approved by vote of 88 to 9.

Please join us in support of keeping Section 14 as part of the NRC authorization conference report.

Sincerely,

MORRIS K. UDALL.
CLEMENT J. ZABLOCKI.
JAMES T. BROYHILL.
JOHN D. DINGELL.
RICHARD OTTINGER.
PATRICIA SCHROEDER.
NICHOLAS MAVROULES.

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

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

Mr. OTTINGER. Mr. Speaker, I would just like to make the gentleman aware and I will insert in the RECORD a letter from Senators DOMENICI and SIMPSON, indicating that there is a provision in the House Energy and Water Appropriations Act to prohibit the Nuclear Regulatory Commission from implementing or enforcing any portion of the uranium mill licensing requirements promulgated by the Commission as final rules on October 3, 1980. They indicate that if we adopt the more sensible provision contained in this conference report, they would not support the much more drastic provision contained in the Energy and Water Appropriations Act.

COMMITTEE ON ENVIRONMENT
AND PUBLIC WORKS,
Washington, D.C., November 18, 1982.

Hon. MARK O. HATFIELD,
Chairman, Committee on Appropriations, U.S. Senate, Washington, D.C.

DEAR MARK: The Energy and Water Appropriations Act for fiscal year 1982 (P.L. 97-88) included a provision prohibiting the Nuclear Regulatory Commission from implementing or enforcing any portion of the Uranium Mill Licensing Requirements promulgated by the Commission as final rules on October 3, 1980. This provision was adopted, in large part, you recall, because of the Commission's unwillingness to consider and approve State regulatory plans for the regulation of uranium mills and mill tailings if those plans deffered in any way from the Commission's requirements.

On June 16, 1981, the Subcommittee on Nuclear Regulation held hearings on the Uranium Mill Tailings Radiation Control Act of 1978. Based upon these hearings, the Senate, on March 30, 1982, adopted a number of changes designed to correct not only the problem referred to above, but also to correct certain specific problems that had arisen in the implementation of this Act that were identified in this hearing. The changes adopted were included as part of the Nuclear Regulatory Commission Authorization bill for fiscal years 1982 and 1983 (S. 1207), and are set forth in section 206 of that bill. The companion vehicle in the House, H.R. 2330, included no such changes.

Over the course of the past seven months, House and Senate Conferees have been engaged in extensive negotiations in an effort to reconcile the two versions of this bill. Just recently, the Conferees were able to

reach agreement on a compromise. Essentially, this compromise would further clarify the right of States to adopt alternatives to the federal requirements, but only if the NRC determined that such alternatives would achieve a level of stabilization and containment of the sites concerned that is equivalent, to the extent practicable, or more stringent than the level that would be achieved by the Commission's regulations and standards. In addition, the compromise would allow States, in establishing alternative requirements, to consider local or regional conditions, such as geology, topography, hydrology, and meteorology.

On September 28, 1982, the Conference Report, H. Rept. 97-884, was filed. Shortly thereafter, the Senate adopted the Conference Report, and it is presently pending before the House of Representatives.

The compromise agreed upon by the Conferees is, in our judgment, an effective and equitable solution to the problems that were identified in the hearing that we held in 1981 and will, we hope, restore the uranium mill tailings regulatory program to its proper course. More importantly, we are fully satisfied that the compromise agreed upon addresses the concerns of those who supported the earlier amendment to the Energy and Water Appropriations Act for fiscal year 1982. Accordingly, we would like to inform you that, upon enactment of H.R. 2330, we do not believe it necessary or desirable to include, nor would we be in a position to support, a similar provision in the Energy and Water Appropriations Act for fiscal year 1983.

Thank you for your interest in this matter.

Sincerely,

ALAN K. SIMPSON.
PETE V. DOMENICI.

Mr. UDALL. Mr. Speaker, I yield 2 minutes to the gentleman from Massachusetts (Mr. MARKEY).

Mr. MARKEY. Mr. Speaker, I think we have to make the point very clear. Every nuclear powerplant is a bomb factory. Every nuclear powerplant is a bomb factory. In the hands of Qadhafi, a nuclear powerplant is a bomb factory. In the hands of South Africa, in Korea, in Taiwan, many of these plants are being turned into bomb factories. Bomb factories. They make atomic weapons. They were supposed to make electricity. They were supposed to heat the homes or light the homes of the people living in the areas. But they are going to be used to build nuclear weapons. It is very important for us to understand that, because our ability to tell Galtieri or to tell other countries not to sell materials to Qadhafi is very much contingent upon our country not engaging in the very same kind of activity. We cannot tell Caspar Weinberger, "Oh, you have run short of some plutonium; well, just go right over to the Diablo nuclear powerplant, go right over to Three Mile Island, they have got a lot of extra plutonium, use that for nuclear weapons."

What you are going to wind up with is a world in which we are awash with nuclear bombs. That is what will happen to us. And we will be in more situations where people like Menachem Begin have to send airplanes swooping into Baghdad to knock out nuclear powerplants that have been sold to generate electricity but which have been diverted into the construction of nuclear weapons. This is because we do not have a nonproliferation policy and the world does not have a nonproliferation policy, and the only nonproliferation policy will be the selective kind of policy that Begin engaged in, which is, "I am going to have to do it myself." And that is the kind of world we will be living in.

So maybe in many ways we will be better off accepting the amendment of the gentleman from New York, because once and for all we would put the lie to the myth that there is some separation between the peaceful and military atom. There is not. Ronald Reagan should have a strong, comprehensive nonproliferation policy. He does not.

The motion of the gentleman from New York should be defeated.

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

Mr. Speaker, let me just point out that these sections we are seeking to strike, are three sections that are nongermane and which go to the heart of the responsibilities of the House of Representatives and its own committees.

In the case of the reprocessing arrangement, the testimony of Dr. Herman Roser, the head of the Department of Energy's defense programs, was that the plutonium contained in these spent fuel cells is valued at from $15 to $18 billion. For us to allow just one nongermane amendment from the Senate to deny us that capability, whatever the scenario might be, and do it without any deliberation on the part of the House, without any hearings, would be foolish in the extreme.

With respect to section 17, we are living at a time when the Armed Services Committee has been concerned about the implications of the fact that some demonstrators were able to get into our nuclear Trident submarine facilities in Groton, Conn., with that kind of threat how can we possibly vote to make public the plans of how to break into classified sites where nuclear materials are being processed or developed? That would be utter insanity.

And finally, with respect to section 18, we are telling the Nuclear Regulatory Commission to spend billions of dollars to prevent a hazardous situation from occurring, which we have been told by the scientific experts poses no damage to health or to limb whatsoever.

We must reject these sections, Mr. Speaker. The legislation is going back to the Senate anyway, because of the other amendment, and I think it is time for the House to reclaim its prerogatives and insist the Senate not interfere with the responsibilities of House committees.

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

Mr. UDALL. Mr. Speaker, I yield the remainder of my time to the gentleman from New York (Mr. OTTINGER).

The SPEAKER pro tempore. The gentleman from New York (Mr. OTTINGER) is recognized for 2 minutes.

Mr. OTTINGER. I thank the gentleman for yielding.

Mr. Speaker, in conclusion, I would like to point out that it would be a perfectly terrible precedent for this House now to vote for the motion of the gentleman from New York and to say that we condone the use of civilian reactor-produced materials for military purposes. It would undermine all the international antiproliferation efforts that we have always supported and promoted around the world. Regardless of the fact that this prohibition may have arrived on our doorstep in the form of a Senate amendment, it is vital that the principle be sustained.

The prohibition of civilian fuel for military use certainly was not without consideration in the House. It was carefully considered in the Interior Committee and subject to extensive hearing. There, as will be detailed by my friend from Oregon (Mr. WEAVER) to whom I now yield.

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

Mr. OTTINGER. I yield to the gentleman from Oregon who can tell us the details of the hearings and consideration that in fact did take place in his committee.

Mr. WEAVER. I thank the gentleman from New York.

Mr. Speaker, there were extensive questions asked in hearings in the Interior Committee on this issue. I personally asked many. Other Members asked many questions of the various governmental and industry witnesses, and the Interior Committee, the legislative committee with jurisdiction over the NRC, deliberated this issue in committee and passed favorably this amendment in another bill.

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

Mr. OTTINGER. I yield to the gentleman from New Mexico.

Mr. LUJAN. Mr. Speaker, I ask unanimous consent for permission to revise and extend my remarks.

Mr. Speaker, I strongly support adoption of the conference report on H.R. 2330, the Nuclear Regulatory Commission authorization for fiscal years 1982 and 1983. This report is the culmination of almost 5 months of joint effort with the Senate to develop a compromise. An enormous amount of Members' and staffs' time has gone

into preparation of the conference report, and the compromises reached on the issues are sound and fair.

In addition to setting authorization levels for the Nuclear Regulatory Commission for fiscal years 1982 and 1983, this bill also provides for several other important items of vital need to the nuclear industry and their regulatory agencies. I would like to briefly highlight a few of the most important of these.

First, this legislation grants new temporary authority to the Commission to issue interim operating licenses which will allow new nuclear power reactors to begin operation prior to completion of hearings if certain conditions, including public safety, are satisfied. This temporary authority, which is necessary to help relieve a regulatory logjam resulting in part from the accident at Three Mile Island, will expire on December 31, 1983.

Second, this legislation contains the so-called Sholly provision which grants the Commission new authority to approve and make immediately effective certain amendments to licenses for nuclear power reactors, provided that no significant hazards exist.

Third, and of particular interest to the uranium mining industry in my State of New Mexico, this legislation includes amendments to the Uranium Mill Tailings Radiation Control Act to straighten out problems which have developed over the past few years in implementing this act. All the conferees agreed that the public health and safety is paramount in the regulation of mill tailings. We also agreed, however, that costly regulatory burdens should not be imposed on the uranium industry to address insubstantial risks.

We accordingly incorporated statutory and report language making clear that although full-scale, cost-benefit optimization is not required, the Environmental Protection Agency and the Nuclear Regulatory Commission must issue regulations whose burdens stand in a reasonable relationship to the expected gains. In short, if the risk is small, so should be costs; if the risk is great then the costs may be great. In addition, the conferees' action is intended to lay to rest suggestions, such as those made by EPA officials to mill operators in my State, that the preamble to the Mill Tailings Act represents a congressional predetermination that a significant risk exists from radon from mill tailings or that particular forms of remedial action must be taken.

Instead, we intend that the agencies must independently exercise their best technical judgment, and employ proper measurement data and scientific procedures, to determine the risks involved from tailings and to craft an appropriate set of requirements designed to deal with those risks which are significant. We recognized that some of these issues are under litigation, and our action is not intended either to approve or to disapprove of results thus far reached in that litigation. Our action is instead intended to clarify our views concerning the proper regulatory approach and to get the regulatory process moving again.

I am also pleased to say that the conferees have recognized that the agreement States such as my State, New Mexico, may adopt alternative requirements, as long as they are at least as stringent, which diverge from Federal requirements which the State finds are impracticable within its borders.

A fourth item which this conference report contains, the mechanism for a uranium import restriction, deals with an issue affecting the national security interests of this country; namely, the viability of the domestic uranium mining industry. The conferees have reiterated the importance to the Nation of our domestic uranium industry by adopting a series of provisions to begin developing a program to assure the industry's continued viability. Unfortunately, our national security in the area of uranium supplies is threatened by increasing dependence on foreign sources. Almost all new contractual commitments are with foreign producers. This could pose a serious long-term threat.

Among other things, the conference report requires the Secretary of the Department of Energy to promulgate within 9 months final criteria to determine the viability of the domestic industry. The provision specifies that the Secretary must monitor the industry's viability and report annually to Congress and to the President a determination of the industry's viability. The compromise proposal articulates a number of criteria which the Secretary must assess in determining viability.

Although one of the criteria is whether executed contracts or options will result in importation of greater than 37½ percent of actual or projected domestic uranium requirements for any 2-year period, we do not intend to preclude the Secretary, under appropriate circumstances, from determining that the industry is not viable or that its viability cannot be assured if the foreign market share is some lower amount. If the Secretary finds that imports exceed the 37½-percent criteria, however, then the Secretary must revise the criteria for offering enrichment services in order to enhance the use of domestic uranium in utilization facilities within or under the jurisdiction of the United States.

The conference amendment also provides that if the Secretary determines that uranium imports will exceed 37½ percent for any 2-year period or otherwise threaten to impair the national security, then he shall request the Secretary of Commerce to initiate an investigation under section 232 of the Trade Expansion Act of 1962. We intend that the investigation be completed and appropriate action be taken by the President to adjust importation of uranium within a 2-year period.

In order to protect essential security interests, the conference amendment provides that it shall be unlawful to execute a contract or option resulting in importation of foreign uranium for domestic consumption for up to 2 years or until the President has taken action to adjust importation within that period.

Mr. Speaker, I wish to compliment my good friend, Congressman UDALL, on his able work as chairman of the conference committee. I am happy to commend the conference report for adoption by the House.

Mr. OTTINGER. Mr. Speaker, we have signed a nonproliferation treaty which calls for the continued separation of civilian from military uses of atomic weapons. I think it is critical for our safety and the safety of the world that we maintain this separation and reject a motion of the gentleman from New York.

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

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

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

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

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 107, nays 281, not voting 45, as follows:

[Roll No. 411]

YEAS—107

Annunzio	Erlenborn	LeBoutillier
Archer	Fary	Lewis
Ashbrook	Fields	Loeffler
Atkinson	Flippo	Lott
Bafalis	Fountain	Marlenee
Barnard	Ginn	Martin (NC)
Bennett	Goldwater	Martin (NY)
Bevill	Gonzalez	Mavroules
Bouquard	Gradison	McClory
Brinkley	Gramm	McDonald
Broomfield	Grisham	McEwen
Butler	Hagedorn	Miller (OH)
Byron	Hammerschmidt	Mitchell (NY)
Campbell	Hartnett	Molinari
Carman	Hendon	Montgomery
Carney	Hightower	Myers
Chappell	Hillis	Napier
Cheney	Holt	Nelligan
Collins (TX)	Horton	Nichols
Crane, Daniel	Hunter	O'Brien
Daniel, Dan	Hutto	Oxley
Daniel, R. W.	Jeffries	Parris
Davis	Kazen	Pashayan
Derwinski	Kemp	Patman
Dornan	Kindness	Pickle
Dougherty	Kramer	Price
Dreier	Latta	Roberts (SD)
Edwards (AL)	Leath	Robinson

Rudd	Stangeland	White
Santini	Stenholm	Whitehurst
Sawyer	Stratton	Whitley
Schulze	Stump	Whitten
Shumway	Taylor	Wilson
Siljander	Trible	Winn
Solomon	Wampler	Wortley
Spence	Weber (OH)	

NAYS—281

Addabbo	Fiedler	McHugh
Akaka	Findley	McKinney
Albosta	Fish	Mica
Alexander	Fithian	Michel
Anderson	Florio	Mikulski
Andrews	Foglietta	Miller (CA)
Anthony	Foley	Mineta
Applegate	Ford (MI)	Minish
Aspin	Ford (TN)	Mitchell (MD)
AuCoin	Fowler	Moakley
Bailey (MO)	Frank	Moore
Bailey (PA)	Frenzel	Moorhead
Barnes	Fuqua	Morrison
Bedell	Garcia	Murphy
Beilenson	Gaydos	Murtha
Benedict	Gejdenson	Natcher
Bereuter	Gephardt	Neal
Bethune	Gibbons	Nelson
Biaggi	Gilman	Oakar
Bingham	Glickman	Oberstar
Bliley	Goodling	Obey
Boggs	Gore	Ottinger
Boland	Gray	Panetta
Boner	Green	Pease
Bonior	Gregg	Pepper
Bonker	Guarini	Perkins
Bowen	Gunderson	Petri
Breaux	Hall (IN)	Peyser
Brodhead	Hall (OH)	Pritchard
Brooks	Hall, Ralph	Pursell
Brown (CA)	Hall, Sam	Quillen
Brown (CO)	Hamilton	Rahall
Brown (OH)	Hansen (ID)	Railsback
Broyhill	Hansen (UT)	Rangel
Burton, John	Harkin	Ratchford
Chappie	Hatcher	Regula
Clausen	Hawkins	Reuss
Clay	Hefner	Rhodes
Clinger	Heftel	Rinaldo
Coats	Hertel	Ritter
Coleman	Hiler	Roberts (KS)
Collins (IL)	Holland	Rodino
Conable	Hollenbeck	Roe
Conte	Hopkins	Roemer
Conyers	Howard	Rogers
Corcoran	Hoyer	Rose
Coughlin	Hubbard	Rosenthal
Courter	Hughes	Rostenkowski
Coyne, William	Hyde	Roth
Craig	Jacobs	Roukema
Crockett	Jeffords	Russo
D'Amours	Jenkins	Sabo
Dannemeyer	Johnston	Savage
Daub	Jones (NC)	Scheuer
Deckard	Jones (OK)	Schneider
Dellums	Jones (TN)	Schroeder
DeNardis	Kastenmeier	Schumer
Derrick	Kennelly	Seiberling
Dickinson	Kildee	Sensenbrenner
Dicks	Kogovsek	Shamansky
Donnelly	Lagomarsino	Shannon
Dorgan	Lantos	Sharp
Dowdy	Leach	Shaw
Downey	Leland	Shelby
Duncan	Lent	Simon
Dunn	Levitas	Skeen
Dwyer	Livingston	Skelton
Dyson	Long (LA)	Smith (AL)
Early	Long (MD)	Smith (IA)
Eckart	Lowery (CA)	Smith (NE)
Edwards (CA)	Lowry (WA)	Smith (NJ)
Edwards (OK)	Lujan	Smith (OR)
Emerson	Luken	Smith (PA)
Emery	Lundine	Snowe
English	Lungren	Snyder
Erdahl	Madigan	Solarz
Ertel	Markey	Stark
Evans (DE)	Marriott	Staton
Evans (GA)	Martin (IL)	Stokes
Evans (IA)	Matsui	Studds
Evans (IN)	Mattox	Swift
Fascell	Mazzoli	Synar
Fazio	McCollum	Tauke
Fenwick	McDade	Tauzin
Ferraro	McGrath	Thomas
Traxler	Weaver	Wright
Udall	Weber (MN)	Wyden
Vander Jagt	Weiss	Wylie
Vento	Whittaker	Yates
Walgren	Williams (MT)	Yatron
Walker	Williams (OH)	Young (AK)
Washington	Wirth	Young (MO)
Watkins	Wolf	Zablocki
Waxman	Wolpe	

NOT VOTING—45

Badham	Edgar	Moffett
Beard	Forsythe	Mollohan
Blanchard	Frost	Mottl
Bolling	Gingrich	Nowak
Burgener	Hance	Patterson
Burton, Phillip	Heckler	Paul
Chisholm	Huckaby	Porter
Coelho	Ireland	Rousselot
Coyne, James	LaFalce	Roybal
Crane, Philip	Lee	Shuster
Daschle	Lehman	St Germain
de la Garza	Marks	Stanton
Dingell	Martinez	Volkmer
Dixon	McCloskey	Young (FL)
Dymally	McCurdy	Zeferetti

□ 1620

Mrs. BOGGS, Mr. SNYDER, Mr. BROWN of Colorado, and Mrs. SMITH of Nebraska changed their votes from "yea" to "nay."

Messrs. ERLENBORN, SILJANDER, PICKLE, and WHITTEN and Mrs. BOUQUARD changed their votes from "nay" to "yea."

So the motion to strike sections 14, 17, and 18 of the conference report was rejected.

The result of the vote was announced as above recorded.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. NATCHER). Pursuant to clause 4, rule XXVIII, a motion to reject section 23 of the conference report having been adopted, the conference report is considered as rejected and the gentleman from Arizona (Mr. UDALL) is recognized to offer an amendment consisting of the remainder of the conference report.

MOTION OFFERED BY MR. UDALL

Mr. UDALL. Mr. Speaker, pursuant to clause 4, rule XXVIII, and the action of the House, I move that the House recede from its disagreement and concur in the Senate amendment with an amendment which I send to the desk.

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

The Clerk read as follows:

Mr. UDALL moves that the House recede and concur in the Senate amendment with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate, insert the following:

AUTHORIZATION OF APPROPRIATIONS

SECTION 1. (a) There are hereby authorized to be appropriated to the Nuclear Regulatory Commission in accordance with the provisions of section 261 of the Atomic Energy Act of 1954 (42 U.S.C. 2017) and section 305 of the Energy Reorganization Act of 1974 (42 U.S.C. 5875), for the fiscal years 1982 and 1983 to remain available until expended, $485,200,000 for fiscal year 1982 and $513,100,000 for fiscal year 1983 to be allocated as follows:

(1) Not more than $80,700,000 for fiscal year 1982 and $77,000,000 for fiscal year 1983 may be used for "Nuclear Reactor Regulation", of which an amount not to exceed $1,000,000 is authorized each such fiscal year to be used to accelerate the effort in gas-cooled thermal reactor preapplication review, and an amount not to exceed $6,000,000 is authorized each such fiscal year to be used for licensing review work for a fast breeder reactor plant project. In the event of a termination of such breeder reactor project, any unused amount appropriated pursuant to this paragraph for licensing review work for such project may be used only for safety technology activities.

(2) Not more than $62,900,000 for fiscal year 1982 and $69,850,000 for fiscal year 1983 may be used for "Inspection and Enforcement".

(3) Not more than $42,000,000 for fiscal year 1982 and $47,059,600 for fiscal year 1983 may be used for "Nuclear Material Safety and Safeguards".

(4) Not more than $240,300,000 for fiscal year 1982 and $257,195,600 for fiscal year 1983 may be used for "Nuclear Regulatory Research", of which—

(A) an amount not to exceed $3,500,000 for fiscal year 1982 and $4,500,000 for fiscal year 1983 is authorized to be used to accelerate the effort in gas-cooled thermal reactor safety research;

(B) an amount not to exceed $18,000,000 is authorized each such fiscal year to be used for fast breeder reactor safety research; and

(C) an amount not to exceed $57,000,000 is authorized for such two fiscal year period to be used for the Loss-of-Fluid Test Facility research program.

In the event of a termination of the fast breeder reactor plant project, any unused amount appropriated pursuant to this paragraph for fast breeder reactor safety research may be used generally for "Nuclear Regulatory Research".

(5) Not more than $21,900,000 for fiscal year 1982 and $20,197,800 for fiscal year 1983 may be used for "Program Technical Support".

(6) Not more than $37,400,000 for fiscal year 1982 and $41,797,000 for fiscal year 1983 may be used for "Program Direction and Administration".

(b) The Nuclear Regulatory Commission may use not more than 1 percent of the amounts authorized to be appropriated under subsection (a)(4) to exercise its authority under section 31 a. of the Atomic Energy Act of 1954 (42 U.S.C. 2051(a)) to enter into grants and cooperative agreements with universities pursuant to such section. Grants made by the Commission shall be made in accordance with the Federal Grant and Cooperative Agreement Act of 1977 (41 U.S.C. 501 et seq.) and other applicable law. In making such grants and entering into such cooperative agreements, the Commission shall endeavor to provide appropriate opportunities for universities in which the student body has historically been predominately comprised of minority groups.

(c) Any amount appropriated for a fiscal year to the Nuclear Regulatory Commission pursuant to any paragraph of subsection (a) for purposes of the program office referred to in such paragraph, or any activity that is within such program office and is specified in such paragraph, may be reallocated by the Commission for use in a program office referred to in any other paragraph of such subsection, or for use in any other activity

within a program office, except that the amount available from appropriations for such fiscal year for use in any program office or specified activity may not, as a result of reallocations made under this subsection, be increased or reduced by more than $500,000 unless—

(1) a period of 30 calendar days (excluding any day in which either House of Congress is not in session because of an adjournment of more than 3 calendar days to a day certain or an adjournment sine die) passes after the receipt, by the Committee on Energy and Commerce and the Committee on Interior and Insular Affairs of the House of Representatives and the Committee on Environment and Public Works of the Senate, of notice submitted by the Commission containing a full and complete statement of the reallocation proposed to be made and the facts and circumstances relied upon in support of such proposed reallocation; or

(2) each such committee, before the expiration of such period, transmits to the Commission a written notification that such committee does not object to such proposed reallocation.

