

CONGRESSIONAL RECORD JULY 21, 1977
Legislative History

Congressional Record July 21, 1977

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123 CONG.REC. H7582
July 21, 1977

{H7582} Mr. UDALL. Mr. Chairman, I call up the conference report on the bill (H.R. 2) to provide for the cooperation between the Secretary of the Interior and the States with respect to regulation of surface coal mining operations, and the acquisition and reclamation of abandoned mines, and for other purposes, and ask unanimous consent that the statement of the managers be read in lieu of the report.

H7582 The Clerk read the title of the bill.

H7582 The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arizona?

H7582 There was no objection.

H7582 The Clerk read the statement.

H7582 (For conference report and statement, see proceedings of the House of July 12, 1977.)

H7582 Mr. UDALL. Mr. Speaker, this today will end I hope the legislative action on a bill that has been before us for 6 long years now. This is a good sound bill that we bring back from conference. The basic provisions of the House bill are in order. We made the necessary compromises with the Senate on a number of matters that are explained in the joint statement.

{H7583} To those who say this bill is not needed, to those who have learned from the slick television and newspaper ads of Mobil, ARCO, Exxon and the rest, that strip mining is not a problem any more, let me say this - If you ask the people who must live with strip mining you will get a different message. Here are petitions to the President signed by citizens from all over the country - over 6,000 citizens and if you look at their addresses you will see that they live in areas affected by strip mining; places like Pennington Gap, Va.,

Huntington, W.Va., Hancock, Md., Barboursville, Ky., Big Stone Gap and Jonesville Va., and they are from States like Ohio and Tennessee and Utah. These people care about jobs, and a strong local economy and the other concerns expressed by the foes of this bill. But these people do not merely want to impose strong reclamation standards on strip mining, they want to ban strip mining because they have lived with inadequate State laws all these years and they do not believe that you can strip mine coal and still protect the land. I do not agree with them, I believe that reclamation can be achieved, but if you want to know if this bill is needed you can listen to the oil companies and the coal associations who are still calling for defeat of H.R. 2 or you can listen to these people who live with strip mining who have quite a different view.

H7583 I am inserting here in the RECORD a copy of one of these petitions. Also. I am sending copies of all the petitions to the President so the administration can feel the degree of concern that many citizens still have about strip mining and the need for substantially improved regulation:

H7583 To: The Honorable Jimmy Carter, President of the United States of America:

H7583 We, the undersigned, Citizens of these United States of America, hereby declare our opposition to strip mining of our land for coal. We ask that the massive rape of the earth for profit and the accompanying destruction of human health and welfare be brought to an end. It is time that Citizens recognize the shortsightedness, the recklessness, the unnecessary destruction of the land for a few years of so-called "cheap" energy.

H7583 It has been shown that the vast bulk of our coal reserves can only be mined by underground methods. It is in the national interest to intensify efforts to mine these vast deep reserves thereby stopping the ruination of valuable land. Underground mining provides more jobs, cleaner and better quality coal and is virtually non-destructive to surface land. The time for action to stop strip mining is NOW. We are saying no to strip mining and ask for your supportive action in our behalf.

H7583 SUMMARY OF CONFERENCE ON H.R. 2

H7583 Following is a summary of the major changes in H.R. 2 made during conference along with related legislative history:

H7583 MAJOR CHANGES DURING CONFERENCE AND LEGISLATIVE HISTORY

H7583 ALLUVIAL VALLEY FLOORS

H7583 H.R. 2 stated that no mines were to be located on "alluvial valley floors" in the West, nor were such mines to materially damage the quantity or quality of water in ground surface systems which supply the valley floors. However, surface coal mine operations producing coal in commercial quantities in

the year preceding enactment of this act and were located on or adjacent to an alluvial valley floor were exempt from this constraint. Similarly, those mines which already obtained specific permit approval to conduct mining in an alluvial valley floor were also excluded.

H7583 The Senate passed the "Melcher" amendment which provided for new mine operations on alluvial valley floors under limited circumstances. Mines that would interrupt, discontinue or prevent farming on alluvial valley floors when such farming is part of the farm's agricultural production would not be approved. Undeveloped rangelands are excluded as well as those developed or farmed lands which are so small as to have a negligible impact on the farm's agricultural production. The exemption to this provision for existing or permitted mines is essentially the same as that in H.R. 2.

H7583 The Senate also passed the "Wallop" amendment which provided authority for the Secretary of Interior to lease Federal coal deposits as an exchange of a Federal coal lease for coal underlying an alluvial valley floor which could not be mined. Such an "exchange" would be limited to those operators who had made a "substantial legal and financial" commitment to mine such coal prior to January 1, 1977. Similar exchange authority under section 206 of the Federal Land Policy and Management Act of 1976 was granted the Secretary with respect to privately owned coal under alluvial valley floors. Both of these authorities are discretionary on the part of the Secretary.

H7583 The House receded to the Senate provision with a few changes. The phrase "not interrupt, discontinue or prevent farming" was modified to "not interrupt, discontinue or preclude farming" in order to assure that farmable lands that may or may not be farmed at the time of permit application would be covered by this amendment. Further, the conferees did not want a change in surface use of valuable agricultural lands to qualify an area for surface mining. Thus, we do not allow a coal company to buy alluvial valley floor farmable lands, take them out of production; then qualify for a permit to surface mine. If developed lands on alluvial valley floors were "of such small acreage as to be of a negligible impact on the farm's agricultural production" they may be included in a mine plan. The phrase "not adversely affect" with respect to off-floor operations was changed to "not materially damage." The conferees also stipulated that the Secretary develop and carry out a coal exchange program for fee coal located in alluvial valley floors under the provisions of section 206 of the Federal Land Policy and Management Act of 1976. Conferees also recognized that if developed lands on alluvial valley floors were of "such small acreage as to be negligible impact on the farm's agricultural

production" and are to be included in a mine plan, that farming on the mine site must be temporarily interrupted during the mining and reclamation process.

H7583 PRIME FARMLANDS

H7583 The conferees worked long and hard to come up with a workable and meaningful provision to protect prime farmlands. The provision in the conference report is a good, workable provision. It is not a moratorium. All existing operations are grandfathered. New permits can be issued for mining prime farmland provided that the regulatory authority make a written determination - based on existing data, past operator performance, and agricultural studies or experimentation with comparable soils - that the operator has the technological wherewithal to restore the land to levels of yield which equal those found on nonmined farmland. This provision does not impose an undue burden on State regulatory agencies.

H7583 The language in the conference report is intended to insure that prime farmlands will not be mined without some assurance that the operator has the ability to restore the land to full productivity after mining. The provision is reasonable, protective, and workable.

H7583 Concern has been expressed about the impact of the permit approval or denial test pertaining to prime farmlands on existing operations.

H7583 The exclusion pertains to existing mines, permits or renewals thereof after the date of enactment.

H7583 This is a different type and extent of exemption than that granted in section 506(d)(2) which pertains to boundary extension of existing mines operating on alluvial valley floors.

H7583 A specific summary of the prime farmland provisions in H.R. 2 follows the summary of H.R. 2.

H7583 SMALL OPERATORS

H7583 The House bill provided assistance to small operators through authorizing State regulatory agencies to have developed, at no cost to the operator, some of the hydrologic and geologic information necessary for mine permit applications. Small operators also were to comply with interim standards within 9 months of enactment.

H7583 The Senate bill provided this same authority concerning hydrologic and

geologic data as well as granting a 24-month period for complying with interim standards.

H7583 The conferees agreed that some small operators be given some additional time 9 months, for compliance with all of the interim program. However, this extension of time does not apply to the interim provisions pertaining to spoil handling and operators are prevented from continuing to push spoil downslope below the mine bench during the interim program.

H7583 Retaining the downslope spoil prohibition provision and requiring all operators to comply with it within 9 months after the date of enactment will substantially reduce the environmental impacts from mountain strip mining Siltation, landslides, unstable slopes - all of these impacts of present mining will be mitigated. If the operator can not push the spoil over the mountain edge, he will have to transport it laterally along the mine bench. This may require significantly more energy and equipment and thus the operator will probably tend to backfill the material immediately adjacent to where he is removing the coal. This should result in backfilling the highwall.

{H7584} I further understand that the small miner exemption in section 502(c) may be interpreted by some as a potentially broader exemption than was contemplated during the conference markup.

H7584 The exemption states, in part, the following:

H7584 Provided, however, That surface coal mining operations in operation pursuant to a permit issued by a State before the date of enactment of this Act, issued to a person as defined in section 701(19) in existence prior to May 2, 1977 and operated by a person whose total annual production of coal from surface and underground coal mining operations does not exceed one hundred thousand tons. . . .

H7584 "Person," as defined in the report, means "an individual, partnership, association, society, joint stock company, firm, company, corporation, or other business organization."

H7584 Therefore, a "person" may have five coal companies under his ownership, or control five corporations, each producing 90,000 tons of coal each. The aggregate total of coal produced by that "person" may be 450,000 tons annually, but each company - the definition of "person" - produced less than 100,000 tons, and is exempted.

H7584 In the case of providing an exemption from requirements set forth in the interim program, the term "person" is not taken to mean a coal company but refers, instead, to an individual who owns or controls or has controlling

interest in coal mining operations whose aggregate production does not exceed 100,000 tons of coal annually. I realize that an individual may control more than one coal company and still be producing less than 100,000 tons. He would be considered a small operator whom the conferees intended to help by providing additional time in which to come into compliance. However, those persons whose coal companies produce an aggregate of more than 100,000 tons would not have the right to such an exemption.

