

pursuant to section 3 of Public Law 96-504; to the Committee on the Judiciary.

3633. A letter from the Secretary of Transportation, transmitting notice of his conclusion that the report on the study of the possibility of relieving the Indiana Toll Road Commission of obligations resulting from the prior use of certain Federal funds is no longer necessary, because the issues for study have been satisfactorily resolved, pursuant to section 157 of Public Law 95-599; to the Committee on Public Works and Transportation.

3634. A letter from the Secretary of Transportation, transmitting the report on the Columbia River Bridge feasibility study, pursuant to section 158 of Public Law 95-599; to the Committee on Public Works and Transportation.

3635. A letter from the Under Secretary of Energy, transmitting volume I of the report on Federal policies to promote the widespread use of photovoltaic systems, pursuant to section 10(c) of Public Law 95-590; to the Committee on Science and Technology.

3636. A letter from the Administrator, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting notice of a delay in the submission of the annual report on the world weather program, required by Senate Concurrent Resolution 67 of the 90th Congress, together with a draft of proposed legislation to revise the reporting requirement; to the Committee on Science and Technology.

3637. A letter from the Director, National Science Foundation, transmitting a draft of proposed legislation to authorize appropriations for the National Science Foundation for fiscal years 1981 and 1982; to the Committee on Science and Technology.

3638. A letter from the Acting Special Representative for Trade Negotiations, Executive Office of the President, transmitting recommendations as to the appropriate temporary rates of duty for articles affected by the termination of the 1978 bilateral trade agreement between the United States and India, pursuant to section 125(e) of the Trade Act of 1974 (H. Doc. 98-274); to the Committee on Ways and Means and ordered to be printed.

3639. A letter from the Comptroller General of the United States, transmitting a report on the need for the Federal Trade Commission and the Department of Justice's Antitrust Division to improve Federal antitrust enforcement (GGD-80-16, February 29, 1980); jointly, to the Committees on Government Operations, Interstate and Foreign Commerce, and the Judiciary.

3640. A letter from the Chairman, U.S. Nuclear Regulatory Commission, transmitting the 18th report on abnormal occurrences at licensed nuclear facilities, pursuant to section 208 of Public Law 93-438; jointly, to the Committees on Interior and Insular Affairs and Interstate and Foreign Commerce.

3641. A letter from the Chairman, Select Commission on Immigration and Refugee Policy, transmitting the first semiannual report of the Commission, pursuant to section 4(d) of Public Law 95-412, as amended; jointly, to the Committees on the Judiciary and Foreign Affairs.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

[Pursuant to the order of the House on Feb. 28, 1980 the following report was filed]

Mr. STAGGERS: Committee on Interstate and Foreign Commerce, H.R. 6152. A bill to facilitate the ability of product sellers to establish product liability risk retention groups, to facilitate the ability of such sellers to purchase product liability insur-

ance on a group basis, and for other purposes; with amendment (Rept. No. 96-791). Referred to the Committee of the Whole House on the State of the Union.

[Submitted Mar. 3, 1980]

Mr. HANLEY: Committee on Post Office and Civil Service, House Joint Resolution 414. Resolution authorizing the President to proclaim May 1, 1980, "National Bicycling Day" (Rept. No. 96-792). Referred to the House Calendar.

Mr. HANLEY: Committee on Post Office and Civil Service, House Joint Resolution 445. Resolution to designate the third week of September as "National Cystic Fibrosis Week"; with amendment (Rept. No. 96-793). Referred to the House Calendar.

Mr. HANLEY: Committee on Post Office and Civil Service, House Joint Resolution 463. Resolution designating the week of October 5 through October 11, 1980, as "National Diabetes Week" (Rept. No. 96-794). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BIAGGI:

H.R. 6671. A bill to unify the rules for preventing collisions on the inland waters of the United States, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. BIAGGI (for himself and Mr. Young of Alaska):

H.R. 6672. A bill to authorize appropriations for the Coast Guard for fiscal year 1981, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. LATTA:

H.R. 6673. A bill to suspend for a 3-year period the duty on water chestnuts and bamboo shoots; to the Committee on Ways and Means.