AUTHORITY TO RETAIN CERTAIN AMOUNTS RECEIVED

SEC. 2. Moneys received by the Nuclear Regulatory Commission for the cooperative nuclear research program and the material access authorization program may be retained and used for salaries and expenses associated with such programs, notwithstanding the provisions of section 3617 of the Revised Statutes (31 U.S.C. 484), and shall remain available until expended.

AUTHORITY TO TRANSFER CERTAIN AMOUNTS TO OTHER AGENCIES

SEC. 3. From amounts appropriated to the Nuclear Regulatory Commission pursuant to section 1(a), the Commission may transfer to other agencies of the Federal Government sums for salaries and expenses for the performance by such agencies of activities for which such appropriations of the Commission are made. Any sums so transferred may be merged with the appropriation of the agency to which such sums are transferred.

LIMITATION ON SPENDING AUTHORITY

SEC. 4. Notwithstanding any other provision of this Act, no authority to make payments under this Act shall be effective except to such extent or in such amounts as are provided in advance in appropriation Acts.

AUTHORITY TO ISSUE LICENSES IN ABSENCE OF EMERGENCY PREPAREDNESS PLANS

SEC. 5. Of the amounts authorized to be appropriated under section 1, the Nuclear Regulatory Commission may use such sums as may be necessary, in the absence of a State or local emergency preparedness plan which has been approved by the Federal Emergency Management Agency, to issue an operating license (including a temporary operating license under section 192 of the Atomic Energy Act of 1954, as amended by section 11 of this Act) for a nuclear power reactor, if it determines that there exists a State, local, or utility plan which provides reasonable assurance that public health and safety is not endangered by operation of the facility concerned.

NUCLEAR SAFETY GOALS

SEC. 6. Funds authorized to be appropriated under this Act shall be used by the Nuclear Regulatory Commission to expedite the establishment of safety goals for nuclear reactor regulation. The development of such safety goals, and any accompanying methodologies for the application of such safety goals, should be expedited to the maximum extent practicable to permit establishment of a safety goal by the Commission not later than December 31, 1982.

LOSS-OF-FLUID TEST FACILITY

SEC. 7. Of the amounts authorized to be used for the Loss-of-Fluid Test Facility in accordance with section 1(a)(4) for fiscal years 1982 and 1983, the Commission shall provide funding through contract with the organization responsible for the Loss-of-Fluid Test operations for a detailed technical review and analysis of research results obtained from the Loss-of-Fluid Test Facility research program. The contract shall provide funding for not more than twenty man-years in each of fiscal year 1982 and 1983 to conduct the technical review and analysis.

NUCLEAR DATA LINK

SEC. 8. (a) Of the amounts authorized to be appropriated under this Act for the fiscal years 1982 and 1983, not more than $200,000 is authorized to be used by the Nuclear Regulatory Commission for—

(1) the acquisition (by purchase, lease, or otherwise) and installation of equipment to be used for the "small test prototype nuclear data link" program or for any other program for the collection and transmission to the Commission of data from licensed nuclear reactors during abnormal conditions at such reactors; and

(2) the conduct of a full and complete study and analysis of—

(A) the appropriate role of the Commission during abnormal conditions at a nuclear reactor licensed by the Commission;

(B) the information which should be available to the Commission to enable the Commission to fulfill such role and to carry out other related functions;

(C) various alternative means of assuring that such information is available to the Commission in a timely manner; and

(D) any changes in existing Commission authority necessary to enhance the Commission response to abnormal conditions at a nuclear reactor licensed by the Commission.

The small test prototype referred to in paragraph (1) may be used by the Commission in carrying out the study and analysis under paragraph (2). Such analysis shall include a cost-benefit analysis of each alternative examined under subparagraph (C).

(b)(1) Upon completion of the study and anlaysis required under subsection (a)(2), the Commission shall submit to Congress a detailed report setting forth the results of such study and analysis.

(2) The Commission may not take any action with respect to any alternative described in subsection (a)(2)(C), unless a period of 60 calendar days (excluding any day in which either House of Congress is not in session because of an adjournment of more than 3 calendar days to a day certain or an adjournment sine die) passes after the receipt, by the Committee on Energy and Commerce and the Committee on Interior and Insular Affairs of the House of Representatives and the Committee on Environment and Public Works of the Senate, of notice submitted by the Commission containing a full and complete statement of the action proposed to be taken and the facts and circumstances relied upon in support of such proposed action.

INTERIM CONSOLIDATION OF OFFICES

SEC. 9. Of the amounts authorized to be appropriated pursuant to paragraph 6 of section 1(a), such sums as may be necessary shall be available for interim consolidation of Nuclear Regulatory Commission headquarters staff offices.

(b) No amount authorized to be appropriated under this Act may be used, in connection with the interim consolidation of Nuclear Regulatory Commission offices, to relocate the offices of members of the Commission outside the District of Columbia.

THREE MILE ISLAND

SEC. 10. (a) No part of the funds authorized to be appropriated under this Act may be used to provide assistance to the General Public Utilities Corporation for purposes of the decontamination, cleanup, repair, or rehabilitation of facilities at Three Mile Island Unit 2.

(b) The prohibition contained in subsection (a) shall not relate to the responsibilities of the Nuclear Regulatory Commission for monitoring or inspection of the decontamination, cleanup, repair, or rehabilitation activities at Three Mile Island and such prohibition shall not apply to the use of funds by the Nuclear Regulatory Commission to carry out regulatory functions of the Commission under the Atomic Energy Act of 1954 with respect to the facilities at Three Mile Island.

(c) The Nuclear Regulatory Commission shall include in its annual report to the Congress under section 307(c) of the Energy Reorganization Act of 1974 (42 U.S.C. 5877(c)) as a separate chapter a description of the collaborative efforts undertaken, or proposed to be undertaken, by the Commission and the Department of Energy with respect to the decontamination, cleanup, repair, or rehabilitation of facilities at Three Mile Island Unit 2.

(d) No funds authorized to be appropriated under this Act may be used by the Commission to approve any willful release of "accident-generated water", as defined by the Commission in NUREG–0683 ("Final Programmatic Environmental Impact Statement" p. 1–23), from Three Mile Island Unit 2 into the Susquehanna River or its watershed.

TEMPORARY OPERATING LICENSES

SEC. 11. Section 192 of the Atomic Energy Act of 1954 (42 U.S.C. 2242) is amended to read as follows:

"SEC. 192. TEMPORARY OPERATING LICENSE.—

"a. In any proceeding upon an application for an operating license for a utilization facility required to be licensed under section 103 or 104 b. of this Act, in which a hearing is otherwise required pursuant to section 189 a., the applicant may petition the Commission for a temporary operating license for such facility authorizing fuel loading, testing, and operation at a specific power level to be determined by the Commission, pending final action by the Commission on the application. The initial petition for a temporary operating license for each such facility, and any temporary operating license issued for such facility based upon the initial petition, shall be limited to power levels not to exceed 5 percent of rated full thermal power. Following issuance by the Commission of the temporary operating license for each such facility, the licensee may file petitions with the Commission to amend the license to allow facility operation in staged increases at specific power levels, to be determined by the Commission, exceeding 5 percent of rated full thermal power. The initial petition for a temporary operating license for each such facility may be filed at any time after the filing of: (1) the report of

the Advisory Committee on Reactor Safeguards required by section 182 b.; (2) the filing of the initial Safety Evaluation Report by the Nuclear Regulatory Commission staff and the Nuclear Regulatory Commission staff's first supplement to the report prepared in response to the report of the Advisory Committee on Reactor Safeguards for the facility; (3) the Nuclear Regulatory Commission staff's final detailed statement on the environmental impact of the facility prepared pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)); and (4) a State, local, or utility emergency preparedness plan for the facility. Petitions for the issuance of a temporary operating license, or for an amendment to such a license allowing operation at a specific power level greater than that authorized in the initial temporary operating license, shall be accompanied by an affidavit or affidavits setting forth the specific facts upon which the petitioner relies to justify issuance of the temporary operating license or the amendment thereto. The Commission shall publish notice of each such petition in the Federal Register and in such trade or news publications as the Commission deems appropriate to give reasonable notice to persons who might have a potential interest in the grant of such temporary operating license or amendment thereto. Any person may file affidavits or statements in support of, or in opposition to, the petition within thirty days after the publication of such notice in the Federal Register.

"b. With respect to any petition filed pursuant to subsection a. of this section, the Commission may issue a temporary operating license, or amend the license to authorize temporary operation at each specific power level greater than that authorized in the initial temporary operating license, as determined by the Commission, upon finding that—

"(1) in all respects other than the conduct or completion of any required hearing, the requirements of law are met;

"(2) in accordance with such requirements, there is reasonable assurance that operation of the facility during the period of the temporary operating license in accordance with its terms and conditions will provide adequate protection to the public health and safety and the environment during the period of temporary operation; and

"(3) denial of such temporary operating license will result in delay between the date on which construction of the facility is sufficiently completed, in the judgment of the Commission, to permit issuance of the temporary operating license, and the date when such facility would otherwise receive a final operating license pursuant to this Act.

The temporary operating license shall become effective upon issuance and shall contain such terms and conditions as the Commission may deem necessary, including the duration of the license and any provision for the extension thereof. Any final order authorizing the issuance or amendment of any temporary operating license pursuant to this section shall recite with specificity the facts and reasons justifying the findings under this subsection, and shall be transmitted upon such issuance to the Committees on Interior and Insular Affairs and Energy and Commerce of the House of Representatives and the Committee on Environment and Public Works of the Senate. The final order of the Commission with respect to the issuance or amendment of a temporary operating license shall be subject to judicial review pursuant to chapter 158 of title 28, United States Code. The requirements of section 189 a. of this Act with respect to the issuance or amendment of facility licenses shall not apply to the issuance or amendment of a temporary operating license under this section.

"c. Any hearing on the application for the final operating license for a facility required pursuant to section 189 a. shall be concluded as promptly as practicable. The Commission shall suspend the temporary operating license if it finds that the applicant is not prosecuting the application for the final operating license with due diligence. Issuance of a temporary operating license under subsection b. of this section shall be without prejudice to the right of any party to raise any issue in a hearing required pursuant to section 189 a.; and failure to assert any ground for denial or limitation of a temporary operating license shall not bar the assertion of such ground in connection with the issuance of a subsequent final operating license. Any party to a hearing required pursuant to section 189 a. on the final operating license for a facility for which a temporary operating license has been issued under subsection b., and any member of the Atomic Safety and Licensing Board conducting such hearing, shall promptly notify the Commission of any information indicating that the terms and conditions of the temporary operating license are not being met, or that such terms and conditions are not sufficient to comply with the provisions of paragraph (2) of subsection b.

"d. The Commission is authorized and directed to adopt such administrative remedies as the Commission deems appropriate to minimize the need for issuance of temporary operating licenses pursuant to this section.

"e. The authority to issue new temporary operating licenses under this section shall expire on December 31, 1983.".

OPERATING LICENSE AMENDMENT HEARINGS

SEC. 12. (a) Section 189 a. of the Atomic Energy Act of 1954 (42 U.S.C. 2239(a)) is amended—

(1) by inserting "(1)" after the subsection designation; and

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

"(2)(A) The Commission may issue and make immediately effective any amendment to an operating license, upon a determination by the Commission that such amendment involves no significant hazards consideration, notwithstanding the pendency before the Commission of a request for a hearing from any person. Such amendment may be issued and made immediately effective in advance of the holding and completion of any required hearing. In determining under this section whether such amendment involves no significant hazards consideration, the Commission shall consult with the State in which the facility involved is located. In all other respects such amendment shall meet the requirements of this Act.

"(B) The Commission shall periodically (but not less frequently than once every thirty days) publish notice of any amendments issued, or proposed to be issued, as provided in subparagraph (A). Each such notice shall include all amendments issued, or proposed to be issued, since the date of publication of the last such periodic notice. Such notice shall, with respect to each amendment or proposed amendment (i) identify the facility involved; and (ii) provide a brief description of such amendment. Nothing in this subsection shall be construed to delay the effective date of any amendment.

"(C) The Commission shall, during the ninety-day period following the effective date of this paragraph, promulgate regulations establishing (i) standards for determining whether any amendment to an operating license involves no significant hazards consideration; (ii) criteria for providing or, in emergency situations, dispensing with prior notice and reasonable opportunity for public comment on any such determination, which criteria shall take into account the exigency of the need for the amendment involved; and (iii) procedures for consultation on any such determination with the State in which the facility involved is located.".

(b) The authority of the Nuclear Regulatory Commission, under the provisions of the amendment made by subsection (a), to issue and to make immediately effective any amendment to an operating license shall take effect upon the promulgation by the Commission of the regulations required in such provisions.

QUALITY ASSURANCE

SEC. 13. (a) The Nuclear Regulatory Commission is authorized and directed to implement and accelerate the resident inspector program so as to assure the assignment of at least one resident inspector by the end of fiscal year 1982 at each site at which a commercial nuclear powerplant is under construction and construction is more than 15 percent complete. At each such site at which construction is not more than 15 percent complete, the Commision shall provide that such inspection personnel as the Commissions deems appropriate shall be physically present at the site at such times following issuance of the construction permit as may be necessary in the judgment of the Commission.

(b) The Commission shall conduct a study of existing and alternative programs for improving quality assurance and quality control in the construction of commercial nuclear powerplants. In conducting the study, the Commission shall obtain the comments of the public, licensees of nuclear powerplants, the Advisory Committee on Reactor Safeguards, and organizations comprised of professionals having expertise in appropriate fields. The study shall include an analysis of the following:

(1) providing a basis for quality assurance and quality control, inspection, and enforcement actions through the adoption of an approach which is more prescriptive than that currently in practice for defining principal architectural and engineering criteria for the construction of commercial nuclear powerplants;

(2) conditioning the issuance of construction permits for commercial nuclear powerplants on a demonstration by the licensee that the licensee is capable of independently managing the effective performance of all quality assurance and quality control responsibilities for the powerplant;

(3) evaluations, inspections, or audits of commercial nuclear powerplant construction by organizations comprised of professionals having expertise in appropriate fields which evaluations, inspections, or audits are more effective than those under current practice;

(4) improvement of the Commission's organization, methods, and programs for quality assurance development, review, and inspection; and

(5) conditioning the issuance of construction permits for commercial nuclear powerplants on the permittee entering into contracts or other arrangements with an independent inspector to audit the quality assurance program to verify quality assurance performance.

For purposes of paragraph (5), the term "independent inspector" means a person or other entity having no responsibility for the design or construction of the plant involved. The study shall also include an analysis of quality assurance and quality control programs at representative sites at which such programs are operating satisfactorily and an assessment of the reasons therefor.

(c) For purposes of—

(1) determining the best means of assuring that commercial nuclear powerplants are constructed in accordance with the applicable safety requirements in effect pursuant to the Atomic Energy Act of 1954; and

(2) assessing the feasibility and benefits of the various means listed in subsection (b);

the Commission shall undertake a pilot program to review and evaluate programs that include one or more of the alternative concepts identified in subsection (b) for the purposes of assessing the feasibility and benefits of their implementation. The pilot program shall include programs that use independent inspectors for auditing quality assurance responsibilities of the licensee for the construction of commercial nuclear powerplants, as described in paragraph (5) of subsection (b). The pilot program shall include at least three sites at which commercial nuclear powerplants are under construction. The Commission shall select at least one site at which quality assurance and quality control programs have operated satisfactorily, and at least two sites with remedial programs underway at which major construction, quality assurance, or quality control deficiencies (or any combination thereof) have been identified in the past. The Commission may require any changes in existing quality assurance and quality control organizations and relationships that may be necessary at the selected sites to implement the pilot program.

(d) Not later than fifteen months after the date of the enactment of this Act, the Commission shall complete the study required under subsection (b) and submit to the United States Senate and House of Representatives a report setting forth the results of the study. The report shall include a brief summary of the information received from the public and from other persons referred to in subsection (b) and a statement of the Commission's response to the significant comments received. The report shall also set forth an analysis of the results of the pilot program required under subsection (c). The report shall be accompanied by the recommendations of the Commission, including any legislative recommendations, and a description of any administrative actions that the Commission has undertaken or intends to undertake, for improving quality assurance and quality control programs that are applicable during the construction of nuclear powerplants.

LIMITATION ON USE OF SPECIAL NUCLEAR MATERIAL

SEC. 14. Section 57 of the Atomic Energy Act of 1954 (42 U.S.C. 2077) is amended by adding at the end thereof the following new subsection:

"e. Special nuclear material, as defined in section 11, produced in facilities licensed under section 103 or 104 may not be transferred, reprocessed, used, or otherwise made available by any instrumentality of the United States or any other person for nuclear explosive purposes.".

RESIDENT INSPECTORS

SEC. 15. Of the amounts authorized to be appropriated under section 1, the Nuclear Regulatory Commission shall use such sums as may be necessary to conduct a study of the financial hardships incurred by resident inspectors as a result of (1) regulations of the Commission requiring resident inspectors to relocate periodically from one duty station to another; and (2) the requirements of the Commission respecting the domicile of resident inspectors and respecting travel between their domicile and duty station in such manner as to avoid the appearance of a conflict of interest. Not later than 90 days after the date of the enactment of this Act, the Commission shall submit to the Congress a report setting forth the findings of the Commission as a result of such study, together with a legislative proposal (including any supporting data or information) relating to any assistance for resident inspectors determined by the Commission to be appropriate.

SABOTAGE OF NUCLEAR FACILITIES OR FUEL

SEC. 16. Section 236 of the Atomic Energy Act of 1954 (42 U.S.C. 2284) is amended to read as follows:

"SEC. 236. SABOTAGE OF NUCLEAR FACILITIES OR FUEL.—

"a. Any person who intentionally and willfully destroys or causes physical damage to, or who intentionally and willfully attempts to destroy or cause physical damage to—

"(1) any production facility or utilization facility licensed under this Act;

"(2) any nuclear waste storage facility licensed under this Act; or

"(3) any nuclear fuel for such a utilization facility, or any spent nuclear fuel from such a facility;

shall be fined not more than $10,000 or imprisoned for not more than ten years, or both.

"b. Any person who intentionally and willfully causes or attempts to cause an interruption of normal operation of any such facility through the unauthorized use of or tampering with the machinery, components, or controls of any such facility, shall be fined not more than $10,000 or imprisoned for not more than ten years, or both.".

DEPARTMENT OF ENERGY INFORMATION

SEC. 17. (a) Section 148 a. (1) of the Atomic Energy Act of 1954 (42 U.S.C. 2168(a)(1)) is amended by inserting after "('Secretary')" the following: ", with respect to atomic energy defense programs,".

(b) Section 148 of the Atomic Energy Act of 1954 (42 U.S.C. 2168) is amended by adding at the end thereof the following new subsections:

"d. Any determination by the Secretary concerning the applicability of this section shall be subject to judicial review pursuant to section 552(a)(4)(B) of title 5, United States Code.

"e. The Secretary shall prepare on a quarterly basis a report to be made available upon the request of any interested person, detailing the Secretary's application during that period of each regulation or order prescribed or issued under this section. In particular, such report shall—

"(1) identify any information protected from disclosure pursuant to such regulation or order;

"(2) specifically state the Secretary's justification for determining that unauthorized dissemination of the information protected from disclosure under such regulation or order could reasonably be expected to have a significant adverse effect on the health and safety of the public or the common defense and security by significantly increasing the likelihood of illegal production of nuclear weapons, or theft, diversion, or sabotage of nuclear materials, equipment, or facilities, as specified under subsection a.; and

"(3) provide justification that the Secretary has applied such regulation or order so as to protect from disclosure only the minimum amount of information necessary to protect the health and safety of the public or the common defense and security.".

STANDARDS AND REQUIREMENTS UNDER SECTION 275

SEC. 18. (a) Section 275 of the Atomic Energy Act of 1954 is amended—

(1) by striking in subsection a. "one year after the date of enactment of this section" and substituting "October 1, 1982" and by adding the following at the end thereof: "After October 1, 1982, if the Administrator has not promulgated standards in final form under this subsection, any action of the Secretary of Energy under title I of the Uranium Mill Tailings Radiation Control Act of 1978 which is required to comply with, or be taken in accordance with, standards of the Administrator shall comply with, or be taken in accordance with, the standards proposed by the Administrator under this subsection until such time as the Administrator promulgates such standards in final form.";

(2) by striking in subsection b. (1) "eighteen months after the enactment of this section, the Administrator shall, by rule, promulgate" and inserting in lieu thereof the following: "October 31, 1982, the Administrator shall, by rule, propose, and within 11 months thereafter promulgate in final form,";

(3) by adding the following at the end of subsection b. (1): "If the Administrator fails to promulgate standards in final form under this subsection by October 1, 1983, the authority of the Administrator to promulgate such standards shall terminate, and the Commission may take actions under this Act without regard to any provision of this Act requiring such actions to comply with, or be taken in accordance with, standards promulgated by the Administrator. In any such case, the Commission shall promulgate, and from time to time revise, any such standards of general application which the Commission deems necessary to carry out its responsibilities in the conduct of its licensing activities under this Act. Requirements established by the Commission under this Act with respect to byproduct material as defined in section 11 e. (2) shall conform to such standards. Any requirements adopted by the Commission respecting such byproduct material before promulgation by the Commission of such standards shall be amended as the Commission deems necessary to conform to such standards in the same manner as provided in subsection f. (3). Nothing in this subsection shall be construed to prohibit or suspend the implementation or enforcement by the Commission of any requirement of the Commission respecting byproduct material as defined in section 11 e. (2) pending promulgation by the Commission of any such standard of general application.";

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

"f. (1) Prior to January 1, 1983, the Commission shall not implement or enforce the

provisions of the Uranium Mill Licensing Requirements published as final rules at 45 Federal Register 65521 to 65538 on October 3, 1980 (hereinafter in this subsection referred to as the 'October 3 regulations'). After December 31, 1982, the Commission is authorized to implement and enforce the provisions of such October 3 regulations (and any subsequent modifications or additions to such regulations which may be adopted by the Commission), except as otherwise provided in paragraphs (2) and (3) of this subsection.

"(2) Following the proposal by the Administrator of standards under subsection b., the Commission shall review the October 3 regulations, and, not later than 90 days after the date of such proposal, suspend implementation and enforcement of any provision of such regulations which the Commission determines after notice and opportunity for public comment to require a major action or major commitment by licensees which would be unnecessary if—

(A) the standards proposed by the Administrator are promulgated in final form without modification, and

(B) the Commission's requirements are modified to conform to such standards.

Such suspension shall terminate on the earlier of April 1, 1984 or the date on which the Commission amends the October 3 regulations to conform to final standards promulgated by the Administrator under subsection b. During the period of such suspension, the Commission shall continue to regulate by product material (as defined in section 11 e. (2)) under this Act on a licensee-by-licensee basis as the Commission deems necessary to protect public health, safety, and the environment.

"(3) Not later than 6 months after the date on which the Administrator promulgates final standards pursuant to subsection b. of this section, the Commission shall, after notice and opportunity for public comment, amend the October 3 regulations, and adopt such modifications, as the Commission deems necessary to conform to such final standards of the Administrator.

"(4) Nothing in this subsection may be construed as affecting the authority or responsibility of the Commission under section 84 to promulgate regulations to protect the public health and safety and the environment.".

(b)(1) Section 108(a) of the Uranium Mill Tailings Radiation Control Act of 1978 is amended by adding the following new paragraph at the end thereof:

"(3) Notwithstanding paragraphs (1) and (2) of this subsection, after October 31, 1982, if the Administrator has not promulgated standards under section 275 a. of the Atomic Energy Act of 1954 in final form by such date, remedial action taken by the Secretary under this title shall comply with the standards proposed by the Administrator under such section 275 a. until such time as the Administrator promulgates the standards in final form.".

(2) The second sentence of section 108(a)(2) of the Uranium Mill Tailings Radiation Control Act of 1978 is repealed.