H7584 The conferees deliberated this provision and adopted it with some reluctance among the House conferees. The debate was always focused on small operators which Senator FORD reminded us, would suffer hardships if the compliance deadline were not extended. However, small operators were looked upon as individuals who have invested their life savings in mining equipment in order to open a small mine or several small mines to produce coal. It was never intended that this exemption apply to individuals who own more than one company or control or have controlling interest in more than one company if the aggregate production from all those companies exceeded 100,000 tons annually. That individual would not qualify for an exemption under this act.

H7584 The production must be combined, regardless of the business forms an operator chooses. If, for example, an individual owns or controls corporation A, which, in turn, owns or controls corporation C and corporation D, their separate production must be combined; and if together they produce more than 100,000 tons, none of the three corporations, or the individual, are entitled to the exemption.

H7584 There are many combinations and permutations of ownership and control: part ownership, partnership and joint ventures. In this area of concern, we expect the Secretary, as we stated in the conference report, to adopt regulations for the qualification of small operators based on the principal of tracing the patterns of ownership, control or corporate relationship to insure that only genuinely independent operators whose total production is under 100,000 tons annually, are qualified.

H7584 VARIANCE TO APPROXIMATE ORIGINAL CONTOUR

H7584 Both the House and Senate bills provided for regarding to approximate original contour including the complete backfilling of the highwall.

H7584 The Senate bill however provided a variance to the approximate original contour and backfilling highwalls completely for a wide range of post

mining land uses. In addition, if "sound engineering technology" indicated that the highwall cannot be completely backfilled, then the operator would have been required to reduce the highwall to the maximum extent consistent with "sound engineering technology" and develop a revegetation plan that is "reasonably calculated" to screen the remaining highwall within 5 years.

H7584 The conference report includes a modified variance to the approximate original contour standard which, requires however that in every instance all highwalls are to be completely backfilled. This amounts to a variance from the "configuration" aspects of the approximate original contour regrading standard. This gives an opportunity for a potential range of postmining land uses from those operations which would result in a very wide bench accommodating both the stable and complete backfilling of the highwall as well as additional areas for the planned land uses. This variance however is only for developed land uses such as industrial, residential or commercial sites. Agricultural, open space and similar types of land uses do not qualify. This variance procedure in section 515(e) contemplates only one variance procedure for the entire subsection which is conditioned by the constraints discussed above including the complete backfilling of all highwalls.

H7584 SPOIL ON THE DOWNSLOPE

H7584 The Senate amendment to H.R. 2 contained the provision from H.R. 25 pertaining to spoil placement downslope from the bench on steep slope mining operations, S. 7 stated that -

H7584 . . . no debris, abandoned or disabled equipment, spoil material, or waste mineral matter be placed on the downslope below the bench or mining cut, except that where necessary soil or spoil material from the initial block or short linear cut of earth necessary to obtain initial access to the coal seam in a new surface coal mining operation can be placed on a limited and specified area of the downslope below the initial cut if the permittee demonstrates that such soil or spoil material will not slide and that the other requirements of this subsection can still be met.

H7584 In consideration of H.R. 2 at the committee level the House modified this provision by deleting the capability of placing spoil from the initial short cut below the bench and the H.R. 2 provision reads as such:

H7584 (1) Insure that when performing surface coal mining on steep slopes, no debris, abandoned or disabled equipment, spoil material or waste mineral

matter be placed on the downslope below the bench or mining cut: Provided, That spoil material in excess of that required for the reconstruction of the approximate original contour under the provisions of paragraph 515(b) (3) or 515(d) (2) or excess spoil from a surface coal mining operation under subsection 515(c) may be permanently stored pursuant to section 515(b) (11).

H7584 The committee noted that downslope spoil placement is one of the major sources and causes of landslides, siltation, erosion and unstable fill areas.

H7584 Since the committee adopted specific standards pertaining to surplus spoil disposal it was decided that these standards would apply to all spoil that was not to be kept on the mine bench. It should be noted that the surplus spoil disposal standards do not allow the dumping or pushing of spoil downslope of the bench. These standards require controlled placement of the spoil. Spoil must be transported - hauled by truck or other vehicle - placed and compacted at the exact location of its permanent disposal. This controlled placement concept is essential to the long term stability of the spoil.

H7584 The conferees adopted the House approach with strengthening amendments, specifically rejecting the approach in S. 7.

H7584 I, nor did the other conferees, intend that this provision be used or interpreted to allow the continuation of dumping spoil downslope below the mountain mine bench. Suitable disposal areas must be found. It would seem that solid portions of old mine benches would be most suitable since they would offer the best foundation for stability. Basic to the bill though is the understanding that if the environmental protection standards cannot be met in one site, then mining should be shifted to sites where such standards can be met.

H7584 Let me include here as part of my remarks the following summary of the bill as approved in conference:

H7584 SUMMARY OF H.R. 2 - SURFACE MINING CONTROL AND RECLAMATION ACT OF 1977
TITLE I - STATEMENTS OF FINDINGS AND POLICY

H7584 This title sets forth a number of the principles upon which the bill is based.

H7584 TITLE II - OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT

H7584 This title establishes a special Office in the Department of Interior with the responsibility of implementing the regulatory and reclamation program provisions of the bill.

H7584 TITLE III - STATE MINING AND MINERAL RESOURCES AND RESEARCH INSTITUTES

H7584 This title establishes an eight year program for funding mineral resource research institutes at a number of qualified public colleges or universities. The training of mineral engineers and scientists are the primary purposes of the Institutes and the research funded by the program complements this activity. Funds are provided on a matching basis for establishing and supporting the institutes. Research funds are also provided in addition to these institutional support grants.

{H7585} TITLE IV - ABANDONED MINE RECLAMATION

H7585 This title creates a mined land reclamation program. Funds for this program are derived from a reclamation fee on every ton of coal produced starting upon enactment of the legislation. The fee is 35c/ton for surface mined coal; 15c/ton for underground mine coal; and the lesser of 10c/ton or 2% of the value of lignite mined in any way.

H7585 Lands eligible for reclamation are those mined for coal and inadequately reclaimed prior to the date of enactment and for which there is no continuing legal responsibility for reclamation. Waters impacted by such mining are also eligible. After coal mined lands have been reclaimed in a state, some of those funds can be used for reclamation of non-coal mined lands. Funding of energy development impact assistance is subsequently possible, but this is discretionary on the part of the Secretary and also would depend on the availability of other funds to meet the impacts. Thus, coal mined lands in any state are eligible. Non-coal mined lands are eligible only in states where reclamation fee revenues are being derived.

H7585 States may develop their own reclamation program and when approved by the Secretary 50 percent of the funds resulting from the fee derived in that state will be allocated to that state for its program. State programs are only funded if the state has an approved permanent regulatory program for active surface coal mine operations (Title V).

H7585 The Secretary of Interior is to administer the balance of the program and direct funds to areas of greatest concern or need. These reclamation projects can be funded directly by the Secretary or as a supplement to an approved state program.

H7585 The Secretary of Agriculture is provided a rural lands program. Up to 20 percent of the total funds generated by the fee can be allocated to this program.

H7585 Both private and public lands can be reclaimed, however expenditures on private lands under the Interior and state programs will result in a lien on the property for the increased value due to reclamation expenditures. Liens are to be payable to the federal reclamation fund.

H7585 Indian tribes have the same status as do states in programs authorized by this title.

H7585 TITLE V - CONTROL OF THE ENVIRONMENTAL IMPACTS OF SURFACE COAL MINING

H7585 This title establishes a program administered by the Secretary of Interior and the several states to regulate surface coal mining and the surface impacts of underground coal mines in an environmentally acceptable fashion.

H7585 An interim program is provided which addresses the most critical environmental problems and includes standards on: planning; regarding to approximate original contour; prohibition of pushing spoil downslope below the mine bench; hydrology; blasting; top soil segregation; and revegetation. These standards apply to all new mines six months after the date of enactment. Small operators (up to 100,000 tons/yr from all coal operations) may be extended an additional nine months for compliance on existing permits depending upon state law, with the exception of the prohibition of dumping spoil downslope. Enforcement during the interim program is by both state and federal officials. Federal inspections of each mine are at least once every six months or when otherwise triggered by successive violations during state inspections or by citizen request.

H7585 States are encouraged to develop a permanent regulatory program within 24 to 30 months containing at a minimum all of the environmental standards and other provisions of this title. Such a program would include specifications for: application for mining permit; reclamation plan requirements; criteria and authority for permit approval or denial; environmental protection standards; inspections and monitoring; penalties; bonding and phased release of bonds and operator liability; enforcement; administrative and judicial review; public notice and hearings; citizen suits; and authority to designate areas unsuitable

for mining. The detailed environmental protection standards include:
planning
criteria; post-mining land use specifications; regarding to approximate
original
contour; complete and stable backfilling of all highwalls; top soil
segregation;
soil reconstruction of highly productive soils; engineering criteria for
impoundments; controls on auger mining; full protection of surface and
subsurface waters; surface disposal of mine water; regulation of surface and
underground mines in close proximity; blasting controls; access roads;
revegetation and differing periods for operator responsibility; surplus spoil
disposal; protection of fish and wildlife resources; and control of
mountaintop
and contour mining. The standards also apply to the surface impacts of
underground mines with appropriate modifications to assure compatibility with
the protection of the health and safety of underground miners.

H7585 Citizen participation

H7585 The procedures and processes established by H.R. 2 include citizen
participation in every major step and such citizen involvement is essential
to
the successful implementation of this Act. Major citizen participation
provisions include: participation in the development regulations for the
interim
and permanent programs participation in the permit approval or denial process
as
well as the reclamation review and bond release activities; participation in
enforcement of the environmental protection provisions during the interim and
permanent programs; and participation in citizen suit activities if
necessary.

H7585 This title also includes authority for a Federal lands program
which
makes the provisions of this Act applicable to all Federal lands.

