

needed relief while placing reasonable limits on future flow control authority. I urge my colleagues to support this important bill.

Mrs. ROUKEMA. Mr. Speaker, I rise in support of the Flow Control Act of 1996. Prompt House action on this legislation is essential for people and counties of New Jersey, and their continued ability to dispose of solid waste.

Although this is not the exact bill that I would have written by myself, the time has come for the House to take action on this very serious issue nevertheless.

Essentially, this legislation will restore to towns and cities the ability to enact flow-control ordinances, which dictate the terms and conditions of how solid waste, or garbage as most people call it, is disposed of in New Jersey.

In May 1994, the Supreme Court, in its *Carbone versus Town of Clarkstown* ruling, held that without congressional authorization, it was an unconstitutional restriction on interstate commerce for towns and cities to dictate the disposal of solid waste.

At that point in time, 17 of the 21 counties in New Jersey had issued more than \$2 billion in debt to finance the construction of solid waste disposal facilities. Thus, the Supreme Court's rulings immediately put all of these bonds—as well as the counties that issued them—in dire jeopardy, because the bonds had been floated based on the assumption that the ability to flow control waste would remain intact.

The bill before us today grandfathers State and local flow-control arrangements made prior to the *Carbone* decision, as well as any existing lawful contracts entered into between May 16, 1994, and November 10, 1995. The grandfathering is in effect for the life of a county's bonded debt or an existing solid waste disposal contract, whichever is longer.

In the 36 months since the Supreme Court's ruling, I have worked diligently with all of my House colleagues from New Jersey, most notably Congressman CHRIS SMITH, to have the Congress pass legislation that restores to our State the authority to flow control solid waste.

In fact, during the 103d Congress, a bipartisan effort to approve flow-control legislation as part of a larger solid waste bill was passed by the House, only to die in the Senate in the waning hours of the session. Although the need for flow-control legislation was urgent then, it is even more serious today, almost 15 months later.

Last summer, the Senate passed its own version of solid waste legislation. The House cannot afford to delay anymore. With this in mind, I urge my colleagues in the House to join me in supporting passage of this bill.

I recognize the fact that some of my colleagues are urging the House to defeat this bill. However, their opposition to this bill is not centered so much on the provisions of the bill before us today, as much as the process by which it has been brought to the floor.

In the public arena, there is the old cliché "Don't let the good be the enemy of the perfect." Clearly, today, the legislation before us today meets this test—it isn't perfect, but we know that it is good and worthy of our support. I urge my colleagues in the House to vote in support of its passage.

The SPEAKER pro tempore (Mr. YOUNG of Florida). The question is on the motion offered by the gentleman from Virginia [Mr. BLILEY] that the

House suspend the rules and agree to the resolution, House Resolution 349.

The question was taken.

Mr. MARKEY. 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. Pursuant to clause 5, rule I, and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

GENERAL LEAVE

Mr. BLILEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on House Resolution 349, the resolution just considered.

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

There was no objection.

LAND DISPOSAL PROGRAM FLEXIBILITY ACT OF 1995

Mr. BLILEY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2036) to amend the Solid Waste Disposal Act to make certain adjustments in the land disposal program to provide needed flexibility, and for other purposes, as amended.

The Clerk read as follows:

H.R. 2036

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Land Disposal Program Flexibility Act of 1995".

SEC. 2. LAND DISPOSAL BAN.

Section 3004(g) of the Solid Waste Disposal Act (42 U.S.C. 6924(g)) is amended by adding the following after paragraph (6):

"(7) Solid waste identified as hazardous based on one or more characteristics alone shall not be subject to this subsection, any prohibitions under subsection (d), (e), or (f), or any requirement (other than any applicable specific method of treatment) promulgated under subsection (m) if such waste—

"(A)(i) is managed in a treatment system which subsequently discharges to waters of the United States pursuant to a permit issued under section 402 of the Clean Water Act (33 U.S.C. 1342); (ii) treated for the purposes of the pretreatment requirements of section 307 of the Clean Water Act (33 U.S.C. 1317); (iii) or managed in a zero discharge system that, prior to any permanent land disposal, engages in Clean Water Act-equivalent treatment as determined by the Administrator;

"(B) no longer exhibits a hazardous characteristic prior to management in any land-based solid waste management unit;

"(C) has met any applicable specific method of treatment promulgated by the Administrator under section 3004(m) (42 U.S.C. 6924(m)); and

"(D) would not generate toxic gases, vapors, or fumes due to the presence of cyanide at the point of generation when exposed to pH conditions between 2 and 12.5.