AGREEMENT STATES

SEC. 19. (a) Section 274 o. of the Atomic Energy Act of 1954 is amended by adding the following at the end thereof: "In adopting requirements pursuant to paragraph (2) of this subsection with respect to sites at which ores are processed primarily for their source material content or which are used for the disposal of byproduct material as defined in section 11 e. (2), the State may adopt alternatives (including, where appropriate, site-specific alternatives) to the requirements adopted and enforced by the Commission for the same purpose if, after notice and opportunity for public hearing, the Commission determines that such alternatives will achieve a level of stabilization and containment of the sites concerned, and a level of protection for public health, safety, and the environment from radiological and nonradiological hazards associated with such sites, which is equivalent to, to the extent practicable, or more stringent than the level which would be achieved by standards and requirements adopted and enforced by the Commission for the same purpose and any final standards promulgated by the Administrator of the Environmental Protection Agency in accordance with section 275. Such alternative State requirements may take into account local or regional conditions, including geology, topography, hydrology and meteorology.".

(b) Section 204(h)(3) of the Uranium Mill Tailings Radiation Control Act of 1978 is amended by inserting the following before the period at the end thereof ": Provided, however, That, in the case of a State which has exercised any authority under State law pursuant to an agreement entered into under section 274 of the Atomic Energy Act of 1954, the State authority over such byproduct material may be terminated, and the Commission authority over such material may be exercised, only after compliance by the Commission with the same procedures as are applicable in the case of termination of agreements under section 274 j. of the Atomic Energy Act of 1954.".

AMENDMENT TO SECTION 84

SEC. 20. Section 84 of the Atomic Energy Act of 1954 is amended by adding the following at the end thereof:

"c. In the case of sites at which ores are processed primarily for their source material content or which are used for the disposal of byproduct material as defined in section 11 e. (2), a licensee may propose alternatives to specific requirements adopted and enforced by the Commission under this Act. Such alternative proposals may take into account local or regional conditions, including geology, topography, hydrology and meteorology. The Commission may treat such alternatives as satisfying Commission requirements if the Commission determines that such alternatives will achieve a level of stabilization and containment of the sites concerned, and a level of protection for public health, safety, and the environment from radiological and nonradiological hazards associated with such sites, which is equivalent to, to the extent practicable, or more stringent than the level which would be achieved by standards and requirements adopted and enforced by the Commission for the same purpose and any final standards promulgated by the Administrator of the Environmental Protection Agency in accordance with section 275.".

EDGEMONT

SEC. 21. Section 102(e) of the Uranium Mill Tailings Radiation Control Act of 1978 is amended by adding the following at the end thereof:

"(3) The Secretary shall designate as a processing site within the meaning of section 101(6) any real property, or improvements thereon, in Edgemont, South Dakota that—

"(A) is in the vicinity of the Tennessee Valley Authority uranium mill site at Edgemont (but not including such site), and

"(B) is determined by the Secretary to be contaminated with residual radioactive materials.

In making the designation under this paragraph, the Secretary shall consult with the Administrator, the Commission and the State of South Dakota. The provisions of this title shall apply to the site so designated in the same manner and to the same extent as to the sites designated under subsection (a) except that, in applying such provisions to such site, any reference in this title to the date of the enactment of this Act shall be treated as a reference to the date of the enactment of this paragraph and in determining the State share under section 107 of the costs of remedial action, there shall be credited to the State, expenditures made by the State prior to the date of the enactment of this paragraph which the Secretary determines would have been made by the State or the United States in carrying out the requirements of this title.".

ADDITIONAL AMENDMENTS TO SECTIONS 84 AND 275

SEC. 22. (a) Section 84 a. (1) of the Atomic Energy Act of 1954 is amended by inserting before the comma at the end thereof the following: ", taking into account the risk to the public health, safety, and the environment, with due consideration of the economic costs and such other factors as the Commission determines to be appropriate,".

(b) Section 275 of the Atomic Energy Act of 1954 is amended—

(1) in subsection a., by inserting after the second sentence thereof the following new sentence: "In establishing such standards, the Administrator shall consider the risk to the public health, safety, and the environment, the environmental and economic costs of applying such standards, and such other factors as the Administrator determines to be appropriate."; and

(2) by adding at the end of subsection b. (1) the following new sentence: "In establishing such standards, the Administrator shall consider the risk to the public health, safety, and the environment, the environmental and economic costs of applying such standards, and such other factors as the Administrator determines to be appropriate.".

Mr. UDALL (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

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

There was no objection.

The SPEAKER pro tempore. The gentleman from Arizona (Mr. UDALL) is recognized for 30 minutes.

Mr. UDALL. Mr. Speaker, the conference agreement before us today represents a compromise between the House and Senate passed versions of the NRC authorization for 1982 and 1983. I had hoped that the NRC authorization bill we began to consider in early 1981 would have emerged as a clean authorization bill; I had hoped the tough nuclear policy questions would be dealt with in separate legislation. This did not happen, however, and as in previous years the NRC authorization has become the vehicle for legislative change in our nuclear policies.

The conference agreement now before us is the product of many months of hard work by House and Senate conferees. As conference chairman, I can say with some confidence that the agreement reflects a balance of many diverse views. By taking up this conference report, the House is not only fulfilling its responsibility to authorize appropriations for the NRC; we are also acting on a bill which has significant policy implications.

I would like to summarize some of the conference report's major provisions.

FUNDING LEVELS

For the first time, the Conference agreement is a 2-year authorization for the NRC. I believe the 2-year cycle can reduce significantly our congressional legislative workload without impairing our ability to oversee the NRC. The conferees agreed that the total amount authorized to be appropriated for fiscal year 1982 would be $485.2 million. The total is $15.5 million below the Commission's January 1981 request, comparable to the Senate bill and $673,000 less than the House bill. The conference report would authorize $513.1 million in fiscal year 1983. The 1983 total is $26.9 million below the NRC request of January 1981 and the Senate bill. The 1983 total is comparable to that provided for in the House bill.

I want to note that the conference agreement retains the specification that $4.5 million is available in fiscal year 1982 and $5.5 million in fiscal year 1983 for gas cooled reactors. These funds have been earmarked because the conferees agreed that, in comparison to light water reactors, gas reactors are potentially advantageous with respect to safety, uranium requirements, and cooling water needs.

With reluctance, I agreed that some $24 million should be authorized each year for licensing of Clinch River and other fast breeder reactor activities. I believe at this time that breeder related work at the NRC should be put on the back burner. Along with many of our colleagues, I have stated repeatedly that to proceed with Clinch River at this time is unwise. Nevertheless, a majority of Congress until now has gone along with the administration; and in this context, the NRC should be authorized funds for regulatory activities related to breeders. The conferees did agree, however, that if the Clinch River project is terminated, that the breeder related funds shall be used for other purposes in the NRC offices for which they are authorized.

TEMPORARY OPERATING LICENSES (TOL)

I have mixed feelings about the temporary operating license (TOL) provision.

This provision was originally rationalized on the ground that the NRC staff had fallen behind in its licensing schedule as a result of an additional workload resulting from the accident at Three Mile Island. As a result, it was claimed, significant numbers of reactors would be sitting idle because the NRC and its licensing boards had not been able to address them on a timely basis. Since the temporary operating license (TOL) provision was proposed, experience has shown that plants have not been ready to operate on the schedules published by the NRC last year.

I have supported this measure only with the understanding that the Commission itself will devote special scrutiny to any reactor that might be allowed to operate prior to completion of hearings. I intend to closely monitor the Commission's activities in this area.

I hope that both the Commission and utilities anxious to bring their facilities on line will take due note of the concerns of those who believe these provisions have abrogated their right to a full airing of the issues. It will be unfortunate if the price paid for a few months of reactor operation is growth of the belief that the nuclear regulatory process is more concerned with protection of utilities' investments than it is with protection of the public health and safety.

SHOLLY DECISION

The conferees agreed to grant the Commission new authority to approve and make immediately effective certain amendments to licenses for nuclear power reactors. This could be done upon a determination by the Commission that the amendment involved no significant safety hazards consideration.

I have supported this provision with the understanding that it will not be used to circumvent hearing rights or other of the Commission's procedures intended to assure that reactors are operated in a manner to provide the highest practical level of protection to the public health and safety. I expect that the Commission, in exercising its authority under this provision, will take great care to prevent undermining of its intent.

QUALITY ASSURANCE

The bill's provisions on quality assurance stem directly from what is now perceived as an exceedingly severe problem. Over the last year it has come to light that, in spite of extensive resources devoted to inspection of reactors under construction, major breakdowns have occurred in the quality assurance programs required by the Commission's regulations. As a result of these breakdowns, the Commission must now determine whether virtually completed nuclear reactors have been built in accordance with its regulations. There are enormous costs associated with making such a determination long after concrete has been poured and welds are in place. Moreover, I believe the NRC would have great difficulty in confronting a situation where it was economically infeasible to determine that a plant was in compliance with regulations.

I fear that rather that denying a license to a plant constructed with disregard for quality assurance requirements, the Commission will accept rationalizations as to why compliance is unnecessary. I will remind my colleagues of the self-defeating nature of pressures upon the Commission to expedite licensing of plants where there is considerable doubt as to the quality of construction. A serious accident at such a plant would for the foreseeable future end public support for any expansion of the nuclear technology; in such circumstances it would be immaterial whether the proposed expansion were to be in the form of additional powerplants or reprocessing facilities or breeder reactors.

USE OF SPENT FUEL IN NUCLEAR WEAPONS

The conference report contains an exceedingly important provision to prohibit the use in nuclear weapons of plutonium produced in licensed nuclear reactors. It constitutes an expression of congressional intent that we adhere to the historic assumption that a clear distinction can be made between the user of fission for electric production and the use of fission to produce plutonium for bombs.

URANIUM SUPPLY

As is now well known, I have qualms about the conference report provisions that might restrict uranium imports and allow modification of uranium enrichment criteria for purposes of increasing use of domestic uranium. I am fully aware of having to make the painful choice between maintaining a healthy uranium industry and adopting policies that could lead to restrictions upon our exports in other areas. With a view toward the deteriorating employment situation at our uranium mines, I reluctantly came down on the side of providing modest help to the uranium industry.

At the same time I want to call attention to the conferees' statement regarding uranium enrichment policy. This is that changes in enrichment criteria should be made only after due account has been taken of the need to operate our enrichment facilities in an efficient manner. In addition, changes in enrichment criteria should be made only after careful consideration is given to the effects of such changes upon the price paid by utilities for uranium and enrichment services.

I would like to reiterate that in voting on this conference report our primary concern should be the safety and reliability of operating reactors and those under construction. Should this goal be achieved and should the waste problem be resolved and should public confidence be established, the technology will as likely as not play a

more prominent role than what we might now predict. To achieve this end it would be more productive to use our energies to assure light water reactor safety and efficiency rather than in engaging in sterile debate over reprocessing, Clinch River, and nuclear licensing reform.

Mr. Speaker, a number of my colleagues have asked me the status of the debate on this matter this afternoon, and before I yield to some of my colleagues, let me outline the situation.

We have had before us today, Mr. Speaker, the conference report on this important bill. During the course of the proceedings today, an amendment by the gentleman from Minnesota (Mr. FRENZEL) was adopted which struck from the conference report certain matters relating to import restrictions on uranium. For this reason, we now have to go back to the Senate to confer further on this matter.

So this will probably conclude, once we vote on the motion now pending, to go back to the Senate, it will conclude our action on this bill today.

Mr. Speaker, I do have several colloquies between Members who wish to make further points in connection with this legislation.

I do not anticipate a vote on the motion I have just made, but there could be one.

We hope to be able to get out of here in the next 25 or 30 minutes after we have concluded with these colloquies which I have referred to.

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

Mr. DOWNEY. Mr. Speaker, I thank the chairman for yielding this time to me.

I would like to have a colloquy with my colleague, the gentleman from New York (Mr. OTTINGER).

Mr. Speaker, the temporary operating license provision passed last year by the House and contained in the conference report was intended to authorize the Commission in its discretion, to issue a limited operating license to a utility prior to the conduct or completion of any required hearing in order to prevent completed nuclear powerplants from standing idle pending the completion of such hearings. A temporary operating license could not be issued unless, in all other respects, the requirements of law are met, and the Commission determines that there is reasonable assurance that the operation of the reactor will not adversely affect the public health and safety and the environment. Am I correct to conclude, therefore, that there is nothing in this provision which would allow the Commission to short-circuit its required safety review, or, in any way, to require a less stringent safety standard for a reactor which receives a temporary operating license?

Mr. OTTINGER. Mr. Speaker, if the gentleman will yield, that is correct. This bill does not affect the standards and requirements to be applied before a plant goes into operation. The standards the NRC must apply for a plant undergoing temporary operating license review and review for a "regulator" operating license are exactly the same.

Mr. DOWNEY. The Commission currently makes a distinction in its emergency plan requirements based on authorized reactor power levels. Is there any provision in this act which would allow the Commission to make a distinction, for purposes of emergency plan requirements, based on power levels authorized by a temporary operating license and levels authorized by a "regular" operating license?

Mr. OTTINGER. The answer is "No." There is no provision in this act which allows the Commission to make any distinction in requirement for reactor operations authorized by temporary or regular operating licenses.

Mr. DOWNEY. The conference report allows the NRC to issue an operating license if it determines that a State, local or utility plan exists which would provide reasonable assurance that the public health and safety would not be endangered. Is this a change from current regulations?

Mr. OTTINGER. Yes. Currently, the NRC requires an approved State or local government plan. This provision allows the NRC to consider a utility plan only in the absence of a State or local government plan. The reference to a State or local plan is clearly intended to apply only to a plan which has been officially submitted by a State or local government. A utility, therefore, cannot submit a local government plan. NRC consideration of a utility plan is a last resort and is not intended to preempt a State or local plan. This legislation does not in any way affect the authority of the Federal Emergency Management Administration with respect to its authority and requirements regarding emergency management plans.

Mr. DOWNEY. I thank the gentleman.

The SPEAKER pro tempore. The Chair now recognizes the gentleman from New Mexico (Mr. LUJAN) for 30 minutes.

Mr. LUJAN. Mr. Speaker, I reserve my time.

Mr. UDALL. Mr. Speaker, I yield 2 minutes to the gentleman from Massachusetts (Mr. MARKEY).

Mr. MARKEY. Mr. Speaker, I thank the chairman for yielding this time to me.

I would like to engage the chairman of my subcommittee of the Committee on Energy and Commerce in a brief colloquy, if I may.

I note that with respect to section 12 of the bill, the so-called Sholly provision, the statement of managers emphasized that, in determining whether a proposed amendment to a facility operating license involves no significant hazards consideration, the Commission should be sensitive to those license amendments that involve irreversible consequences. As chairman of the subcommittee that originated the Sholly provision in this House, do you understand that statement to mean that the Commission should be especially careful in evaluating, for possible hazards considerations, amendments that involve irreversible consequences?

Mr. OTTINGER. Yes, that is exactly what I understand our intent to have been. Once a license amendment with irreversible consequences has received the Commission's approval and has gone into effect, as a practical matter it will be impossible to correct any errors that may have entered into the Commission's decision. Therefore, we believed that the Commission has an obligation, when assessing the health and safety considerations of amendments having irreversible consequences, to insure that only those amendments that very clearly raise no significant hazards issues will be allowed to take effect before the required hearings can be held.

□ 1630

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

Mr. MARKEY. I yield.

Mr. LUJAN. Mr. Speaker, we have not had an opportunity to review the colloquy. We do not know if we necessarily agree with how the question was phrased or how the answer was phrased. I understand it requires additional hearings depending on the answer that the gentleman gave to the gentleman from Massachusetts, and I am not sure that we want to complicate the matter further.

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

Mr. UDALL. Mr. Speaker, I yield 5 minutes to the gentleman from New York (Mr. OTTINGER).

Mr. OTTINGER. Mr. Speaker, I would like to say to the gentleman from New Mexico that I do not think there is anything in here with which he would disagree. We are just underlining that with respect to our treatment of the Sholly provision, that license amendments having irreversible consequences should be handled with particular care by the Commission. They ought not to be granted unless it is quite clear that there are no significant hazards.

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

Mr. OTTINGER. Yes.

Mr. LUJAN. In answering that, was it clear that no additional hearings are

necessary by the Nuclear Regulatory Commission in determining what a significant hazard might be?

Mr. OTTINGER. This does not change the statute in any way. It just gives guidance to the Commission that they should take particular care when it comes to a matter before them having irreversible consequences.

Mr. LUJAN. Just to make due diligence, but not necessarily to say that we will have more hearings to be absolutely correct in what the gentleman described a particular hazard as being significant or insignificant.

Mr. OTTINGER. The colloquy does not affect the statutory authority in any way as regards hearings.

Mr. LUJAN. I thank the gentleman.

Mr. OTTINGER. Mr. Speaker, I would like the opportunity to clarify the somewhat confusing provisions of the conference report relating to uranium mill tailings. The provisions attempt to restore some order to the uranium mill tailings regulatory program which had been disrupted by the EPA's failure to issue its standards within the time required by the mill tailings statute. The conference determined that a temporary suspension of the NRC's mill tailings regulations is required to achieve this goal. I understand that there were no other considerations which the conferees intended to address by this suspension.

Mr. UDALL. The gentlemen's understanding is correct. The Uranium Mill Tailings Radiation Control Act required the EPA to set standards for active uranium mill sites by 1980, and required the NRC to issue regulations to protect the public health and safety and the environment which conform with the general standards promulgated by the EPA. Although the EPA has not yet issued its standards, the NRC issued its regulations to meet its obligations under that act. The conference suspended these regulations for the sole purpose of eliminating the confusion and possible conflicting requirements which might occur if the EPA now issues regulations for active mills. It is anticipated that the EPA will issue proposed standards by October 31, 1982. NRC regulations are suspended only through January 1, 1983, in order to allow the Commission time to review its regulations for conformance with the EPA proposed standards. However, the NRC may extend the suspension of any regulation which conflicts with the EPA standards and would require a major commitment which would be unnecessary under the EPA standards. This additional suspension shall terminate no later than April 1, 1984.

Although this new schedule appears somewhat complicated, the intent to prevent a waste of Federal and private resources resulting from conflicting regulatory requirements is clear.

Mr. OTTINGER. Thank you for the clarification. I note that the conference report also requires that the NRC and the EPA give due consideration to the environmental and economic costs of the mill tailings regulations. Is it your understanding that this is not intended to impose a new or different basis for the issuance of regulations or for the review of regulations previously issued?

Mr. UDALL. That is my understanding. The agencies have assured the conference that such factors have been duly considered in the development of their mill tailings regulations. If such regulations are feasible, nothing in this provision would require either agency to reformulate or reconsider regulations which have been issued.

Mr. OTTINGER. The statement of managers contains the following language:

The conferees are of the view that the economic and environmental costs associated with standards and requirements established by the agencies should bear a reasonable relationship to the benefits expected to be derived. At all times, the conferees fully intend that EPA and NRC recognize as their paramount responsibility protection of the public health and safety and the environment.

The statement continues by saying that the conferees do not require that the agencies engage in cost-benefit analysis or optimization. Would it be fair to say that this statement does not require a strict accounting of the costs and benefits or a 1-to-1 relationship of the costs and benefits of implementing the mill tailings regulations.

Mr. UDALL. That is certainly my understanding of this provision.

Mr. OTTINGER. In considering this amendment the conferees were careful to make clear that we do not intend and in fact oppose any interpretation of the conference agreement which would undermine the recent judicial determination of sufficiency of prior agency consideration of cost in promulgation of mill tailings regulations.

Mr. UDALL. Yes, I believe the conference agreement is clear on that point. There is one more issue I would like to clarify regarding the exercise of regulatory authority under these amendments. Section 18(a)(3) of the conference report states that if the EPA fails to promulgate final standards for tailings regulation by October 1, 1983, the Administrator's authority to promulgate such standards terminates. At that point, NRC would continue to regulate tailings under the Tailings Act without regard to any requirement involving the EPA standards.

Mr. OTTINGER. Is it correct that the Commission's existing uranium mill tailings licensing requirements would then automatically go into effect, without constraints related to possible inconsistencies with proposed EPA standards?

Mr. UDALL. Yes, that is correct. The applicability of NRC's existing standards in total would not be left in doubt by any provisions of the amendment.

Mr. OTTINGER. Do the amendments require the Commission to provide any new regulatory review, or notice and comment period, prior to implementation of its tailings regulations?

Mr. UDALL. No, the amendments do not require any new notice and comment or rulemaking period in those circumstances. The Commission has already conducted the proper review and public comment activities with regard to its tailings licensing regulations. There would be no cause for new rulemaking activities simply as a result of the termination of EPA authority to promulgate generally applicable standards. The Commission may determine that it should itself promulgate generally applicable standards for tailings control in the absence of EPA standards. The Commission may also determine in its discretion that its existing tailings regulatory requirements require amendment at any time, or prior to promulgation of standards of general applicability by the Commission. If so, any such amendments to its requirements shall be adopted after notice and opportunity for public comment.

Mr. OTTINGER. Thank you. That is consistent with my reading of the language.

Is it your understanding that any NRC hearing, whether a licensing hearing or a special hearing, such as the Indian Point safety hearing, should cover all substantial safety concerns sought to be raised by the public and their representatives and given as full and fair a hearing as possible?

Mr. UDALL. Yes, I agree with the gentleman. We do not intend in any way to limit or restrict access to the Commission by the public nor to limit the kinds of issues the Commission can consider in carrying out its responsibility to protect the public health and safety.

PARLIAMENTARY INQUIRY

Mr. STRATTON. Mr. Speaker, a point of order.

Are the gentleman from New York and the gentleman from Arizona establishing statutory legislation with these colloquies? They are giving to the EPA something that it does not have under the statutory law, or to the Nuclear Regulatory Commission.

The SPEAKER pro tempore. The gentleman from New York fails to state a point of order.

Mr. STRATTON. Well, it is a point of inquiry, Mr. Speaker. I am trying to determine whether this colloquy is

going to go down in the law books as being the law of the land, because it certainly differs to what the legislation at the present time. The Nuclear Regulatory Commission has no authority over mill tailings or has any authority to direct the EPA.

The SPEAKER pro tempore. The Chair is unable to respond to the gentleman's inquiry. The response will have to come from the gentleman from Arizona (Mr. UDALL).

Mr. UDALL. Mr. Speaker, let me say to the gentleman from New York that obviously we cannot with a colloquy change the law. We cannot change the conference report. We can indicate what it means and how it is interpreted by Members who served on it. If there is any understanding by the gentleman from New Mexico or by the gentleman from New York, we can work it out.

Mr. STRATTON. I would like to reserve my objection on this effort to clarify the law of the land.

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

Mr. OTTINGER. I will be glad to yield.

Mr. LUJAN. Mr. Speaker, let me ask the gentleman in terms of which will be paramount, whether it is safety or the environment or cost. I do not believe that anyone would say that health and safety needs should suffer any, but would it be fair to summarize the entire question of economics as one that would say, if the risk is small, the cost of rehabilitating those fields would be small, and if the risk is great, then of course there would be some reason for the cost being great. Is that a fair summary of the intent of the legislation?

□ 1640

Mr. OTTINGER. I think it is. The conferees spent a great deal of time discussing this when we came out with that resolution. Of course the health and safety considerations ought to be paramount but economic considerations ought to be considered.

Mr. LUJAN. And seriously considered.

Mr. OTTINGER. Where you have very small risks and very large economic consequences we intended that that be taken into account.

Mr. LUJAN. I thank the gentleman.

Mr. UDALL. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. MOORHEAD)

Mr. MOORHEAD. Mr. Speaker, this important bill embodies a broad, bipartisan compromise reached through arduous and long negotiations by the leadership of both authorizing committees. The compromise includes much of the substance of the bipartisan amendments sponsored by Mr. DINGELL, Mr. OTTINGER, Mr. BROYHILL and myself in the Commerce Committee, and adopted by nearly a two-thirds majority in that committee last June.

Additionally, after our committee completed action on the bill, Mr. UDALL and Mr. LUJAN, recommended, on behalf of the Interior Committee, further compromise language very similar to amendments which had been defeated in our committee. For example, we include in this bill language on State consultation similar to that offered by Mr. MOFFETT. We also include language on two-step interim licensing similar to that supported by Mr. MARKEY and Mr. SYNAR.