By Mr. LEVITAS (for himself, Mr. JOHNSON of California, Mr. HANSEN, and Mr. BOWEN of Tennessee):

H.R. 6674. A bill to amend the National Visitor Center Facilities Act of 1968 to authorize additional funds, and for other purposes; to the Committee on Public Works and Transportation.

By Mr. MOAKLEY (for himself, Mr. OBERSTAR, Mr. PEPPER, Mr. MILLER of California, Mr. MURPHY of Pennsylvania, Mr. SCHEUER, Mr. NOLAN, Mr. FISH, Mr. BELLESON, Mr. CORMAN, Mr. LUNDINE, Mr. GRAY, Mr. WAXMAN, Mr. STARK, and Mr. FAET):

H.R. 6675. A bill to require persons who manufacture cigarettes or little cigars for sale or distribution in commerce to meet performance standards prescribed by the Consumer Product Safety Commission, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. PRICE (for himself and Mr. BOB WILSON) (by request):

H.R. 6676. A bill to authorize appropriations for Federal civil defense programs for fiscal year 1981, and for other purposes; to the Committee on Armed Services.

By Mr. SWIFT:

H.R. 6677. A bill to assist the electrical consumers of the Pacific Northwest through use of the Federal Columbia River Power System to achieve cost-effective energy conservation, to encourage the development of renewable energy resources, to establish a regional power planning process, to assure the Pacific Northwest of an efficient and adequate power supply, and for other purposes; jointly, to the Committees on Interior and Insular Affairs and Interstate and Foreign Commerce.

By Mr. TRIBLE:

H.R. 6678. A bill to authorize appropria-

tions during the fiscal year 1981 for the procurement of naval vessels; to the Committee on Armed Services.

By Mr. VANDER JAGT:

H. Con. Res. 292. Concurrent resolution expressing the sense of the Congress with respect to taxing social security benefits; to the Committee on Ways and Means.

By Mr. COLEMAN:

H. Res. 590. Resolution to amend the Code of Official Conduct of the House of Representatives respecting Members who have been indicted for criminal offenses; to the Committee on Standards of Official Conduct.

By Mr. COURTER:

H. Res. 591. Resolution urging the Secretary of Education and the Attorney General of the United States to take all appropriate steps to help local educational agencies eliminate violent crime in the Nation's schools; jointly, to the Committee on Education and Labor and the Judiciary.

By Mr. FINDLEY:

H. Res. 592. Resolution expressing the sense of the House of Representatives that the President of the United States should announce a state of economic emergency and take certain actions to reduce the rate of inflation, that the House of Representatives Committee on the Judiciary should, without delay, report a joint resolution proposing a constitutional amendment to assure fiscal responsibility, and that the members of the Federal Reserve Board should increase their regulation of the monetary system; jointly, to the Committees on Banking, Finance and Urban Affairs, Government Operations, and the Judiciary.

MEMORIALS

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

355. By the SPEAKER. Memorial of the Legislature of the Commonwealth of Virginia, relative to the provision of insurance by farm credit institutions pursuant to the Farm Credit Act of 1971; to the Committee on Agriculture.

356. Also, memorial of the Legislature of the State of Idaho, relative to supporting the President's policy with respect to the American hostages in Iran; to the Committee on Foreign Affairs.

357. Also, memorial of the Legislature of the Commonwealth of Virginia, relative to reimbursement of the States for all costs incurred with respect to federally mandated programs; to the Committee on Government Operations.

358. Also, memorial of the Legislature of the State of Idaho, relative to proposed expansion of the Birds of Prey National Conservation Area; to the Committee on Interior and Insular Affairs.

359. Also, memorial of the Legislature of the State of Nebraska, rejecting the proposed amendment to the Constitution of the United States relative to voting representation in the Congress for the District of Columbia; to the Committee on the Judiciary.

360. Also, memorial of the Legislature of the Commonwealth of Virginia, relative to enacting tax laws providing incentives to purchase certain insurance coverage to contain the rise in health care costs; to the Committee on Ways and Means.

361. Also, memorial of the Legislature of the Commonwealth of Virginia, relative to the allocation of funds derived from the proposed Windfall Profits Tax on Domestic Oil; to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

14 cosponsors

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This phenomenal growth can be largely attributed to the onslaught of new Federal and State mandates. In fact, a typical county's budget is funded with two dollars from Washington or Harrisburg to every one raised locally. This influx of outside funding has done more than just increased the Budget size; almost to a one, they have added complex reporting and compliance requirements. All this red-tape is especially frustrating considering the limited, "categorical" nature of the funds. Certain grants are intended for certain purposes, and the availability of funds rarely corresponds to the areas of greatest need.

