

best provides for carrying out these responsibilities. Clearinghouse projects should be restricted to those substantially related to the administration of Federal elections.

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

Mr. Speaker, I concur in the remarks of the distinguished chairman of the House Administration Committee in his description of the bill, and in his discussion of the committee's feelings about the bill and about the Federal Elections Commission.

I am proud to relate to the House that the House Administration Committee approved last year in its FEC authorization bill slightly over a 4-percent increase, and this year about a 5-percent increase. Both those figures are considerably under the increases that are being requested and granted to most other agencies of Government.

In addition, the committee is continuing its oversight activities concerning the FEC. That agency is far from perfect, but compared to other Federal regulatory groups, it performs its statutory tasks relatively well and relatively cheaply. Our committee will continue to press for improved performance, and simpler regulations, and less frequently filed reports, consistent with the needs for reasonable disclosure.

□ 1230

It is important, Mr. Speaker, that this bill be passed promptly, because the appropriations bill is being moved forward at this time. I hope that the House will pass it forthwith.

I have no further requests for time, and I yield back the remainder of my time.

Mr. THOMPSON. Mr. Speaker, I yield back the remainder of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. THOMPSON) that the House suspend the rules and pass the bill, H.R. 7281, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

Mr. THOMPSON. Mr. Speaker, I ask unanimous consent to take from the Speaker's table a similar Senate bill (S. 2648) to authorize funds to carry out the Federal Election Campaign Act of 1971 for the fiscal year ending September 30, 1981, and ask for its immediate consideration.

The Clerk read the title of the Senate bill.

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

There was no objection.

The Clerk read the Senate bill, as follows:

S. 2648

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

314 of the Federal Election Campaign Act of 1971 (2 U.S.C. 439c) is amended, in the second sentence thereof, by—

(1) striking out the word "and" where it appears immediately after "1977," and

(2) by inserting immediately before the period at the end thereof the following: "and \$9,400,000 for the fiscal year ending September 30, 1981".

MOTION OFFERED BY MR. THOMPSON

Mr. THOMPSON. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. THOMPSON moves to strike out all after the enacting clause of the Senate bill, S. 2648, and to insert in lieu thereof the text of H.R. 7281, as passed by the House.

The motion was agreed to.

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

The title of the Senate bill was amended so as to read: "An act to authorize appropriations for the Federal Election Commission for fiscal year 1981."

A motion to reconsider was laid on the table.

A similar House bill, H.R. 7281, was laid on the table.

GENERAL LEAVE

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

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

There was no objection.

OCEAN DUMPING AUTHORIZATION, FISCAL YEAR 1981

Mr. MURPHY of New York. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6616) to amend the Marine Protection, Research, and Sanctuaries Act of 1972 to authorize appropriations to carry out the provisions of such act for fiscal year 1981, and for other purposes, as amended.

The Clerk read as follows:

H.R. 6616

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 111 of the Marine Protection, Research, and Sanctuaries Act of 1972 (33 U.S.C. 1420) is amended—

(1) by striking out "and" immediately after "fiscal year 1977," and

(2) by adding immediately after "fiscal year 1978," the following: "and not to exceed \$3,039,000 for fiscal year 1981,".

Sec. 2. Section 203 of the Marine Protection, Research, and Sanctuaries Act of 1972 (33 U.S.C. 1443) is amended to read as follows:

"Sec. 203 (a) The Administrator of the Environmental Protection Agency shall—

"(1) conduct research, investigations, experiments, training, demonstrations, surveys, and studies for the purpose of—

"(A) determining means of minimizing or ending, as soon as possible after the date of the enactment of this section, the dumping into ocean waters, or waters described in section 101(b), of material which may unreasonably degrade or endanger human health, welfare, or amenities, or the marine

environment, ecological systems, or economic potentialities, and

"(B) developing disposal methods as alternatives to the dumping described in subparagraph (A); and

"(2) encourage, cooperate with, promote the coordination of, and render financial and other assistance to appropriate public authorities, agencies, and institutions (whether Federal, State, interstate, or local) and appropriate private agencies, institutions, and individuals in the conduct of research and other activities described in paragraph (1).

"(b) Nothing in this section shall be construed to affect in any way the December 31, 1981, termination date, established in section 4 of the Act of November 4, 1977 (Public Law 95-153; 33 U.S.C. 1412a), for the ocean dumping of sewage sludge."

Sec. 3. Section 204 of the Marine Protection, Research, and Sanctuaries Act of 1972—(33 U.S.C. 1444) is amended—

(1) by striking out "and" immediately after "fiscal year 1977," and

(2) by striking out "fiscal year 1978," and inserting in lieu thereof the following: "fiscal year 1978, not to exceed \$11,396,000 for fiscal year 1981, and not to exceed \$12,000,000 for fiscal year 1982."

Sec. 4. Section 301 of the Marine Protection, Research, and Sanctuaries Act of 1972 (16 U.S.C. 1431) is amended by adding at the end thereof a new sentence to read as follows: "The term 'State,' when used in this title, means any of the several States or any territory or possession of the United States which has a popularly elected Governor."

Sec. 5. Section 302 of the Marine Protection, Research, and Sanctuaries Act of 1972 (16 U.S.C. 1432) is amended—

(1) in subsection (b), by inserting "(1)" after "(b)", by striking out the second sentence thereof, and by inserting at the end thereof the following new paragraph:

"(2) A designation under this section shall become effective unless—

"(A) the Governor of any State described in paragraph (1) certifies to the Secretary, before the end of the sixty-day period beginning on the date of the publication of the designation, that the designation or any of its terms described in subsection (f) (1), are unacceptable to his State, in which case those terms certified as unacceptable will not be effective in the waters described in paragraph (1) in such State until the Governor withdraws his certification of unacceptability; or

"(B) both Houses of Congress adopt a concurrent resolution in accordance with subsection (h) which disapproves the designation or any of its terms described in subsection (f) (1).

The Secretary may withdraw the designation after any such certification or resolution of disapproval. If the Secretary does not withdraw the designation, only those portions of the designation not certified as unacceptable under subparagraph (A) or not disapproved under subparagraph (B) shall take effect."