In short, this bill represents compromise on top of compromise that is really a tribute to the leadership of the two relevant committees. I also would like to commend Mr. BEVILL and Mr. MYERS of the Energy and Water Development Appropriations Subcommittee for focusing attention on the urgent need for licensing reforms at the NRC.

Not only will the licensing reforms adopted in this bill speed the licensing of nuclear powerplants while maintaining public safety and sound environmental protection, but this bill also is decidedly proconsumer and anti-inflation. The licensing reforms contained in this bill will help avoid over $2 billion in higher electric rates and consumer costs due to NRC delays in licensing nuclear plants. Additionally, DOE estimates that these reforms will help reduce U.S. dependence on foreign oil by reducing our comsumption of oil by over 200,000 barrels per day.

If the American economy is going to turn around and expand at the rate we wish to see, we are going to have to utilize every domestic energy source at our disposal. Nuclear power will of necessity be an important component of that energy mix. It is essential that balance be incorporated into the regulatory process, and while we would have liked to have seen stronger and more comprehensive reforms of the NRC licensing logjam, the reforms we do achieve with this legislation go a long way toward restoring some balance in our regulatory process, and thus assuring that nuclear power can remain an option for the American people.

By passing this legislation today, we will be simultaneously helping the beleagered American electricity consumer and dealing a blow to OPEC oil suppliers. I urge my colleagues to support this urgent legislation.

I have just three questions I would like to ask the chairman of the conference, my friend Mr. UDALL, if I may:

First, I would like the distinguished chairman to tell me: Is it not true that where the statement of managers speaks or "irreversibility" in connection with the provisions in the bill relating to the so-called Sholly case, that the conferees intend "irreversibility" to be just one of many factors the Commission may consider in determining whether a license amendment represents a "significant hazard" or "no significant" hazards?"

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

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

Mr. UDALL. Yes, the gentleman is correct; his statement is true.

Mr. MOORHEAD. My second question is: Is it not true also that the conferees intend that the "significance of the hazard" is far more important in NRC's consideration of a license amendment than "irreversibility"?

Mr. UDALL. Yes, the gentleman is again correct; his statement is true.

Mr. MOORHEAD. Finally, I ask the chairman: Is it not true that the conferees do not intend the Commission to need to show special sensitivity to "irreversibility" in those cases where the Commission determines that "no significant hazards" are involved?

Mr. UDALL. Yes, the gentleman is correct; his statement is true.

Mr. MOORHEAD. I thank the chairman, and I commend his leadership on this bill as well as other bills in which I have been fortunate enough to participate with him.

Mr. UDALL. Mr. Speaker, I yield 3 minutes to the gentleman from New York (Mr. STRATTON).

Mr. STRATTON. I thank the gentleman from Arizona for yielding me these 3 minutes.

What I wanted to do was to determine what the colloquy between himself and the gentleman from New York (Mr. OTTINGER) was intended to determine.

The basic legislation at the present time provides that none of the money authorized for the EPA shall be spent in dealing with the cleanup of uranium mill tailings. The EPA has established no standards but even if they established the standards there is no money that is going to be available for enforcing them.

I understand the colloquy between the gentleman from Arizona and the gentleman from New York to suggest that the Nuclear Regulatory Commission, pursuant to the section, nongermane section which I took exception to, was now going to be directed to set those standards and to require EPA to enforce them. But there will be no money available even if the NRC directs the EPA to come up with those standards.

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

Mr. STRATTON. I yield to the gentleman.

Mr. UDALL. Let me say to the gentleman there is certainly no intention on my part or any willful intent on my part to change the law or the conference report.

I would say to the distinguished gentleman from New York that the NRC is authorized, required to regulate uranium mill tailings by the Atomic Energy Act and the Mill Tailings Act that we passed here a couple of years ago.

The EPA authority is to set general standards to be consistent with these NRC responsibilities.

I think we keep that relationship. I do not think we change it in the conference report. If we do, if the gentleman will point it out, I will try to get it corrected.

We have to go back to the other body, obviously, for other reasons anyhow.

Mr. STRATTON. I want to point out we have a provision in the law at the present time which would deny any money for this undertaking because of the fact that we have not received any competent evidence before our committee that uranium mill tailings have any adverse effect on the national safety or individual health.

Mr. UDALL. I understand the gentleman's position.

Mr. STRATTON. Therefore, in a crucial budget situation such as we are facing, it would be foolish to spend millions of dollars to correct a health hazard that does not exist.

Mr. UDALL. I understand the gentleman's position.

Mr. STRATTON. I hope the gentleman was not amending the law to that extent.

Mr. UDALL. No.

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

Mr. OTTINGER. I was not aware that the Armed Services Committee had special expertise or indeed jurisdiction over health considerations involved. But the fact of the matter is the EPA has failed to issue standards and that is the reason we had to deal with it.

We provided the NRC could go ahead and issue standards on its own if the EPA continued to fail with those standards. That is entirely within our jurisdiction and I think we made the correct resolution.

GENERAL LEAVE

Mr. UDALL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the conference report on H.R. 2330.

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

There was no objection.

Mr. UDALL. Mr. Speaker, I have no further requests for time and I move the previous question on the motion.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Arizona (Mr. UDALL).

The motion was agreed to.

□ 1650

IN PURSUANCE OF RESOLUTIONS OF IMPEACHMENT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. GONZALEZ) is recognized for 30 minutes.

Mr. GONZALEZ. Mr. Speaker, during this particular point in the session, in the 2d session and waning hours of the 97th Congress, I rise to continue in pursuance of the processes that I initiated earlier in this Congress with respect to two resolutions, one seeking the impeachment of Paul Volcker, the Chairman of the Federal Reserve Board, and the other one having to do with a reform which, as I have said before, is fundamental to any real change in the course of our financial, economic, monetary, and fiscal directions and well being.

At this point I rise to continue with respect to the first resolution. The record will show that I have presented to the House, in the absence of assurance from the Committee on the Judiciary during this Congress that it would give my resolution any consideration, and placed into the RECORD the correspondence between myself and the distinguished chairman of the Committee on the Judiciary, in which he clearly stated that other than referring my resolution to the staff of the proper subcommittee for evaluation—which evaluation has, as far as I know, yet to be made—that there was no possibility that the committee or subcommittee could entertain serious consideration of the matter because of the pendency and the pressure of other matters that the committee had to give priority to.

So I then announced, and it is so recorded, that I would proceed, because I consider this resolution in that class of highly privileged resolutions in the precedent and rules of the House, to make the case to the Assembly, the Congress, the House of Representatives, as if the House would constitute itself then into the committee. And I laid out three general indictable or, in other words, general clauses of impeachment satisfactory to the precedents that have been established thus far by the Congress in the consideration of these matters.

And then I went further, because I felt and feel that it is necessary to be other than general, to be specific, because otherwise there would be no point in laying the case before the House.

As a matter of fact, the resolution itself is couched in general terms because this is exactly why the matters are referred to the specific committees that have jurisdiction: They are staffed, they are funded, in order to pursue these matters in serious purpose, which is all I am seeking.

My intention has not been one of levity. It has not been one of seeking a means of publicity in pursuance of this matter. As I have said repeatedly, if that were my purpose, I think that I have been experienced enough in this matter of political activity to know better, easier and quicker ways to do that.

As a matter of fact, I think the record will show that I have not even made releases when I have presented the specifications of the charges and have become specific.

Now, in the three general categories I have also outlined three specific instances of wrongdoing such as would be envisioned by anybody holding a Federal official accountable under these impeachment provisions of the Constitution.

Unfortunately, there is so much that is not understood or known either by the Members or nonmembers of the Congress—the general public—concerning this proceeding. It is always associated with what has heretofore been the publicity-getting or the attention-getting factors in impeachment resolutions. There have been impeachment resolutions directed against Presidents. Now, very seldom, if at all, outside of those directed against Presidents or members of the judiciary—our third organ of Government—have there been precedents with respect to individuals outside of those two categories, with the exception of during periods of passion subsequent to the Civil War and during the Civil War with respect to a combination of civilian and military. But in a straight category of civilian—Cabinet level, sub-Cabinet level—there is very little precedent. So we have to dig into the history of this, go back to the reasons why the writers of the Constitution included this provision, as reflected in the debate in the Convention, which I have done; and, of course, going back into the history in England, and I guess one of the more dramatic episodes under this type of procedure, and that was the impeachment of Hastings in England which, incidentally, was coincidental with the emergence of our Constitution and our form of government as we have it today.

Now, today I rise in further advancement of some of the doings of not only the Chairman but the colleagues sitting with him, acting as both colleagues and members of the Board, as well as those who sit together with the Board and constitute what is known as the Open Market Committee which, as I have said, was one of the developments that has helped to completely pervert the whole purpose—the congressional intent, the historical reasons why such a thing as the Federal Reserve Act was enacted in 1913.

I have gone into the history of that, so I am not going to repeat it other than to add some specifications or, as I said during the Watergate impeachment hearings, the specificities of the matter.

Now, I have alleged two very timely matters, one that has never arisen since the formation and the acceptance of this Open Market Committee which in effect gives control and the total determination of policy with respect to fiscal as well as budgetary and financial matters of the Government, and the American people as the consequence, the allocation of credit, which is what the whole issue has been since the time that our country emerged first visibly as a Nation under the first two Congresses known as the Continental Congresses and then, of course, the Articles of Confederation, and then, since its inception, the First Congress in 1789, in the processes of giving flesh and blood and bone to this framework we call the Constitution—the utterances of such great Americans as Thomas Jefferson, and subsequent to that, President Jackson, and subsequent to that, almost on the eve of his death, the greatest preoccupation on the mind of Abraham Lincoln was exactly this, which is now an accomplished fact in our Nation. We have lost control of our destiny because economics, the finances, the fiscal and monetary matters of the Nation are the most fundamental of all. What good does it do to have political freedom if the people do not have economic freedom? And we do not. And we are not about to, until the day comes—and I hope it will not come, as I see now that it apparently must be, and that is out of convulsive crisis, which always shows and history reveals is not the best environment with which to act or legislate, much less—and as I see it now, with the specific actions of the leakage of this vital information from what is supposed to be the secret proceedings of the Open Market Committee.

I will, for the record, state that the Open Market Committee consists of five private bankers not answerable to the people, not selected by the Congress, not selected by the President, but five private bankers from the system who then joined the Board in deliberating the basic fate of any administration. Anytime the Open Market Committee wants, it can make or destroy any administration by just simply determining what is going to be the rates on Treasury bills and the like, which it establishes without accountability to anybody except their own fraternity.

□ 1700

You know, of course, we live in a generation and time when most of the kids today do not know what a chicken house is, or much less what a fox looks like. But what we used to say in our day and time is that it is putting the fox in charge of the henhouse. And this is exactly what has been going on.

Now, today I want to add to the first charge in which I raised the allegation. I also presented for the record, it is in the record, the result of a so-called investigation which was not an investigation, and only because some of us raised questions, then within the Banking and Currency Committee, of which I have been a member for 21 years, at the time that the then chairman came before us, and I raised the question to the chairman and finally persuaded the chairman of the committee to direct an inquiry.

So then the Board for the first time went out and was supposed to have appointed a committee—of course all within house—and then they went out and hired a lawyer, the lawyer belonging to one of the firms that does business with the banks, with the principal bank that in effect really is one of the few that is in total, in privacy, in total association, cheek by jowl, with such intimacy that the head of the First City National Bank, Walter Wriston, can demand and get a secret meeting with Chairman Volcker in Florida in order to bail out the speculator, the billionaire, Nelson Bunker Hunt of Texas, who together with a lot of bank resources—over $10, $15 billion—tied up in this ill-begotten venture to try to corner the silver market.

And they can have such power that they can compel or at least he went voluntarily, Mr. Volcker, to a secret meeting in Florida in order to discuss how they could save that situation for the banks and for Nelson Bunker Hunt—in violation of the highest trust that our law sets for those representing the Federal Reserve Board.

After all, as I have brought out, the legal definition of the Federal Reserve Board is that it is the fiscal agent of the Treasury of the United States. I defy anybody to tell me that it acts like an agent. It acts like a master, like the principal, and unaccountable at that, unaccountable to the President who has to beg for an equal secret meeting in the White House, mind you—the only way the President can do anything is to call for a secret meeting with Mr. Volcker in the White House to say, "Hey, Paul, can't you kind of loosen up a little bit right now, I am beginning to get a lot of static on high interest rates."

We do not know what the results of that were, because as I have said before even when these international leaders have summit meetings at least they come out with some communique that says, well, we met and we ate lunch, this, that and the other. We do not even have that to this day from President Reagan and Paul Volcker, after their last two secret meetings, earlier this year.

Now, here they are, ensconced in Florida—that is Nelson Bunker Hunt and Mr. Volcker and Mr. Wriston. They certainly were not down there to look at the dolphins. And they were not there on vacation. And they must have been absolutely, and as has been established exactly what it was they did discuss, because Mr. Wriston, in his smugness, maybe some could say his complacency or arrogance, let the cat out of the bag by not realizing what he was saying. And the enormity of the consequences of interpretation of a meeting of that nature.

Now, what small bank or semismall or semibig in this country having problems can its President call and arrange a meeting with Mr. Volcker? I defy anybody to answer that question affirmatively. There is none.

So it means, then, that this Federal Reserve Board, and since 1923 particularly, has been amenable only to those very same interests that from the beginning, from the inception of our country, have been the ones that have been controlled so as not to take over the mastery of the destinies of a country or its government, and we in our time have failed.

Woodrow Wilson, in 1916, 3 years after the formation of the Federal Reserve Board and the enactment of the Federal Reserve Act, clearly—it is in his writings and speeches—was considering that the number one issue in that he discerned as the rising contest for power, the power today that is before us, the power to determine the fiscal and monetary policies of our people, its government, and whether it is going to be the people or it is going to be Paul Volcker, as it is up to now.

Now, in addition to the secret meetings of Mr. Volcker, there have been subsequent to that others of a similar nature. There have been secret meetings concerning this growing crisis, dramatically illustrated last night by the generous pronouncement to by our President, Ronald Reagan, down in Brazil, in which he said, "Folks, I bring with me $1.2 billion to save the day."

Now, the $1.2 billion matches exactly the 1.2 that Mexico was offered and given just about a month and a week ago.

Now, these are the people who are telling us that that is budget busting, that one-third of that for domestic needs to invest in America is budget busting and inflationary. But here grandiosely we announce through the President $1.2 billion—for whom now, for Brazil. Well, that is the way it read. Like the public announcement for Mexico. But it is not for Mexico, it is not for Brazil, it is to bail out Mr. Rockefeller of the Manhattan Bank, Mr. Walter Wriston of the First City National, and the Hanover Manufac-

turers Trust principally in New York, who are up to their necks in these bad, bad loans, and barely can get the taxpayers of the United States to advance enough to roll over the interest payments, not even on the principle.

This is where we are right now internationally, but with such a direct impact nationally.

This could never have happened if we had not diverted and had not allowed that power and the diversion of power to flow to this sequestered oligarchic powerful group whose ambitions and desire for more will never be satiated. No country in the history of the world—even 7,000 years before Christ, mankind in the ancient writs of Hammurabi, clearly reflects the need to have to curb those appetites. they even had then restrictions on interest rates.

And so today, what I want to bring out is the fact that the leaks continued from the open market credit—the open market committee in which you have had speculation that has redounded to the profit and the advantage and to the detriment of the American taxpayers, and the well being of the American people generally.

□ 1710

The specifics of that I will bring out in the next one. This is one additional subpoint to the second category of the charge that I outlined earlier this year.

On top of that, the fact is the people are not fooled. Let me assure my colleagues that we may deceive ourselves into thinking that this is almost undecipherable, that this an almost esoteric subject matter, that only a few select minds are able to understand. Well, that is a lot of bull. The people back home know what is happening. They have known what has been happening. They are way ahead of us. The only thing they do not understand is why—why it is happening, why the Congress, the only bulwark, does not do anything.

After all, I must remind my colleagues that the Federal Reserve Board is not an independent autonomous body springing forth, as I said, from the brow of Jove, but it is a creature of the Congress.

Interest rates are not an act of God. They are manmade, through manmade actions. Therefore, they are susceptible to control and manmade solutions.

The contest is, who are we going to let rule us, the people or the bankers?

The only place I know where the remedy can be forthcoming is here in the Congress of the United States, which is the birthplace of the entity.

It was the Congress that created the Federal Reserve Board. People do not understand why things are not being done. They understand very well what is going on. Nobody is going to kid them. All these speeches we heard on the floor here, ad infinitum, a few weeks ago, about how inflation has gone down, do you think all the folks back home think or will tell you inflation has gone back down 3 percent or 1 percent?

Are rents going down? Are mortgage rates going down? Are the grocery bills less?

Let me assure you they are not and the people know it and that is just a lot of folderol when we try to bull them into thinking that because inflation is down, therefore, it must mean that that is an excuse for unemployment to be up.

Interest rates, if you think that the average businessmen back home, desperately trying to keep his business alive now is pleased because interest rates are affordable, you are deceiving yourselves.

I have businessmen who have been in a family business for over 80 years going out of business now because of the present rates of interest, not the ones that they were supposed to have come down from a few months ago, 17 percent or 16 percent.

You still cannot get money for much less than that now and if you do not believe me, just go out and talk to your businessmen and ask them what they must pay if they want to get a line of credit from their banker today in order to fund their inventories.

What we are seeing is the throttling of the American way and to sit back and say that nothing can be done as reflected—I want to place into the RECORD two recent newpaper articles in which this, I think, very dramatically is illustrated, when Mr. Volcker is quoted as saying just 3 days ago that there is nothing they can do about changing the policy, that he is going to insist on this policy because—he does not say now that inflation is out of control because that will make him a liar, because they just said that because of their policies inflation went down, but that unemployment which is now at unprecedented rates might be a consequence and now the administration is saying that Americans, healthy, able and willing to work, shall forever be reduced to 7 million, no more and no less, to be permanently unemployed; that at no time will it be possible for our economy, which is still a dynamic economy, a growing economy, none of this is going to straitjacket the American people; but what I am saying is that the consequences of this we are going to have to pay for and before not too long.

In the meanwhile, serious attention ought to be given to what it is that can be done. One of the first things that can be done by the Congress is to go back, pick up the unfinished work after 1916, revise some of the actions that the Congress slipped through very quietly in some of the amendments to the Federal Reserve Act very obliquely that I think are indispensable because at this point I think it is irreversible, in my opinion, until the Congress regains control of its destiny insofar as a national policymaking body with respect to fiscal and monetary matters is concerned, it will not happen.

We are faced with what I consider now to be an irreversible reality, which means chaos and catastrophe and us reacting then and floundering out of desperation, which is not the best way to act.

I think always anticipatory action, anticipatory legislation is wise. For this reason over 15 years ago I first introduced in the company of our distinguished chairman, then Wright Patman, that fellow Texan, legislation that I have been reintroducing and is one of this kit that I speak of today.

Mr. Speaker, I yield back the balance of my time with the promise that I will resume this tomorrow with some of the specifics involving the charges that I have raised against Mr. Volcker.

YALE UNIVERSITY PRESIDENT A. BARTLETT GIAMATTI ADDRESSES NATIONAL ITALIAN AMERICAN FOUNDATION EVENT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. ANNUNZIO) is recognized for 5 minutes.

● Mr. ANNUNZIO. Mr. Speaker, the National Italian American Foundation recently gave its Career Achievement Award in Education to A. Bartlett Giamatti, the distinguished president of Yale University, and I rise to call to the attention of my colleagues President Giamatti's address to those in attendance at the Foundation's Fourth Biennial Awards Dinner.

The National Italian American Foundation is dedicated to promulgating the positive contributions and achievements of Italian Americans in our society and the Award to President Giamatti was in recognition for his outstanding accomplishments in the field of educational administration and for his contributions to human knowledge through his personal scholarship in the field of Renaissance literature.

President Giamatti's address follows:

ADDRESS BY A. BARTLETT GIAMATTI

Reverend Clergy, Ambassador and Mrs. Petrignani, Senator Sovinelli, Distinguished leaders of the National American Italian Foundation, Ladies and Gentlemen:

This is an extraordinary honor for me, and I am deeply grateful to receive it. To have it presented by a man of the intelligence, integrity and moral courage of Senator Domenici, whom I, like millions of Americans, admire so much, adds a measure

of pride to this award that I shall cherish the rest of my life. To be in the company of your other recipients is to be humbled; indeed, as Mr. Iacocca has implied, to stand next to Miss Loren in a receiving line is not simply to be humbled. It is to achieve a state of abject inferiority.

My father died six months ago and it is he I think of now—he whose parents came young and penniless, as teenagers, to America from proud, poor villages outside of Naples; my father, who with absolutely no money, and by his own zest, brains and work first went to Yale, then to Harvard, and then spent his life teaching and studying the language and culture of Italy, particularly Dante and the Commedia. I am so glad my wonderful sister can be here, so that she and I can both think of him on a night he would have reveled in—as we do.

From my father I learned many things. But central to what he taught me was the centrality of education to the Italian experience and to the fulfillment of the contribution to America of Italian Americans.

From Italy, we all derive a cultural heritage—woven of strands religious, legal, artistic and humanistic. That cultural inheritance is at the heart of, indeed is the heart of, Western civilization. From the Etruscans and the Romans until today, whatever is central to Western culture has come from or been transmitted to Italy. And education has been the main medium for that transmission: the first universities in the world were Italian—in Bologna, in Salerno—for law, for medicine, for that program of ethical education and renewal that was humanism. That heritage is what we uniquely bear from Italy as Italian Americans.

In America, education has always been the way to become an American. In this open, free, mobile society, education has been the traditional American route to full participation in America. It is historically and currently the way merit and brains and character develop themselves. The route to social access and personal fulfillment through education is viewed as a better system than the older, European model that made judgments about people based on blood or social class or inherited wealth. Americans believe in access, mobility, merit. Italian Americans, with enormous gifts, with deep devotion to their old heritage and to this grand, new country, have brought their energies to education and must continue to do so. There have been barriers. There are still subtle and gross forms of prejudice. But we are not alone in being affected by that vicious meanness of spirit and prejudice is not the whole story. We are too proud to forget our heritage; too strong of character and intellect to be deflected from the opportunity there is; too deeply and enduringly attached to America not to want to do for her and all her people the most we can.

Let no one think that Americans of Italian heritage do not fully understand their cultural heritage of education; let no Italian American think America and all she means is not available to her or him through education. Let all of us glory in the talents it is our obligation to fulfill and to share. Let us remember our children, the young women and men of Italian American heritage, who are essential to America. Their education is our responsibility. Through discharging that responsibility, we continue to enrich America.

It is in this spirit I accept this award. On behalf of us here, and all who are not here. Amici miei, vi ringrazio dal cuore, da un cuore pieno dei sentimenti affetuosi e cordiali.●

A TRIBUTE TO DR. PHILLIP CARRUTHERS BROOKS, SR.

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

Mr. HUBBARD. Mr. Speaker, I speak today in tribute of my constituent and longtime friend, Dr. Phillip Carruthers Brooks, Sr., who died at age 81 on November 27 in Hopkinsville, Ky.

Dr. Brooks, who was involved in numerous local, State, and national medical activities, founded Brooks Memorial Hospital in Hopkinsville to serve the black community. However, through the years, people of all races were served by his private medical facility. The 30-bed Brooks Hospital was built and maintained solely by the physician with absolutely no financial help from the Federal Government.

Dr. Brooks was an honor graduate of Howard University, Washington, D.C., and he graduated at the head of his class from the Howard Medical School. In 1954, he was named "General Practitioner of the Year" by the black National Medical Association. His community further recognized his contributions to Hopkinsville and Christian County by establishing the Dr. P. C. Brooks scholarship to aid in the financing of medical educations for those students financially unable to attend college.

It was my honor and privilege to participate last year in a "This Is Your Life" program at which a large crowd of admirers paid tribute to Dr. Brooks.

His survivors include two sons, Phillip C. Brooks, Jr., and Cowan Henry Brooks, and two brothers, Garland H. Brooks and Paul D. Brooks, all of Hopkinsville, and four grandchildren.