The singular exception to this barrage of restricted, narrow-purpose funding has been General Revenue Sharing. While other Federal Programs have reduced county officials' ability to respond to public needs, Revenue Sharing has succeeded in doing just the reverse. Instead of being another categorical grant, GRS is a unique and successful blend of block-grant and entitlement aid. The block-grant concept provides funds with few restrictions on their use, and the entitlement formula assures local and State governments of their proportionate share, without the need for elaborate grant proposals. Indeed the program has been especially welcomed by many units of local government which are normally ill-prepared to compete for Federal assistance and whose needs, therefore, are often not addressed.

Since Revenue Sharing began in 1972, Pennsylvania counties¹ have received over \$883 million. In the current fiscal year alone, their entitlement exceeds \$112 million. By almost any standard, that is a lot of money to be distributed, and it is entirely appropriate to question how it has been spent.

In the early years, many locals officials hesitated to earmark Revenue Sharing dollars for anything other than "one-shot" expenditures, such as capital projects. However, as these officials came to appreciate the unusual flexibility which these funds afforded them, the use has diversified. This process was helped significantly by changes several years ago which permitted GRS to be used as local matching funds for most Federal categorical grants. This change allowed recipients of Revenue Sharing to not only benefit from the program's inherent lack of constraints, but, further to obtain other needed restricted-use funds.

The Pennsylvania State Association of County Commissioners has received information from 16 counties on how they have budgeted Revenue Sharing funds in 1980. This data is not a scientific sample, yet it does reflect how some counties (ranging in population from 5,000 to 600,000) will be utilizing CRS dollars this year. The chart summarizes the responses by category.

Application	Percent of total G.R.S. expenditures
Health and human services: Includes geriatric nursing care, mental health, mental retardation, youth, aging, drug and alcohol, health services, housing, etc.	28.8
Physical plant maintenance and capital projects: Includes upkeep of county buildings as well as construction of new facilities	26.1
Debt service: Includes payment of principal and interest on county bonded indebtedness	13.1
General government operations: Includes support of traditional county government expenses	10.9
Public safety: Includes corrections, courts and emergency communications	9.8
Community services: Includes grants to local fire companies, libraries, historical societies, educational programs, etc.	7.0
Business and community development: Includes redevelopment programs, efforts to attract new industries, regional planning, and transportation services	3.4
G.R.S. administration: Includes costs of complying with Revenue Sharing regulations, such as audit and advertising expenses	0.7

¹ Reference to counties' share includes funds received by the City-County of Philadelphia.

Application	Percent of total G.R.S. expenditures
Year-end balance: Unapportioned balance at close of county fiscal year	0.2
Total	100.0

NOTE.—These figures offer some valuable insight, even if they are somewhat distorted. Two of the 16 counties committed in excess of 90 percent of their entitlements to "Physical Plant" expenditures, while another allotted 100 percent of its funds to "Debt Service". The amount of funds involved in these three instances alone represents nearly 36 percent of all the Revenue Sharing funds in this sample.

It is apparent that counties have significantly redirected their Revenue Sharing funds into service areas, primarily to health care and social service providers. Eleven of the sixteen counties have appropriated the majority of their G.R.S. dollars for activities in the "Health and Human Services", "Public Safety", "Community Services", and "Business and Community Development" categories. In fact, the eleven counties' appropriation of Revenue Sharing funds to these categories averages 90 percent of their total entitlement.

Perhaps a clearer picture of how counties prioritize their Revenue Sharing funds can be obtained by examining how many counties in the survey commit funds to each of the categories.

Category	Number of counties appropriating
Health and human services	11
Physical plant maintenance and capital projects	5
Debt service	2
General government operations	7
Public safety	9
Community services	8
Business and community development	6
G.R.S. administration	4
Year-end balance	4

To reiterate, counties included in this sample are not presented as a representative sample of all Pennsylvania counties, and it is important not to over-analyze the data. However, when adjusting for those few counties which have earmarked all of their funds to only one category, the general tendency of counties to use G.R.S. for services (as opposed to government operation) is clear. It is likely that this use of Revenue Sharing is reflective of most counties not in the sample, as well.