"(8) Not later than 5 years after the date of enactment of this paragraph, the Adminis-

trator shall complete a study of hazardous wastes managed pursuant to paragraph (7) to characterize the risks of human health or the environment associated with such management. In conducting the study, the Administrator shall evaluate the extent to which the risks are adequately addressed under existing State or Federal programs and whether unaddressed risks could be better addressed under such Federal laws or programs. Upon completion of such study or upon receipt of additional information, and as necessary to protect human health and the environment, the Administrator may, after notice and opportunity for comment, impose additional requirements, including requirements under section 3004(m)(1) or defer management of such wastes to other State or Federal programs or authorities. Compliance with any treatment standards promulgated pursuant to section 3004(m)(1) may be determined either prior to management in, or after discharge from, a land-based unit as part of a treatment system specified in subparagraph (A) of paragraph (7). Nothing in this paragraph shall be construed to modify, supplement, or otherwise affect the application or authority of any other Federal law or the standards applicable under any other Federal law.

"(9) Solid waste identified as hazardous based on one or more characteristics alone shall not be subject to this subsection, any prohibition under subsection (d), (e), or (f), or any requirement promulgated under subsection (m) of this section if the waste no longer exhibits a hazardous characteristic at the point of injection in any Class I injection well regulated under section 1422 of title XIV of the Public Health Service Act (42 U.S.C. 300h-1)."

SEC. 3. GROUND WATER MONITORING.

(a) AMENDMENT OF SOLID WASTE DISPOSAL ACT.—Section 4010(c) of the Solid Waste Disposal Act (42 U.S.C. 6949a(c)) is amended as follows:

(1) By striking "CRITERIA.—Not later" and inserting the following: "CRITERIA.—

"(1) IN GENERAL.—Not later".

(2) By adding at the end the following new paragraphs:

"(2) ADDITIONAL REVISIONS.—Subject to paragraph (3), the requirements of the criteria described in paragraph (1) relating to ground water monitoring shall not apply to an owner or operator of a new municipal solid waste landfill unit, an existing municipal solid waste landfill unit, or a lateral expansion of a municipal solid waste landfill unit, that disposes of less than 20 tons of municipal solid waste daily, based on an annual average, if—

"(A) there is no evidence of ground water contamination from the municipal solid waste landfill unit or expansion; and

"(B) the municipal solid waste landfill unit or expansion serves—

"(i) a community that experiences an annual interruption of at least 3 consecutive months of surface transportation that prevent access to a regional waste management facility; or

"(ii) a community that has no practicable waste management alternative and the landfill unit is located in an area that annually receives less than or equal to 25 inches of precipitation.

"(3) PROTECTION OF GROUND WATER RESOURCES.—

"(A) MONITORING REQUIREMENT.—A State may require ground water monitoring of a solid waste landfill unit that would otherwise be exempt under paragraph (2) if necessary to protect ground water resources and ensure compliance with a State ground water protection plan, where applicable.

"(B) METHODS.—If a State requires ground water monitoring of a solid waste landfill

unit under subparagraph (A), the State may allow the use of a method other than the use of ground water monitoring wells to detect a release of contamination from the unit.

"(C) CORRECTIVE ACTION.—If a State finds a release from a solid waste landfill unit, the State shall require corrective action as appropriate.

"(4) NO-MIGRATION EXEMPTION.—

"(A) IN GENERAL.—Ground water monitoring requirements may be suspended by the Director of an approved State for a landfill operator if the operator demonstrates that there is no potential for migration of hazardous constituents from the unit to the uppermost aquifer during the active life of the unit and the post-closure care period.

"(B) CERTIFICATION.—A demonstration under subparagraph (A) shall be certified by a qualified ground-water scientist and approved by the Director of an approved State.