I extend my sympathy to the survivors and friends of this fine gentleman, who was truly an inspiration to those who knew and respected him. Indeed, we have lost an outstanding person who unselfishly gave of himself to his community.

A TRIBUTE TO HON. JACK BRINKLEY, THIRD DISTRICT OF GEORGIA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. BARNARD) is recognized for 60 minutes.

Mr. BARNARD. Mr. Speaker, today I have requested this opportunity for this special order to pay tribute to one of the outstanding Members of Congress who will be very shortly retiring from this body and returning to his native state of Georgia. This Member is the Honorable JACK BRINKLEY, the distinguished member-chairman of the Subcommittee on Military Construction of the Armed Services Committee.

Mr. Speaker, when JACK BRINKLEY leaves Congress, we will lose not only the dean of our Georgia delegation, but a valued colleague. JACK BRINKLEY has done an admirable job in tending to the interests of Georgia, especially in military affairs through his contribution on the Armed Services Committee.

JACK BRINKLEY has been a dedicated and diligent public servant. His attendance record in the House has consistently been in the 90-percent range, and he has taken pains to do his homework on any number of projects important to Georgia and its citizens. His reelection to eight terms of Congress is a testimony to how well he has performed his duties for the people of his district.

Although the work and pressures of Congress demanded much from JACK, he did not neglect the other areas of life. An active churchman, he was an influential member of the congressional prayer breakfast group. Nearly every weekend, he returned to Georgia to renew ties with family and friends.

I recall an old saying on his wall which seems to sum up his attitude toward his job and its many responsibilities. It reads, "Don't ever forget who you are, where you came from, and who sent you."

JACK BRINKLEY was one who remembered the needs of his home State, and did an excellent job of fulfilling them. His presence in the next Congress will indeed be missed.

□ 1720

GENERAL LEAVE

Mr. BARNARD. 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 our colleague, the gentleman from Georiga, JACK BRINKLEY.

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

There was no objection.

Mr. BARNARD. Mr. Speaker, I am now pleased to yield to the Honorable EARL HUTTO, the gentleman from Florida.

Mr. HUTTO. Mr. Speaker, I appreciate the gentleman's yielding to me and I appreciate the fact that the gentleman is taking this special order so that we can honor and pay tribute to our beloved colleague, the gentleman from Georgia, JACK BRINKLEY.

Mr. Speaker, the conclusion of the 97th Congress will bring to an end the illustrious and exemplary congressional career of our colleague, JACK BRINKLEY. I am privileged to join others in honoring this outstanding public servant who has served his Georgia con-

stituents and the people of our great Nation in an absolutely superior manner.

JACK BRINKLEY's 16 years of service in the House of Representatives will probably best be remembered for the tremendous contributions he made to the military capability and defense of our country. As chairman of the Armed Services Subcommittee on Military Installations and Facilities, on which I am privileged to serve, he had a significant hand in providing for necessary facilities modernization and improvement projects for our Armed Forces worldwide. He has served the Nation's military needs in the best traditions of Georgia's legendary Armed Services Committee chairman, Carl Vinson. I consider it a high privilege to have had the opportunity to serve with JACK BRINKLEY.

It is with a great deal of respect and appreciation for JACK, and in praise and thanksgiving for this outstanding American, that I pay tribute and ask God's blessings on him and his family.

Mr. BARNARD. Mr. Speaker, I now yield to the distinguished gentleman from Georgia, the Honorable ED JENKINS.

Mr. JENKINS. I thank my colleague from Georgia for yielding to me.

Mr. Speaker, I, too, am proud to pay tribute to JACK BRINKLEY for his outstanding service to our State of Georgia and to the entire Nation.

During his 16 years in the Congress, JACK has achieved many great goals. I will not attempt to list all of those goals, but he served as the distinguished dean of the Georgia delegation for several years.

During the 96th Congress, JACK offered his leadership as a Democratic zone whip for Georgia and South Carolina.

He has been a dedicated member of the Committee on Armed Services and a productive chairman of the Military Installations and Facilities Subcommittee.

He has provided valuable leadership as a member of the Committee on Veterans' Affairs.

He will be remembered for his active role in the field of civil defense, and for introducing legislation pertaining to benefits for military personnel.

He was able to see to fruition a longstanding dream for a regional cemetery at Fort Mitchell.

My warm friend, JACK BRINKLEY, undertook the task of obtaining funds to renovate and expand the Warm Springs rehabilitation complex, the former residence of our great President Franklin Delano Roosevelt.

Mr. Speaker, I could go on and on in listing the great work that JACK BRINKLEY has done. I have known him for over 30 years. When I was a student at Young Harris College, at the same time he was a student there. Later we went to school at the University of Georgia Law School together. At that time he was a perfect gentleman.

I want to say as a tribute to him that of all the people I know, I know of no other human being who is more decent, a more decent person, than JACK BRINKLEY.

So with all of the things that we could say about his career, I can simply say that I have known him for over 30 years. He has never changed. He is a good person, and that is the best that one can say about any colleague. I am delighted to join in this tribute to a real friend, JACK BRINKLEY, whom all of us will miss in the next Congress.

Mr. BARNARD. Mr. Speaker, I now yield to the distinguished gentleman from Connecticut, the Honorable BILL RATCHFORD.

Mr. RATCHFORD. Mr. Speaker, I thank the gentleman for yielding to me.

Mr. Speaker, I, too, join the gentleman in paying tribute to the man I think is the ultimate gentleman. I am sure there are those who would wonder why someone from Connecticut, someone from a Northern State, would get involved in a tribute to a man from Georgia.

Well, I am prepared on behalf of all of our Members on both sides of the aisle to share with our Members the reasons for doing it.

I think there a number of reasons, but above all, what comes through is the man we talk about as the ultimate gentleman, always, thoughtful, always considerate, always willing to take time for Members, regardless of their point of view.

I can recall in my first term here the debate on an issue relating to a matter of great controversy, and that was the expansion of Fort Carson. There was a variety of views, and there were different expressions of opinion. The man called upon to serve as the ultimate arbiter, or referee, or judge, was the man we honor tonight.

He heard it out. He took the time to listen to the different points of view. He worked it through. Even those who represented a different point of view were left with the overriding feeling that they had been treated fairly because that was the nature of the human being whom we speak about this evening.

He is respected on both sides of the aisle. He is indeed the totally effective lawmaker, and from my point of view, the only way I can frame it is that he is a prince of a human being.

Many of us here, from Speaker O'NEILL to the other Members, pride themselves on their respect for this body, pride themselves for the company they keep, but above all, are proud of those who serve here.

Some of us happen to be sports fans. I am one of those. It is rare in sports or life, and certainly rare in politics, when an individual can go out at the top. I think in terms of sports of a Ted Williams, of a Stan Musial, of a Mickey Mantle. The man we honor today is in that tradition. He is the ultimate champion. he has served in this particular case the people of Georgia and the United States well, and he is going out at the top.

So JACK, from this Connecticut Yankee, on behalf of our delegation, and those on both sides of the aisle: "You go with our blessing, you go with our thanks, and above all, JACK, you go with our total love."

Mr. BARNARD. Mr. Speaker, I now yield to the distinguished chairman of the Committee on Veterans' Affairs and member of the Committee on Armed Services, the Honorable SONNY MONTGOMERY.

Mr. MONTGOMERY. Mr. Speaker, I thank the gentleman in the well for giving me this opportunity to honor JACK BRINKLEY.

□ 1730

Mr. Speaker, I had the privilege of arriving in the 90th Congress in 1967, and that was the class of JACK BRINKLEY, and I have had the privilege of the 16 years, wonderful years, of serving with JACK BRINKLEY.

As the gentleman in the well knows, JACK and I now serve on the House Veterans' Affairs Committee. He was the chairman of the subcommittee at one time, and he is now serving on the Subcommittee on Compensation and Pension in the Veterans' Affairs Committee, and also serving on the Housing Subcommittee of the Veterans' Affairs Committee.

He has been very active, and as someone mentioned earlier, he has taken a strong part in getting a regional cemetery in the Georgia-Alabama area for our veterans. He is now serving, as the gentleman in the well knows, as chairman of the Subcommittee on Military Construction of the House Armed Services Committee, which I also have the privilege of serving on. I serve as the ranking member with JACK BRINKLEY on the House Subcommittee on Construction.

As the gentleman will recall, several months ago when JACK closed out his handling of the construction bill on the floor for the military, that the whole House stood up and applauded JACK BRINKLEY for the wonderful job he had done as chairman of the subcommittee.

He has been active in our prayer breakfast group. I recall this morning he was right there at the regular prayer breakfast group. He served one time as president of the House prayer breakfast group.

I would like to say that I have had the privilege of working and being involved with JACK BRINKLEY almost

every day in the Congress when we have been in session. As someone said earlier, he is a decent man, and we will certainly miss him in this House.

Mr. BARNARD. Mr. Speaker, I would like to yield to the gentleman from Texas (Mr. KAZEN).

Mr. KAZEN. Mr. Speaker, I thank the gentleman for yielding to me. I am just so happy that I came through the Chamber at this particular time, because I had no idea, I had not been notified that this special order had been taken to pay tribute to JACK BRINKLEY.

I too, came at the same time that JACK BRINKLEY came to this Congress, along with my colleague from Mississippi, SONNY MONTGOMERY, and several others. There are few of us left from that class. All during the 16 years that it has been my privilege to serve in the Congress I have worked very closely with JACK BRINKLEY. I know him as a great legislator. I know him as a fine gentleman, and I know him as a fine, patriotic, sincere American who has the interests of this country at heart.

His work on the Armed Services Committee is unexcelled by anyone else. He is the chairman, as has been mentioned earlier, of the Subcommittee on Military Installations and Facilities, and I serve on the subcommittee. Serving on that subcommittee, I have known what this man has been able to do for the military, the security of this country, and our military posture all over the world.

Mr. Speaker, we are going to miss JACK BRINKLEY. He has been a tremendous friend. He has been a great legislator, as I have said before, and a man like that will be sorely missed.

I am highly privileged to have been able to call him my friend, and wish him and his family the very best in the future. JACK, we will miss you.

Mr. BARNARD. Mr. Speaker, I now yield to the distinguished gentleman from Kentucky (Mr. HUBBARD).

Mr. HUBBARD. Mr. Speaker, I thank the gentleman for yielding. I thank him for leading this tribute to our esteemed friend and colleague, JACK BRINKLEY.

We have heard these words thus far: "My friend—a decent man—the ultimate gentleman—a prince of a man" and other correct comments attributed to the person, JACK BRINKLEY. During these 8 years I have served in Congress, I have considered him a dear friend and one in whom I have a lot of confidence, and from whom I have received a lot of good advice.

I will never forget, I say to the gentleman from Georgia, one Sunday about 2 years ago when I spoke on Layman's Day at a Baptist Church in Columbus, Ga. After the service, as I stood in front shaking hands with the members of the church, more than half of the congregation who came by, not knowing if others had, asked me if I knew their Congressman, JACK BRINKLEY. Of course, I said that I did, and they spoke very warmly of him and wanted me to know how highly he was thought of in his hometown, Columbus, Ga. That says a lot about him when he is that highly thought of in his hometown, among those who have known him best.

We wish him well. Thank you, JACK BRINKLEY, for what you have done for this particular Congress and for the years that you have been here. As someone said earlier, we wish you Godspeed.

Mr. BARNARD. Mr. Speaker, I yield to the gentleman from Missouri (Mr. SKELTON).

Mr. SKELTON. Mr. Speaker, I thank the gentleman from Georgia for yielding to me.

It is not an easy task for me stand here today and pay tribute to JACK BRINKLEY. Quite frankly, this serves to remind me that he will soon be ending his distinguished congressional career. I say without equivocation that JACK BRINKLEY will be sorely missed by Member of this body, who will miss his leadership both on the floor and in the committees. In his 16 years of service he has been the distinguished dean of the Georgia congressional delegation. He has served as chairman of the Veterans' Committee subcommittees and distinguished himself in some many ways. We have already heard wonderful words of tribute.

Let me just a mention a couple or three things, because in my work here in this House our paths have crossed many times. On each of those occasions they have been most pleasant and most fruitful. JACK BRINKLEY was and is deeply interested in the subject of civil defense. He has performed an invaluable service to our Nation by emphasizing the dual use of civil defense. His efforts have made people aware of the fact that an effective civil defense program can save lives in the event of natural disasters as well as in the threat of a nuclear disaster. It was through JACK BRINKLEY that my work on civil defense received encouragement and suggestions. I wish to thank him for helping row that boat together with me.

Also, as the gentleman knows, he represents an area in Georgia that three of us in this body hold near and dear. That is a place called Warm Springs, Ga. I am one of those three Members who have spent a portion of our younger lives at a place called the Warms Springs Foundation. JACK BRINKLEY's interest and dedication in trying to see that this is a living memorial to Franklin Roosevelt will long endure.

Last, I am pleased to say that I have had the opportunity to know and be with JACK BRINKLEY on those, yea, those many Thursday morning prayer breakfasts, listened to him and talked with him and drawn inspiration from him. There is a saying that in order to have a friend you have to be one. Well, JACK BRINKLEY is a friend, and that is why he has so many friends wherever he goes.

Thank you for the opportunity to say bon voyage to our friend, JACK BRINKLEY. He is a wonderful person.

Mr. BARNARD. Mr. Speaker, I yield to the distinguished gentleman from Kansas (Mr. WINN).

Mr. WINN. Mr. Speaker, when running for political office, it is easy to make promises.

When JACK BRINKLEY was first campaigning for Congress in 1966, he made one promise. "I promise to remember who I am, where I am from, and who sent me."

I believe those words sum up the kind of service the people of the Third District in Georgia received for 16 years when JACK BRINKLEY was their Congressman. He served with devotion and integrity and achieved a degree of respect from his colleagues in the House that we all strive for. JACK is now retiring which strikes a special note in my heart because JACK entered Congress at the same time I did.

The freshman class of the 90th Congress has contributed a great deal to the House of Representatives. JACK BRINKLEY and I came to Washington from different parts of the country as complete strangers, but in the 16 years that I have known him, we have become good friends. A lot has happened since our swearing-in ceremonies and I believe we have grown together as Members of Congress, better able to serve the people who sent us here.

JACK BRINKLEY achieved three subcommittee chairmanships in his tenure in Washington. He served as chairman of the Military Installations and Facilities Subcommittee; he chaired the Veterans Housing Subcommittee in the 94th, 95th, and 96th Congresses; and headed up a Special Subcommittee on Civil Defense in the 92d Congress. JACK is recognized as an accomplished expert in the crucial field of civil defense and has worked to alert the American public to the needs of civil defense in times of strategic uncertainty. JACK has shown his thanks and compassion to America's veterans, having served as an Air Force pilot during the Korean war. His knowledge of military and defense issues is well regarded and he will be missed on the Armed Services Committee with America working to meet the Soviet threat.

JACK BRINKLEY possesses a reasoned sense of self-importance. I base this on his kindness and compassion which couples with a strong consideration for the people of the Third District in Georgia. In his farewell letter addressed to "Friends and Constituents,"

JACK expressed his deep sense of thanks to his closest admirers:

Since I've been in Congress, I've kept in mind that I don't work for the government; I work for you. Soon, at the end of my term, I will be going back to Georgia for good and I wish to report to you that all is well. Thank you for the privilege of being your man in Washington.

Basically, good men and women serve you in all levels of government. At the Federal level, things can be mighty slow, but that's the system our Founding Fathers intended. Had it been otherwise, a monarchy could have been established and government could move with lightening speed.

But here the people govern. Just as surely as they did in Franklin's day. And after the dust settles and after the smoke clears, we can take stock again and know with assurance that ours is the finest country upon which the sun has ever shone.

The House of Representatives is a better place because of the contributions of JACK BRINKLEY. He will be missed. I wish he and his lovely wife Lois many more wonderful years together.

□ 1740

Mr. BARNARD. I thank the gentleman for his comments.

Mr. Speaker, I am now pleased to yield to another great Member of the Congress who is retiring from this body and who will be sorely missed, and I refer to the Honorable BO GINN from Georgia.

Mr. GINN. Mr. Speaker, I thank the gentleman from Georgia (Mr. BARNARD) for yielding to me so I might say a few words about our distinguished colleague JACK BRINKLEY.

If I have ever known a man, an individual, who wore the title "Honorable" and who is worthy of being honored it is the gentleman from Georgia, JACK BRINKLEY.

JACK was already in the House when I arrived here as a freshman Member in 1973. He has been of inestimable value to me with the advice which he has freely given me. I must say that that advice has always been sound.

JACK has represented his district, in my judgment, as well as any person ever has who has ever served in this position.

JACK has served with great distinction as chairman of the authorizing subcommittee for the Armed Services Committee for Military Construction. During a portion of that chairmanship I had the great privilege of serving as chairman of the Appropriations Subcommittee for Military Construction. In that capacity JACK BRINKLEY and I had the opportunity to work together closely and to test each other's mettle and to get to know each other extremely well.

I know of no man, Mr. Speaker, no person who has ever served here with greater distinction than JACK BRINKLEY. I can say with great feeling and great belief that while this House of Representatives will always be a better place because JACK BRINKLEY served here, and that is a fact, our State of Georgia is about to become an even better place in which to live and work because our friend, JACK BRINKLEY, will be returning there to live at the local level and all of us will have the benefit of his advice and counsel.

My family and I send JACK and Lois and his sons our love. We send them our great thanks for their service to our State and to this great country and to this House.

We wish our friend JACK BRINKLEY Godspeed and we hope that he will continue to give all of us the benefit of his advice and counsel which he has done so ably in the past.

Mr. BARNARD. Mr. Speaker, these comments this afternoon are comments which are felt by so many Members of this Congress, those serving now and those who have served in the past.

There is an expression that is used quite often in this chamber, and that is that someone is a great American. I think that JACK BRINKLEY epitomizes the qualities of a great American as much as anybody I know.

Today we are delighted that we can have this opportunity to pay tribute to him and wish him well in his future activities, and we certainly hope to lean upon him often for advice and counsel as the occasion does develop.

I am pleased at this time to yield to the gentleman from Colorado (Mr. KRAMER).

Mr. KRAMER. Mr. Speaker, it has been my pleasure to serve with JACK BRINKLEY on the House Armed Services Committee's Subcommittee on Military Installations and Facilities for the past 2 years. I have been honored to serve with him, and I am sorry to see him leave.

Mr. BRINKLEY has chaired his committee with competence and dedication. The construction of military facilities is one of the most important elements of our defense strength. Our soldiers, for example, must be trained, equipped, housed, treated for injury or illness, deployed, and exercised. Their equipment and their weapons must be stored repaired, deployed, and eventually retired or otherwise disposed of. Every one of these activities involves a military installation, building, or training ground that was paid for by the American taxpayer and authorized or considered by his subcommittee. In a very real sense, there are few other committees whose activities get so involved in the lives and careers of our fighting soldiers and contribute so much to their fighting effectiveness.

Mr. BRINKLEY has served our Nation's Armed Forces well. He has recognized the problems in past underinvestment in facilities that need such urgent attention. He has recognized the need to build for the future, to put backbone behind the muscle that our Nation has determined to rebuild.

Mr. BRINKLEY's fairness and even-handedness will be remembered by many of the Members who had the privilege of serving under his chairmanship. He was careful to listen to all sides of an argument, to be judicious in his decisions, and considerate in his handling of sensitive issues. These marks of a statesman were also those that he brought to the floor of this body. He has dignified the Congress by being here, and we will miss him.

As he leaves the Congress, he goes with my best wishes. I know that the qualities that he displayed while he was on congressional service will be put to excellent use in his future career. He is the model of a public servant, and will continue to be an asset not only to the people of Georgia, but also to this great Nation of ours.

I wish him the best in his next career. This body has been well served by having people of his character in its membership.

● Mr. LEVITAS. Mr. Speaker, I am pleased to join in this special order to pay tribute to the service of our respected friend and colleague, JACK BRINKLEY. When thinking of JACK BRINKLEY's service, the words honor, integrity and loyalty come to mind. These qualities are embodied in JACK BRINKLEY and in his record of service in Congress.

He is a quiet, but determined and effective force. He has never sought or expected glory or recognition for his efforts, but those of us why know him well and have worked with him so closely all these years know how much he deserves praise and recognition. Clearly, you can say that JACK BRINKLEY is a workhorse not a showhorse.

In 1966, JACK BRINKLEY was elected to Congress to represent the Third District of Georgia. As a candidate for office, Congressman BRINKLEY said "I promise to remember who I am, where I am from and who sent me." In every sense JACK BRINKLEY has lived up to those words.

JACK BRINKLEY epitomizes the meaning of a public servant. He works for the people and has served his constituents and the Nation with distinction. His contributions are many.

JACK BRINKLEY is a native of Georgia, born on December 22, 1930, in the town of Faceville. His hometown, Columbus, Ga., is in the heart of the Third District. In 1949, JACK BRINKLEY received his B.A. degree from Young Harris College, in Dahlonega, Ga., and in 1959 he received his J.D. from the University of Georgia. He taught in the public schools in Georgia from 1949 to 1951, at which time he began 5 years of service in the U.S. Air Force. Jack went on to practice law in Colum-

bus from 1957 to 1959. He served in the Georgia House of Representatives for one term just before coming to Congress in 1967.

Throughout his 16 years of service, JACK BRINKLEY has maintained an attendance and voting record of better than 95 percent. Since 1981 his voting record has been 99.2 percent and he has been present for quorum calls 100 percent of the time. Congressman BRINKLEY has served his colleagues in many ways. The Georgia delegation is particularly grateful for his leadership as the dean of the Georgia delegation. He also serves as a member of the board of directors of the Sunbelt Research Coalition and has served as the president of the House prayer breakfast group, 1979 to 80, and the Democratic zone whip of region VI for Georgia and South Carolina during the 96th Congress.

As a member of the House Armed Services Committee and the Veterans' Affairs Committee, JACK BRINKLEY has done much for the military needs of our country. During the 94th, 95th, and 96th Congresses he chaired the Veterans' Housing Subcommittee.

Many veterans live in the Third District of Georgia and they can be proud of the service rendered them by JACK BRINKLEY. He succeeded in providing for the establishment of the Fort Mitchell Regional Veterans Cemetery. He sponsored successful legislation in the House which is designed to provide for greater coordination and sharing of medical resources between the Veterans' Administration and the Department of Defense. Thanks to Congressman BRINKLEY's efforts veterans and members of the Armed Forces on active duty will benefit from better health care and the Government will save tax dollars in the process.

He has been a leader in the area of civil defense. In the 92d Congress he chaired the Special Subcommittee on Civil Defense and he has continued his distinguished efforts in this area as chairman of the Military Installations and Facilities Subcommittee in the 97th Congress.

The dual-use civil defense program has become a familiar and respected concept to us all thanks to the efforts of Congressman BRINKLEY. As the champion of this concept, JACK BRINKLEY has successfully promoted a civil defense program which prepares our country not only for attack-related nuclear disasters, but also for the very real and devastating threats of natural disasters. Congressman BRINKLEY realizes that not only do we need to protect our citizens from war-related disasters, but from disasters such as hurricanes, tornados, storms, floods, earthquakes, et cetera. In all of the debates over civil defense, JACK BRINKLEY has been conscious of the structure of the program and a protector of adequate levels of funding.

In other areas, JACK BRINKLEY has spoken out and his colleagues have listened. He has been a strong advocate of funding for cancer research programs. These efforts have had widespread support in his district and throughout the Nation.

JACK BRINKLEY has been vocal on the issue of social security, and has called for a study on, and a resolution to, the notch problem which has resulted in escalated benefits. Congressman BRINKLEY sees the need to make needed corrections in the system to put social security on a sound footing and assure the continuation of adequate benefits.