(2) by amending subsection (f) to read as follows:

"(f) (1) The terms of the designation shall include the geographic area included within the sanctuary; the characteristics of the area that give it conservation, recreational, ecological or esthetic value; and the types of activities that will be subject to regulation by the Secretary in order to protect those characteristics. The terms of the designation may be modified only by the same procedures through which an original designation is made.

"(2) The Secretary, after consultation with other interested Federal and State agencies, shall issue necessary and reasonable regulations to implement the terms of the designation and control the activities described in it, except that all permits, licenses, and

other authorizations issued pursuant to any other authority shall be valid unless such regulations otherwise provide.

"(3) The Secretary shall conduct such research as is necessary and reasonable to carry out the purposes of this title.

"(4) The Secretary and the Secretary of the department in which the Coast Guard is operating shall conduct such enforcement activities as are necessary and reasonable to carry out the purposes of this title. The Secretary shall, whenever appropriate and in consultation with the Secretary of the department in which the Coast Guard is operating, utilize by agreement the personnel, services, and facilities of other Federal departments, agencies, and instrumentalities, or State agencies or instrumentalities, whether on a reimbursable or a nonreimbursable basis in carrying out his responsibilities under this title."; and

(3) by inserting at the end thereof the following new subsection:

"(h) (1) For purposes of subsection (b) (2) (B), the Secretary shall transmit to the Congress a designation of a marine sanctuary at the time of its publication. The concurrent resolution described in subsection (b) (2) (B) is a concurrent resolution which is adopted by both Houses of Congress before the end of the first period of sixty calendar days of continuous session of Congress after the date on which the designation is transmitted, the matter after the resolving clause of which is as follows: "That the Congress does not favor the taking of effect of the following terms of the marine sanctuary designation numbered _____ transmitted to Congress by the Secretary of Commerce on _____, the blank space being filled with the number of the designation, the second blank space being filled with the date of the transmittal, and the third blank space being filled with the terms of the designation which are disapproved (or the phrase 'the entire designation' if the entire designation is disapproved)."

"(2) For the purpose of paragraph (1) of this subsection—

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

"(B) the days on which either House is not in session because of an adjournment of more than three days to a day certain are excluded in the computation of the sixty-day period.

"(3) A designation which becomes effective, or that portion of a designation which takes effect under subsection (b), shall be printed in the Federal Register."

Sec. 6. Section 304 of the Marine Protection, Research, and Sanctuaries Act of 1972 (16 U.S.C. 1434) is amended—

(1) by striking out "and" immediately after "fiscal year 1977"; and

(2) by adding immediately after "fiscal year 1978" the following: "and not to exceed \$2,250,000 for fiscal year 1981".

Sec. 7. Section 4 of Public Law 95-153 (33 U.S.C. 1412a) is amended—

(1) by amending subsection (a)—

(A) by inserting "and industrial waste" immediately after "sewage sludge";

(B) by striking out "Public Law 92-532" and inserting in lieu thereof "the Marine Protection, Research, and Sanctuaries Act of 1972";

(C) by inserting ", except as provided in subsections (b) and (c)," immediately before "in no case"; and

(D) by striking out "the Marine Protection Research, and Sanctuaries" and inserting in lieu thereof "such"; and

(2) by striking out subsection (b) and inserting in lieu thereof the following:

"(b) After December 31, 1981, the Administrator may issue permits under such title I for the dumping of industrial waste into ocean waters, or into waters described in such section 101(b), if the Administrator determines—

"(1) that the proposed dumping is necessary to conduct research—

"(A) on new technology related to ocean dumping, or

"(B) to determine whether the dumping of such substance will unreasonably degrade or endanger human health, welfare, or amenities, or the marine environment, ecological systems, or economic potentialities;

"(2) that the scale of the proposed dumping is such that the dumping will have minimal adverse impact upon the human health, welfare, and amenities, and the marine environment, ecological systems, and economic potentialities; and

"(3) after consultation with the Secretary of Commerce, that the potential benefits of such research will outweigh any such adverse impact.

Each permit issued pursuant to this subsection shall be subject to such conditions and restrictions as the Administrator determines to be necessary to minimize possible adverse impacts of such dumping. No permit issued by the Administrator pursuant to this subsection may have an effective period of more than six consecutive months.

"(c) After December 31, 1981, the Administrator may issue emergency permits under such title I for the dumping of industrial waste into ocean waters, or into waters described in such section 101(b), if the Administrator determines that there has been demonstrated to exist an emergency, requiring the dumping of such waste, which poses an unacceptable risk relating to human health and admits of no other feasible solution. As used herein, 'emergency' refers to situations requiring action with a marked degree of urgency.

"(d) For purposes of this section—

"(1) the term 'sewage sludge' means any solid, semisolid, or liquid waste generated by a municipal wastewater treatment plant the ocean dumping of which may unreasonably degrade or endanger human health, welfare, or amenities, or the marine environment, ecological systems, or economic potentialities; and

"(2) the term 'industrial waste' means any solid, semisolid, or liquid waste generated by a manufacturing or processing plant the ocean dumping of which may unreasonably degrade or endanger human health, welfare, or amenities, or the marine environment, ecological systems, or economic potentialities."

Sec. 8. Section 102(e) of the Marine Protection, Research, and Sanctuaries Act of 1972, as amended (33 U.S.C. 1412(e)) is further amended—

(1) by inserting after "transportation of material," the words "by an agency or instrumentality of the United States or", and

(2) by striking out "section." and inserting "section: *Provided*, That in the case of an agency or instrumentality of the United States, no application shall be made for a permit to be issued pursuant to the authority of a foreign State Party to the Convention unless the Administrator concurs in the filing of such application."

Sec. 9. Section 106 of the Marine Protection, Research, and Sanctuaries Act of 1972 (33 U.S.C. 1416) is amended by adding at the end thereof a new subsection to read as follows:

"(f) Notwithstanding any other provision of law, dumping of dredged materials in the Long Island Sound shall comply with the provisions of section 103 of this Act, in addition to other applicable Federal and state requirements."

The SPEAKER pro tempore. Is a second demanded?

Mr. FORSYTHE. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without

objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from New York (Mr. MURPHY) will be recognized for 20 minutes and the gentleman from New Jersey (Mr. FORSYTHE) will be recognized for 20 minutes.