"(C) GUIDANCE.—Not later than 6 months after the date of enactment of this paragraph, the Administrator shall issue a guidance document to facilitate small community use of the no migration exemption under this paragraph."

(b) REINSTATEMENT OF REGULATORY EXEMPTION.—It is the intent of section 4010(c)(2) of the Solid Waste Disposal Act, as added by subsection (a), to immediately reinstate subpart E of part 258 of title 40, Code of Federal Regulations, as added by the final rule published at 56 Federal Register 50798 on October 9, 1991.

SEC. 4. TECHNICAL CORRECTIONS TO SOLID WASTE DISPOSAL ACT.

The Solid Waste Disposal Act is amended as follows:

(1) In section 3001(d)(5) by striking "under section 3001" and inserting "under this section".

(2) By inserting a semicolon at the end of section 3004(q)(1)(C).

(3) In section 3004(g), by striking "subparagraph (A) through (C)" in paragraph (5) and inserting "subparagraphs (A) through (C)".

(4) In section 3004(r)(2)(C), by striking "petroleum-derived" and inserting "petroleum-derived".

(5) In section 3004(r)(3) by inserting after "Standard" the word "Industrial".

(6) In section 3005(a), by striking "polychlorinated" and inserting "polychlorinated".

(7) In section 3005(e)(1), by inserting a comma at the end of subparagraph (C).

(8) In section 4007(a), by striking "4003" in paragraphs (1) and (2)(A) and inserting "4003(a)".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Virginia [Mr. BLILEY] will be recognized for 20 minutes, and the gentleman from Massachusetts [Mr. MARKEY] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Virginia [Mr. BLILEY].

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

Mr. Speaker, I rise in support of H.R. 2036, the Land Disposal Flexibility Act of 1995.

During the 104th Congress, the Commerce Committee and the House have taken the initiative in trying to reform our regulatory programs. We need to ensure that the risks that are addressed are realistic and significant and that the costs of regulations are reasonably related to their benefits. H.R. 2036 is a perfect example of the type of realism we need more of.

H.R. 2036, addresses two rulemakings in which EPA tried to use principles of

sound risk management but were prevented by the courts from doing so. Unfortunately, the current law, as interpreted by the courts, does not allow for a reasonable set of regulations.

EPA has already performed cost and benefit analyses on the land disposal restrictions rule and the groundwater monitoring rule for landfills that are the topic of H.R. 2036. In its own analyses of the proposed rule on land disposal restrictions, EPA has stated that "the risks addressed by this rule * * * are very small relative to the risks presented by other environmental conditions or situations." In both of the land disposal restrictions and groundwater monitoring rules, the prescriptive 1984 RCRA Amendments prevent reasonable regulations. Congress and the executive branch need to fix these fundamental problems.

It is Congresses job to make changes in the laws to remove steps that are unnecessary and provide a procedural barrier to the swift enforcement of more pressing problems. H.R. 2036 is one example of Congress helping the EPA by eliminating an additional administrative step which provides relatively few benefits.

I am pleased to see we have bipartisan support for H.R. 2036. Subcommittee Chairman OXLEY, Mrs. LINCOLN, and the administration have worked together and their hard work is reflected in this bill. H.R. 2036 is also supported by the Ground Water Protection Council, the National Association of Counties, and representatives of the industrial community.

I urge the adoption of the bill.

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

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

Mr. Speaker, I rise in opposition to the motion to suspend the rules and to pass H.R. 2036. First of all, I object to the way this bill was brought to the floor for consideration under the suspension calendar. It is not in fact a procedure that is at all appropriate.

With regard to H.R. 2036, the majority worked with the minority throughout the committee process. Because of this, we agreed to take up this bill under suspension so long as important language was included in the committee report. The report was filed only hours ago. This is very distressing since it prevents Members and staff from reviewing the details of this bill.

Also, due to the last-minute decision to proceed today, some of my colleagues who had anticipated speaking against this bill could not be here. Compared to the other abuses of the suspension calendar that we have seen today, this is a minor grievance. However, we resent the continuing abuses of what is supposed to be a non-partisan, noncontroversial process.