The work and service of JACK BRINKLEY has been noted by many. He enjoys a 95-percent rating from the American Security Council for the past 10 years in his votes and efforts to provide for our Nation's defense. He received the "Twice a Citizen Award" this year from the Atlanta chapter of the Naval Reserve Association. As a friend of small business, he has received the Guardian of Small Business Award from the National Federation of Independent Business. He is a member of the Golden Age Hall of Fame of the National Alliance of Senior Citizens; a member of the Advisory Council of the Citizens Committee for Decency Through Law; and a member of the Columbus Metro-Urban League. He is a member of the bar of Georgia, the District of Columbia, and the Supreme Court of the United States. He is a Mason and a member of the Baptist church.

JACK BRINKLEY is married to the former Alma Lois Kite, and they have two sons, Jack, Jr., and Fred, both of Columbus.

As you can see JACK BRINKLEY has accomplished many things. He has many friends in Washington who will be sorry to see him go. We will miss his leadership and his wisdom. But JACK BRINKLEY has not forgotten where he came from or who sent him to serve in Congress. He wishes to go back to his home and be with those people. I know they join us in appreciation for his years of dedication as their public servant.●

● Mr. ALEXANDER. Mr. Speaker, I appreciate this opportunity to participate today in this event recognizing the skills and service of our colleague from Georgia, JACK BRINKLEY.

He was a community leader before the people of Georgia elected him to serve them in Congress and I am sure his talents will continue to be used for the benefit of our people. But JACK's voluntary decision to leave the House will mean a loss strongly felt by those of us interested in and concerned with the needs and problems of our veterans and with maintaining a strong defense as a means of achieving and maintaining a peaceful world.

Having shared interest in national defense and in highway transportation issues, I have learned to know and appreciate JACK BRINKLEY's ability to get results on matters of concern in these areas.●

● Mr. FOWLER. Mr. Speaker, JACK BRINKLEY's 16 years of service in this body have been years of excellent service on behalf of his district, the State of Georgia, and the entire Nation.

Georgians and the Nation's veterans in partrcular owe a great debt of gratitude to Congressman BRINKLEY. His service on the Veterans' Affairs Committee was distinguished by his untiring devotion to the legitimate needs and concerns of those who served this Nation in time of war, and he accomplished much in helping the country show its appreciation for their sacrifices.

As a member of the Armed Services Committee, JACK BRINKLEY has been unfailingly attentive to the interests of his own constituency and conscientious in the discharge of his duty to maintain the strength and readiness of the Nation's defenses. Of course he did a superb job for the installation of his own district, Fort Benning, but I want to express my own appreciation and commendation for his vigilance and effectiveness on behalf of Fort McPherson in my area.

He demonstrated once again his ability to be a gentleman in the heat of battle while maintaining his effectiveness in the battle during the debate in this body over the commitment to purchase C-5B military transport planes. JACK BRINKLEY can win friends and influence people in the best tradition of this body, and he put these talents to good and effective use in that successful effort.

As the dean of the Georgia delegation, Congressman BRINKLEY has been both fair and solicitous of all the needs of all our constitutents in that position of leadership.

It has been a high privilege and a great pleasure to serve in the delegation with JACK BRINKLEY, and I can say with all sincerity that we will miss him.●

● Mr. BEVILL. Mr. Speaker, it is a privilege for me to praise the work of my good friend and colleague, JACK BRINKLEY, upon his retirement from Congress.

JACK and I both came to Congress together 16 years ago, and during these many years of working closely on many issues, I have developed a great respect for him. He works hard for the people of the Third District of Georgia. I might also mention that JACK has had the great honor of representing the home district of former President Jimmy Carter.

Since my home State of Alabama borders JACK's State of Georgia, we

shared a great many interests, and I had an opportunity to work with him on matters of importance to both of our States.

I have been most impressed with JACK BRINKLEY's ability to analyze a problem, weigh the merits of proposed solutions, and actively seek the support of his colleagues for the measures which he believes would best solve the problem.

I deeply appreciate the wise advice and counsel which JACK has provided to me on many occasions and I wish him a long and prosperous retirement from Congress. Although this body will greatly miss him, our country is fortunate to have had his unselfish and excellent service in the U.S. House of Representatives.●

● Mr. SAM B. HALL, JR. Mr. Speaker, I hasten to add my praise and heartfelt thanks to our dear friend, JACK BRINKLEY, for the magnificent contribution he has made to this Congress and the Nation.

It has been my distinct privilege to serve with JACK BRINKLEY on the House Veterans' Affairs Committee where he has demonstrated a concern for the Nation's veterans unmatched in its intensity and commitment. Over the years we have worked together on a number of key legislative items affecting the welfare of America's veteran population. I am going to miss his advice and good counsel on the committee, but more important, millions of our veterans will miss his service to their cause.

JACK BRINKLEY represents a great area of this country. His constitutents, like JACK, are very patriotic and have an abiding love of our beloved country. In the great tradition of men like Carl Vinson and Richard Russell, it is good to know that one of their fellow Georgians, JACK BRINKLEY, can fill their shoes as a successful defender and promoter of an adequate national defense.

Many of us in this House have been afforded the honor of visiting Fort Benning, a legendary Army installation vital to the Nation's defense, and located in JACK's district. In fact, I feel certain that there are many in this body who "put in some time" at Fort Benning long before coming to the House. Some of the most outstanding American military leaders of this century are vitally linked to Fort Benning. JACK BRINKLEY is a main reason why Fort Benning continues to be a testing and training ground for our best combat-ready troops.

JACK BRINKLEY has made many friends in this body. His quiet and unassuming manner, perception and understanding the issues, and a keen wit have endeared him to his colleagues. In my judgment he is just too young to retire, but I have a feeling that JACK will continue to put his expertise and experience to good use for his State and Nation.

I have enjoyed my service in the House with JACK BRINKLEY, and I look forward to our continued association and friendship.●

● Mr. GINGRICH. Mr. Speaker, it is with particular regret that I note the retirement of Congressman JACK BRINKLEY. As dean of the Georgia delegation, Congressman BRINKLEY has been a close friend, a teacher and a leader to all of us.

When I was a freshman, before I was even sworn in, I went to Columbus to ask his advice. It was sound advice. He places country above party. He places the national interest above his own. He is committed to speaking for his constituents, rather than for special interests or special causes. Few men in the Congress can match JACK BRINKLEY in his decency, his kindness and his concern for America.

He has been a fine dean of our delegation, and a good Representative for the Third District of Georgia. He played a key role in getting the C-5 contract through. He worked ably and hard on the Armed Services Committee, not just for Fort Benning and Warner Robbins, but to insure that all of America is more effectively defended.

In particular, we will all miss his efforts in civil defense and the statesmanlike position he took in difficult times as he spoke out for programs vital to the survival of this country.

So, with considerable sadness, I say: Have a good retirement and continue to serve Columbus and Muscogee County and the people of Georgia well. We will all miss you.●

● Mr. JONES of North Carolina. Mr. Speaker, it is a pleasure to participate in this special order in honor of my good friend, Congressman JACK BRINKLEY of Georgia. In addition to being an admirer of his legislative skills and ability, I have for many years also had the privilege of being his neighbor in what is generally known as the Methodist Building. Along with many others, I will certainly miss JACK BRINKLEY as he was a dedicated public servant who had the wisdom to attend the sessions and remain silent until he had something to say. Certainly he was the type Representative which all of us admire and his leadership and calm disposition will be missed.

I join with others in wishing he and his family many healthy years and happiness in the days to come.●

● Mr. FORD of Michigan. Mr. Speaker, I have had the pleasure of serving with JACK BRINKLEY for the past eight Congresses and I will miss his presence in the upcoming 98th Congress. As the dean of the Georgia delegation, JACK has ably served his constituents and his Nation in the House of Representatives. The people of the third district have consistently approved of his actions as evidenced by the overwhelming margins of his reelections.

JACK has gained the respect and admiration of the Members of Congress on both sides of the aisle. As an advocate of a strong national defense, JACK has risen to the chairmanship of the Defense Subcommittee on Military Installations and Facilities. JACK has also fought for much deserved benefits for veterans during his tenure in Congress. We will all miss JACK BRINKLEY as he leaves the House of Representatives.●

● Mr. PANETTA. Mr. Speaker, I appreciate this opportunity to pay tribute to JACK BRINKLEY, who is retiring from the House. Working with JACK has been an honor. His commitment to the work of the House and to his constituents has been an example for all of us. JACK's work in the area of national defense has been particularly crucial.

I know I speak for all of my colleagues in wishing JACK the best of luck in the years to come. He has made a great contribution to his constituents and to the country.●

● Mr. HUGHES. Mr. Speaker, I am pleased to join my colleagues in paying tribute to JACK BRINKLEY for his 16 years of dedicated service in the House of Representatives.

Although I never had the privilege of serving with JACK on a legislative committee, I did have the opportunity to become acquainted with him through our congressional prayer breakfasts. On these occasions, I was able to witness the personal warmth, unquestionable integrity, and rare qualities of leadership which have always characterized his work in the House.

Since his election to Congress in 1966, JACK BRINKLEY has represented Georgia's Third District with the highest level of competence and legislative ability, largely through his distinguished service on the Veterans' Affairs and Armed Services Committees. As chairman of the Subcommittee on Military Installations and Facilities, he has served his large military constituency with admirable skill—in the great tradition of his fellow Georgian, Carl Vinson, who retired from his body in 1964.

To all the deliberations of the House, JACK brought a strong sense of personal conviction, honesty, and high moral character which will be sorely missed with his retirement. I am genuinely sorry to see him leave, and wish him much success and happiness in his future endeavors.●

● Mr. MAZZOLI. Mr. Speaker, I wish to add my thanks and appreciation to my friend and colleague, JACK BRINKLEY, the distinguished dean of the Georgia delegation, who is leaving the House after many years of dedicated service.

JACK is a man of high principle and has exhibited tireless effort in his work for the good of his constituents, as well as this Nation. JACK spent many years involved in civic and community affairs before coming to Congress and the ability and skill which he has exhibited here will be greatly missed among the ranks of the House.

I extend to JACK and his family my sincere best wishes for the future as well as my thanks for diligent service in the past.●

●Mr. NICHOLS. Mr. Speaker, I am grateful to our colleague for arranging this special order to honor our distinguished colleague of some 16 years, the Honorable JACK BRINKLEY, who has so ably represented Georgia's Third Congressional District during his tenure in the Congress.

JACK and I came to Congress together. His district joins mine just across the Chattahoochee River from Alabama's Russell County and for some 10 or 12 years now he has been my desk mate on the House Armed Services Committee. I have gotten to know him extremely well. His philosophy and that of my own are quite similar and he has been as close to me as any Member of the Congress, including my own Alabama delegation.

Mr. Speaker, as we gather here this afternoon to express our appreciation for the services rendered by this son of Georgia, there are so many areas I could mention in which JACK has represented his district, his State and his Nation to such good advantage. I would start with the services he has rendered toward strengthening the defense posture of this Nation. JACK has ably represented the Columbus, Ga., area and its No. 1 industry—the Infantry School—housed on what I believe may be the largest military post in the Nation, Fort Benning, Ga. He has left no stone unturned to see that Fort Benning was treated justly in the defense bills passed by this Congress and, through JACK's efforts, this outstanding military post today is a showcase to the armies of the free world.

Then as I reminisce about our friend who is soon to return to practice law in his hometown of Columbus, Ga., I am reminded of the moral fibre and the character which has been an inspiration to us all. JACK has been a regular attender of the Thursday Morning Prayer Breakfast since coming to Congress, and I recall very well the year in which he served as president of this group and presided over the annual President's Prayer Breakfast here in Washington. He ably represented the House of Representatives on this occasion. Finally, Mr. Speaker, a great part of the respect I hold for my colleague stems from his love and his devotion for his family. When Jack served his constituents from his office here in Washington on Monday through Friday, I would venture to say that there were few weekends during these 16 years when the sun began to set across the Potomac that Jack failed to board a flight to Atlanta and back home where he and his family were regular attenders at the Edgewood Baptist Church for Sunday services. His roots remain in the clay hills of the northern portion of his district and in the sandy loam below Upitau Creek and sand hills area of sprawling Fort Benning. Perhaps that is the reason he was so loved by his constituency and why they returned him to Congress year after year with little opposition.

When Jack elected to leave the Congress, he wrote a letter to his constituents in Georgia's Third Congressional District which I believe is worthy of insertion in the RECORD of this special hour. The promise he made to his constituency 16 years ago when he first ran for Congress should be kept in mind by each of the 435 Members of this congressional body.

HOUSE OF REPRESENTATIVES,
Washington, D.C., March 4, 1982.

DEAR FRIENDS AND CONSTITUENTS: Since I've been in Congress, I've kept in mind that I don't work for the government; I work for you. Soon, at the end of my term, I will be going back to Georgia for good and I wish to report to you that all is well. Thank you for the privilege of being your man in Washington.

Basically, good men and women serve you in all levels of government. At the federal level, things can be mighty slow, but that's the system our founding fathers intended. Had it been otherwise, a monarchy could have been established and government could move with lightning speed.

But here the people govern. Just as surely as they did in Franklin's day. And after the dust settles and after the smoke clears, we can take stock again and know with assurance that ours is the finest country upon which the sun has ever shone.

Sincerely yours,

JACK BRINKLEY,
Member of Congress.

THE TIME TO SAIL

I've always remembered a Millard Grimes column when he was leaving the *Enquirer* years ago. Quoting Frost, he spoke of a fork in the road offering a choice of two paths and his decision to take the path less traveled.

I feel about the same way in announcing my withdrawal from public service. For a long time my family and I have considered the happy prospect of a return to private life where family things can come first again. Therefore, after completion of my term in 1982, I shall not be a candidate for public office again.

Let me answer in advance two questions which might naturally be wondered about.

First, my health is fine and I hope for quite a few more happy birthdays.

Also, my political health is fine, and I believe those who "Back Jack" could handle another election, or several other elections, reasonably well, because my relationship with the people back home has always been one of friendship and service. I understand that the opposition party has recently conducted polls across Georgia and I have no idea as to what the results are. But even though they were picking and asking the questions, it would be interesting for that poll to be made public.

ANOTHER TIME AND ANOTHER SEASON

In 1966 one of my most important campaign messages employed the familiar words, "There is a time for every season; a time to speak and a time to be silent." After eight elections to Congress, there is another time and another season for me.

I have been faithful to the Edmund Burke philosophy of putting constituent interest always, ever, before my own;

I have not sought or received improved financial status from public life, but in terms of good will, I have been doubly blessed;

I have built an attendance and voting record which I commend to our future Representatives as a high standard of service and the first line of responsibility.

In summary, after doing my best as a Representative of the people, I welcome the change of season and face it without regret. The time to sail is on the high tide.

This has been my most successful year ever in Congress. As Chairman of the Military Installations and Facilities Subcommittee, major achievements have been attained in both military construction and civil defense law. Also, as a member of the Veterans' Affairs Committee, I have seen the fruition of a long standing dream for a regional cemetery at Fort Mitchell.

The decision is a timely one. Reapportionment has been attended to in a fair and objective manner without the temptation to which our District might have been subjected had there been no incumbent. In my testimony to the Reapportionment Committee last May, I was careful to offer my best judgment "without regard to incumbency." That outcome provides continuity for an excellent, well-rounded, national defense-oriented Third District.

Another factor related to tenure. To delay too long would do myself and my famly the disservice of being put unnecessarily in the 1982 political arena; to announce too early would limit effectiveness within the Congress. Halfway through the term, between the First and Second Session of Congress, seemed to be the best time.

PROUD TO BE A DEMOCRAT

The inspiration of public office is serving people and that's where the exhilaration is, too. There's more satisfaction in giving people a helping hand than having political power. Although I'm proud to be a Democrat, I couldn't be a very good party man because I couldn't vote simply on the party-line basis. To have made a pledge, and to have tried to keep it . . . "to remember who I am, where I'm from, and who sent me," has assured a Third District of Georgia uniqueness and independence, which is reflected in my voting record. I have not been a "yea sayer" for Presidents or groups, but have honestly tried to hear the voices of others and exercise my own independent judgment in casting my ballot. As a product of Georgia, naturally, my votes reflecting my own conviction are more often than not in consonance with those of the people who sent me.

Sometimes it gets lonesome when there is another promise to keep—to go with men of either party in pursuit of right, as you see it, or to go it alone if necessary in opposition to wrong. But not often. I can vouch for the fact that public officials by and large care about people, about fairness and about right.

This leads me to a word about candidates. They are offering to serve, and it seems to me that we should treat each and every one of them with respect and courtesy. To presume the best in others is good practice and reflects credit to ourselves. The candidate himself should stand for something.

MY WIFE

At this point a word about my wife, Lois, seems to be in order. She has been a good soldier in the finest of traditions. She is a veteran of the Washington scene during my early years in Congress. We have lived in Silver Spring, Sleepy Hollow, Vienna, Alexandria, the Methodist Building in D.C. and in McLean. She has displayed immense fortitude, along with our children, who, because of our sojourn, have attended all too many schools and have lived in all too many neighborhoods.

Lois has dealt with a tornado, break-ins, and being alone, but has still managed to treat the role of homemaker as a high calling. She is a high credit to me.

GOODBYE

In conclusion, I wish to sincerely thank all citizens of the 3rd District. Congressional service has been the highest of privileges. But because those "miles to go and promises to keep" have been arduous ones, through long skies and crowded terminals, homecoming looms as a great attraction. My fondest hope is for your welcome and continued goodwill.

It will be a time where I can be at the controls of an airplane again, as I was before; a time where I can experience the drama of a courtroom, or solitude of the Library of Congress, or excitement of the classroom—as I did before; it will be a time when I can put my family first again, as I did before.

There is a time for every season! And for every season one should be glad and give thanks. I am, and I do.

JACK BRINKLEY.

BIOGRAPHICAL

Congressman Jack Brinkley is the first Member of Congress from Columbus, Georgia, to serve in this century.

(a) Rep. Thomas Wingfield Grimes—last served, 1887-1891.

He has served in Congress second longest of any Georgia Third District Representative since the War Between the States.

(a) Speaker Charles Frederick Crisp, 14 years—March 4, 1883-Oct., 1896.

Rep. Stephen Pace, 14 years—Jan. 3, 1937-Jan. 3, 1951.

Rep. Elijah Lewis ("Tic") Forrester, 14 years—Jan. 3, 1951-1965.

Rep. Charles Robert Crisp, a little over 20 years—Dec. 19, 1896-March 3, 1897 and March 4, 1913-Oct. 7, 1932.

Rep. Brinkley is in his 16th year of service, Jan. 3, 1967 to present. He is dean of the Georgia Congressional Delegation. He is a member of the House Armed Services Committee and chairman of the Military Installations and Facilities Subcommittee. He is a member of the board of directors of the Sunbelt Research Coalition, Inc.

Rep. Brinkley's voting record: 1967 through 1980-record votes 96.1% and quorum calls 94.1%; 1981-record votes 99.2% and quorum calls 100%.

Congressman Brinkley has also served as:

President of the House Prayer Breakfast Group, 1979-80; Democratic Zone Whip for Region VI for Georgia and South Carolina during 96th Congress; Chairman, Veterans Housing Subcommittee—94th, 95th and 96th Congresses; and Chairman, Special Subcommittee on Civil Defense—92nd Congress.

Education:

Young Harris College—honor graduate; University of Georgia School of Law—Juris Doctor degree Cum laude.

He is a member of the Bar of Georgia, the District of Columbia and Supreme Court of the United States.

Rep. Brinkley was a USAF pilot during the Korean War and served for 5 years.

He is a Mason, a Baptist, is married to the former Alma Lois Kite, and they have two sons, Jack, Jr. and Fred, both of Columbus.

"I promise to remember who I am, where I'm from, and who sent me."—Jack Brinkley, Candidate for Congress, 1966.

I shall miss JACK BRINKLEY as much as I have missed any Member of this Congress and I want to wish for him and his wife, Lois, who is from my own congressional district on the west side of the river, my best wishes for many happy years as he departs from this legislative body.●

● Mr. COELHO. Mr. Speaker, I am proud to join my colleagues today in paying a very special and well deserved tribute to a man who for 16 years has served this House ably, effectively, and loyally, JACK BRINKLEY. Throughout his tenure, he has exhibited an unquestionable allegiance both to his constituents and to this Nation. For those of the Third District of Georgia, his retirement will deprive them of a representative of loyalty and understanding, who has throughout his eight terms continued to remember the words he proclaimed in his first congressional election in 1966,

I promise to remember who I am, where I'm from and who sent me.

For this Nation, a distinguished and faithful servant who cared for and worked for its future will be sorely missed.

Although, within his 16-year tenure, JACK has numerous accomplishments and achievements that will be remembered for years to come, I would especially like to commend his work as chairman of the Subcommittee on Military Installations and Facilities. In his role as chairman, he displayed a great concern for the security of our Nation and accomplished major achievements in both military construction and civil defense law.

I was privileged to be able to serve with JACK on the Veterans' Committee in the 96th Congress, and would like to give well-earned praise to his many efforts on behalf of our Nation's veterans. He worked extremely hard to assist our veterans in many areas where they required assistance.

Throughout his career, JACK has been a steady, thoughtful, dedicated and thorough legislator who earned and won the respect of all who came to know him.

His well-earned retirement at the end of this term will leave a vacancy among our ranks which will be hard to fill. We cannot, however, but wish him the best in the future, while simultaneously suppressing our regret that he will no longer be among us.●

● Mr. DERWINSKI. Mr. Speaker, it is a pleasure to join with my colleagues in paying a well-deserved tribute to our good friend and colleague, JACK BRINKLEY. After 16 years of distinguished service to the constituents of the Third District of Georgia, JACK will be leaving us at the end of this session.

His effective service on the Armed Services and Veterans' Affairs Committees has shown his deep concern for the national security interests of this country. He has been a leader in guiding legislation to strengthen our Nation's defense capabilities and to revitalize our defense preparedness stature. JACK is a true southern gentleman whose love for his country was reflected in his efforts to improve benefits for our military servicemen and women.

His outstanding record of faithful service and his strength of character have earned him an honored place in the hearts of all of us who had the privilege of knowing and working with him.

As dean of the Georgia delegation, JACK has had a distinguished career in the House of Representatives and has served his constituents in Georgia diligently and conscientiously over the years. He has been an asset to the House, and his influence and presence will be missed. I join my colleagues in extending JACK and his family my very best for their future endeavors.●

● Mr. FUQUA. Mr. Speaker, during the 16 years we have served together in this body I have come to know JACK BRINKLEY not only as a competent and effective colleague but as a true friend.

Though our districts do not join, JACK BRINKLEY and I have had many occasions to work together because the Chattahoochee River, which flows through his district, joins with the Flint at the Florida-Georgia border to form the Apalachicola River, which flows through my district.

While the interest of our constituents sometimes varied on the appropriate management of this tririver system, JACK and I have usually managed to find areas of compromise which have resolved the problems faced by those we represent.

I use this example as a means to underscore one of the qualities that have made JACK BRINKLEY such an honored and respected Member of this House.

He never flinched from facing a difficult issue, always exhibited a willingness to listen to opposing views, and, when possible, compromised to attain the greatest good for the greatest number.

His long and exemplary record of elective service to his fellow man which started as a State legislator

ends at the close of the current session of Congress.

We will all miss his knowledge, his intellect, and his dedication.

But most of all we will miss his presence among us.●

● Mr. ANNUNZIO. Mr. Speaker, I rise in tribute to the Honorable JACK BRINKLEY, who has dedicated his life to public service, and the last 16 years to ably representing the people of the Third District of Georgia in the U.S. House of Representatives. As the senior Member of the Georgia delegation in the House, his tireless efforts on behalf of his constituency, and on behalf of all citizens of the United States are truly commendable.

Before his election to the House of Representatives, JACK taught in the Georgia public school system, served in our country's Air Force as a pilot from 1951–56, and practiced law. He also served in the Georgia House of Representatives from 1965–66, and has served as Georgia State volunteer March of Dimes chairman of the Muscogee County Muscular Dystrophy Association.

Elected to serve in the 90th Congress in 1966, JACK BRINKLEY has been a dedicated Congressman since that time, serving with distinction as chairman of the Subcommittee on Military Installation and Facilities of the House Armed Services Committee, and as a Member of the House Veterans' Affairs Committee. His efforts in these committees have been both fruitful and beneficial to the citizens of this Nation.