The Chair recognizes the gentleman from New York (Mr. MURPHY).

Mr. MURPHY of New York. Mr. Speaker, I yield myself so much time as I may consume.

Mr. Speaker, the Committee on Merchant Marine and Fisheries recommends that the House pass H.R. 6616 today, a bill to extend the authorization of, and provide necessary amendments to, the Marine Protection, Research, and Sanctuaries Act of 1972, commonly referred to as the Ocean Dumping Act.

The Ocean Dumping Act establishes a policy to prohibit or strictly limit the dumping of materials harmful to the marine environment and more importantly the act conveys a need for research and monitoring in the ocean of possible impacts from harmful wastes.

The act is organized into three parts. Title I establishes the ocean dumping permit program administered by the Environmental Protection Agency (EPA), which regulates the ocean disposal of sewage sludge and industrial wastes. In addition, title I gives the Army Corps of Engineers authority over dredged spoil dumping.

Title II which is administered by the National Oceanic and Atmospheric Administration (NOAA), authorizes marine research which is necessary to carry out the intent of the act. Specifically, NOAA is directed to monitor and research the effects of ocean dumping of harmful substances and investigate the long-range impacts of pollution, overfishing, and man-induced changes of ocean ecosystems.

Title III establishes the marine sanctuaries program within NOAA to protect certain fragile areas in the ocean and to balance competing demands on the limited resources there.

Mr. Speaker, H.R. 6616 has been reported out by both the Committees on Merchant Marine and Fisheries and Science and Technology. Both committees have discussed the provisions of the bill repeatedly and have agreed upon authorization figures for title II and necessary amendments.

Title I has been authorized at \$3,039 million for fiscal year 1981. Title II has been reauthorized for a 2-year period at a level of \$11,396 and \$12 million for fiscal years 1981 and 1982, respectively. Finally, title III, the marine sanctuaries program, has been authorized at \$2.25 million for fiscal year 1981.

The Merchant Marine and Fisheries Committee is deeply concerned with the health and environmental aspects of ocean dumping and believes that sufficient funding authorization must be provided in order to assure that a vigorous research and monitoring program is conducted. It is of particular importance to have an adequate information base to support future decisions relating to the protection and sound management of the oceans. We believe it is in the strong

interest of the Congress that H.R. 6616 pass the full House.

Mr. Speaker, at this time I yield 5 minutes to the distinguished chairman of the Subcommittee on Oceanography, the gentleman from Massachusetts (Mr. STUDDS).

Mr. STUDDS. Mr. Speaker, I rise in support of H.R. 6616, and urge its passage. The Marine Protection, Research, and Sanctuaries Act of 1972—commonly known as the Ocean Dumping Act—prohibits or strictly limits the dumping into the ocean of materials which are harmful to the marine environment. The original act is divided into three titles: Title I, under which the Environmental Protection Agency receives funds to regulate ocean dumping; title II, under which the National Oceanic and Atmospheric Administration receives funds for research on the effects of and alternatives to ocean dumping; and title III, under which NOAA receives funds to protect particularly fragile and important areas of the ocean through the marine sanctuary program. The act is an important part of our Nation's ongoing effort to reduce pollution.

H.R. 6616 was referred jointly to the Committee on Merchant Marine and Fisheries and the Committee on Science and Technology. The two committees reported the bill with slightly differing amendments, and the substitute included in the motion to suspend the rules is the result of negotiation to reconcile the differences in the two sets of committee amendments.

The bill being considered today authorizes \$16.685 million for the three titles of the original act in fiscal year 1981, and \$12 million for title II of the original act for fiscal year 1982. Fiscal year 1982 authorizations for title I and title III will need to be considered next year.

Mr. Speaker, H.R. 6616 contains several substantive amendments to the Marine Protection, Research, and Sanctuaries Act the need for which has become apparent over the last 3 years. For reasons beyond the control of either authorizing committee, no authorization bill for the Marine Protection, Research, and Sanctuaries Act has become law during the last 2 years. The bill before use today, therefore, contains the backlog of substantive amendments to the act which have been included in the authorization bills reported by the committees for fiscal years 1979 and 1980 which never became law.

Many of these substantive amendments were included in the fiscal year 1979 authorization bill, which was passed by the House in the 95th Congress. The delay in passing these amendments has resulted, in the case of the marine sanctuary program, in the situation we have today where the agency has amended its regulations to implement the intended changes as much as possible under existing law, while the Congress has not yet completed amending the law to require the new regulations.

Mr. Speaker, the Committee on Merchant Marine and Fisheries and the Committee on Science and Technology

have agreed that they intend for \$1.5 million of the funds authorized under title II of the act for each of fiscal years 1981 and 1982 be used for assessment of the impacts on Texas and the Gulf of Mexico of the oil which was spilled from the Mexican oil well IXTOC I in the Bay of Campeche, and which inundated the Texas coastline for several months last year.

We have an excellent opportunity close to home to do the careful research which is necessary to determine the actual extent of damages caused by a major oil spill, and I believe strongly that we must not let the opportunity slip by. The results of this research should help the Federal Government anticipate the extent and nature of damages from future oil spills, and to design its cleanup efforts to achieve the most cost-effective result.

Mr. Speaker, I urge support of H.R. 6616, as amended.

□ 1240

Mr. MURPHY of New York. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from New York (Mr. AMBRO).

Mr. AMBRO. Mr. Speaker, I rise today in full support of the amendment offered by the gentleman from New York (Mr. MURPHY). This amendment represents a strong and fully supportable compromise between the interests of the two committees.

This bill is an important one if we are serious about our efforts to preserve our precious marine environment. We will continue to turn to the oceans in the future for their bountiful resources, for the recreational opportunities that they offer, for their cheap transportation lanes, and for their beauty. Yet more than ever, the oceans are threatened by our flagrant use of them as a dumping grounds. The coast of Texas is now exposed to the largest oil spill in history. All of our coastal areas are subjected to a barrage of man-made chemicals whose effects on the marine environment are largely unknown. One group of these chemicals—PCB's—have nearly shut down one of the largest ports in the Nation, the Port of New York.