As noted previously, many of the programs counties support with GRS are not also receiving other public funds. In many instances, these involve important community activities and services. The effects of losing Revenue Sharing would, of course, vary from county to county, but the loss would be severely felt in all cases.

If that is true for the local share, what would happen if the State's share is eliminated? In Pennsylvania, at least, the answer is fairly simple: local governments would suffer the most. Of the nearly \$112 million which the Commonwealth will receive this fiscal year, virtually 100% is to be passed-through to political subdivisions. Counties are most concerned with the \$24 million the State reimburses them for county court cost expenses, as well as the \$3.4 million for local health departments (five counties operate health agencies). The remaining \$85 million is to be used for public education and sewage treatment facilities, with a small percentage (\$.5 million) for capital improvements and G.R.S. compliance expenses.

This use of the State's entitlement is not

new. Of the \$814,176,692 which the Commonwealth has received since Revenue Sharing began, the vast majority has been in turn directed to its political subdivisions.

The Pennsylvania State Association of County Commissioners supports the re-enactment of General Revenue Sharing. We do so because it is, in our judgment, an innovative and successful approach to Federal assistance. In the few short years it has existed, Revenue Sharing has enabled many local governments to establish vitally-needed services and programs which otherwise would not have been possible. Our track record in maximizing the benefit of these block grant entitlement funds is open to public scrutiny, and we are proud of it.

Our support for re-enactment is qualified, however. We request the Pennsylvania Congressional Delegation to vote to renew General Revenue Sharing, provided:

1. The State share is not eliminated. For the reasons cited, our Association joins with other statewide local government organizations as well as the National Association of Counties in calling for continuation of the State entitlement. We believe the success of this program can be attributed, at least in part, to the ability of Federal, State and local governments to cooperate in the best use of G.R.S. funds. This has been especially true in Pennsylvania.

2. No new strings are attached. Although this is a block grant, entitlement program, it is not money provided without conditions. There are already a number of requirements for recipient governments, including: an audit once every three years of all funds (not just Revenue Sharing), as well as audits of any agency to which a county might, in turn, allocate in excess of \$25,000; public hearings, before and after the use of G.R.S. funds is determined for the succeeding fiscal year, and compliance with Davis-Bacon and other Federal standards. We do not object to these existing conditions, but we oppose any further erosion of the flexibility and addition of red-tape which has made Revenue Sharing one of the most efficient Federal programs in existence.

THE CIGARETTE SAFETY ACT

HON. JOE MOAKLEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 3, 1980

● Mr. MOAKLEY. Mr. Speaker, today I am introducing a revised version of the Cigarette Safety Act which seeks to insure that cigarettes have a minimum capacity for igniting smoldering upholstered furniture and mattress fires.

The need for such legislation is obvious. According to the U.S. Fire Administration, cigarettes represent the No. 1 national cause of both injuries and fire deaths in residential dwellings. Each year there are over 70,000 smoking-related fires across the country and a resulting 1,800 deaths, 4,000 injuries, and \$180 million in economic losses. These fires could have been prevented.

This legislation mandates the Consumer Product Safety Commission to develop a performance standard that will reduce the potential of cigarette-related fires from occurring. As the bill states, this performance standard is to be based on tests currently being conducted by the National Bureau of Standards Center on Fire Research.

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Potential methods include a time period in which the cigarette must self-extinguish or a measurement of the cigarette's burn penetration of a test substance.

In my original bill, I designated cigarettes to self-extinguish within 5 minutes when not being smoked, but now I feel it is best to give CPSC flexibility in developing a performance standard based on the best available and most current research.

Past research has shown that a freshly lit cigarette will burn for approximately 20 to 45 minutes when placed on a flat surface. This is a reasonable period of time in which a burning cigarette must remain in contact with upholstered furniture and mattresses before a fire will result.

Unfortunately, the cigarette manufacturing companies have not addressed this problem, and I believe the serious nature of this problem demands congressional action.

I would like to stress that this is not an antismoking bill. I believe the decision to smoke or not to smoke should be left up to the individual. A performance standard should not interfere with an individual's smoking habits, but rather address a proven fire hazard. Also, this act requires that the final safety standard be accomplished without the addition of any toxic elements to the cigarette.