The second point I want to make about this bill is that although it is receiving some bipartisan support today, it is not completely without controversy. As the gentleman from Vir-

ginia [Mr. BLILEY] outlined, this legislation would give EPA authority to grant certain blanket exemptions from environmental standards that they have been barred from making by recent court decisions.

I under how Members of Congress and the administration want to work with the business community to develop a regulatory system that is more accommodating and flexible. However, I do not believe that we can lightly dismiss the environmental concerns that have been raised about this bill.

In 1992, the D.C. Circuit Court of Appeals unanimously overturned a Bush administration regulation which would have allowed hazardous waste generators with waste water treatment systems to simply dilute their hazardous waste and dump it into an unlined pit or lagoon rather than requiring them to take measures to reduce toxicity or otherwise minimize the threat posed by the waste.

The court held that simple dilution did not address the hazardous components in the waste, and if these components migrated into the ground water, they could pose significant risks to human health and the environment.

Current law requires that hazardous components and a variety of wastes be effectively treated not just diluted.

The gentleman from Virginia [Mr. BLILEY] has argued this bill is needed in order to eliminate unnecessary and duplicative environmental regulation. When sufficient regulations are in place to protect public health and environment, that is a goal that we can all support. Unfortunately, this is not a situation where regulations are redundant.

The Clean Water does cover any release of hazardous components from one of these lagoons into a nearby river or lake. However, leakage into ground water supply is beyond the scope of the Clean Water Act and releases of these hazardous components into the air are not regulated under the Clean Air Act.

EPA has stated that the risks posed by treating certain hazardous wastes in this manner are relatively low. However, the Agency's own preliminary analysis tells a very different story. Last summer they concluded that these wastes do pose potentially significant health risks including cancer risks approaching one in a thousand, if ground water becomes contaminated.

I am aware that EPA regards the current data as somewhat limited, which is why we pushed for language in the bill allowing the Agency to collect and assess additional data. After much discussion, it was agreed that they would be given 5 years to complete such a study. Although the Agency can probably meet an earlier deadline, I am satisfied to see that a time limit was adopted.

Regardless of any deadline for completion of the study, there can be no doubt the intent of this bill is that EPA will dedicate adequate resources to develop a technically sound study in

an expeditious manner. More importantly, however, I believe the Agency should be required to make a final determination based on their scientific study as to whether or not release of hazardous components from any of these holding areas into the air or ground water poses a threat to public health and the environment.

It is troubling that the bill's proponents who assume there is no significant risk involved here lack the courage of their convictions. Why should not the EPA have to inform the public and the Congress of the conclusions it draws from the study that we are requiring the Agency to undertake that so fundamentally deals with the public health of the public in our country?

The amendments adopted during the markup sessions of the Committee on Commerce greatly improved the original bill by adding language directing EPA to complete a study within 5 years. The report language clearly directs EPA to begin the study within 60 days and to complete it as soon as possible.

However, without the inclusion of a judicially reviewable final determination, the legislation lacks the common-sense requirement that EPA reach a decision to act or not act based on any risks identified in the study.

□ 1515

If that additional provision had been included, if that extra safeguard of the health of Americans had been approved, then we would be in a different posture out here on the floor today. If out of respect for the gentleman from New Jersey [Mr. PALLONE] and the gentleman from Oregon [Mr. WYDEN] and the gentlewoman from Oregon [Ms. FURSE], and other Members that wanted to speak on this bill, that we were giving them that opportunity, then we would not find this bill so unacceptable.

But in its current form, under the procedure which we are using, we find it unacceptable, and we urge all Members that care about health and safety, care about the water, which goes into hundreds of thousands, if not millions of human beings across this country, to vote "no," to send a strong signal that we want a better, substantive, and procedural way to handle these critical issues of public health and safety.

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

Mr. BLILEY. Mr. Speaker, I yield such time as he may consume to the gentleman from Ohio [Mr. OXLEY], the chairman of the subcommittee.

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

Mr. Speaker, during the 104th Congress, the Commerce Committee has been highlighting the problem of inflexible or inappropriate statutory requirements. These requirements can prevent EPA from issuing regulations or facility cleanups that address realistic and significant risks in a cost-effective and cost-reasonable manner.