This bill addresses these crucial problems. It provides \$11.4 million in funding authorization in fiscal year 1981 to the National Oceanic and Atmospheric Administration (NOAA) to assure that a vigorous research and monitoring program on ocean pollution is conducted.

This program will address such questions as the effects of synthetic organic chemicals, such as PCB's, on the ecology of the oceans and the Great Lakes; it will provide funding for a long-term study of the effects of the Ixtoc I oil spill in the Bay of Campeche; it will be used to monitor ocean sites used for dumping of dredged spoils, sewage sludge, and industrial wastes, and to monitor some of our most polluted areas, such as the Hudson-Raritan River Estuary. The information derived from such studies will be used to support future decisions relating to the protection and sound management of the oceans.

Finally, I would like to note that the Subcommittee on Natural Resources and Environment has devoted considerable attention to developing section 9 of the joint committee amendment, relating to the disposal of dredged materials in Long Island Sound. The sound is a precious resource serving tens of millions of people in the contiguous States of New York, Connecticut, and Rhode Island. Its direct value to commercial and recreational fishermen exceeds \$500 million annually. When other uses of the sound are considered, its value is considerably higher than that. It is essential that when dredged spoils are dumped in Long Island Sound that these wastes be fully tested for toxicity to insure that their disposal will not adversely affect the fragile balance of the sound ecosystem. The effect of section 9 is just that—to insure that the best tests available—bioassay and bioaccumulation tests—be used to assess the impact of dumping dredged spoil waste into the sound.

Each year, the U.S. Army Corps of Engineers sanctions the dumping into the sound of hundreds of thousands of cubic yards of dredged materials which are heavily contaminated with toxic heavy metals, which have been shown by scientific research to enter the marine food chain.

To illustrate the magnitude of this problem, consider the amounts of toxic metals which will be dumped into Long Island Sound in the course of the proposed 7.2 million cubic yard New Haven Harbor project: 3½ tons of mercury, 560 tons of lead, 1,560 tons of zinc, 38 tons of arsenic, 1,250 tons of copper, 17 tons of cadmium. The effect of section 9 is merely to guarantee that these spoils be fully tested for toxicity, as spoils dumped into ocean waters currently are, so that the precious multibillion-dollar resources of Long Island Sound be protected for future generations.

Mr. FORSYTHE. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, I rise in support of H.R. 6616 which authorizes funding for the Ocean Dumping Act. This legislation has been carefully evaluated by the Merchant Marine and Fisheries Committee and the Science and Technology Committee. After reporting two separate measures, both committees have agreed on a single amendment in the nature of a substitute to be offered as part of the motion to suspend the rules and pass the bill. As a member of both committees, I strongly support this bill. Because of the act, significant progress has been made in our efforts to regulate and monitor more carefully the materials which are disposed of in the ocean environment.

At the time of the passage of the Ocean Dumping Act in 1972, the "out of sight—out of mind" mentality was the predominant viewpoint toward the disposal of many materials along the Atlantic coast, and especially in the New York Bight. Since that time, through stricter regulation of ocean dumping, and the establishment of a 1981 deadline for the cessation of the ocean dumping of sewage sludge, many municipally-

ties have taken a closer look at alternative methods of waste disposal. By removing the option to, and the ease of, ocean dumping, much ingenuity has been applied to searching for alternatives to both disposal and recycling of these materials.

H.R. 6616 would authorize title I of the act, which is administered by EPA, at a level of \$3,039 million for fiscal year 1981. Title II, which is administered by NOAA, would be authorized at a level of \$11,396 million for fiscal year 1981 and \$12 million for 1982. Title II funds are to be used by NOAA for research on the long-term effects of ocean dumping and the effects of other pollutants in the marine environment. Within these amounts, \$1.5 million has been included for each year for the assessment of the impacts of the recent Campeche oil spill in the Gulf of Mexico and off the Texas coast. Finally, title III, the marine sanctuaries program, which is administered by NOAA, is authorized at a level of \$2.25 million for fiscal year 1981.

In addition, there are several amendments to the act which have been carefully considered, and which I strongly support. An amendment to title I, which I offered in subcommittee, would include industrial wastes as being subject to the 1981 deadline. However, I also modified this amendment to allow the Administrator to issue a limited type of permit for the dumping of these materials, but only if it was necessary to avert a public health emergency, to evaluate a new technology, or to test a new substance in terms of its harmfulness to the marine environment. In addition to some other technical amendments, the marine sanctuaries program has been modified in this bill to require NOAA to specify the activities which will be regulated prior to the actual designation of a sanctuary in order to prevent duplication of regulatory authority. Second, the bill contains a procedure whereby either the Governor of an affected State or the Congress can disapprove the designation of a particular marine sanctuary.

I would like to take a few minutes to address the questions raised about section 9 of this legislation which would require that the best available bioassay and bioaccumulation tests be performed on dredge spoil proposed for disposal in Long Island Sound.

The argument has been raised that this legislation is aimed at ending all disposal of dredge spoils in Long Island Sound. This argument is without substance, and lacks merit. We only propose to require that all dredge spoils dumped in the sound be at least as safe as we would dump in the ocean. It is hard to believe that some would argue that for mere economic gain that we should continue to allow the dumping of materials which cannot pass minimum safety criteria for ocean disposal into the inland waters of the United States.

Second, the argument has been raised that the economic impact of such tests will fall unjustly on small marine operators. Chairman AMBRO has fully addressed that argument and has shown that it too lacks merit, but let me just add that even in a small marine, one with

100 berths, which might require maintenance dredging every 5 years or so, could easily pass on the cost to the boat owners by merely raising to slip cost by \$1 per boat per month. That hardly seems an unbearable burden.

Last, Mr. Speaker, I would like to compliment the gentleman from Washington (Mr. PRITCHARD) and the gentleman from Pennsylvania (Mr. WALKER) who have worked long and hard on this bill. I have no hesitation in assuring my colleagues that this is a good bill, a bill which is important to the protection of the marine environment, and a bill which Members can and should support. I urge its passage.

Mr. EVANS of Delaware. Mr. Speaker, will the gentleman yield?

Mr. FORSYTHE. I yield to the gentleman from Delaware.