H7585 TITLE VI - DESIGNATION OF LANDS UNSUITABLE FOR NON-COAL MINING

H7585 This title provides authority to the Secretary of Interior for the
designation of some Federal lands as unsuitable for all or certain types of
mining. This designation of authority is provided in order to protect
existing
surface uses and values pertaining to residential and related purposes.
Procedures concerning the development of information, hearings, designation,
and
appeals are provided. The designation process can be initiated by the
Secretary, requested by a Governor or triggered by a citizen with submission
of
a factual petition.

H7585 TITLE VII - ADMINISTRATIVE AND MISCELLANEOUS PROVISIONS

H7585 This title includes a number of items such as: definitions,
relation
to other Federal laws, employee protection, research studies, authorization
for
appropriations, Indian lands authorities; experimental practices; and surface

owner protection.

H7585 Authorization for the administration of the regulatory program includes: reprogramming up to \$2 million for the current fiscal year; \$3 0 million for flscal year 1978; \$4 0 million for fiscal year 1979 and 1980 and whatever funds are needed in subsequent years. In addition, \$1 0 million is provided for developing hydrologic and geologic data to be used in mine applications by small mine operators.

H7585 The Indian lands program includes a study of the jurisdictional and administrative problems of implementing a full regulatory program on such lands.

However, the environmental standards identified in the interim program in Title

V apply to surface coal mine operations on Indian lands during the conduct of the study.

H7585 Surface owner consent for strip mining is required prior to additional leasing of federal coal if the surface is in private ownership and the owner qualifies since his principal source of income is from agricultural use of the land.

H7585 TITLE VIII - UNIVERSITY COAL RESEARCH LABORATORIES

H7585 This title authorizes the creation of 10 coal research laboratories, one in each of the major coal provinces. Research projects at these laboratories are to focus on the development of coal resources, coal conversion and related environmental problems. Authorizations include u to \$5 .5 million to establish each laboratory (facility construction and equipment) and \$7 .5 million for research. This program is administered by ERDA.

H7585 TITLE IX - ENERGY RESOURCE GRADUATE FELLOWSHIPS

H7585 This title establishes a fellowship and research program in applied science and engineering related to the production, conservation and utilization

of fuels and energy. Up to 1,000 fellowships per year for FY '78 through FY '83

are authorized. Fellowships may be for a two-year period. Allowances to both the

school and the applicant are provided. Annual authorizations are set at \$11 million. This program is administered by ERDA.

H7585 This title also includes a program for research and demonstration of

alternative coal mining technologies which will also result in reduced environmental impacts. Both surface and underground technologies are included.

This is a five-year program, administered by the Secretary of Interior, funded

at \$35 million per year.

H7585 SUMMARY OF PROVISIONS TO PROTECT PRIME FARMLANDS, H.R. 2

H7585 Mine Application Requirements: Sec. 507(b) (16).

H7585 This provision requires that the applicant conduct a reconnaissance of the area to be included in the application and if such inspection suggests the existence of prime farmlands, then a detailed soil survey must be conducted to confirm the exact location of such lands.

H7585 Mine Reclamation Plan Requirements: Sec. 508(b) (5).

H7585 This provision states that the reclamation plan must contain a plan for the soil reconstruction, replacement and stabilization of prime farmlands.

H7585 Permit Approval or Denial: Sec. 510(d).

H7585 This provision pertains only to permits issued after the date of enactment for new mining operations. The provision states that if the application contains prime farmlands, then the permit can only be granted if the regulatory authority finds in writing that the operator has the technical capability to restore such mined areas, within a reasonable time, to equivalent or higher levels of yield as non-mined prime farmlands in the surrounding area and can meet the soil reconstruction standards of the Act. This is in addition to the more general tests in Sec. 510(b) which also require that the operator can "affirmatively demonstrate" that the reclamation required by this Act can be accomplished.

H7585 Environmental Protection Performance Standards: Sec. 515(b) (7).

H7585 These provisions specify:

H7585 (a) segregation of A horizon and stockpile separately and protect from erosion;

H7585 (b) segregaton of B horizon, or combinations of the B and C horizons, so that sufficient subsoil is available to create in regraded areas a root zone comparable in depth and quality to pre-mine conditions. This must also be stockpiled separately to protect against erosion.

{H7586} (c) replace seperately the root zone material and top soil with appropriate degrees of compaction to meet pre-mining conditions.

H7586 (d) if the applicant can show that other material from the mine operation is more suitable for the soil reconstruction and meeting the various

tests including that of productivity. then the regulatory authority may allow such a substitution.

H7586 Release of Performance Bonds: Sec. 519(c) (2)

H7586 This provision specifies that the remaining portion of the performance bond cannot be released until soil productivity for prime farmlands has returned to equivalent levels of yield as comparable non-mined farmlands in the same area under equivalent levels of management practices.

H7586 ROLE OF SECRETARY OF AGRICULTURE

H7586 The Secretary of Agriculture is to establish standards for the soil survey required in Sec. 507. The rules and regulations issued by the Secretary of Interior concerning Sec. 510 and 515 will include the Secretary of Agriculture's concerns with respect to prime land protection provisions.

H7586 The Secretary of Agriculture is to publish in the Federal Register the definition of prime farmlands as required in Sec. 701(20) of H.R. 2.

H7586 ADDITIONAL LEGISLATIVE HISTORY

H7586 The Conferees have reduced some of the administrative burdens on the regulatory authority in H.R. 2. Mandatory public hearings are no longer required for every single permit, or for every frivolous or whimsical objection. Informal conferences may now be held when requested by interested parties who have filed written objections. This procedure does not prejudice the appeals or hearings rights of any objector. The informal conference procedure contemplated by the Conferees is not intended to be a private, closed-door "back room meeting", but rather a serious public forum, similar to Congressional hearings with full notification accorded the public, which addresses all objections and questions, and whose proceedings are recorded and made an open public record. This compromise takes away the expense and overkill of a public hearing at every turn, but preserves the rights of objectors and retains a necessary forum for public involvement.

H7586 Another point should be made about the nature of the public hearings pursuant to 521(a) (5) in or near the mine after the issuance of a cessation order and this public hearings' relationship to the formal adjudicatory "public hearing" to which the operator is entitled. The public hearing provided for in 521(a) (5) may be an informal hearing akin to a management review by an

inspector's supervisor of the order closing part or all of the mine. Section 525(b) provides for a formal adjudicatory hearing and a final Secretarial decision within 30 days of receipt of the application for review where the appeal is from a cessation order. This right makes a formal mine-site review clearly unnecessary. I might add that it was our intent in adjusting the various hearing requirements in conference that the regulatory authority have the flexibility to structure the hearing procedures to provide for less formality than formal adjudication unless the Act specifically requires such formal adjudication.

H7586 A question has been raised about possible overlap between Sec. 515 performance standards, which are a part of the interim program, and performance standards which are only part of the permanent program. A specific example is whether the bill requires the Secretary of Interior to deal with the hydrologic consequences of roads on the mine site, a source of serious disturbance to the hydrologic balance, in the interim program under Sec. 515(b)(10) even though the more extensive regulations dealing with roads in Sec. 15(b)(17) and (18) are only part of the permanent program.

H7586 The answer is that Sections 501 and 502 were designed to expedite the issuance of regulations during the "interim period" to control the more serious, adverse, environmental impacts of mining, both deep and surface. These impacts may fall into more than one of the categories we have established in Sec. 515(b). Thus, there may be overlap between standards in the interim program and those in the permanent program. In the case of such overlap we expect the Secretary of Interior to implement fully the interim standards, regardless of whether by doing so the interim regulations have an impact on areas of concern reserved for the permanent program. The example I gave is appropriate. It will be necessary for the Secretary to address the hydrologic impacts of access and haul roads and any other activity associated with mining in the context of Sec. 515(b)(10) in the interim program.

H7586 As the House knows, H.R. 2 in this Conference Report addresses the surface impacts of underground mining and the interim program applies to surface impacts of underground mining in States that regulate any such impact. Section 502 requires compliance with the interim regulations by "coal surface mining operations" which is defined to include the surface impacts of underground mining. If a State presently regulates any surface impact of underground mining, then the interim regulation adopted under Sec. 501 and the program under Sec. 502 would apply in that State.

H7586 I should also mention the concept of State-Federal cooperation has

been basic to the entire bill throughout the legislative history. We expect full cooperation from the implementation of the interim program through the permanent program and this cooperation may well take many forms. I expect the States and the Secretary will exchange information, inspectoin reports and share those administrative services, such as aircraft or aspects of program implementation where legal and appropriate.

H7586 I reserve the balance of my time.

H7586 Mr. BAUMAN. Mr. Speaker, I yield myself such time as I may consume.

H7586 Mr. Speaker, today marks the final step in what has been a long struggle for the proponents of this all-too-familiar piece of Federal strip mine legislation. It has been long because it has taken nearly 7 years and costly because it has already cost the American taxpayer over \$1 50,000 in printing costs alone during this time. The cost to the American taxpayer, however, is not over but instead is just beginning.

H7586 I have been asked whether this bill is indeed better than its predecessors. I have to respond that several improvements have been made since this bill's introduction at the beginning of this Congress. Some of these improvements have made it less onerous. However, I remain convinced that this bill will undoubtedly violate States' rights, destroy many small businesses, invite endless litigation, increase the Federal bureaucracy many times over, increase consumer electric costs, and in the short-term will bring about a reduction in coal production as well as employment.

H7586 The proponents of this measure have in the past, and continue to do so even today, taken exception to the potential adverse impacts of this type of Federal legislation. For example, they would argue that this bill will create a net increase in jobs.

H7586 I doubt that this is true but one should look closely at the type of jobs that will be created. First, because of the numerous regulations that will be promulgated, an army of Federal bureaucrats will be employed for the purpose of drafting these regulations.