H.R. 2036 embodies the position of the EPA in final rules that were later struck down by the courts. In each case, EPA did a regulatory impact analysis which found that the costs of a given option were exceedingly high and the benefits very low. In each case, EPA sought a more flexible and balanced approach but was ultimately directed by the courts to the most counterproductive result.

In their March 2, 1995, summary of the proposed rule EPA wrote—

[t]he Agency is required to set treatment standards for these relatively low risk waste and disposal practices * * * although there are other actions and projects with which the Agency could provide greater protection of human health and the environment.

In this particular case, EPA estimates suggest over half a billion dollars will be spent with little if any improvement to human health. Indeed, the Agency states that less safe alternatives may be chosen over more safe alternatives. That is unacceptable. In their letter endorsing H.R. 2036 the administration wrote—

[t]he bill would eliminate a mandate that the EPA promulgate stringent and costly treatment requirements for certain low-risk wastes that already are regulated in Clean Water Act or Safe Drinking Water Act units. Understand, they are covered in the Clean Water Act, so in that sense it is duplicative.

H.R. 2036 is also endorsed by organizations representing State environmental programs such as the Groundwater Protection Council, and the Association of State and Territorial Solid Waste Management Officials as well as the National Association of Counties.

I appreciate the bipartisan efforts of Mrs. LINCOLN and the administration in support of H.R. 2036. It is important to move forward with legislation that injects common sense into current statutory law and H.R. 2036 is just such an injection.

This is time-critical legislation and I hope that it can proceed swiftly through the process.

Mr. Speaker, let me talk about the process. We had hearings on this legislation. The administration came in very effectively supporting this legislation. The majority made changes in the legislation at the request of the minority. This bill passed out of our subcommittee on a unanimous vote with the support of the gentleman from Massachusetts and all the other Members on the other side of the aisle that he mentioned. It then passed out of the full committee, Mr. BLILEY's committee, again on a unanimous vote, with all members present voting in favor of the legislation.

This is probably the best example you can imagine of good, bipartisan cooperation with the administration, getting rid of unworkable regulations that are costly and ineffective. So it is time critical we move swiftly through the process.

I should note, however, these issues, while important for many, are simply

the tip of the iceberg. We must make fundamental reform to ensure that our regulatory programs address realistic and significant risk through cost effective and cost reasonable means. There is much work to be done.

I urge all Members to vote for swift passage of 2036, to prevent EPA from being forced to use unnecessary and costly regulations.

In closing, Mr. Speaker, let me quote a letter to the gentleman from Virginia, Chairman BLILEY, from the administration and EPA in support of our efforts.

The Committee on Commerce's willingness to work with the administration and the minority in a bipartisan spirit and the consequent development of a narrowly tailored and balanced approach to this issue commends this legislation for prompt action by the full House on the suspension calendar.

Mr. Speaker, nothing could be clearer than the strong support of the EPA and the Clinton administration for this legislation. I applaud the bipartisanship on the part of the gentlewoman from Arkansas [Mrs. LINCOLN] and others. Let us get this bill passed. Let us provide some relief and some common sense to the process.

Mr. MARKEY. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, the only reason I want to recognize myself is I did not vote for this bill at the full committee level. It was a voice vote that I dissented from. Five of us have in fact filed dissenting views in the committee report. So I wanted the RECORD to be made clear on that issue, that there was opposition to the bill, although on a voice vote it did pass.

Mr. Speaker, I yield such time as she may consume to the gentlewoman from Arkansas [Mrs. LINCOLN].

Mrs. LINCOLN. Mr. Speaker, I rise in strong support of H.R. 2036. First of all, I want to thank Chairman BLILEY and Chairman OXLEY for working with me on this bill to address my concerns. Additionally, I want to extend my deep appreciation to Mr. DINGELL who was also a pivotal player in developing this legislation. I believe that this is a good bill and represents good public policy. In passing H.R. 2036, we will be able to reduce environmental regulation without sacrificing the health of our environment.