Support for this legislation has come from across the country and includes groups made up of individuals who work daily with the problems of smoking-related fires, such as the International Association of Fire Chiefs, International Association of Firefighters, and the American Burn Association. A complete list of supporters follows this text.

I believe this legislation can go a long way in reducing the damage to life and property due to smoking-related fires, and I urge my colleagues to join me in working to reduce this danger by supporting this legislation.

A text of the bill and extraneous material follows:

- SUPPORTS OF THE CIGARETTE SAFETY ACT**
- International Association of Fire Chiefs.
 - International Association of Firefighters.
 - National Fire Protection Association.
 - American Burn Association.
 - American Trauma Society.
 - Decorative Fabrics Association.
 - Action on Smoking and Health.
 - Business and Institutional Furniture Manufacturers Association.
 - Northern California Burn Council.
 - California Fire Chiefs Association.
 - Federated Fire Fighters of California.
 - The Fifteen Junior Leagues of California.
 - San Francisco General Hospital Trauma Center.
 - California Furniture Manufacturers Association.
 - Burn Foundation of Greater Delaware Valley.
 - Health Systems Agency of Southeastern Pennsylvania.
 - Illinois Fire Inspectors Association.
 - Chicago Firefighters Union Local 2.
 - Cincinnati Insurance Board.
 - Cobb County (Georgia) Firefighters.

Oregon Fire Standards and Accreditation Board.

Jaycees of Connecticut.

H.R.—6675

A bill to require persons who manufacture cigarettes or little cigars for sale or distribution in commerce to meet performance standards prescribed by the Consumer Product Safety Commission, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Cigarette Safety Act".

DEFINITIONS

Sec. 2. For purposes of this Act, the term—

- (1) "cigarette", "commerce", "United States", and "little cigar" have the meanings prescribed in paragraphs (1), (2), (3), and (7), respectively, of section 3 of the Federal Cigarette Labeling and Advertising Act;
- (2) "sale or distribution" includes distribution of samples or any other distribution not for sale;
- (3) "Commission" means the Consumer Product Safety Commission; and
- (4) "cigarette safety standard" means any performance standard or cigarette safety rule promulgated by the Commission.

FINDINGS

Sec. 3. (a) The Congress finds that—

- (1) the United States Fire Administration has determined that the careless use of smoking materials is the leading cause of fire-related death and injury in residences in the United States;
- (2) fires caused by cigarettes and the careless use of smoking materials in the United States annually—
 - (A) kill approximately one thousand eight hundred people,
 - (B) injure approximately four thousand people, and
 - (C) result in property damage amounting to approximately \$180,000,000;
- (3) laboratory experiments have shown that a cigarette will burn continuously for approximately 20 to 45 minutes when placed on a flat surface and that this is a reasonable period of time in which a burning cigarette must remain in contact with upholstered furniture and mattresses before a fire will result;
- (4) as presently marked, cigarettes and little cigars are a dangerous ignition source which present an unreasonable risk of injury; and
- (5) it is feasible and practical to produce cigarettes and little cigars which do not present an unreasonable risk of injury.

(b) The Congress declares it to be the policy of the United States—

- (1) to reduce the loss of life and property in the United States by requiring that cigarettes and little cigars manufactured for sale or distribution in commerce be processed to ensure that such cigarettes or little cigars—
 - (A) if ignited, will stop burning within a time period designated by the Commission. If such cigarettes or little cigars are not smoked during such period, or
 - (B) meet some other performance standard promulgated by the Commission to insure that such cigarettes or little cigars do not ignite smoldering upholstered furniture and mattress fires; and
- (2) that such processing be accomplished without the addition of any toxic elements to a cigarette or little cigar.

RULEMAKING

Sec. 4. (a)(1) The Commission shall promulgate, within 24 months after the date of

enactment of this Act, final consumer product safety standards for cigarettes and little cigars which set performance standards ensuring that such cigarettes and little cigars have a minimum capacity for igniting smoldering upholstered furniture and mattress fires.

(2) Performance standards for cigarettes and little cigars shall be developed by the Commission based on objective studies, including studies conducted by the Bureau of Standards of the Department of Commerce.