JACK is a fine legislator, and a Congressman of compassion, courage, and patriotism, who has provided exemplary service to our beloved country. He will be missed by those of us in the House of Representatives who have had the pleasure of working with him.

I extend to JACK BRINKLEY my best wishes for continued success in devotion to the highest principles.●

● Mr. WATKINS. Mr. Speaker, it is a privilege to rise today to pay tribute to the distinguished gentleman from Georgia, my good friend and colleague, the Honorable JACK BRINKLEY.

During his 16 years in Congress, JACK BRINKLEY has served his State and this Nation well. He is a man of the highest integrity, and has made tremendous contributions to our Nation's well-being. His service as chairman of the Military Installations and Facilities Subcommittee of the House Armed Service Committee has been exemplary, as has his service as a member of the House Veterans' Affairs Committee.

One thing that many people do not know about JACK BRINKLEY is one of the things that I appreciate most about him—every Thursday morning I look across the table at the congressional prayer breakfast, and there sits JACK BRINKLEY. He is a very busy man, yet he finds the time to regularly attend prayer breakfasts with his colleagues. He has, in fact, served as president of the national prayer breakfast. I will always cherish the brotherly love I have been fortunate enough to share with JACK as a result of our prayer breakfasts.

JACK is a gentleman of the highest integrity who has served as a true statesman in the Halls of Congress. I join my colleagues in wishing him every success in the future. He has chosen to retire from the House, but his presence and contributions in the House will not soon be forgotten. To JACK I extend best wishes for success and happiness in whatever new challenges he undertakes.●

● Mr. REUSS. Mr. Speaker, I am pleased to join in this tribute to JACK BRINKLEY. JACK is one of the finest with whom I have been privileged to serve in my 28 years in Congress. This decent, modest, and courteous man is an exemplary model for all public servants.

As an active member and former president of the House prayer breakfast group, JACK has shared with his colleagues the deep religious faith which guides his thoughts and actions.

He has accomplished much as a member of the Armed Services Committee and as chairman of its Subcommittee on Military Facilities and Installations. He has been the primary sponsor of military benefits legislation which has provided millions of deserving veterans and their dependents with essential medical and dental care. He has also worked hard and effectively for veterans' housing benefits.

I have been particularly impressed with JACK's leadership in establishing the Warm Springs Rehabilitation Complex, and in making it a "living memorial" to President Franklin D. Roosevelt, who gained physical and emotional sustenance from his frequent visits there.

I have enjoyed and benefited from my association with this quiet, generous man from Columbus, Ga. When I spoke at a dinner honoring JACK in Columbus last year, and later visited my alma mater at the Infantry School, Fort Benning, I saw at firsthand how beloved JACK is in the eyes of his fellow Georgians.

His colleagues and this institution will miss JACK BRINKLEY greatly.●

● Mr. ADDABBO. Mr. Speaker, it is with some sorrow that I join my colleagues today in paying tribute to our good friend and colleague, JACK BRINKLEY. JACK has decided to leave the public arena and devote his time and energies to his family and personal pursuits. While we all are happy for both JACK and his family, JACK will be sorely missed by this House.

For the past 16 years, JACK has served his constituents, the residents of the Third Congressional District of Georgia, the House of Representatives, and this Nation with dedication, wisdom, and compassion. As chairman of the Military Installations and Facilities Subcommittee of the Armed Services Committee, JACK has sponsored major legislation affecting America's civil defense program, including the authorization of civil defense funds for natural, as well as nuclear disasters. His work in this area won him recognition from the U.S. Civil Defense Council for his fine work. His efforts on the Veterans' Affairs Committee have been no less notable: He authored many pieces of legislation increasing and extending assistance programs for veterans in housing and education.

The job of Representative is often a demanding, rigorous, and trying one, but JACK proved himself worthy of the confidence of his constituents. I would like now to join my colleagues in wishing him the best in his new private life. He will be missed.●

● Mr. LOEFFLER. Mr. Speaker, JACK BRINKLEY, my distinguished friend from Georgia and dean of the delegation from that great State, will be sorely missed in this House. I extend my great appreciation to JACK for his dedicated leadership in behalf of our armed services and our veterans. Our colleague has truly given the best of himself for his Nation and for the people of Georgia.

Thank you, JACK, for your expertise, your hard work, and your friendship. I wish you the very best always.●

● Mr. MATSUI. Mr. Speaker, it is with great pleasure that I join the Members of the Georgia delegation in paying tribute to the Honorable JACK BRINKLEY, who is retiring from this House after 16 years of distinguished service. His constituents in the Third Congressional District of Georgia, the Members of this body, and our Nation will miss his steady leadership and effective advocacy on behalf of Americans, especially veterans.

I had the privilege of working with JACK on many projects of great importance to my constituents in the Sacramento area during his tenure as chairman of the Armed Services Subcommittee on Military Installations and Facilities. Throughout these efforts, he demonstrated his consummate skill as a legislator, and I developed great respect for his intelligence, manner, and ability.

My legislative experiences with JACK were reflective of his basic concern about crafting laws that improved the lives of our citizens, particularly those in the military community. He labored diligently on the behalf of retired and active military personnel by sponsoring legislation to provide them with essential medical and dental care. In addition, JACK's deep interest in the welfare of our Nation's veterans translat-

ed into his successful authorship of numerous measures, one of which insured their access to alternative types of housing.

JACK's impressive record of legislative achievement is one of which he and his constituents should rightly be proud. I admire, and I am certain that this feeling of admiration is shared by every Member of this House. In closing, I extend to my respected colleague, JACK BRINKLEY, my regards and best wishes for his continued success in future endeavors as well as a rewarding retirement.●

EDUCATION REGULATIONS

(Mr. PERKINS asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

● Mr. PERKINS. Mr. Speaker, for the past 3 years the Committee on Education and Labor has regularly scrutinized all proposed and final regulations for education programs when they are published in the Federal Register. Our review procedures, instituted during these 3 years, involve word-by-word analysis of the regulations to determine whether they follow the authorizing statutes and congressional intent.

To my knowledge, we are the only congressional committee that conducts these detailed examinations of all regulations as a matter of course. Our efforts are bipartisan and, we hope, objective. We carry out this review under the authority of section 431 of the General Education Provisions Act, which also gives Congress the authority to disapprove education regulations when they are inconsistent with the law.

In the CONGRESSIONAL RECORD last March, I inserted statistics showing the scope of the committee's work on regulations. Since that time, we have built upon this record, and our endeavors have produced results.

In August, Congress exercised the section 431 veto authority when we disapproved the regulations of chapters 1 and 2 of the Education Consolidation and Improvement Act because they contradicted the authorizing statute. As a result of our disapproval, the Department of Education recently published important changes to these regulations which will bring them more in line with the authorizing law and insure the smooth operation of the chapters 1 and 2 programs at the school district level.

I am convinced that without our committee's formal review procedures and attention to these regulations in the proposed stage, we could not have moved this resolution of disapproval through both Chambers so expeditiously and with the support of both sides of the aisle.

I wish to highlight the following statistics showing the extent of our committee's regulation work, as updated through the present time:

From 1979 to the present, the committee has reviewed approximately 2,796 pages of final and proposed regulations published in the Federal Register.

These include 112 sets of final regulations and 73 sets of proposed regulations.

One hundred and twelve letters have been written to the Secretary of Education outlining concerns about education regulations. These letters have, in most instances, resulted in the administration changing the regulations in accordance with the committee's observations.

I have no doubt that this process, arduous and time consuming as it is, has paid off enormously. I believe that we have assisted in eliminating many unnecessary requirements and scores of pages of regulations and that our education regulations are greatly improved as a result of our oversight.●

THE REFUGEE ADMISSIONS PROGRAM FOR FISCAL YEAR 1982 AND THE PRESIDENT'S PROPOSED REFUGEE ADMISSIONS PROGRAM FOR FISCAL YEAR 1983

(Mr. RODINO asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

● Mr. RODINO. Mr. Speaker, the Refugee Act of 1980 (Public Law 96-212) requires the President to consult with Congress prior to the beginning of each fiscal year on his proposals for refugee admissions for the coming year.

The following letter sent on behalf of the President by Ambassador H. Eugene Douglas, U.S. Coordinator for Refugee Affairs, dated September 14, 1982, initiated the consultative process:

U.S. COORDINATOR FOR REFUGEE AFFAIRS,
Washington, D.C., September 14, 1982.

Hon. PETER W. RODINO, Jr.,
Chairman, Committee on the Judiciary, House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: I am pleased to transmit the information required by the Refugee Act of 1980 in preparation for the consultations on refugee admissions for Fiscal Year 1983. In formulating our recommendations, the Administration has fully considered the effect and consequences which our refugee policies have on states and communities throughout the country. We have carefully sought to weigh the domestic costs against the foreign policy and humanitarian implications of these same refugee policies.

The documents transmitted today include proposed refugee admission levels and allocations among groups of special humanitarian concern to the United States. The Administration's final determination on admission levels and allocations will be made after carefully considering Congressional and other views expressed during the consultation process.

Sincerely,

H. EUGENE DOUGLAS,
Ambassador at Large.

Mr. RODINO. The following is a summary of the report to Congress on refugee admissions and allocations for fiscal year 1982 and the President's proposal for refugee admissions and funding for fiscal year 1983:

BACKGROUND

This is a summary of the Report to the Congress on proposed refugee admissions and allocations for fiscal year 1983 which initiates the "appropriate consultation" set out in Section 207(e) of the Refugee Act of 1980. These consultations provide an opportunity for the Congress and the Administration to focus on the domestic and international concerns which influence the complex decision-making process of determining refugee admissions levels.

The Report reviews the refugee situation, projects the extent of necessary participation of the United States in refugee resettlement, discusses the reasons why the proposed admissions numbers are in the national interest, describes plans for refugee movement and resettlement, and analyzes the impact of refugee admissions. The President's proposal has been developed with regard to the views expressed by state and local governments, private voluntary organizations, public interest groups, U.S. agencies and the international community. After considering the views of the members of the Committees on the Judiciary of the Senate and the House of Representatives, the President will make his final determination on refugee admissions levels and allocations for Fiscal Year 1983.

U.S. REFUGEE POLICY

The United States emphasizes the use of diplomatic means to minimize the underlying causes of refugee flows and supports the principle of international responses to refugee problems by encouraging the broadest possible participation of other countries.

The U.S. response to worldwide refugee problems includes relief and resettlement programs. The basic policy is: (1) to provide emergency relief assistance to refugees in place; (2) to support voluntary repatriation whenever possible; (3) to facilitate resettlement in a country of asylum, in neighboring countries within the region, or in other third countries; and, (4) if necessary to accomplish the humanitarian and foreign policy objectives of the United States, to admit refugees for resettlement in the United States. To carry out this policy, the United States places maximum reliance on appropriate international organizations, including the United Nations High Commissioner for Refugees (UNHCR), the International Committee of the Red Cross (ICRC), the United Nations Relief and Work Agency for Palestine Refugees (UNRWA), and the Intergovernmental Committee for Migration (ICM).

Refugee relief

During fiscal year 1982, U.S. support for international relief programs, which are often more appropriate and less costly than resettlement in the United States, included major relief programs in Southeast Asia, Africa, Latin America, the Near East and South Asia.

TABLE I.—INTERNATIONAL UNITED STATES REFUGEE ASSISTANCE

	Fiscal year 1982 estimate [1]	Fiscal year 1983 appropriation request
United Nations High Commissioner for Refugees (UNHCR):		
Africa	$49,239,300	$61,000,000
East Asia: Indochinese	22,200,000	17,400,000
East Asia: Orderly departure program	350,000	
Latin America	8,200,000	5,000,000
Near East and South Asia: Pakistan	24,150,000	33,000,000
Other	1,000,000	1,000,000
UNHCR subtotal	105,139,300	117,400,000
United Nations Relief and Works Agency for Palestinians in the Near East (UNRWA)	67,000,000	72,000,000
Soviets and Eastern Europeans resettling in Israel	12,500,000	12,500,000
International Committee of the Red Cross (ICRC):		
Ordinary Budget	1,500,000	2,000,000
Political Prisoners	1,500,000	1,750,000
Africa	7,000,000	7,900,000
Latin America: El Salvador	1,800,000	
Near East and South Asia: Pakistan	650,000	
Other	1,420,000	
ICRC subtotal	13,870,000	11,650,000
Other:		
Africa: Resettlement assistance	30,000,000	
Africa: Special projects	9,500,000	8,000,000
East Asia: Khmer relief	16,295,000	12,000,000
Near East: Lebanon relief (AID allocation)	10,000,000	
Near East and South Asia: Pakistan—Special Projects	1,350,000	5,000,000
Intergovernmental Committee for Migration (ICM)	4,500,000	4,700,000
Resettlement Projects	1,000,000	10,000,000
Other subtotal	72,645,000	39,700,000
Subtotal—refugee program	271,154,000	253,250,000
Other assistance: Food for Peace (Public Law-480, title II)	74,800,000	82,600,000
Grand total	345,954,300	335,850,000

[1] As of Sept. 1, 1982.

Voluntary repatriation

In addition to providing humanitarian relief for refugees overseas during FY 1982, the United States participated through international organizations and with other governments to support voluntary repatriation. Large scale repatriation resulted in the return of approximately 85,000 refugees to Chad and 46,000 refugees to Angola. Smaller programs involved repatriation in Latin America and East Asia. A UNHCR effort with the Vietnamese installed regime in Phnom Penh to promote voluntary repatriation of Khmer has not been successful. However, since October 1980, some 25,000 Khmer have voluntarily been relocated from the holding centers to the border.

Resettlement in third countries

The United States encourages the international community to provide resettlement opportunities for refugees. Countries which have resettled significant numbers of Indochinese refugees since 1975 include China, France, Canada, Australia, the Federal Republic of Germany, the United Kingdom and Hong Kong. Countries which have resettled significant numbers of East European and Soviet refugees include Australia, Canada, France, the Federal Republic of Germany, and Israel.[1]

U.S. refugee admissions

The U.S. refuge admissions program strives to ensure that refugees admitted to the United States have appropriate sponsorships, receive adequate services upon arrival, and that Federal resources available for refugee resettlement are effectively utilized.

[1] See Country Reports on the World Refugee Situation.

In fiscal year 1982, the admissions ceiling of 140,000 refugees was authorized. Approximately 99,200 refugees will have been admitted by September 30. The difference between the ceiling and actual admissions numbers reflects inter alia, the increasingly restrictive emigration policies of the Soviet Union, and the unwillingness of certain countries to release political prisoners, and the U.S. Government's decision, to accept less than the allowable numbers of Indochinese as long as first asylum was maintained.

Although a large number of refugee applicants for U.S. admission meet the criteria for admission, there is no entitlement. We have developed a priority system for applicants who meet the criteria for refugee admission, have special ties to the United States, and who are members of groups determined to be of special humanitarian concern.

TABLE II.—FISCAL YEAR 1982 U.S. REFUGEE ADMISSIONS

Projected admissions	Area of origin	Total admissions
Africa	[1] 3,500	3,356
East Asia	[1] 96,000	73,522
Eastern Europe and the Soviet Union	[1] 31,000	[2] 13,536
Latin America and the Caribbean	3,000	579
Near East and South Asia	[1] 6,500	6,304
Total	140,000	97,297

[1] These figures reflect revisions made during the course of fiscal year 1982, following consultations with the Congress. The admissions level for Africa was increased by 500, Eastern Europe by 2,000, and the Near East and South Asia by 1,500. The East Asian admissions level was decreased by 4,000.
[2] Of this amount, 6,647 are Polish refugees.

PROPOSED FISCAL YEAR 1983 ADMISSIONS

In response to domestic and foreign policy concerns and in accordance with humanitarian goals, the President proposes to admit up to 98,000 refugees to the United States during FY 1983 dependent upon the continuing need for refugee resettlement at anticipated levels throughout the twelve-month period.

The projected admissions include 68,000 refugees from East Asia, 17,000 refugees from the Soviet Union and Eastern Europe, 8,000 refugees from the Near East and South Asia, 3,000 refugees from Africa and 2,000 refugees from Latin America and the Caribbean.

In addition, consideration will be given by the Immigration and Naturalization Service to the adjustment to permanent resident alien status of up to 5,000 persons who were previously granted asylum in the United States and have been in the United States as refugees for at least one year, pursuant to Title II, Section 209(b) of the Refugee Act of 1980.

TABLE III.—*Fiscal year 1983 proposed refugee admissions*

Area of origin	*Amount*
Africa	3,000
East Asia	68,000
Eastern Europe and the Soviet Union	17,000
Latin America and the Caribbean	2,000
Near East and South Asia	8,000
Total	98,000

The proposed refugee admissions numbers are ceilings and not goals. To the extent possible, consistent with needs and objectives, the program will be managed to admit fewer than the authorized ceiling. The underlying principle is that refugee admission is an exceptional ex gratia act, provided by the United States in furthering foreign and humanitarian policies. It is not a right of a refugee to be admitted to the United States because a program has authorized spaces available.

Asia

The proposed admissions ceiling for East Asian refugees for fiscal year 1983 is 68,000. Of the proposed admissions, 200 will be reserved for East Asians other than Indochinese.

The situation in Southeast Asia continues to present a major threat to the safety of refugees and the stability of the region. By October 1982, the refugee population in countries of first asylum will be nearly 220,000. At least 44,000 new refugees are expected to appear in first asylum countries during fiscal year 1983, compared with approximately 60,000 in 1982. Countries in the region granting temporary asylum do so in the expectation that their existing refugee populations will continue to decrease and that the world community, with the United States in the lead, will provide resettlement for many of those now in camps and for most new arrivals. An inadequate resettlement effort could signal a change in U.S. refugee policy which could lead to forcible repatriation or push-offs of boats back to sea. There is need to continue a U.S. policy which will maintain the principle of first asylum, save lives and reduce political instability in the region. The proposed admissions program includes within the ceiling, refugees going directly from Vietnam to the United States under the Orderly Departure Program (ODP).

Soviet Union and Eastern Europe

The proposed admissions ceiling for the Soviet Union and Eastern Europe is 17,000. Continuing restrictive Soviet emigration policies are likely to result in low admissions numbers for fiscal year 1983. Eastern European admissions will include refugees from Poland and other Eastern European countries. There is substantial domestic support for the admissions programs from this region for reasons of ethnic and religious ties and as a means of assisting those fleeing oppression under communist regimes.

Near East and South Asia

The proposed admissions ceiling to meet resettlement needs for refugees from the Near East and South Asia is 8,000 and is in response to, but not limited to, situations in Iran, Afghanistan, Syria, and Iraq.

Africa

The proposed admissions number for refugees from Africa is 3,000. This projection is based on a best estimate of the numbers who may qualify for refugee status and require resettlement. Most African refugees have been granted asylum within the region where the United States provides a major portion of funding for care and maintenance through international organizations.

Latin America and the Caribbean

The proposed admissions number for refugees from Latin America and the Caribbean is 3,000. Numbers from this ceiling will be used primarily for political prisoners and their families, persons under life-threatening conditions, and for family reunification. Current and former political prisoners and other cases of special humanitarian concern within their country of nationality or habitual residence will be considered for admission, pursuant to Section 102(a)(42)B of the INA, as amended.

DOMESTIC RESETTLEMENT

The refugee resettlement program historically has enjoyed broad public support in the United States. Involvement on the part

of U.S. citizens, private agencies, ethnic communities, and state and local governments continues. Resettling refugees continues to cause some strain on state, community and private resources, however.

Refugees need some transitional assistance once they arrive in the United States. Owing in large part to the geographic distribution of the new refugee arrivals, combined with prevailing economic conditions, there has been a rise in the use of cash assistance by refugees. Available data, however, show that refugee employment and self-sufficiency increase with the length of time a refugee is in the country.

To reduce welfare dependence, increase job readiness and facilitate adaption to the American way of life before a refugee arrives in the United States the English-as-a-Second Language and Cultural Orientation (ESL/CO) program has been strengthened in the overseas Refugee Processing Centers in Southeast Asia and the Sudan during the last year.

High concentrations of refugees in certain localities have had substantial impacts on community resources. The new placement policy recognizes the importance of improving the quality of initial refugee placement and should reduce the incentives for secondary migration. Refugee resettlement planning among state and local officials, private voluntary resettlement agencies and the Federal agencies, has been strengthened and a monitoring program has been instituted. While problems in resettling large numbers of refugees are genuine, so is the commitment to the American tradition of providing a homeland to those fleeing persecution.

ESTIMATED COST OF REFUGEE MOVEMENT AND RESETTLEMENT

Costs associated with the care and maintenance, processing, transportation, and initial reception and placement of refugees are borne by the Department of State. Once refugees arrive in this country, they are eligible for many of the same services, available to disadvantaged Americans. Costs associated with these services are borne primarily by the Department of Health and Human Services (HHS).

This estimate includes expenditures for programs which directly assist refugees. Expenditures for refugee assistance are also made through job training, programs, public housing activities, and various other federal and state programs which assist refugees as part of a broader population of needy Americans.

ESTIMATED COSTS OF REFUGEE MOVEMENT AND RESETTLEMENT IN THE UNITED STATES—FISCAL YEAR 1982–83

[In millions of dollars]

Agency	1982 program total cost	1983 Arrivals	1983 Prior arrivals	1983 Total
Department of State:				
Voluntary agencies abroad	20.9	23.9	.....	23.9
Transportation	63.4	71.1	.....	71.1
Reception and placement grants	51.1	53.7	.....	53.7
English as a second language	10.8	9.5	.....	9.5
Subtotal	146.2	158.2	.....	158.2
Department of Health and Human Services (Office of Refugee Resettlement):				
State-administered programs	554.7	137.9	334.0	471.0
Voluntary agency programs	9.7	11.0	.....	11.0
Education assistance for children	[1] 45.0	.....	.....	.....
Federal administration	7.0	.....	5.9	5.9
Preventive health	7.0	6.0	.....	6.0
Targeted assistance	.....	.....	20.0	20.0
Subtotal	[2] 623.4	154.9	359.9	514.8
Other HHS:				
Aid to families with dependent children	95.8	14.1	84.6	98.7
Medicaid	54.2	9.6	57.7	67.3
Supplemental security income	15.0	1.7	12.5	14.2
Subtotal	165.0	25.4	154.8	180.2
Department of Agriculture: Food stamps	159.2	52.6	176.7	229.3
Grand total	1,093.8	391.1	691.4	1,082.5

[1] Of this amount, $22.3 million was obligated for the 1981–82 school year and $22.7 million for the 1982–83 school year.

[2] Does not include $20 million appropriated for refugee and Cuban/Haitian entrant assistants in the fiscal year 1982 Urgent Supplemental.

Mr. RODINO. The Committee on the Judiciary, adhering to the two-tier consultation format used in prior years, held a closed meeting between designated consultative Members and cabinet-level administration officials followed by a public hearing before the full committee.

On September 28, 1982, the consultative Members, ranking member of the full committee, ROBERT MCCLORY, subcommittee chairman ROMANO L. MAZZOLI, subcommittee ranking member, HAMILTON FISH, JR., and I met with Acting Secretary of State Kenneth W. Dan, Assistant Attorney General Edward Schmultz, Under Secretary of Health and Human Services David B. Swoap, and U.S. Coordinator for Refugees H. Eugene Douglas.

The President's proposal for fiscal year 1983 as summarized above was presented to the congressional representatives. I stated my deep concern over the continuing problems of refugees, especially regarding the more than $1 billion being spent each year by the Government to implement the program. I expressed my satisfaction with the efforts made by the administrators of the program for living up to its commitment to keep fiscal year 1982 admissions considerably lower than the 120,000 ceiling authorized. In fact, as the table above indicates, total admissions for fiscal year 1982 were held to 97,297. I emphasized the need for further continuous action by the administration to get more countries involved in refugee resettlement activities to relieve the disproportionate share of the responsibility being borne by the United States.

On the same day, following the closed meeting, a public hearing was held by the full Committee on the Judiciary to complete the two-tier procedure. Witnesses before the full committee were Ambassador H. Eugene Douglas, U.S. Coordinator of Refugee Affairs; James N. Purcell, Acting Director, Bureau of Refugee Programs, Department of State; Alan C. Nelson, Commissioner of the Immigration and Naturalization Service, Department of Justice; and Phillip Hawkes, Director, Office of Refugee Resettlement, Department of Health and Human Services.