H.R. 2036 will provide some needed relief to the regulated industry by restoring EPA's original regulatory determination that RCRA wastes that are no longer hazardous need not be treated as if they were hazardous. Not only will this bill save industry around \$800 million per year, it will have little if no impact on the environment. Additionally, we have as a check and balance to the Health and the Environment of our constituents incorporated language calling for a study of the hazardous waste managed pursuant to this bill to determine if any risks to human health or the environment have resulted from this new type of management. If risks do present themselves,

EPA has the authority to impose additional regulatory requirements.

I have never been a proponent of "treatment for treatment's sake" and this bill will eliminate the duplication between RCRA's land disposal restrictions [LDR] provisions and other environmental laws. As long as the water treatment systems and surface water impoundments are permitted under the Clean Water Act or the wastes are injected deep into the ground under the Safe Drinking Water Act, RCRA LDR mandates are not applicable.

Again, this is a small, but very economical change to RCRA, and I encourage my colleagues both in the House and the Senate to keep this provision narrow. This bill is needed now and will only be weighted down by any extraneous amendments. We should not make H.R. 2036 a Christmas tree loaded with controversial ornaments, but rather, let's enact sensible regulatory reform, while assuring that human health and the environment are properly protected.

This bill reflects an agreement between industry and the administration, who have worked tirelessly in arriving at this compromise. True to Vice President GORE's dedication to reinventing government, we have written a rifle shot correction to RCRA—making corrections and improvements where we can without putting in jeopardy health or the environment. I believe that H.R. 2036 and its accompanying negotiations should serve as a blueprint for future environmental initiatives. It specifically targets problem areas without delving into controversial subjects and it is the result of a true bipartisan agreement between the Members of Congress and the administration.

I urge my colleagues to support H.R. 2036.

Mr. BLILEY. Mr. Speaker, I yield 2 minutes to the gentleman from New York [Mr. BOEHLERT].

(Mr. BOEHLERT asked and was given permission to revise and extend his remarks.)

Mr. BOEHLERT. Mr. Speaker, I rise to address provisions in H.R. 2036, the Land Disposal Program Flexibility Act.

First, I want to commend the leadership of the Commerce Committee for moving forward with legislation that attempts to solve problems involving the Solid Waste Disposal Act, the Clean Water Act and groundwater protection. The bill should help to streamline and coordinate an environmentally responsible approach to management of certain wastes in surface impoundments and to provide responsible exemptions for solid waste landfills in remote or arid areas and in situations lacking any evidence of groundwater pollution.

Second, I want to thank the Commerce Committee for addressing and responding to some of the concerns of the Transportation and Infrastructure Committee. The Water Resources and Environment Subcommittee, which I chair, has jurisdiction over the Clean Water Act and over the pollution of

navigable waters. Clearly, we have an interest in this bill; we did not pursue a formal referral of H.R. 2036, however, in part because of the urgency of the issue and the willingness of the Commerce Committee to work with us. Like drinking water, this is an area where the two committees can and will work together.

Finally, Mr. Speaker, I want to address particular provisions involving the interplay between the Solid Waste Disposal Act and the Clean Water Act. A primary purpose of this bill is to overturn a D.C. Circuit Court opinion that would require EPA to regulate wastes under the Solid Waste Disposal Act that are already being treated to meet standards under the Clean Water Act. This bill will reinstate EPA's earlier approach to the management of these wastes: avoid duplicative regulation by regulating these wastes under the Clean Water Act alone.

Mr. Speaker, this is a good, streamlined, coordinated approach, and once again I want to restate what the gentleman from Ohio, [Mr. OXLEY] stated so well: The administration has lauded the Committee on Commerce, and the letter says, "for its willingness to work with the administration and the minority in a bipartisan spirit."

Mr. Speaker, that is all we can ask for. I urge support of H.R. 2036.

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

Mr. Speaker, the point is that, one, we are unhappy, again I will make that statement, with the procedures that have been adopted in order to bring this bill out on the floor. There is no need for it to come out under this particular process on this particular day, disrespectful of the interests of other Members who have worked long and hard on this subject as well.