(b) The Commission shall commence the proceedings for the development of the cigarette safety standards under this Act by the publication in the Federal Register of an advance notice of proposed rulemaking which shall—

- (1) state that Congress has declared that a safety standard for cigarettes and little cigars is necessary and that such standard shall be promulgated by the Commission; and
 - (2) invite interested persons to present their views concerning such standards, orally or in writing, during a period of not less than thirty days immediately following publication of such notice.
- (c) Within 12 months after publication of the notice required by subsection (b), the Commission shall publish in the Federal Register general notice of proposed rulemaking under section 553(b) of title 5, United States Code. Such general notice of proposed rulemaking shall include the terms and substance of the proposed cigarette safety standard.

(d) Within twenty-four months after the date of enactment, the Commission shall promulgate the standard after interested persons have been given an opportunity to participate in the rulemaking through submission of written data, views, or arguments with an opportunity for oral presentation. A transcript shall be kept of any oral presentation.

(e)(1) The final rule promulgating the cigarette safety standard shall specify the date such standard is to take effect, not to exceed forty-eight months after the date of enactment of this Act. If the Commission finds that by eighteen months after the date of enactment of this Act that it is unable to issue the rule within twenty-four months of the date of enactment, it shall prepare and transmit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Interstate and Foreign Commerce of the House of Representatives, outlining the reasons for the extension and designating the additional time period required, not to exceed one year, to issue a rule, and the Commission shall issue a notice of extension in the Federal Register.

(2) For purposes of this Act, the rulemaking provisions of sections 7 and 9 of the Consumer Product Safety Act, and rulemaking sections of any other acts administered by the Commission, shall not apply. Notwithstanding any other provision of law, the Commission shall not be required to make findings pursuant to these sections.

(3) The Commission may by rule prohibit a manufacturer of cigarettes or little cigars from stockpiling such products to which the standard promulgated pursuant to this section applies. For purposes of this paragraph, the term "stockpiling" means manufacturing or importing a product between the date of promulgation of such consumer product safety standard and its effective date at a rate greater than the rate at which such products were produced or imported during the one-year period immediately preceding the date of enactment of this Act.

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JUDICIAL REVIEW

Sec. 5. (a) Any person who is adversely affected or aggrieved by the standard promulgated pursuant to this Act may, at any time prior to the 60th day after the Commission promulgates the final rule, file a petition with the United States Court of Appeals for the circuit in which such person resides or has his principal place of business for a judicial review of this rule. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Commission. The Commission shall file in the court the record of the proceedings on which the Commission based its final rule as provided in section 2112 of title 28, United States Code.

(b) If the petitioner applies to the court for leave to adduce additional evidence, and shows to the satisfaction of the court that such additional evidence is material and that there was no opportunity to adduce such evidence in the proceeding before the Commission, the court may order such additional evidence (and evidence in rebuttal thereof) to be taken before the Commission in a hearing or in such other manner, and upon such terms and conditions, as the court deems proper. The Commission may modify its findings as to the facts, or make new findings, by reason of the additional evidence so taken, and it shall file such modified or new findings, and its recommendations, if any, for the modification of the final rule.

(c) Upon the filing of the petition under this section, the court shall have jurisdiction to review the final rule of the Commission, as modified, in accordance with chapter 7 of title 5, United States Code. If the court ordered additional evidence to be taken under subsection (b) of this section, the court shall also review the Commission's final rule to determine if, on the basis of the entire record before the court pursuant to subsections (a) and (b) of this section, it is supported by substantial evidence. If the court finds the final rule is not so supported, the court may require its modification or reversal.

(d) The judgment of the court affirming, setting aside or modifying, in whole or in part, the Commission's final rule shall be final, subject to review by the Supreme Court of the United States upon certiorari or certification, as provided in section 1254 of title 28, United States Code.

(e) Section 11 of the Consumer Product Safety Act and the judicial review section of any other Act administered by the Commission do not apply to judicial review of the Commission's final cigarette safety standard.

REMEDIES

Sec. 6. The cigarette safety standards, as promulgated in a final rule, shall be deemed to be a consumer product safety standard as defined under section 3 of the Consumer Product Safety Act, and shall be subject to all remedial and penalty provisions of the Consumer Product Safety Act.