H7586 Second, the bill requires Fedreal inspections of surface mining operations wherever they occur. Keep in mind that these inspections will require the hiring of new Federal inspectors that will be in addition to the 1,500 Federal inspectors presently employed by the Mining Enforcement and Safety Administration.

H7586 Third, the abandoned mine reclamation program provided for in this

bill will be carried out by the U.S. Corps of Engineers and require the hiring of even more Federal employees. The estimated cost of this modest project will range from a low of \$7 billion up to a high of \$10 billion. The funds for accomplishing this project will be derived from a fee levied on every ton of coal produced in the United States. The reclamation fee along with the other costs imposed by this bill will be borne by the coal producers who will then pass them along to the electric utility companies who will ultimately pass them on to the individual consumer.

H7586 Fourth, the Secretary of Agriculture, through the Soil Conservation Service, will have the responsibility of implementing the rural lands program as provided for in this bill. Thus, more Federal bureaucrats will have to be employed to accomplish this program.

H7586 Last, but not least, are the Federal bureaucrats that will be employed to staff the new Office of Surface Mining Reclamation and Enforcement in the Department of the Interior. This will include not only those actually based in the Interior Department but the vast number that will be located in its regional, district, and field office tentacles throughout the United States. So again I would say to the American taxpayer - the cost to you is just beginning.

H7586 To the small coal mine operator and his family I would simply say that when you lose your present job, do not despair because you may qualify for one of the new Government jobs created by this measure.

H7586 To the members of OPEC, the unidentified absentee cosponsors of this measure, I would simply say - keep those oil tankers coming. This will certainly be necessary in the short-term as a result of production losses inherent in this bill.

H7586 The proponents of this measure also argue that there will be no losses in production but the ICF, Inc., report of January 24 tells us that there probably will be significant losses in production as well as future coal reserves. ICF predicted that an immediate coal production loss of 54 million tons in Appalachia along assuming the increased reclamation costs this bill imposes. Furthermore, the ICF report projects that Federal coal reserves on the order of magnitude of 800 million to 8 1/2 billion tons may be removed from future production by the surface owner consent provision of this bill alone. Significant losses are likely to result from the citizen suits provision, the provision for designating lands unsuitable for surface coal mining, the steep slopes provision, and the losses that are likely to result from litigation that

will be necessary to resolve the numerous ambiguous features of this bill.

{H7587} In a recent draft analysis of the proposed national energy plan prepared by the Office of Technology Assessment, the statement is made:

H7587 The Plan's goal of expanded coal use is not likely to be reached. Utilities and industries are not likely to convert to coal to the extent the Plan expects because of stringent environmental standards, and uncertainties about the reliability of pollution-control equipment.

H7587 I believe that if the provisions of this bill were factored into the analysis of the national energy plan, the OTA would agree that the goal of expanded coal use will not be met.

H7587 When all these factors are considered objectively, how can any of us return home and explain that we voted in favor of a bill that will severely hamper coal production and will remove billions of tons of coal from ever being mined? This would be sheer hypocrisy and your constituents who need heat, light, and jobs, I believe will share my view.

H7587 Make no mistake, I want to protect the environment as I know all conscientious Americans want to do. In the absence of this bill, strip mining will still have to take that proper and important concern into full account because of existing Federal and State law. I urge my colleagues to join me in voting against this measure.

H7587 I include at this point in my remarks a statement from the American Mining Congress and the National Coal Association.

H7587 [Mailgram]

H7587 MIDDLETOWN, VA., July 20, 1977. Hon. ROBERT E. BAUMAN, House Office Building, Washington, D.C.

H7587 Many Members of the House and Senate labored long and hard in trying to produce a workable surface mining bill. Clearly the diligent and untiring efforts of Members of both Houses to obtain a workable formula are deserving of high commendation.

H7587 The American Mining Congress and the National Coal Association continue to have serious doubts as to the need for Federal legislation, because the States are doing the job. Thirty-eight States have moved aggressively to insure that surface mining is done in an environmentally sound fashion, and existing Federal regulations cover Federal lands, so that virtually all surface coal mining is currently regulated for reclamation.

H7587 The differences between the States and their regulatory formulas are proper and are consistent with the differences between the mining circumstances found in the various States.

H7587 We continue in the view that the States are and remain the logical place for the administration of a workable surface mining formula which will help insure the availability of the coal, meet the needs of the differing climate, terrain, and geology of the coal mining areas, and help prevent the imposition of unnecessary restrictions without significant environmental benefit.

H7587 Despite the labors of both the House and the Senate to come up with a bill that is workable within the 50 States, the result has been legislation which still contains prohibitions in the guise of regulation. The Federal formula is not workable in the 50 States and the prohibitory provisions coupled with the invitation for unlimited litigation and the opportunity for bureaucratic stagnation will seriously impair the industry's ability to provide the increased coal production which the Carter administration has asked the coal industry to produce.

H7587 It is the belief of the National Coal Association and the American Mining Congress that this surface mining legislation and the regulations to be promulgated thereunder, together with the constraints of the Clean Air Act will seriously jeopardize this Nation's ability to achieve its energy objectives.

H7587 We are, therefore, impelled to urge you to vote to reject the conference report on H.R. 2, the Surface Mining and Reclamation Act of 1977.

H7587 J. ALLEN OVERTON, Jr., President, American Mining Congress.

H7587 CARL E. BAGGE, President, National Coal Association.

H7587 Mr. UDALL. Mr. Speaker, I yield to the distinguished gentleman from Ohio (Mr. SEIBERLING) 2 minutes.

H7587 Mr. SEIBERLING. Mr. Speaker, I thank the gentleman from Arizona for yielding.

H7587 Mr. Speaker, I would like to congratulate the chairman of the Interior and Insular Affairs Committee, who also acted as chairman of the conference on this bill. It has been a real privilege to work with him over the long years it took to get a meaningful, workable strip mining law. His leadership, skill, and patience through numerous hearings, markup sessions, two Presidential vetoes,

and three House-Senate conferences are finally bearing fruit in an outstanding piece of legislation. While it represents the collective effort of many people, if it is a monument to any one person, that person is the gentleman from Arizona, our distinguished colleague, Mo UDALL.

H7587 Mr. Speaker, I would like to address a question to the gentleman from Arizona to clarify what I believe could be a misleading impression created by the explanatory statement accompanying the conference report.

H7587 Subsection 510(b)(6) of the bill contains an important provision covering situations where land is in private ownership but the surface is owned by one person and the subsurface coal is owned by another. In many cases, subsurface rights were purchased for a pittance, generations ago, when strip mining of coal was hardly known. The result has been much injustice, hardship, and inequity to the owners of the surface, who have been ousted from their farms or homes and their land laid waste by huge earthmovers. Many others have found themselves unable to sell land on which they have paid taxes over the years.

H7587 Let me quote from a letter I received from a resident of Stoney Fork, Ky., shortly after the conference committee completed its work. It graphically illustrates the kind of situation that has arisen for hundreds of small property owners:

H7587 DEAR SIR: I wholeheartedly applaud your stand on the "Broad-Form" deed issue.

H7587 We have some property in Harlan Co. Ky. that's been in my family since 1853, through grants from the then governor. Unfortunately, great grandfather sold the mineral rights around 1897.

H7587 That old deed didn't mean much up until recently and now we find ourselves in the strange position of owning a few hundred acres of land that we've paid our taxes on (I don't think the mineral owners have ever paid any) and yet we find that we don't really "own" it; we are afraid to improve any part of the land or build a house since you never know which way the bulldozer might come.

H7587 We have a housing shortage in Harlan Co. but I can't sell anybody a house seat, they too are afraid of the uncertain future under the broad-form deed.

H7587 I just hope and pray that enough of your honorable colleagues will

understand the logic you are trying to establish. We will in the meantime continue to pay our property taxes and hope that the rights of the surface owner are made equal to the rights of the mineral owner prior to the coming of the bulldozer. Best regards.

H7587 To remedy this kind of situation, I offered the amendment that was incorporated in the House version of section 510 (b) (6), the purpose being to require the owner of the subsurface coal, before he could get a permit to strip mine, to show that he had the express written consent of the surface owner or an instrument clearly evidencing that the deed under which he owned the coal was intended to permit mining of it by the strip-mining method.

H7587 In the conference, I agreed, after considerable debate, to modify subparagraph (C) of this subsection to incorporate the language shown on page 42 of the conference report which reads as follows:

H7587 (C) if the conveyance does not expressly grant the right to extract coal by surface mining methods, the surface-subsurface legal relationship shall be determined in accordance with State law.

H7587 I understand this to mean that conveyance will be construed in accordance with State law. However, the explanatory statement on page 106 of the conference report does not follow the terminology of the bill. Rather, it states that in such cases, "the determination of whether or not the private mineral estate owner or a successor-in-interest has the right to mine the coal by surface methods shall be made in accordance with applicable State law."

H7587 By not mentioning the word "conveyance," the explanatory statement places an unfortunate gloss on the language of the bill and implies that the right to mine by the subsurface method need not be based on the construction of the conveyance but only on the general law of the State. While the conferees did not intend to override State law as to the effect of such instruments, I believe that they did intend to require a showing that there is a deed or other instrument of conveyance and that, under the applicable State law, it is construed to authorize surface mining.

H7587 Does the chairman agree with my statement of the intention of the conferees on this point?

H7587 As pointed out by Justice Stephenson in a concurring opinion, the court's decision constituted a basic departure from an earlier Kentucky Supreme Court ruling, *Buchanan v. Watson*, 290 S.W. 2d 40 (1956), even though the decision did not formally overrule the *Buchanan* case. Justice Stephenson states that *Buchanan* was part of a line of cases basing the right to surface mine on a

doctrine of dominance of the subsurface or mineral estate. He states, "Buchanan clearly holds that if strip mining is the only feasible means of removing the coal, then the mineral owner has the right to strip unless the mineral deed prohibits strip mining." 540 S.W. 2d 861 at page 865.