Mr. EVANS of Delaware. Mr. Speaker, I rise in strong support of H.R. 6616.

Mr. Speaker, I rise in support of H.R. 6616, a bill to authorize appropriations to carry out the Marine Protection, Research, and Sanctuaries Act of 1972, as amended.

The Marine Protection, Research, and Sanctuaries Act—often called the Ocean Dumping Act—is of the utmost importance to the State of Delaware. For many years the city of Philadelphia has annually dumped millions of pounds of raw sewage sludge into the Atlantic Ocean off the Delaware/Maryland coast. Needless to say, this action was done despite repeated objections from Delawareans who live on the coast and depend on its resources.

In 1977, as a member of the Merchant Marine and Fisheries Committee, I joined with my colleague from New Jersey, BILL HUGHES, in amending title I of the Ocean Dumping Act to establish in law a December 31, 1981, deadline for the phasing out of the ocean disposal of harmful sewage sludge. As a result of our amendment, Philadelphia is rapidly phasing out its ocean dumping program and is, instead, developing land-based alternatives such as the use of sludge-based compost for the reclamation of strip mines. We in Delaware are delighted that the dumping off our coast will soon stop, and we look forward to the day when we will not have an area 9½ miles in diameter off our coast closed to the taking of shellfish because of contamination by Philadelphia sewage sludge.

Mr. Speaker, the Philadelphia situation is not unique. At the beginning of 1979, the Environmental Protection Agency had 26 interim permits issued to municipalities for the ocean dumping of sewage sludge.

By the 1981 deadline, all but two or three of these municipalities will have stopped dumping their harmful sludge into the ocean. Few other environmental protection programs can claim such a clearcut and admirable record.

The Committee on Merchant Marine and Fisheries has authorized \$3 million to implement title I of this act in fiscal year 1981. These funds are needed to continue the steady progress that the EPA has shown in stopping the ocean dumping of harmful sewage sludge and

to continue a similar program with respect to the ocean dumping of industrial wastes.

This legislation also authorizes appropriations for two other important programs. The Merchant Marine Committee, in conjunction with the Science and Technology Committee, authorized more than \$11 million for title II, the marine research program. These funds would allow the Environmental Protection Agency to continue to assist municipalities which are presently dumping sewage sludge into the ocean to develop and implement environmentally sound land-based alternatives. Our National Oceanic and Atmospheric Administration would also have the resources to continue a variety of marine research programs, including the continued assessment of oil pollution problems in the Gulf of Mexico.

Finally, H.R. 6616 authorizes \$2.25 million for the continuing implementation of the marine sanctuary program. Since enactment of this law in 1972, two marine sanctuaries have actually been designated; seven more are currently under active consideration. The administrators of the marine sanctuary program have made a great deal of progress on a very small budget, and I support their efforts.

Mr. Speaker, in sum, I believe that the Nation has received substantial benefit from the very small investment in the Marine Protection, Research, and Sanctuaries Act. As a result of this law, our oceans are cleaner, we know more about how we can and cannot use our marine environment, and we are giving special protection to areas which have unique ecological or other values. I urge my colleagues to support the reauthorization of H.R. 6616.

□ 1250

Mr. Speaker, at this point I yield 5 minutes to the gentleman from Connecticut (Mr. MCKINNEY).

Mr. MCKINNEY. Mr. Speaker, a number of years ago, Connecticut's senior Senator, ABE RIBICOFF, referred to Long Island Sound as our State's "most precious natural resource" and appropriately, it is a characterization that has stayed with us and become the essence of that which a great number of people have worked hard to maintain.

I can tell you it has not been an easy task given the environmental concerns and the economic necessities we have had to contend with. In all, however, I believe the job's been well done and there is a balance at each end of the spectrum. Understandably, this is an ongoing process and we hope to continue to move forward but I am of the opinion that future progress will be imperiled if this House approves section 9 of H.R. 6616. I should add that I am joined in this view by my Connecticut colleagues, Mr. GIAMMO and Mr. DOBB, who also represent the Long Island shore, as I do.

I want to emphasize that I do not object to any other section of H.R. 6616 and I do not intend to attempt to eliminate section 9. Simply, I am interested in offering a substitute amendment to that section, one which has the support of

Mr. GIAMMO and Mr. Dobb, and one which will allow the bill to conform to the stated intentions of the committee report.

The section in question deals with dredged disposal in Long Island Sound and since the beginning, it has been the subject of some negotiation and to my knowledge, it has been revised twice since its introduction. As late as last week, it was my understanding that an accommodation had been reached and that the bill would reflect the committee report with a section strengthening the testing procedure for dredged spoil.

Apparently, there has been some confusion in the meantime for section 9 of the bill goes far beyond that and seeks, on the one hand, to impose a host of new Federal restrictions and on the other, to negate State authority, input and control over Long Island Sound, a multifaceted function the State has discharged responsibly since the Congress institutionalized bistate authority in 1881.

I would ask then that you vote against the bill, not as a vote on the merit of the entire bill, but one which will give Mr. GIAMMO, Mr. Dobb, and myself the opportunity to offer what we believe to be a strengthening and clarifying amendment. If the bill is defeated, it will go to the Rules Committee where we will ask that we be allowed to achieve that objective. It is our intent to do this with dispatch so as to bring this bill back to the floor as soon as possible. I ask my colleagues to support this effort; I believe it will make the end result worthwhile.

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

Mr. MCKINNEY. I will be delighted to yield to the gentleman from New York.

Mr. AMBRO. Mr. Speaker, I wonder if the gentleman can tell us two things. What is the amendment he proposes that would strengthen all of this? Would he tell us something about that?

Mr. MCKINNEY. The committee report states:

The committee has adopted language which will require that bioaccumulation and bioassay tests, already required before any permit may be issued for the ocean disposal of any dredge spoil, be undertaken before allowing similar disposal in the waters of Long Island Sound.

Our amendment would read:

Notwithstanding any other provision of law, the dumping of dredged materials in the Long Island Sound shall comply with the bioaccumulation and bioassay testing criteria established pursuant to section 192(a) of this act.

As written, the bill would subject the Long Island Sound dumping process to existing statutes which deal with testing, the issuance of permits and Federal veto power—the latter two going beyond the intent of the committee report. The proposed amendment would subject the process—and limit it to—testing criteria, as the committee report envisions and allow State input and control to remain intact.