The consultative Members considered the information received during the formal consultation process, as well as the various materials submitted by the administration.

The following two letters were sent to the President expressing the views of the consultative Members:

COMMITTEE ON THE JUDICIARY,
HOUSE OF REPRESENTATIVES,
Washington, D.C., September 29, 1982.

THE PRESIDENT,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: We are pleased to advise you that the consultative process mandated by the Refugee Act of 1980 with regard to the FY 1983 refugee program has been completed.

We impose no objections to the numbers and allocations of the 98,000 refugee admissions for FY 1983 in your proposal as submitted by the Coordinator of Refugee Affairs, Ambassador H. Eugene Douglas, on your behalf.

During the year, should you perceive a need for a shift of numbers from one area of origin to another, we would expect to be consulted prior to making any such reallocation.

We would appreciate receiving quarterly progress reports from the Refugee Coordinator during the year on the implementation of this projected FY 1983 program.

Sincerely,

PETER W. RODINO, JR.,
Chairman.

ROBERT MCCLORY,
Ranking Member.

HAMILTON FISH, JR.,
Ranking Member, Subcommittee on Immigration, Refugees and International Law.

COMMITTEE ON THE JUDICIARY,
HOUSE OF REPRESENTATIVES,
Washington, D.C., September 30, 1982.

THE PRESIDENT,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: The House Committee on the Judiciary has completed its consultation on refugee admissions for Fiscal Year 1983 as required by the Refuge Act of 1980. Chairman Peter W. Rodino, Jr. and the other two House consultative Members are sending you a letter expressing their views. I generally endorse their letter but have elected to send you this separate set of views.

Based on extensive testimony, discussion, and investigative trips conducted by my Subcommittee, I make the following recommendations concerning the refugee admissions program for Fiscal Year 1983:

A total refugee admissions ceiling of 86,000.

Continued emphasis on the domestic effects of refugee resettlement. Funding levels for refugee resettlement programs in the United States must be maintained at levels adequate to move refugees quickly to a position of self-sufficiency.

Closer consultation between federal, state, and local government officials and voluntary agencies. Sponsorships must be tightened and made more professional, business-like, and cost-efficient. The overriding goal of our resettlement program—to place refugees into jobs not onto welfare—must be emphasized at all levels of the program.

Better health screening of refugees and better treatment of their health problems prior to their entry into the United States.

These recommendations are made with a continuing commitment to maintaining America's refugee resettlement program, but with a frank assessment that unless refugee admissions are maintained at the lowest levels necessary to accomplish essential justice and to give the Administration the flexibility it must have to react to emergency situations, the entire refugee program may be undermined.

The total admissions level your refugee advisors have proposed—98,000—I feel, respectfully, is too high. My views are based on careful analysis.

As you may remember, Mr. President, the Administration initially recommend 173,000 admissions for Fiscal Year 1982. I proposed 120,000 admissions. 140,000 was the agreed figure. Actual admissions during Fiscal Year 1982 will total 99,000. I think it is fair to say that my recommendation last year was reasonable. I believe my recommendation for Fiscal Year 1983 is also reasonable.

The request your refugee advisors have proposed for East Asia—68,000—is, I suggest respectfully, high under present condition. Refugee arrivals into countries of first asylum are down dramatically. Though many displaced persons remain in camps in countries of first asylum, many of them are not seeking resettlement or are not eligible either because they are not refugees or are not of special humanitarian concern to the United States.

The request your refugee advisors have proposed for Eastern Europe—17,000—appears also to be too high. I have serious doubts about the continuation of the Rumanian third country processing program (TCP) under which, in essence, our country agrees to accept Rumanians as refugees though these people have never been subject to an examination by an official of the Immigration and Naturalization Service to determine whether they fit the refugee definition and whether they may be excludable. I also believe certain Eastern Europeans, who are well settled in other nations of Western Europe and, thus, disqualified from entering the refugee program, are being allowed into it nonetheless.

Finally, Mr. President, I continue to question the tendency of certain officials in your Administration to view sympathetically applications for refugee or asylee status advanced by those leaving Communist countries but to view unsympathetically the applications for refugee or asylee status advanced by those departing from noncommunist countries.

Not everyone emerging from Southeast Asia is a refugee. Some are economic migrants. And, by the same token, not everyone emerging from Central America or the Caribbean is an economic migrant. Some are refugees and asylees. The Refugee Act requires each such application to be considered objectively on its own merits, regardless of the nature of the government of the country from which the person is fleeing or of its standing with our government. The Refugee Act must be followed in this regard.

Mr. President, you should soon have before you an act reauthorizing the refugee program for one additional year. This bill passed the House overwhelmingly and is now moving through the Senate. It makes needed changes in the domestic resettlement program which should lower the welfare dependency rate among refugees. It will also lessen the financial and social burden on state and local governments, such as those in your home state of California, which have already absorbed so many refugees. I commend this bill to your attention.

In closing, I want to congratulate you and responsible officials in your Administration for taking most seriously the consultative process of the Refugee Act. Many critics feel the consultative process is merely "window-dressing" and to be effective must be replaced by some form of legislative veto.

On the basis of the way the two formal consultations and the numerous private briefings and informal discussions on refugee programs have proceeded during the two years I have served as Chairman of the Subcommittee. I feel the consultations have been seriously engaged in by both the Executive and Legislative Branches and have been effective in restructuring our refugee program.

If the process continues to work in this fashion in the future, I see no need to alter it fundamentally.

All best wishes,

Sincerely,

ROMANO L. MAZZOLI,
Chairman, Subcommittee on Immigration, Refugees, and International Law.

Mr. RODINO. On October 11, 1982, the President informed the U.S. Coordinator of Refugee Affairs, H. Eugene Douglas, of his decision on the fiscal year 1983 refugee ceilings.

The following Presidential determination was published in the Federal Register on October 19, 1982.

[Presidential Determination No. 83-2 of Oct. 11, 1982]

FISCAL YEAR 1983 REFUGEE CEILINGS

Memorandum for the Honorable H. Eugene Douglas, United States Coordinator for Refugee Affairs

Pursuant to Sections 207(a) and 207.1(a)(3) and in accordance with Section 209(b) of the Immigration and Nationality Act (INA), after appropriate consultations with the Congress, I hereby determine that:

The admission of up to 90,000 refugees to the United States during fiscal year 1983 is justified by humanitarian concerns or is otherwise in the national interest;

The 90,000 refugee admission ceiling shall be allocated as 64,000 for East Asia; 15,000 for the Soviet Union/Eastern Europe; 6,000 for the Near East/South Asia; 3,000 for Africa; and 2,000 for Latin America/Caribbean; and

An additional 5,000 refugee admission numbers to be available for the adjustment to permanent residence status of aliens who have been granted asylum in the United States is justified by humanitarian concerns or is otherwise in the national interest.

Pursuant to Section 101(a)(42)(B) of the INA and after appropriate consultations with the Congress, I hereby specify that special circumstances exist such that, for the purposes of admission under the limits established herein, the following persons, if they otherwise qualify for admission, may be considered refugees of special humanitarian concern to the United States even though they are still within their countries of nationality or habitual residence:

Persons in Vietnam with past or present ties to the United States; and

Present and former political prisoners, and persons in imminent danger of loss of life, and their family members, in countries of Latin America and the Caribbean.

You will inform the appropriate committees of the Congress of these determinations.

This memorandum shall be published in the Federal Register.

RONALD REAGAN.●

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. PHILLIP BURTON (at the request of Mr. WRIGHT) for today on account of illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. BARNARD, for 60 minutes, today.

(The following Members (at the request of Mr. THOMAS) to revise and extend their remarks and include extraneous material:)

Mr. COLLINS of Texas, for 30 minutes, December 8.

Mr. COLLINS of Texas, for 30 minutes, December 9.

Mr. COLLINS of Texas, for 30 minutes, December 10.

Mr. BUTLER, for 10 minutes, today.

(The following Members (at the request of Mr. GONZALEZ) to revise and extend their remarks and include extraneous material:)

Mr. GONZALEZ, for 30 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mr. FORD of Michigan, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. GOLDWATER, following offering Broyhill substitute for Luken amendment in section 115, H.R. 3809, in the Committee of the Whole on Tuesday, December 1.

Mr. RODINO, to revise and extend his remarks in the RECORD and to include therein extraneous material, notwithstanding the fact that it exceeds two pages of the RECORD and is estimated by the Public Printer to cost $1,428.

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

Mr. MCCLORY in two instances.

Mr. DOUGHERTY.

Mr. BEREUTER.

Mr. VANDER JAGT.

Mr. BROOMFIELD.

Mr. GOODLING.
Mr. DORNAN of California.
Mr. SAWYER.
Mr. KINDNESS.
Mr. PURSELL.
Mr. DANNEMEYER.
Mr. DERWINSKI in two instances.
Mr. YOUNG of Florida in 15 instances.
Mr. PHILIP M. CRANE in two instances.
(The following Members (at the request of Mr. GONZALEZ) and to include extraneous matter:)
Mr. WEAVER.
Mr. LANTOS.
Mr. FASCELL in five instances.
Mr. MOFFETT in five instances.
Mr. LEVITAS in two instances.
Mr. HARKIN.
Mr. ROSENTHAL.
Mr. MOTTL in two instances.
Ms. OAKAR.
Mr. BARNARD.
Mr. SIMON in five instances.
Mr. IRELAND.
Mr. LEATH of Texas.
Mr. GARCIA.
Mr. OBEY in three instances.
Mr. SABO in three instances.
Mr. PHILLIP BURTON.
Mr. MINETA.
Mr. BARNES.
Mr. MATSUI.
Mr. BONKER.
Mr. MONTGOMERY.
Mrs. KENNELLY.
Mr. STUDDS.
Mr. LELAND.
Mr. MOAKLEY.

ADJOURNMENT

Mr. BARNARD. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 47 minutes p.m.) the House adjourned until tomorrow, Friday, December 3, 1982, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

5205. Under clause 2 of rule XXIV, a letter from the Director, Defense Security Assistance Agency, transmitting addenda to the annual reports on foreign military sales as of September 30, 1982, pursuant to section 36(a) of the Arms Export Control Act, was taken from the Speaker's table and referred to the Committee on Foreign Affairs.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. MOAKLEY: Committee on Rules. House Resolution 616. Resolution providing for the consideration of H.R. 7356, a bill making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1983, and for other purposes (Rept. No. 97-940). Referred to the House Calendar.

Mr. LONG of Louisiana: Committee on Rules. House Resolution 617. Resolution providing for the consideration of H.R. 6957, a bill making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 1983, and for other purposes (Rept. No. 97-941). Referred to the House Calendar.

Mr. YATES: Committee on Appropriations. H.R. 7356. A bill making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1983, and for other purposes (Rept. No. 97-942). Referred to the Committee of the Whole House on the State of the Union.

Mr. ADDABBO: Committee on Appropriations. H.R. 7355. A bill making appropriations for the Department of Defense for the fiscal year ending September 30, 1983, and for other purposes (Rept. No. 97-943). Referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BIAGGI:

H.R. 7348. A bill to amend the Social Security Act to include Fridays among the days on which social security and SSI benefit checks may not be delivered, so as to assure (without postponing the delivery date) that the recipient of any such check will have a reasonable opportunity to cash or deposit it without delay; to the Committee on Ways and Means.

By Mr. BUTLER:

H.R. 7349. A bill to reform the Federal court system, to eliminate diversity jurisdiction, to expand and make permanent the system of U.S. trustees, to establish bankruptcy courts under article III of the Constitution, and for other purposes; to the Committee on the Judiciary.

By Mr. PERKINS:

H.R. 7350. A bill to amend the Foreign Trade Zones Act to exempt bicycle components parts which are not reexported from the exemption from the customs laws otherwise available to merchandise in foreign trade zones; to the Committee on Ways and Means.

By Mr. ROBINSON:

H.R. 7351. A bill to provide for the distribution within the United States of the U.S. Information Agency film entitled "Dumas Malone: A Journey with Mr. Jefferson"; to the Committee on Foreign Affairs.

By Mr. ROSENTHAL:

H.R. 7352. A bill to amend the Securities Exchange Act of 1934 to increase the sanctions against trading in securities while in possession of material nonpublic information; to the Committee on Energy and Commerce.

By Mr. WEBER of Minnesota (for himself and Mr. OBERSTAR):

H.R. 7353. A bill to declare that the United States holds certain lands in trust for the Mille Lacs Band of Chippewa Indians; to the Committee on Interior and Insular Affairs.

By Mr. WHITE:

H.R. 7354. A bill to amend title XVI of the Social Security Act to provide that a blind or disabled child otherwise qualified may be eligible for SSI benefits even though not a resident of the United States, if such child is accompanying a parent who is a member of the Armed Forces serving a tour of duty overseas; to the Committee on Ways and Means.

By Mr. ADDABBO:

H.R. 7355. A bill making appropriations for the Department of Defense for the fiscal year ending September 30, 1983, and for other purposes.

By Mr. YATES:

H.R. 7356. A bill making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1983, and for other purposes.

By Mr. GOODLING:

H. Con. Res. 431. Concurrent resolution expressing the sense of the Congress that financial institutions should cooperate with the economic recovery plan of the Federal Government by following the lead of the Board of Governors of the Federal Reserve System in setting lower interest rates for consumer loans; to the Committee on Banking, Finance and Urban Affairs.

By Mr. ZABLOCKI (for himself, Mr. ROSTENKOWSKI, Mr. FASCELL, Mr. BROOMFIELD, Mr. DERWINSKI, Mr. BOLAND, Mr. ANNUNZIO, Mr. DINGELL, Mr. MINISH, Ms. MIKULSKI, Mr. FARY, Mr. NOWAK, Mr. BOWEN, and Mr. DAUB):

H. Con. Res. 432. Concurrent resolution expressing the sense of the Congress on the situation in Poland and calling for a determined policy aimed at ending the repression of the Polish people; to the Committee on Foreign Affairs.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 4657: Mr. SCHEUER.
H.R. 6073: Mr. MCEWEN.
H.R. 6348: Mr. JAMES K. COYNE, Mr. GEPHARDT, Mr. WHITEHURST, Mr. SCHEUER, Mr. BUTLER, Mr. EDWARDS of California, Mrs. BOUQUARD, Mr. DANIEL B. CRANE, Mr. JONES of Tennessee, Mrs. HOLT, and Mr. HYDE.
H.R. 6386: Mr. FAZIO and Mr. SYNAR.
H.R. 6462: Mr. QUILLEN.
H.R. 6829: Mr. BENNETT.
H.R. 6833: Mr. BAILEY of Missouri, Mr. BEARD, and Mr. ROBERTS of South Dakota.
H.R. 7002: Mr. LEE, Mr. LEBOUTILLIER, Mr. CLAUSEN, Mr. HARTNETT, Mr. WINN, Mr. LENT, Mr. MOTTL, Mr. SPENCE, Mr. BEARD, Mr. SOLOMON, Mr. WHITEHURST, Mr. MONTGOMERY, Mr. PICKLE, Mrs. HOLT, Mr. HAMMERSCHMIDT, Mr. WALKER, Mr. MCGRATH, Mr. STANGELAND, Mr. MILLER of Ohio, Mr. SMITH of Alabama, and Mr. HYDE.
H.R. 7053: Mr. MINETA, Mr. DE LUGO, and Mr. HERTEL.
H.R. 7157: Mr. DUNCAN.
H.R. 7251: Mr. NOWAK and Mr. ROBERTS of Kansas.
H.R. 7312: Mr. YATRON, Mr. APPLEGATE, Mr. ECKART, and Mr. DUNCAN.
H.R. 7313: Mr. APPLEGATE, Mr. ECKART, and Mr. DUNCAN.
H.R. 7323: Mr. YATRON, Ms. OAKAR, and Mr. DIXON.
H.R. 7334: Mr. ARCHER.
H.R. 7337: Mr. STANTON of Ohio.
H.J. Res. 591: Mr. FORSYTHE, Mr. GRADISON, Mr. ROBERTS of Kansas, Mr. ROEMER, Mr. VENTO, Mr. WILSON, and Mr. YOUNG of Alaska.
H. Con. Res. 413: Mr. VENTO, Mr. BEVILL, Mr. LOWERY of California, Mr. PORTER, Mr. HUGHES, and Mr. LIVINGSTON.

H. Con. Res. 425: Mr. DE LA GARZA, Mr. DUNCAN, Mr. FROST, Mr. CROCKETT, Mr. FLORIO, Mr. DOWDY, Mr. CLAUSEN, Mr. MARKEY, Mr. WILSON, Mr. BRINKLEY, Mr. FORSYTHE, Mr. BEVILL, Mr. KOGOVSEK, Mr. SOLOMON, Mr. BRODHEAD, Mr. BARNES, Mr. AUCOIN, Mr. HYDE, Mr. GUNDERSON, Mr. FRENZEL, Mr. EDWARDS of California, Mr. VANDER JAGT, Mr. WHITEHURST, Mr. LOWRY of Washington, Mr. WAXMAN, and Mr. MINETA.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 5133

By Mr. DANNEMEYER:

(Disclosure of domestic content.)

—In lieu of the matter proposed to be inserted by the amendment in the nature of a substitute insert the following:

SECTION 1. DEFINITIONS.

As used in this Act:

(1) The term "model year" means a vehicle manufacturer's annual production period (as determined by the Secretary) which includes January 1 of a calendar year, or if a vehicle manufacturer does not have an annual production period, the calendar year. A model year shall be designated by the year in which January 1 occurs.

(2) The term "motor vehicle" means any three-wheeled or four-wheeled vehicle propelled by fuel which is manufactured primarily for use on the public streets, roads, and highways (except any vehicle operated exclusively on a rail or rails), and which is rated at ten thousand pounds gross vehicle weight or less. Such term does not include (A) any motorcycle, or (B) any vehicle determined by the Secretary to be an automobile capable of off-highway operation within the meaning of section 501(3) of the Motor Vehicle Information and Cost Savings Act.

(3) The term "Secretary" means the Secretary of Commerce.

(4) The term "vehicle manufacturer" means any person engaged in the business of producing motor vehicles for ultimate retail sale in the United States and includes as one entity all persons who control, are controlled by, or are in common control with, such person. Such term also includes any predecessor or successor of such a vehicle manufacturer.

SEC. 2. DISCLOSURE OF DOMESTIC CONTENT.

Each vehicle manufacturer who sells motor vehicles in the United States shall cause to be maintained, in a prominent place on each such vehicle manufactured in any model year after model year 1982, a label disclosing the value of the labor used by the manufacturer in the United States in the production of such vehicle and parts for such vehicle and the value of any material or part produced in the United States which is used in the manufacture of such motor vehicle.

SEC. 3. RULES.

The Secretary shall prescribe such rules as are necessary or appropriate to carry out this Act.

(1983 domestic content ratio.)

—Page 8, beginning in line 5, strike out "shall not be less than the higher of" and all that follows through line 10 and insert in lieu thereof the following: "shall not be less than the applicable minimum content ratio specified in the following table:".

(Confidentiality.)

—Page 10, strike out lines 14 through 23 and insert in lieu thereof the following:

(3) All information submitted by a vehicle manufacturer to the Secretary in compliance with this Act shall be confidential and shall not be disclosed except when required under court order. The Secretary shall by regulation prescribe such procedures as may be necessary to preserve such confidentiality, except that—

(A) the Secretary may release or make public any such information in any aggregate or summary statistical form which does not directly or indirectly disclose the identity or business operations of the manufacturer who submitted the information; and

(B) the Secretary shall release upon request any such information to the Congress or to any committee of the Congress.

(Auto import agreements or understandings.)

—Page 14, redesignate section 7 as section 8 and insert after line 11 the following new section:

SEC. 7. AUTO IMPORT AGREEMENTS OR UNDERSTANDINGS.

(a) IN GENERAL.—Sections 4 and 5 shall not apply to a manufacturer outside of the United States during any model year in which there is in effect an agreement or understanding between the United States and the government of the country in which the principal office of such manufacturer is located which agreement or understanding was entered into after the date of the enactment of this Act and which limits the importation of motor vehicles into the United States from such country.

(b) NOTICE TO CONGRESS.—The President shall notify the House of Representatives and the Senate of any agreement or understanding entered into after the date of the enactment of this Act under which the importation of motor vehicles into the United States is limited.

Page 15, redesignate section 8 as section 9.

By Mr. GRAMM:

—Page 14, redesignate section 7 as section 8, and insert after line 11 the following new section:

SEC. 7. WAIVER.

Sections 4 and 5 shall not apply to any vehicle manufacturer whose primary production facilities are in a country (other than the United States) which, as determined by the President, has substantially reduced the quotas, tariffs, and other trade barriers applied to products imported in that country from the United States.

Page 15, redesignate section 8 as section 9.

H.R. 6957

By Mr. BROYHILL:

—Page 45, after line 4, insert the following new section (and redesignate the following section accordingly):

SEC. 507. (a)(1) Notwithstanding any other provision of law, any use of funds appropriated in this Act or in any other law for the Federal Trade Commission shall be consistent with the provisions of the Federal Trade Commission Act and the Federal Trade Commission Improvements Act of 1980, as in effect on Spetember 30, 1982.

(2) In the administration of section 21 of the Federal Trade Commission Improvements Act of 1980 pursuant to paragraph (1), those provisions of such section which were enacted as an exercise of the rulemaking power of the Senate and the House of Representatives also shall apply in the case of any use of funds which is subject to such section as a result of paragraph (1).

(b) The provisions of subsection (a) shall apply to any use of funds described in subsection (a) which occurs on or after October 1, 1982.

—Page 45, after line 4, insert the following new section (and redesignate the following section accordingly):

SEC. 507. (a) No funds appropriated in this Act for the Federal Trade Commission may be used for the purpose of conducting any study, investigation, or prosecution of any agricultural cooperative for any conduct which, because of the provisions of the Act entitled "An Act to authorize association of producers of agricultural products", approved February 18, 1922 (7 U.S.C. 291 et seq.), commonly known as the Capper-Volstead Act, is not a violation of any Federal Antitrust Act or the Federal Trade Commission Act (15 U.S.C. 41 et seq.).

(b) No funds appropriated in this Act for the Federal Trade Commission may be used for the purpose of conducting any study or investigation of any agricultural marketing orders.

By Mr. COLLINS of Texas:

—Page 33, after line 24, insert the following new section:

SEC. 303. None of the funds appropriated in this title may be used to pay any contribution for expenses necessary to meet annual obligations of membership in the United Nations or any affiliated agency in excess of 20 percent of the total annual assessment of the United Nations or such agency. This section shall not apply to the International Atomic Energy Agency and to the joint financing program of the International Civil Aviation Organization.

—Page 25, after line 23, add the following new section:

SEC. 203. No part of any sum appropriated by this title shall be used by the Department of Justice to bring any sort of action to require directly or indirectly the transportation of any student to a school other than the school which is nearest the student's home, except for a student requiring special education as a result of being mentally or physically handicapped.

By Mr. LEVITAS:

—Page 45, after line 4, insert the following new section (and redesignate the following section accordingly):

SEC. 507. No funds appropriated in this Act for the Federal Trade Commission shall be used to (1) promulgate any trade regulation rule; or (2) administer or enforce any trade regulation rule which was promulgated before the date of the enactment of this Act but which has not taken effect before such date of enactment.

By Mr. LUKEN:

—H.R. 6957 is amended by adding at the end thereof the following new section to read as follows:

SEC. 508. None of the funds appropriated under this Act may be used by the Federal Trade Commission for the purpose of investigating, issuing any order concerning, promulgating any rule or regulation with respect to, or taking other action (other than one that is already the subject of litigation in the courts of the United States on or before the date of enactment of this Act) against any State licensed and regulated profession (as that term would apply under the definition in 29 U.S.C. 152(12)) or the local, State or national non-profit membership associations thereof.

H.R. 7145

By Mr. PRITCHARD:

—Page 13, line 20, strike out "$158,779,000," and insert in lieu thereof "$158,029,000,".