{H7588} } It is apparent, in view of the conflicting approaches exemplified in these Kentucky Supreme Court opinions, that the language on page 106 of the explanatory statement, if construed so as to refer to general State law rather than to the State law governing mineral conveyances, might, in some cases, make a significant difference. That is why I feel it important to point out that the intent of the conferees was more precise than the language of the explanatory statement seems to imply.

H7588 (Mr. SEIBERLING asked and was given permission to revise and extend his remarks.)

H7588 Mr. UDALL. Mr. Speaker, I yield 2 minutes to the gentleman from Nevada (Mr. SANTINI).

H7588 Mr. SANTINI. Mr. Speaker, the principal virtue of my observation will be brevity; but I would like to engage the chairman of the full committee in colloquy.

H7588 I should like to inquire of the chairman of the House committee whether the conferees' version of the surface owner consent provision, which is section 714, has any effect on the right of the holder of a prospecting permit to the issuance of a Federal coal lease by the Secretary.

H7588 Mr. UDALL. Mr. Speaker, my answer, if the gentleman will yield, is that it does not. As the gentleman no doubt is aware, in amending the Mineral Leasing Act last year by the Coal Leasing Act amendments. Congress put an end to the prospecting permit system which had obtained under section 2(b) of the Mineral Leasing Act of 1920. One who has obtained such a permit was, as the law read prior to its amendment, "entitled to a lease" if he found coal in commercial quantities within the limits of the permit area and during the permit's life. In terminating that system by amending section 2(b) of the Mineral Leasing Act, Congress preserved "valid existing rights" that might have arisen under then outstanding permits.

H7588 In reporting out H.R. 25 in the 94th Congress, the strip mine bill which President Ford vetoed and which we fell only 3 votes short of overriding,

our committee stated in its report (H.Rept. 94-45) at page 123, that the surface owner consent provision was not intended to deprive the prospecting permittee of any property right if such right existed as a matter of fact and of law.

H7588 The surface owner consent provision adopted by the House in H.R. 2 was, in that respect, unchanged. The conferees' version likewise effected no change in that aspect, but deals solely with the offering of Federal coal for lease, in circumstances where the prospecting permits, to the extent that they did confer rights under the old system, are not involved.

H7588 Mr. SANTINI. I thank the distinguished chairman for his explanation.

H7588 Mr. UDALL. Mr. Speaker, I yield 2 minutes to the gentleman from West Virginia (Mr. RAHALL), who played a very important part in this legislation and really distinguished himself and who is a member of the conference committee.

H7588 (Mr. RAHALL asked and was given permission to revise and extend his remarks.)

H7588 Mr. RAHALL. Mr. Speaker, since the conferees completed consideration of H.R. 2 on June 30 and the subsequent filing of the conference report on July 12, several mining industry newsletters have summarized the resolution of the differences which existed between the two bills.

H7588 While much of this reporting is accurate and credit is due the compilers of the newsletters, it is difficult to accurately report on each and every provision without the benefit of having the printed conference report at hand.

H7588 In one instance, both the newsletters of the major mining associations erroneously described the substance of the conference report provision pertaining to reclamation and backfilling of highwalls. Both newsletters reported that in instances when postmining land uses are to be residential, commercial, industrial or recreational that "highwalls must be reduced to the maximum extent consistent with sound engineering technology."

H7588 This is just not the case. The conference report provides that a variance to the concept of "approximate original contour" may be granted but even in these instances all highwalls must be completely backfilled in every instance. As discussed in the joint explanatory statement of the committee: "This gives an opportunity for a broad range of postmining land uses on those operations which would result in a very wide bench accommodating both the stable and complete backfilling of the highwall as well as additional areas for planned land uses."

H7588 The joint statement further went on to state, "conferees did not adopt the 'sound engineering technology' provision of S. 7." Thus the reference to and intent of the provision in the Senate bill and reportedly included in the conference report, was in fact specifically rejected by the conferees.

H7588 Mr. SEIBERLING. Mr. Speaker, will the gentleman yield?

H7588 Mr. RAHALL. I yield to the gentleman from Ohio.

H7588 Mr. SEIBERLING. Mr. Speaker, I would just like to say that even though he was a new member of the committee and a new member of the conference, the gentleman from West Virginia made some very, very excellent contributions to our deliberations and to our work, and added a great deal to our success in developing a workable bill. I appreciate very much the help he gave us.

H7588 Mr. RAHALL. I thank the gentleman from Ohio, and commend him for his excellent work.

H7588 Mr. UDALL. Mr. Speaker, will the gentleman yield?

H7588 Mr. RAHALL. I yield to the gentleman from Arizona.

H7588 Mr. UDALL. Mr. Speaker, I want to associate myself with the remarks the gentleman from Ohio (Mr. SEIBERLING) just made.

H7588 Mr. Speaker, I yield 2 minutes to the gentleman from Massachusetts (Mr. TSONGAS), also a member of the conference committee.

H7588 (Mr. TSONGAS asked and was given permission to revise and extend his remarks.)

H7588 Mr. TSONGAS. Mr. Speaker, I would like to address the chairman of the full committee.

H7588 As a member of the conference committee responsible for H.R. 2, I would like to make some additional and clarifying remarks pertaining to H.R. 2 and the accompanying managers statement.

H7588 The conference provision for evaluating operator capability for mining in prime farmland areas is a good provision. The final language for this provision was subject to much careful debate during conference. It was certainly contemplated by the conferees, as indicated in the managers statement, that the regulatory authority would play a crucial role in evaluating whether a

particular operator had the technological capability to restore prime farmlands to their full productive potential. The decision of the regulatory authority in making its determination in regard to this provision was never contemplated by the conferees to be a discretionary or arbitrary evaluation, but rather, one founded on fact, past operator performance, and existing agricultural studies, data, and experimentation - all of which clearly support, and provide the factual basis for a positive written finding.

H7588 The "expert opinion of the regulatory authority" indicated in the managers report, and the written finding required of the regulatory authority, are those formulated and founded upon the expert, substantive information and fact relevant to the question of a technological capability to restore prime farmland. And, as indicated in the managers statement, "This does not mean that mining and restoration must have taken place in the surrounding area, but simply that the operator show" - and I might add, that the regulatory authority affirmatively find in writing - "by agricultural school studies, or other data for comparable areas, that equivalent levels of yield can be obtained after mining."

H7588 A second point of clarification pertains to the prime farmlands grandfather provision. While the conferees agreed "to assure continued operation of ongoing mines" by exempting "permits issued prior to the date of enactment of this Act. . . . revisions or renewals thereof, or . . . existing surface mining operations for which a permit was issued prior to the date of enactment of this Act . . . ", the conferees never contemplated that such grandfathered operations would be given the right of contiguous or noncontiguous expansions that were not specified or authorized in the originally approved and grandfathered permits. If such were the intent of the conferees, they would have included and enumerated such operations in section 506(d)(2) of H.R. 2. No such action was ever taken by the conferees. In addition, ancillary permits - those not pertaining to the actual approval and beginning of the mining activity itself - were not specified in either the conference or managers report port as being included under this grandfather proviso.

{H7589} Mr. UDALL. I believe your understanding is correct and is also shared by the majority of House conferees. The conference report is clear on this matter and the explanatory statement on the part of the managers is accurate.

H7589 The exclusion pertains to existing mines, permits or renewals thereof

after the date of enactment. This so-called "grandfather" is different than the one conferees adopted for mining on alluvial valley floors.

H7589 Mr. TSONGAS. I thank the gentleman.

H7589 Mr. UDALL. Mr. Speaker, I have no further requests for time.

H7589 Mr. BAUMAN. Mr. Speaker, I yield 2 minutes to the gentleman from Idaho (Mr. SYMMS).

H7589 (Mr. SYMMS asked and was given permission to revise and extend his remarks.)

H7589 [Mr. SYMMS addressed the Committee. His remarks will appear hereafter in the Extensions of Remarks.]

H7589 Mr. BAUMAN. Mr. Speaker, I yield 5 minutes to the gentleman from Virginia (Mr. WAMPLER).

H7589 Mr. WAMPLER. Mr. Speaker, I rise in opposition to the conference report on H.R. 2, the Surface Mining Control and Reclamation Act of 1977. Acceptance of this proposal will take hundreds of thousands of tons of readily available coal out of our energy supply and fossil fuel inventory. I cannot understand how, in all good conscience, we can take such action at this critical point in our Nation's need for energy and the fuel to supply this need.

H7589 A vote for the conference report is a vote for higher fuel costs, and higher costs to the consumer of the numerous products depending upon coal or derived from coal. It is also a vote in favor of increasing our dependence on oil, which we can hardly afford in our current economic situation.

H7589 I realize the conferees have spent many long hours trying to compromise on this legislation, and I admire their efforts in struggling with this regulatory measure that seems destined to become a bureaucratic nightmare.

H7589 In title V of this measure, the conferees agreed on language to allow surface mine operations permitted in a State prior to the date of enactment of this act until January 1, 1979 to meet the interim Federal environmental standards, except for the prohibition of pushing spoil below the bench on the downslopes. However, this is only for those operators who annually produce not more than 100,000 tons from surface and underground mines combined. While it would appear that this language gives the small operator a break, the production limit is not large enough, nor the time extension long enough to include the majority of small operators and allow them sufficient leeway. It will merely give them some extra months in which to arrange for the liquidation of their operations. Tonnage and time limits aside, the prohibition of spoil on the

downslope from the first cut itself will raise the basic question of how such operations can begin. What are the operators supposed to do with the spoil from the first cut? I have received suggestions for answers to this question, but I feel it would probably violate the rules of the House to list them here due to their nature.