Mr. AMBRO. Mr. Speaker, I wonder if the gentleman would yield further?

Mr. MCKINNEY. I would be delighted.

Mr. AMBRO. The language of section 102(a) starts with the provision that this does not apply to dredge spoil. That is the first portion of that act, so therefore what the gentleman is proposing to do is to vitiate completely the concept here and have a section apply that has no relevance to dredge spoil. That is the objection here.

Mr. MCKINNEY. I would suggest to the gentleman, that is not the case. What the gentleman is trying to do is to continue to keep the control of Long Island Sound where it belongs, which is between the State Legislature of the State of New York and the State Legislature of the State of Connecticut.

I would go further, to add to the confusion of this, if the gentleman would care to read what I have read, the bill says, "Notwithstanding any other provision of law * * *" and ends with, "* * * in addition to other applicable Federal and State requirements."

If a conflict arises, who is in charge here?

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

Mr. FORSYTHE. Mr. Speaker, I yield 2 additional minutes to the gentleman from Connecticut.

Mr. MCKINNEY. In other words, if a conflict arises one can rest assured that the State of Connecticut's interests are going to be lost to the Federal bureaucracy. I would suggest to the gentleman that I have for over 8 solid years worked on the dredging of Stamford Harbor. More PCB's, more chemical waste, more toxic material, was spread in Long Island Sound by the mere entrance of boats to Stamford Harbor than one could possibly imagine. The figures are very clear. The Corps of Engineers has them.

A tug pulling a loaded barge into Stamford Harbor was churning up the vilest of material. Almost 8 years of solid work went into this, and taking the example of New Haven Harbor in Congressman GIAMMO's district, it was found that we could take outer harbor spoils which were uncontaminated and cap inner harbor spoils, which were contaminated. There is a million and a half dollar study on containment islands and on the effect of this type of loading of ground depositing, and from New Haven's experience we have found no after-effects, and we are still studying.

Mr. AMBRO. If the gentleman will yield further, I do not know that we should have a dispute on the facts. Section 102(a), which is what was the subject of the gentleman's and Mr. Dobb's amendment, starts with the language, "except in relation to dredged material."

So, therefore, dredged material would be removed from the protection of this act and all other acts if this simple amendment, as the gentleman puts it, were needed to replace section 103.

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

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

Mr. MURPHY of New York. Mr.

Speaker, I yield 5 minutes to the distinguished gentleman from Connecticut (Mr. GIAMMO).

Mr. GIAMMO. Mr. Speaker, I rise in opposition to the consideration of H.R. 6616 under suspension of the rules. As a Member whose district borders the sound, I know a balance must be struck between the need to dredge rivers and harbors which protects the environmental integrity of natural resources, and I also understand the concern expressed in part 2 of the report without adequate safeguards to insure that contaminated surpluses are not disposed of in the sound. There is a potential for a major human health emergency.

There is, however, as the gentleman from Connecticut (Mr. MCKINNEY) has indicated, an inconsistency between the language of section 9 and the stated purpose behind the section. Part 2 of the report states that section 9 will require biological chemical tests and biological assay tests already required before any ocean dumping may be permitted, be undertaken before allowing similar dumping in the waters of Long Island Sound.

The language of section 9, on the other hand, goes far beyond merely requiring more stringent testing. It states that dumping of dredged material shall comply with the provisions of section 103 of this act. Section 103 outlines a direct permit program for dredged material disposal in ocean waters.

□ 1300

It covers much more than testing procedures, covered in section 103(b), which states the Secretary of the Army shall apply those criteria established pursuant to section 102(a) relating to dumping. In effect section 9 eliminates the current permit program authorized by Federal law, a permit program that permits State participation, and establishes a straight Federal program over waters that are by law within the territory of the States of New York and Connecticut.

Mr. Speaker, I think we have a discrepancy here between the stated purposes of the legislation in the report and what it says in the bill itself. I was assured that the purposes of section 9 were to have the testing procedures for ocean dumping apply to dumping in Long Island Sound, and I believe that section 9 could be narrowed to achieve the stated purpose.

It is the intention of the gentleman from Connecticut (Mr. Dobb), the gentleman from Connecticut (Mr. MCKINNEY) and myself to offer a perfecting amendment. Obviously we cannot do this under the suspension method of bringing legislation to the floor. I believe that we could clarify section 9 so that we would be required to have the proper testing, but so that we would not lose all of the other rights which we as States bordering on the sound have. To deprive us of this right, I believe, would be to overbalance and overweigh this legislation in favor of Federal regulation rather than State participation.

Mr. Speaker, I ask that this bill on suspension be voted down so that it can come up in the proper way and be

amended in the proper fashion and so that all rights can be protected.

Mr. MURPHY of New York. Mr. Speaker, I yield 6 minutes to the gentleman from New York (Mr. AMBRO).

Mr. AMBRO. Mr. Speaker, I would like to address two of the points made by both the gentleman from Connecticut (Mr. MCKINNEY) and the gentleman from Connecticut (Mr. GIAIMO).

I think the impression is being created here that what we are doing is engaging in some sort of subterfuge to circumvent the committee process and go to the suspension procedure. The gentleman from Connecticut (Mr. GIAIMO) suggested that what he would like to do is offer a perfecting amendment. The gentleman from Connecticut (Mr. MCKINNEY) said last week that he believed an accommodation could be reached on some other proposal.

If I may just tell all the assembled Members the facts as to what had transpired over the last year and a half. We had originally installed in this bill a proposal whereby the base line of the oceans was changed to encompass Long Island Sound. My friend, the gentleman from Connecticut (Mr. DONN), suggested that it would be foolish to make Long Island Sound an ocean, and that he would object to that. Indeed he told us that after he continued to hold the bill up in the Committee on Rules.

The bill never did get out of committee last year, so in order to accommodate the gentleman from Connecticut (Mr. DONN), we changed the language by superimposing the protections of this bill on this estuary, which protections are the same as those that we afford the oceans.