On the issue of the protections which it is going to give to the public health and safety, the point is that no one is certain of the risks contained in the depths of these ponds and lagoons. We have creatures in these black lagoons that can be transmogrified into very dangerous substances as they are put into human bodies. That is why this is such a critical subject for us to be deliberating out here on the floor. That is why we support a study of these bodies of water, of these ponds, of these lagoons, and that it be conducted in an expeditious fashion.

□ 1530

I anticipate that the industry will cooperate in providing data to the EPA and that the agency will commit adequate resources to this study. But because the bill does not require the EPA to make a judicial reviewability determination that these ponds or lagoons are not dangerous, I must oppose this measure because we just do not know whether these ponds or lagoons are dangerous to the health of the communities around them.

Supporting this legislation does not ultimately provide a mechanism by which that determination can be made and be judicially reviewable to ensure that the final measure of protection for

the public health and safety is provided. So I urge all the Members and their staffs who are listening to this debate, that a no vote is the appropriate vote. Some fine-tuning is needed. The bill should be brought out in a more procedurally appropriate fashion, but this day at this time, no is the right vote on this very important piece of legislation.

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

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

Mr. Speaker, I urge a strong aye vote for this proposal.

This proposal had strong bipartisan support in the subcommittee and the full committee. The administration supports this bill, and I quote from a letter of the administration to that effect: "We are writing to express the administration's strong support for H.R. 2036. The bill would eliminate a mandate that the EPA promulgate stringent and costly treatment requirements for certain low-risk wastes that already are regulated in Clean Water Act or Safe Drinking Water Act Units."

The Ground Water Protection Council, an organization for State groundwater protection and underground injection control program administrators, with members representing 40 States, strongly supports enactment.

The Association of State and Territorial Solid Waste Management Officials strongly supports H.R. 2036.

Please support H.R. 2036, a bipartisan effort that has the full support of the administration. I hope it would be the pleasure for us to give unanimous consent for this bill.

Mr. DEAL. Mr. Speaker, I join my distinguished colleagues in support of H.R. 2036, the Land Disposal Program Flexibility Act. This bill is also supported by the White House and the Environmental Protection Agency [EPA].

This legislation represents a very simple, yet important modification to the Solid Waste Disposal Act that has the potential to save taxpayers as much as \$800 million in annual compliance costs—an expense that the EPA says will provide no additional environmental benefit. This bill was developed through a cooperative, bipartisan effort to correct expensive and needless environmental overregulation. Efforts have been made throughout the process to accommodate the concerns of the environmental community.

The current land disposal restrictions prohibit land disposal of hazardous wastes unless these wastes have first been treated to meet EPA standards. As a result of a 1993 decision by the D.C. Circuit Court, these restrictions, known as LDR's would also be extended to nonhazardous wastes managed in wastewater systems that are already regulated under the Clean Water Act or the underground injection control [UIC] program of the Safe Drinking Water Act. The court adopted this position despite the fact that the EPA had previously adopted a rule authorizing the appropriate treatment and disposal of these materials, and

despite the fact that the Agency believed that such strict standards are inappropriate.

This legislation would restore the EPA's original regulatory determination allowing these materials to be safely treated and disposed of in permitted treatment units and injection wells.

Due to the court decision, the EPA will be forced to impose these needless and expensive requirements if Congress does not act very soon. I am glad that we are able to act on this legislation today and I hope that the bill will move quickly in the other body.

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

The SPEAKER pro tempore (Mr. YOUNG of Florida). All time has expired.

The question is on the motion offered by the gentleman from Virginia [Mr. BLILEY] that the House suspend the rules and pass the bill, H.R. 2036, as amended.

The question was taken.

Mr. MARKEY. 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. Pursuant to clause 5, rule 1, and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

GENERAL LEAVE

Mr. BLILEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 2036, the bill just considered.

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

There was no objection.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. YOUNG of Florida). Under the Speaker's announced policy of May 12, 1995, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida [Mr. STEARNS] is recognized for 5 minutes.

[Mr. STEARNS addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Tennessee [Mr. BRYANT] is recognized for 5 minutes.

[Mr. BRYANT addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

PROTECT THE NATION'S CREDITWORTHINESS

The SPEAKER pro tempore. Under the Speaker's announced policy of May

12, 1995, the gentleman from Texas [Mr. DOGGETT] is recognized for 60 minutes as the designee of the minority leader.