H7589 The prohibition of spoil on the downslope, and the prohibition against any exposed highwall after reclamation are sufficient in themselves to severely curtail, if not completely eliminate the surface mining industry in the Appalachian area, notably the small operators who produce the majority of the percentage of surface coal mined.

H7589 If this measure is approved, we are committing a grave injustice to producers and consumers of coal and coal products alike, and the results will be deeply felt through the resulting employment and economic situations of our surface coal mining regions.

H7589 I ask for your responsible and reasonable consideration of the impact of this conference report, and I urge its rejection.

H7589 Mr. Speaker, I am certainly no prophet, but I predict - and I think I am on sound ground when I make this prediction - it will not be too many years when this committee or some committee of the Congress will be back before us asking us to undo much which we have done today, which, in my opinion, is going to make it virtually impossible for this Nation to achieve selfsufficiency in energy, certainly, at any time in the future.

H7589 Mr. UDALL. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania (Mr. MURPHY), who played a very valuable role as a member of the committee in developing this legislation.

H7589 Mr. MURPHY of Pennsylvania. Mr. Speaker, I thank the chairman of the committee for yielding me these 2 minutes.

H7589 Mr. Speaker, I would like to allay the fears of my colleagues from Idaho, from Virginia, and from some of the other States who are in opposition to this conference report.

H7589 From 1961 through 1963, when I was a young member of the Pennsylvania Legislature, I heard many of these arguments. I live in a coal area; I live in a part of Appalachia; I live in the mountains.

H7589 I want to tell the Members that there is more coal being stripped in western Pennsylvania today than at any other time in the history of the State of Pennsylvania. That includes the free-wheeling days of strip mining in the 1940's when they used the excuse of winning World War II to desecrate many sections of Pennsylvania, Ohio, and West Virginia.

H7589 This mining today is being conducted by large and small operators. It is being conducted at a profit. The land is being backfilled to the high wall; it is backfilled to contour. We have no more high wall in Pennsylvania. I invite the Members to come and see our reclaimed areas in Pennsylvania today.

H7589 The only thing that is causing us a problem is a result of strip mining operations of past years. The reclaiming of these stripped lands costs millions and millions of Pennsylvania taxpayer dollars that are needed to reclaim our land. That we are doing.

H7589 But today strip mining in Pennsylvania is regulated, and yet it is more profitable than ever, and coal is more plentiful than ever.

H7589 Mr. Speaker, I urge my colleagues to support this conference report.

H7589 Mr. BAUMAN. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. LAGOMARSINO).

H7589 (Mr. LAGOMARSINO asked and was given permission to revise and extend his remarks.)

H7589 Mr. LAGOMARSINO. Mr. Speaker, I rise in support of H.R. 2, Surface Mining and Control Act of 1977, and I intend to vote for it.

H7589 However, I must say that I am deeply disappointed by the failure of the conferees to retain the language in section 610, title VI, designation of lands unsuitable for noncoal mining, that I supported in that committee.

H7589 That language, which was included in the bill as passed by the House, would have permitted the Secretary to set aside lands containing noncoal minerals if such lands are unique.

H7589 That precedent would have helped to prevent in the future what is now threatened by the application of D. S. Gypsum Co. to strip mine for phosphate in the Los Padres National Forest near Djai, Calif.

H7589 Mr. BAUMAN. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio (Mr. REGULA).

H7589 (Mr. REGULA asked and was given permission to revise and extend his remarks.)

H7589 Mr. REGULA. Mr. Speaker, I want to compliment the gentleman from Arizona (Mr. UDALL) for bringing us this conference report, and I urge its support.

H7589 The gentleman from Arizona is going to get a lot of satisfaction from seeing this bill passed and signed. However, he is going to get even greater satisfaction in the years ahead when he can see the fruits of his labor in terms of good reclamation practices, in terms of restored orphaned lands, and in terms of the land that will be stripped and put back into a useful purpose for society.

H7589 I think we tend to overlook the fact that in establishing uniform rules for the national development of our coal reserves we are going to encourage greater production. People will now know what kind of equipment to buy, and they will know what kind of operations to develop. The establishment of the rules embodied in this legislation, with the uncertainty that will be removed by the signing of it, is very vital to the increased production of coal.

{H7590} As the gentleman from Pennsylvania (Mr. MURPHY) pointed out, there were arguments against regulation in Pennsylvania, and I heard all the same arguments in the Ohio Legislature some years ago when we developed a bill that is very similar to what we are passing today. Yet when one drives through Ohio today, we find that we do have increased mining, and that the land is being restored to a useful purpose. Certainly the Ohio results have been gratifying, and I am confident that this bill will be achieving the same results at the national level.

H7590 Mr. Speaker, one other other thing should be pointed out, and that is that the reclamation fund that will be generated by this bill will restore orphaned lands. and the benefits of this will be immeasurable. This is going to remove a lot of the sources of water pollution that are today fouling streams throughout our country. This will afford the opportunity to return many of these orphaned lands to a useful recreational purpose while at the same time solving the problems of pollution that result from a failure to restore lands in past years.

H7590 Mr. BAUMAN. Mr. Speaker, I yield 1 minute to the gentleman from Pennsylvania (Mr. McDADE).

H7590 (Mr. McDADE asked and was given permission to revise and extend his remarks.)

H7590 Mr. McDADE. Mr. Speaker, I rise in support of the conference report.

H7590 To a lot of Members on this floor, this seems like the end of a long dream come true.

H7590 I want to associate myself with the comments of my friend, the gentleman from Ohio (Mr. REGULA), and I want to commend especially my friend, the gentleman from Arizona (Mr. UDALL), who has worked so long and so hard to see this day come true. I wish to commend all the Members who have worked for the adoption of this bill.

H7590 I think this is a great day for America. I would like to have seen a few changes in the bill, and the Members will recall that I have discussed that feature many, many times in the past.

H7590 Mr. Speaker, I hope that this conference report is agreed to overwhelmingly.

H7590 Mr. BAUMAN. Mr. Speaker, I yield such time as he may consume to the gentleman from Kansas (Mr. SKUBITZ), the ranking minority member on the Committee on Interior and Insular Affairs.

H7590 Mr. SKUBITZ. Mr. Speaker, I rise in support of this conference report for two basic reasons: First, this legislation is superior to any previously considered by Congress; and second, this administration has represented to this Congress that passage of this legislation will not adversely affect its stated goal of increasing coal production.

H7590 Although there are aspects of this legislation which are still bothersome, I do not intend to belabor you with them because I have been granted every courtesy and I have availed myself of every opportunity to be heard during the markup of this legislation, in subcommittee, full committee, on this floor and in the conference.

H7590 In some respects, this vote today, is almost anticlimatic. For 11 years I have sought legislation which would not only prevent the scaring of our lands in the process of removing this most abundant and important resource, but would also restore the previously scared lands. As a result of these past 11 years, although personally frustrating for me in this respect, we have not only produced a better, more well thought-out piece of legislation, the passage of

time has allowed the coal industry to perfect its reclamation processes to the extent that some lands may be made more productive after strip mining than before they were disturbed.

H7590 My recommendation of this legislation, is further supported by the fact that this administration has clearly said passage of this legislation will not hinder its reliance on increased coal production to address this country's present and future energy needs. Although there are still those among us who are fearful that the constraints in this legislation will retard coal production, I am willing to accept the representation of this administration, and I am confident the American public will hold them accountable if they are not correct in their representation.

H7590 I would like to join Chairman UDALL, in his commendation of the staff, some of whom have almost made a career out of this one piece of legislation. The subcommittee and full committee members are also to be commended for not only their competence but their patience and persistence.

H7590 Mr. Chairman. The conference managers, although faced with many emotionally laden issues worked tirelessly for 13 days on an average of 4 hours per day to produce this product, and I am proud to be associated with them and join them in presenting and recommending this legislation for your favorable consideration.

H7590 Mr. RUPPE. Mr. Speaker, I rise in support of the conference report on H.R. 2.

H7590 As a manager on the part of the House for this bill and as a member of the Committee on Interior and Insular Affairs, I want to compliment the gentleman from Arizona (Mr. UDALL) who, as chairman of the conference committee, has so ably guided this legislation to the final stage of congressional action. This is a proud moment for many of us who have worked for five sessions of Congress to develop a strong Surface Mining Control and Reclamation Act. I want my colleagues to be aware of the long hours of hearings, briefings, field trips, markup sessions, floor actions, and conference committee deliberations that the gentleman from Arizona has devoted to this piece of legislation. At all times he has been fair, patient, and receptive to the many demands on his time that this legislation has required. I personally feel that the final product favorably reflects our chairman's commitment to hear all points of view and to seek an equitable resolution of the many controversial issues generated by consideration of this bill.

H7590 The Interior Committee has struggled for 5 years to develop surface

coal mining legislation which would strike a reasonable balance between achieving our energy goals and enhancing the quality of our environment. The committee has reported similar legislation four times in the last 3 years. The House has considered similar conference reports twice in the last 3 years. While I have supported previous efforts to enact a surface mining bill, I believe H.R. 2 to be, on the balance, a more carefully drafted and a better reasoned product of congressional consideration than its predecessors.

H7590 The conference report on H.R. 2 contains many compromises, both major and minor, which will permit a more orderly implementation of the regulatory program and which should assuage the fears of those who have predicted massive production losses and increased unemployment resulting from the provisions of previous bills.

H7590 Mr. Speaker, the conference committee faced many difficult decisions and I believe the House conferees have succeeded in bringing back a conference report that the House can wholeheartedly endorse.

H7590 One of the most controversial issues to be resolved by the conference was the protection to be afforded to prime farmlands. The House bill contained a carefully designed set of environmental protection standards that provided for soil surveys, productivity statements, and soil reconstruction standards. The standards of section 515(b) (7) required segregation, stockpiling if not utilized immediately, replacement, and regrading of the "A", "B", and "C" horizons of the natural soil. The "B" and "C" horizons can be mixed together if an equal or better root zone can be obtained.