Now, it is somewhat ludicrous that we provide greater protections to the oceans than we do to those marine environments which are used by tens of millions of people in the United States. So we developed this language which merely requires the superimposition of bioaccumulation and bioassay tests in order to have those tests apply as criteria to that dredge spoil which is dumped in this ocean. If it is not toxic, if it is not horrendous to ecology and marine life, then certainly it can be dumped.

It seems to me that the fear here is, from knowledge supplied to us by the Corps of Engineers, by the Environmental Protection Agency, by NOAA, and by NACOA, agencies looked at this, that the quantities of toxic dredge spoil being dumped in the sound will make it a barren wasteland, a cesspool if you will, and remove all of those delights, commercial and recreational, that we enjoy in using it now.

In the second place, the accommodation mentioned by my friend on the other side that came about last week was an accommodation whereby the gentleman from Connecticut (Mr. DONN) asked me if I would hold a hearing, saying that no hearings had been held. In fact, two hearings had previously been held. But we did accommodate Mr. DONN, and we did hold a hearing, which was attended by the Director of the Environmental Conservation, Mr. Pac, who took Mr. Costle's place. He said he agreed with

what we were doing, except that what he did not agree with is the problem that may accrue to small marina operators who might incur costs of thousands of dollars to meet the testing requirements. In fact, we demolished that argument, and we were next asked to hold a colloquy on the floor with the gentleman from Connecticut (Mr. DONN) to address that matter.

But last Thursday the gentleman from Connecticut (Mr. DONN) asked again that we change this bill from a suspension in order to provide section 102. But I repeat to both the gentleman from Connecticut (Mr. MCKINNEY) and the gentleman from Connecticut (Mr. GIAIMO) that section 102 completely vitiates this bill and these protections by starting with the simple language that "this does not pertain to dredged materials," which is what we are talking about now.

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

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

Mr. MCKINNEY. Mr. Speaker, I would suggest to my good friend, the gentleman from New York (Mr. AMBRO), that as I understand it, one of the hearings was held in Long Island and no one from Connecticut testified.

Mr. AMBRO. There was no one from the gentleman's district? I understand the mayor of Norwalk testified.

Mr. MCKINNEY. The mayor of Norwalk?

Mr. AMBRO. The mayor of Norwalk testified.

Mr. MCKINNEY. I also understand, on top of that, that Mr. Pac was here, and there was a hearing held after two committees reported out the bill, which in essence has got to be a farce under our system, since certainly no hearing is going to recommit a bill to a committee.

Mr. AMBRO. Mr. Speaker, I would like to suggest to the gentleman that I personally asked the gentleman and every member of the Connecticut State delegation to allow us to brief them. I pleaded with every member of the Connecticut delegation to allow us to brief them on the horrors that were being inflicted on the sound. In addition, I included the Governor in the briefing suggestion. I desperately tried to get the Governor to focus on the problem, and to this minute we have no response there.

We are not trying to engage in any subterfuge. There were two hearings, two authorization hearings. At none of those times did any member of the Connecticut State delegation seek to come before us and make their views known. I pleaded with each of the members to be briefed on what was going on.

The gentleman from Connecticut (Mr. GIAIMO), I must say, took advantage of that, and so did the gentleman from Connecticut (Mr. DONN) and the gentleman from Connecticut (Mr. MOFFETT).

Mr. FORSYTHE. Mr. Speaker, I yield 2 minutes to the gentleman from Connecticut (Mr. MCKINNEY).

Mr. MCKINNEY. Mr. Speaker, I suggest that I think the State of Connecticut has been exemplary in its treatment of Long Island Sound, more so

than almost any other jurisdiction that I can recognize, including some of the first tertiary requirements and right on down the line.

Long Island Sound has been in the province of the State of Connecticut and the State of New York since 1891, and this is a tremendous interruption of a job that we have done well.

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

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

Mr. GIAIMO. Mr. Speaker, I just want to assure my friend, the gentleman from New York (Mr. AMBRO), that I think we are all trying to accomplish the same thing.

I am not opposed to the testing that the gentleman mentioned and the report language that the committee adopted, the language to require bioaccumulation tests and bioassay tests. What I am concerned about is that in the gentleman's effort to accomplish that, he has gone far beyond that and made it subject to all the requirements of section 103. Be that as it may, it is quite clear here that there is uncertainty and disagreement as to what the effect of compliance with section 103 means.

□ 1310

Therefore, Mr. Speaker, I submit uncertainty of that kind should be fully debated, should be amendable and changed, and should not be the subject of legislation under suspension.

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

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

Mr. AMBRO. Mr. Speaker, I just have a question for my friend on this side or the gentleman from Connecticut.

Would you suggest that if the testing, both bioassay and bioaccumulation, did indeed indicate that these materials were highly toxic, that we should go ahead and dump them in the sound?

Mr. MCKINNEY. I would suggest that in the Stanford-Harvard case, it did indicate that the inner dredgings were highly toxic, but it also indicated very clearly, from New Haven's experience, that capping them with the benign material from the outer harbor did not bring about any endangerment to the environment, and that that is still being traced and followed.

Mr. FORSYTHE. Mr. Speaker, I yield 3 minutes to the gentleman from Delaware (Mr. EVANS).

Mr. EVANS of Delaware. Mr. Speaker, H.R. 6616 provides for a number of important national objectives, national objectives as opposed to regional objectives or State objectives.

Let me review with the Members, if I might, some of the history of the ocean dumping bill. In 1977, we provided for an authorization bill that passed the House, passed the Senate, was signed into law by the President. In 1978, the House passed a bill on suspension. The Senate did not act. In 1979, the Committee on Rules did not grant a rule. In 1980, the committee passed the bill. The Committee on Rules has provided for a suspension of the rules and the passage of this very important legislation.

Now, let me suggest to my colleagues that we have coming up a Republican nominating convention for President that is followed by a convention of the Democratic Party for the nomination of their President to be, possibly. It is also an election year. I might point out that the calendar is full. I suggest that what we do is move ahead on this bill. If there are some problems as it relates to Connecticut, as it relates to a particular portion of New York, let us settle that in conference, let us settle that in the Senate. I think otherwise we are potentially scuttling a very important bill that does provide protection for a number of our postal areas, including, I might add, the State of Delaware, and of the economy.