Mr. DOGGETT. Mr. Speaker, we now approach a time within only a very few weeks when for the first time in over two centuries of this country, the full faith and credit of the United States of America is being placed in dire risk. The creditworthiness of this country, to an extent the creditworthiness of all of us as American citizens, is being put on the line.

Is this for some lofty purpose or for some deep political principle? No, not at all. Only to gain some momentary advantage are our Republican colleagues willing to push this Nation right to the brink of financial disaster by trying to use the adjustment of the limits of this country's creditworthiness, that everyone agrees is essential, that Republican colleagues have already voted to extend in another format in a previous occasion, in fact more than one previous occasion. But now that it is time to adjust the limit and protect the creditworthiness of every American citizen acting through their Government, they want to use that device as leverage to put into effect some of the provisions that they cannot pass and enact in this Congress through ordinary democratic means to get adjustment and get a little leverage and use a crowbar to adjust and get the political ends that they think are necessary, rather than to let the democratic process work and rather than protect the creditworthiness and full faith and credit of this country.

I read with some alarm in the news of this afternoon that only this morning at a forum the respected Chair of the House Committee on Ways and Means, the gentleman from Texas [Mr. ARCHER] says we need something to get our House Republican Members to vote for the debt ceiling that they would not otherwise vote for.

I assume from those remarks that just merely protecting the full faith and credit of the United States is not sufficient reason. The mere prospect of this country defaulting on its obligations, obligations that all of us as American citizens have undertaken, that is not enough to get them to vote to extend and adjust this ceiling.

Mr. Speaker, he added that there would be no debt ceiling bill that will not have some additional matters attached to it.

He indicated in the same speech that it was his objective to place in that debt ceiling bill the revisions in the capital gains tax that have been referred to along with other provisions in the contract on America as the crown jewel of the contract. That is basically the program in which our Republican colleagues begin a transfer of wealth in the country by reducing the taxes on those at the top of the economic ladder and by increasing the taxes on those at the bottom of the economic ladder, a strange approach but one surely designed to widen the gap that already

exists between rich and poor in this country.

Mr. Speaker, I do not know what it is about those colleagues. I have nothing against people down at the country club enjoying their tax breaks, but I hate to see them lonely down there. I hate to see many Americans only have a chance to get to the country club if they are there to sweep the floor or mow the lawn.

Why not assure every citizen an opportunity to share in the American economic dream instead of providing all of the tax benefits to those at the top and raising taxes on those at the bottom? But that is the logic of the Republican contract on America, a contract provision that they cannot get approved through ordinary democratic means. So apparently they are willing to risk a default on the obligations of the United States of America for the first time in its history just in order to force this adjustment in the tax rate and accomplish the crown jewel, as they refer to it, in the contract on America.

I think that would be a very serious mistake, to get right up to the brink of disaster without adjusting the obligations to protect our creditworthiness.

The other aspect of this work is what we see here this afternoon, and that is a House working not on full throttle but barely turning on the ignition. This is a House that in recent months, every time it has approached a crisis, whether a manufactured crisis by the Speaker such as the "Cry Baby" shutdown or the Christmas Eve shutdown that we had of Government.

Mr. Speaker, every time they approach the crisis in America, the solution is to treat work in this Congress as if it were not only a four-letter word but a dirty four-letter word. Instead, the word that has become honored in this Congress is another four letter word, the word "quit." Every time we approach a crisis, whether it is a shutdown or now the possibility of governmental default on our obligations, the solution is to condemn work. The idea that we would stay here like Americans are working across this country today and really work and labor to solve the problems that we face in a bipartisan basis, rather, the approach is to quit.

So the approach this week is to work just a little bit and then quit on Thursday afternoon, deferring apparently until February 26, just up and quit during that time and wait until approximately 5 or 6 days before we enter complete default so that they can at the last minute, in true brinkmanship fashion come forward with a debt limit bill that contains things like the capital gains tax cut for those at the top of the economic ladder, perhaps whatever other approach might be necessary in order to bring together not this House, but just the Republican Members of this House to support an adjustment they have already voted for that is essential to protecting the economic security of this country.