H7590 The Senate amendment contained a special test, effective on the date of enactment, with respect to the protection of prime farmlands. Any mine application whose area in prime farmlands exceeded 10 percent of the total area included in the application would have to demonstrate that such lands would be restored to full productivity. The granting of such a permit would be discretionary on the part of the regulatory authority. Permits and coal surface mine operations existing on the date of enactment would not have to meet this test.

H7590 The House bill had no such provision.

H7590 The conferees agreed to accept the standards contained in the House bill, delete the special test contained in the Senate amendment, and add a revised provision which stipulates that such a permit shall be granted if the regulatory authority finds that the applicant has "the technological capability

to restore such mined area, within a reasonable time, to equivalent or higher levels of yield as nonmined prime farmland soils in the surrounding area under equivalent levels of management."

H7590 The conference report on H.R. 2 states that -

H7590 It is the intention of the conferees that the written finding that the regulatory authority is required to make before a permit is granted to mine on prime farmland can be based in part on the expert opinion of the regulatory authority that the operator has the technological capability to perform the soil reconstruction standards of section 515 (b) (7) and the performance of those standards will result in the restoration of the mined area to equivalent or higher levels of agricultural yield as nonmined prime farmland in the surrounding area under equivalent levels of management. This does not mean that mining and restoration must have taken place in the surrounding area, but simply that the operator can show by agricultural school studies, or other data for comparable areas that equivalent yields can be obtained after mining.

{H7591} It is my understanding the abovequoted language makes clear that the permit applicant will not be required to demonstrate the technological capability to restore the mined land by developing a test plot in the surrounding area but rather the regulatory authority can make a finding of technological capability by noting the success of reclamation practices in other regions of the country, by examining relevant agricultural school and soil conservation agency studies, and by reviewing the methodology the permit applicant is proposing to comply with the soil reconstruction standards.

H7591 Section 510(d) (2) provides that the special requirements prescribed in that subsection for mining on prime farmland shall not apply to any permit issued prior to the date of the act, or to any revisions or renewals thereof, or to any surface mining operations for which a permit was issued prior to the enactment of this act.

H7591 The conference report explains that this exclusion for existing mine permits or renewals thereof after the date of the enactment was designed to assure continued operation of ongoing mines.

H7591 It is my understanding that the exclusion will apply to continued operation of an ongoing mine beyond the acreage and time covered in the existing permit at the time of the enactment of the act, just so long as the continuance does, in fact, constitute a continued operation of an ongoing mine.

H7591 I wish to point out that while the House receded to the Senate's definition of "prime farmland," the conferees included the House requirement

that land subject to prime farmland protections must "historically have been used for intensive agricultural purposes."

H7591 It is my hope that the provisions that the conference committee adopted for the protection of prime farmland will insure that this valuable resource will be brought back to full productive use within a reasonable amount of time and yet will not be an impediment to the continuation and expansion of coal mining in the Midwest and the Northern Great Plains. It is certainly not the intention of the conferees to prohibit the future production of coal from these areas.

H7591 Another issue which historically has been difficult for conferees to resolve is the question of surface owner consent to the mining of federally owned coal in the West.

H7591 The House bill contained language which I offered in subcommittee that required the Secretary to obtain the written consent of the surface owner - as defined - before leasing any Federal coal deposits underlying the surface owner's land for surface mining. The Senate amendment allowed the Secretary to override the surface owner's objection to leasing Federal coal under his land if the Secretary found that such leasing was in the national interest. Compensation to the surface owner was limited to twice the value of the surface estate under the Senate amendment.

H7591 The Senate receded to the House position. Yesterday, the Senate upheld the conference committee's decision to accept the House language by a vote of 52 to 43 on a motion to recommit the conference report so that the surface owner consent issue could be reopened.

H7591 It is my firm belief that the House language will facilitate the development of Western coal and, at the same time, encourage the ranchers and farmers to stay on their land instead of selling out lock, stock, and barrel to large energy corporations. The language that the Senate amendment contained and the language that previous conference reports contained never took into account the fact that the surface owner would either say "no" to strip mining or sell his entire interest in the land. It is very unlikely that he would avail himself of any legislative formula limiting the value he could receive for leasing his land. It is important to realize that the Senate amendment in no way restricted the surface owner's prerogative to sell his land. The language contained in this conference report encourages both coal development and the retention of surface ownership by Western farmers and ranchers.

H7591 Finally, Mr. Speaker, I would like to comment on the treatment of alluvial valley floors in this conference report. The language that was agreed

to is substantially similar to the approach recommended by the House Interior Committee. This approach was superceded on the House floor by an amendment which placed a total ban on mining on alluvial valley floors subject to certain grandfather rights.

H7591 The House receded to the Senate provision with few changes. The phrase "not interrupt, discontinue or prevent farming" was modified to "not interrupt, discontinue or preclude farming" in order to assure coverage of those lands which may be taken out of agricultural production in order to qualify for a new mine start on an alluvial valley floor. The conferees did not want this type of change in land use to qualify an alluvial floor for mining. The phrase "not adversely affect" with respect to off-floor operations was changed to "not materially damage." The conferees also stipulated that the Secretary develop and carry out a coal exchange program for fee coal located in alluvial valley floors under the provisions of section 206 of the Federal Land Policy and Management Act of 1976. If developed lands on alluvial valley floors were of "such small acreage as to be of negligible impact on the farm's agricultural production" they may be included in a mine plan. The conferees recognize that farming on the mine site must be interrupted during the mining and reclamation process. Therefore, the language quoted above is not intended to apply to such temporary onsite interruptions but is limited solely to such interruptions of offsite farm activities.

H7591 The language added by the conferees to the Wallop amendment of the Senate version is designed to make it clear that the Secretary should actively implement the coal exchange program. This program would apply to all those private coal deposits, regardless of any previous financial or legal commitments, which the Secretary determines cannot be mined because of the provisions of section 510(b)(5). The program would not apply to privately owned coal which might have been mined in the same operation but which can still be mined.

H7591 Mr. Speaker, I feel that the conference committee actions I have discussed above represent fair and wise compromises and I urge the adoption of the conference report.

H7591 Mr. BAUMAN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

H7591 Mr. UDALL. Mr. Speaker, before I yield back the balance of my time and before I put the previous question, I want to thank my colleagues on the

other side of the aisle. Not all of the proponents of this bill were over here on this side. Indeed, not all of the opponents were on the other side of the aisle. Members like the gentleman from Kansas (Mr. SKUBITZ); the gentleman from Ohio (Mr. REGULA), who was on our committee for a while; the gentleman from California (Mr. LAGOMARSINO); and the gentleman from Michigan (Mr. RUPPE) all worked diligently on this legislation. We even had some helpful amendments offered by the gentleman from Maryland (Mr. BAUMAN), from time to time.

H7591 Therefore, Mr. Speaker, we have had a good staff and a good job has been done by a lot of people. I think it is a good day for the country.

H7591 Mr. Speaker, I move the previous question on the conference report.

H7591 The previous question was ordered.

H7591 The SPEAKER pro tempore (Mr. BROWN) of California). The question is on the conference report.

H7591 The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

H7591 Mr. SYMMS. 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.

H7591 The SPEAKER pro tempore. Evidently a quorum is not present.

H7591 The Sergeant at Arms will notify absent Members.

H7591 The vote was taken by electronic device, and there were - yeas 325, nays 68, answered "present" 1, not voting 39, as follows:

H7591 [Roll No. 450]

H7591 YEAS - 325

H7591 Abdnor

H7591 Addabbo

H7591 Akaka

H7591 Alexander

H7591 Allen

H7591 Ambro

H7591 Ammerman

H7591 Anderson, Calif.

H7591 Anderson, Ill.

H7591 Andrews, N.C.
H7591 Andrews, N.Dak.
H7591 Annunzio
H7591 Applegate
H7591 Armstrong
H7591 Ashley
H7591 Aspin
H7591 AuCoin
H7591 Baldus
H7591 Barnard
H7591 Baucus
H7591 Beard, R.I.
H7591 Beard, Tenn.
H7591 Bedell
H7591 Beilenson
H7591 Benjamin
H7591 Bennett
H7591 Biaggi
H7591 Bingham
H7591 Blanchard
H7591 Blouin
H7591 Boland
H7591 Bolling
H7591 Bonior
H7591 Bonker
H7591 Bowen
H7591 Breaux
H7591 Breckinridge

{H7592} Brinkley
H7592 Brodhead
H7592 Brooks
H7592 Brown, Calif.
H7592 Brown, Mich.
H7592 Brown, Ohio
H7592 Broyhill
H7592 Buchanan
H7592 Burgener
H7592 Burke, Calif.
H7592 Burke, Fla.
H7592 Burlison, Mo.
H7592 Burton, John
H7592 Burton, Phillip
H7592 Caputo
H7592 Carney
H7592 Carr
H7592 Cavanaugh
H7592 Cederberg
H7592 Chappell
H7592 Clausen, Don H.
H7592 Clay
H7592 Cleveland
H7592 Cohen
H7592 Coleman
H7592 Collins, Ill.
H7592 Conable
H7592 Conte
H7592 Conyers

H7592 Corcoran
H7592 Corman
H7592 Cornell
H7592 Cornwell
H7592 Coughlin
H7592 D'Amours
H7592 Danielson
H7592 Delaney
H7592 Dellums
H7592 Derrick
H7592 Derwinski
H7592 Dicks
H7592 Dingell
H7592 Dodd
H7592 Dornan
H7592 Downey
H7592 Drinan
H7592 Duncan, Oreg.
H7592 Duncan, Tenn.
H7592 Early
H7592 Eckhardt
H7592 Edgar
H7592 Edwards, Ala.
H7592 Edwards, Calif.
H7592 Eilberg
H7592 Emery
H7592 Erlenborn
H7592 Ertel