So I might respectfully suggest that we move ahead with passage of this bill now under suspension, that we work out the problems in conference or in the Senate.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. MURPHY) that the House suspend the rules and pass the bill, H.R. 6616, as amended. The question was taken.

Mr. GLAIMO. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were refused. Mr. GLAIMO. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to the provisions of clause 3 of rule XXVII and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of order of no quorum is considered withdrawn.

CONFIDENTIALITY OF SHIPPERS' EXPORT DECLARATIONS

Mr. GARCIA. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6842) to protect the confidentiality of Shippers' Export Declarations, and to standardize export data submission and disclosure requirements.

The Clerk read as follows:
H.R. 6842

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 301 of title 13, United States Code, is amended by adding at the end thereof the following new subsection:

"(g) Shippers' Export Declarations (or any successor document), wherever located, shall be exempt from public disclosure unless the Secretary determines that such exemption would be contrary to the national interest."

Sec. 2. Section 4199 of the Revised Statutes (46 U.S.C. 93) is amended to read as follows:

"Sec. 4199. (a) Copies of bills of lading or equivalent commercial documents relating to all cargo encompassed by the manifest required under this chapter shall be attached to such manifest and delivered to the appropriate officer of the United States Customs at the time such manifest is delivered.

"(b) The following information shall be included on such manifest, or on attached copies of bills of lading or equivalent commercial documents:

- "(1) Name and address of shipper.
- "(2) Description of the cargo.

"(3) Number of packages and gross weight.

"(4) Name of vessel or carrier.

"(5) Port of exit.

"(6) Port of destination.

"(c) Except as provided in subsection (d), the following information contained on such manifest, or on attached copies of bills of lading or equivalent commercial documents, shall be available for public disclosure:

"(1) Name and address of shipper, unless the shipper has made a biennial certification claiming confidential treatment pursuant to procedures adopted by the Secretary of the Treasury.

"(2) General character of the cargo.

"(3) Number of packages and gross weight.

"(4) Name of vessel or carrier.

"(5) Port of exit.

"(6) Port of destination.

"(7) Country of destination.

"(d) The information listed in subsection (c) shall not be available for public disclosure if—

"(1) the Secretary of the Treasury makes an affirmative finding on a shipment-by-shipment basis that disclosure is likely to pose a threat of personal injury or property damage; or

"(2) the information is exempt under the provisions of section 552(b)(1) of title 5 of the United States Code.

"(e) The Secretary of the Treasury, in order to allow for the timely dissemination and publication of the information listed in subsection (c) above, is authorized to establish procedures to provide access to manifests, or attached bills of lading or equivalent commercial documents which shall include provisions for adequate protection against the public disclosure of information not available for public disclosure from such manifests or attached bills of lading, or equivalent commercial documents."

Sec. 3. Nothing in this Act shall be construed as authorizing the withholding of information from Congress.

Sec. 4. (a) Except as provided in subsection (b), this Act, and the amendments made by this Act, shall become effective on the later of July 1, 1980, or the date of enactment of this Act.

(b) The amendment made by section 2 shall become effective on the date which is forty-five days after the date of enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, a second is not required on this motion.

The gentleman from New York (Mr. GARCIA) will be recognized for 20 minutes, and the gentleman from New Jersey (Mr. COURTER) will be recognized for 20 minutes.

The Chair recognizes the gentleman from New York (Mr. GARCIA).

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

Mr. Speaker, I would like to place on the record that both myself and my colleague, the gentleman from New Jersey (Mr. COURTER), the ranking minority member on the Subcommittee on Census and Population of the Committee on Post Office and Civil Service, have worked very hard on this, and without his help and support it would have been extremely difficult to get this bill to where we are right now.

Mr. Speaker, I am pleased to bring H.R. 6842 before the House today. This bill represents months of hard work and diligent labor on the part of members of the Subcommittee on Census and Population, the administration, exporters and the trade press to reach a satisfactory and workable solution to a problem

involving public accessibility to export data in the Government's possession.

The Committee on Post Office and Civil Service unanimously approved and ordered this measure reported on April 23.

Mr. Speaker, as Members are probably aware, Congress voted last year to terminate the confidentiality of shippers export declarations, commonly referred to as SED's. Specifically, on September 21 of last year, by a margin of 318 to 29 the House adopted the substitute amendment offered by the gentleman of North Carolina, RICHARDSON PREYER, to the Export Administration Act amendments of 1979 to end the blanket public disclosure exemption for SED's as of June 30 of this year.

At the time of the House vote, litigation was pending in the Federal District Court for the District of Columbia which sought to gain access to SED's under the Freedom of Information Act (FOIA). The lawsuit challenged the Government's reliance upon section 7(c) of the Export Administration Act as the statutory basis for withholding SED's from the public. Earlier a Federal court decided, in an unrelated case pertaining to Arab boycott data, that section 7(c) of the Export Act did not constitute a withholding statute for the purposes of the Freedom of Information Act. As a result of the uncertainty created by the litigation, Congress voted to temporarily extend blanket SED confidentiality until June 30, as I mentioned earlier.

Since then, the subcommittee has engaged in a careful and deliberate examination of the issues involved namely: The public's right to know versus the right to business confidentiality.

In my view, H.R. 6842 effectively balances these competing interests.

Mr. Speaker, a shippers export declaration is a hybrid document—used both for statistical and nonstatistical purposes. Over 9 million of these documents are filed by American shippers each year. Commercially sensitive and competitive information is reported on the SED about the shipment including the shipment's value, destination and ultimate consignee, to mention a few. If this information were to be released to domestic, but more importantly to foreign, competitors the consequences could potentially be rather severe to American exporting interests. If SED's were released, they would reveal detailed information about the marketing and pricing strategies of American businesses overseas. This could only serve to exacerbate the Nation's trade deficit as more businesses pulled out of the exporting market. Businesses, therefore, justifiably need to protect this commercial data.

The public, however, has a corresponding right to nonsensitive data the Government is holding. With respect to this issue, the subcommittee was advised by the trade press, steamship companies, freight forwarders and port authorities to make available a source of export data whose reliability was on par with the SED information.

H.R. 6842 in my judgment affirmatively responds to the interests and concerns expressed by both sides.