H7592 Evans, Colo.
H7592 Evans, Del.
H7592 Evans, Ga.
H7592 Evans, Ind.
H7592 Fary
H7592 Fascell
H7592 Fenwick
H7592 Findley
H7592 Fish
H7592 Fisher
H7592 Fithian
H7592 Flood
H7592 Florio
H7592 Foley
H7592 Ford, Tenn.
H7592 Forsythe
H7592 Fountain
H7592 Fowler
H7592 Fraser
H7592 Frenzel
H7592 Fuqua
H7592 Gaydos
H7592 Gephardt
H7592 Gibbons
H7592 Gilman
H7592 Ginn
H7592 Glickman
H7592 Goodling
H7592 Gore

H7592 Gradison
H7592 Gudger
H7592 Hagedorn
H7592 Hamilton
H7592 Hanley
H7592 Hannaford
H7592 Harkin
H7592 Harrington
H7592 Harris
H7592 Harsha
H7592 Hawkins
H7592 Heckler
H7592 Hefner
H7592 Heftel
H7592 Hightower
H7592 Hillis
H7592 Holtzman
H7592 Horton
H7592 Howard
H7592 Huckaby
H7592 Hughes
H7592 Hyde
H7592 Ireland
H7592 Jacobs
H7592 Jeffords
H7592 Jenkins
H7592 Jenrette
H7592 Johnson, Colo.

H7592 Jones, N.C.
H7592 Jordan
H7592 Kasten
H7592 Kastenmeier
H7592 Keys
H7592 Kildee
H7592 Kostmayer
H7592 Krebs
H7592 Krueger
H7592 Lafalce
H7592 Lagomarsino
H7592 Leach
H7592 Lederer
H7592 Leggett
H7592 Lehman
H7592 Lent
H7592 Levitas
H7592 Lloyd, Calif.
H7592 Lloyd, Tenn.
H7592 Long, La.
H7592 Long, Mo.
H7592 Lujan
H7592 Lundine
H7592 McClory
H7592 McCloskey
H7592 McCormack
H7592 McDade
H7592 McEwen
H7592 McFall

H7592 McHugh
H7592 McKay
H7592 Madigan
H7592 Mann
H7592 Markey
H7592 Marks
H7592 Marlenee
H7592 Martin
H7592 Mattox
H7592 Mazzoli
H7592 Meeds
H7592 Meyner
H7592 Michel
H7592 Mikulski
H7592 Mikva
H7592 Miller, Calif.
H7592 Mineta
H7592 Mitchell, Md.
H7592 Mitchell, N.Y.
H7592 Moakley
H7592 Moffett
H7592 Mollohan
H7592 Moore
H7592 Moorhead, Calif.
H7592 Moorhead, Pa.
H7592 Moss
H7592 Mottl
H7592 Murphy, Ill.

H7592 Murphy, Pa.
H7592 Myers, Gary
H7592 Myers, John
H7592 Myers, Michael
H7592 Neal
H7592 Nedzi
H7592 Nichols
H7592 Nix
H7592 Nolan
H7592 Nowak
H7592 O'Brien
H7592 Oakar
H7592 Oberstar
H7592 Obey
H7592 Ottinger
H7592 Panetta
H7592 Patten
H7592 Patterson
H7592 Pattison
H7592 Pease
H7592 Pepper
H7592 Pettis
H7592 Pickle
H7592 Pike
H7592 Pressler
H7592 Preyer
H7592 Price
H7592 Pritchard
H7592 Pursell

H7592 Quayle
H7592 Quie
H7592 Rahall
H7592 Railsback
H7592 Rangel
H7592 Regula
H7592 Reuss
H7592 Richmond
H7592 Rinaloo
H7592 Rodino
H7592 Roe
H7592 Rogers
H7592 Roncalio
H7592 Rooney
H7592 Rose
H7592 Rosenthal
H7592 Rostenkowaki
H7592 Roybal
H7592 Russo
H7592 Ryan
H7592 Santini
H7592 Sarasin
H7592 Sawyer
H7592 Scheuer
H7592 Schroeder
H7592 Schulze
H7592 Seiberling
H7592 Sharp

H7592 Shipley
H7592 Simon
H7592 Sisk
H7592 Skelton
H7592 Skubitz
H7592 Smith, Iowa
H7592 Smith, Nebr.
H7592 Snyder
H7592 Solarz
H7592 Spellman
H7592 Staggers
H7592 Stangeland
H7592 Stanton
H7592 Steed
H7592 Steers
H7592 Steiger
H7592 Stockman
H7592 Stokes
H7592 Stratton
H7592 Studds
H7592 Thone
H7592 Thornton
H7592 Traxler
H7592 Treen
H7592 Tsongas
H7592 Tucker
H7592 Udall
H7592 Ullman
H7592 Van Deerlin

H7592 Vander Jagt
H7592 Vanik
H7592 Vento
H7592 Volkmer
H7592 Walgren
H7592 Walker
H7592 Walsh
H7592 Waxman
H7592 Weaver
H7592 Weiss
H7592 Whalen
H7592 White
H7592 Whitehurst
H7592 Whitley
H7592 Wiggins
H7592 Wilson, Bob
H7592 Wilson, C.H.
H7592 Wilson, Tex.
H7592 Winn
H7592 Wirth
H7592 Wolff
H7592 Wright
H7592 Wydler
H7592 Wylie
H7592 Yates
H7592 Yatron
H7592 Young, Alaska
H7592 Young, Fla.

H7592 Young, Mo.
H7592 Young, Tex.
H7592 Zablocki
H7592 NAYS - 68
H7592 Archer
H7592 Ashbrook
H7592 Bauman
H7592 Bevill
H7592 Burleson, Tex.
H7592 Butler
H7592 Carter
H7592 Clawson, Del
H7592 Cochran
H7592 Collins, Tex.
H7592 Crane
H7592 Daniel, Dan
H7592 Daniel, R.W.
H7592 Davis
H7592 de la Garza
H7592 Devine
H7592 Edwards, Okla.
H7592 English
H7592 Flynt
H7592 Gammage
H7592 Goldwater
H7592 Gonzalez
H7592 Grassley
H7592 Hall
H7592 Hammerschmidt

H7592 Hansen
H7592 Holt
H7592 Hubbard
H7592 Ichord
H7592 Johnson, Calif.
H7592 Jones, Okla.
H7592 Jones, Tenn.
H7592 Kazen
H7592 Kelly
H7592 Kemp
H7592 Ketchum
H7592 Kindness
H7592 Latta
H7592 Lott
H7592 McDonald
H7592 Mahon
H7592 Marriott
H7592 Mathis
H7592 Milford
H7592 Miller, Ohio
H7592 Natcher
H7592 Perkins
H7592 Poage
H7592 Rhodes
H7592 Risenhoover
H7592 Roberts
H7592 Robinson
H7592 Roussalot

H7592 Rudd
H7592 Runnels
H7592 Satterfield
H7592 Sebelius
H7592 Shuster
H7592 Slack
H7592 Spence
H7592 Stump
H7592 Symms
H7592 Taylor
H7592 Tribble
H7592 Waggonner
H7592 Wampler
H7592 Watkins
H7592 Whitten
H7592 ANSWERED "PRESENT" - 1
H7592 Bafalis
H7592 NOT VOTING - 39
H7592 Badham
H7592 Badillo
H7592 Boggs
H7592 Brademas
H7592 Broomfield
H7592 Burke, Mass.
H7592 Byron
H7592 Chisholm 4271
H7592 Cotter
H7592 Cotter
H7592 Cunningham

H7592 Dent
H7592 Dickinson
H7592 Diggs
H7592 Flippo
H7592 Flowers
H7592 Ford, Mich.
H7592 Frey
H7592 Giaimo
H7592 Guyer
H7592 Holland
H7592 Hollenbeck
H7592 Koch
H7592 Le Fante
H7592 Luken
H7592 McKinney
H7592 Maguire
H7592 Metcalfe
H7592 Minish
H7592 Montgomery
H7592 Murphy, N.Y.
H7592 Murtha
H7592 Quillen
H7592 Ruppe
H7592 Sikes
H7592 St Germain
H7592 Stark
H7592 Teague
H7592 Thompson

H7592 Zeferetti

H7592 The Clerk announced the following pairs:

H7592 Mr. Burke of Massachusetts with Mr. Teague.

H7592 Mr. Zeferetti with Mr. Montgomery.

H7592 Mrs. Boggs with Mr. Flippo.

H7592 Mr. Murtha with Mr. Diggs.

H7592 Mr. Cotter with Mr. Badham.

H7592 Mr. Brademas with Mr. Byron.

H7592 Mr. Cunningham with Mr. Badillo.

H7592 Mr. Dent with Mrs. Chisholm.

H7592 Mr. Flowers with Mr. Broomfield.

H7592 Mr. Frey with Mr. Dickinson.

H7592 Mr. Giaimo with Mr. Ford of Michigan.

H7592 Mr. Hollenbeck with Mr. Guyer.

H7592 Mr. Le Fante with Mr. Holland.

H7592 Mr. Minish with Mr. Koch.

H7592 Mr. McKinney with Mr. Luken.

H7592 Mr. Murphy of New York with Mr. Maguire.

H7592 Mr. Quillen with Mr. Metcalfe.

H7592 Mr. St Germain with Mr. Stark.

H7592 Mr. Thompson with Mr. Sikes.

H7592 Mr. VOLKMER changed his vote from "nay" to "yea."

H7592 Mr. GONZALEZ changed his vote from "yea" to "nay."

H7592 So the conference report was agreed to.

H7592 The result of the vote was announced as above recorded.

H7592 A motion to reconsider was laid on the table