CONFORMING AMENDMENTS

Sec. 7. Section 3(a)(1)(B) of the Consumer Product Safety Act is amended by adding after the word "product" the following: "except that cigarettes and little cigars are deemed to be consumer products for the purposes of regulating them as an ignition source".

AUTHORIZATION OF APPROPRIATIONS

Sec. 8. For each of the first three fiscal years beginning after the date of enactment of this Act, there are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

TRIBUTE TO TONY T. DECHANT

HON. PATRICIA SCHROEDER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, March 3, 1980

● Mrs. SCHROEDER. Mr. Speaker, I hope that my colleagues will join me in paying tribute to one of my constituents, Tony T. Dechant.

Mr. Dechant is stepping down after 35 years with the National Farmers Union, 13 years of service as the president. During his tenure, Mr. Dechant has been one of the Nation's leading champions of the family farm. He has traveled around the world, as well, to promote international commodity agreements to improve farm income.

Tony Dechant has been active in other areas of community service as well. He is the president of Green Thumb, Inc., an organization that employs 14,000 elderly rural citizens to carry out beautification and environmental programs in 47 States. He is the director of the Consumer Energy Council of America, and a member of the President's Committee on Employment of the Handicapped.

I would like to commend Tony Dechant for his 35 years of excellent service to the National Farmers Union, the family farm, and the community.

NUCLEAR ACCIDENTS

HON. JAMES WEAVER

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Monday, March 3, 1980

● Mr. WEAVER. Mr. Speaker, today I am inserting in the RECORD two more reports of this country's many accidents at nuclear facilities. Three Mile Island was not the first, only the most serious, of a long history of nuclear accidents. I commend this and all of this series for my colleagues' perusal.

The reports follow:

1945 ATOMIC ACCIDENT

(June 4, 1945, Hypo, criticality accident, Los Alamos, N. Mex.)

Source: TID-5360—"A Summary of Accidents and Incidents Involving Radiation in Atomic Energy Activities, June 1945 Through December 1955," by Daniel F. Hayes, dated August 1956, pages 10 and 11.

The immediate supervisor was absent from the scene when the experiment was begun. According to one of the operators, the water level was raised above the polonium-beryllium source with the supply valve nearly full open. At this point, a slight increase in counting rate was observed, which corresponded with what had been observed previously when the source alone was immersed in water. A few seconds later the counting rate began to increase at an alarming rate. At this point the supervisor returned and walked to within 3 feet of the tank and noted a blue glow surrounding the box. Simultaneously the two operators were hastily closing the supply valve and opening the drain valve. The building was then evacuated.

The three individuals involved received excessive radiation exposures, estimated in the case of two as about 68.5 rep, and in the

third as 7.4 rep. The doses delivered to the head and neck of these individuals may have been considerably greater. The involved individuals were hospitalized for observation, but no untoward symptoms appeared. No significant changes in blood counts were observed and sperm counts on one occasion some time after the incident were normal. It is not believed that the individuals concerned received any significant radiation damage. There was no damage to equipment, no loss of active material, and no local contamination problem.

It seems most probable that the unanticipated increase in reactivity occurred because of water seeping between the blocks of active material and increasing the internal moderation of the assembly. Sufficient heating occurred to melt and deform the plastic bottom of the assembly container, and the water between the blocks must have vaporized, thus stopping the reaction. More water would then seep in and the cycle would repeat. It was estimated that three such cycles occurred before the water level in the tank fell sufficiently low to prevent further reaction.

While no further experiments of this specific type were performed, similar experiments after 1946 were carried out with remote control systems without exposure to personnel.

1946 ATOMIC ACCIDENT

(May 21, 1946, Dr. Louis B. Slotin, Los Alamos, N. Mex.)

Source: Excerpt from ORNL-2748 Part A ("Radiation Accidents: Dosimetric Aspects of Neutron and Gamma-Ray Exposures")—Pages 6, 8.

The circumstances surrounding the second major radiation exposure at Los Alamos on May 21, 1946, were quite similar to those in the first accident. Personnel film badge data were not available and data from badges located on the walls of the room were not very helpful. Eight persons were exposed to significant doses in this incident. It is felt that none of these victims received uniform total body exposures because of various amounts of partial body shielding.

The neutron doses to the exposed people have been estimated as in the case of the LASL-1 accident, i.e. by using neutron spectral data obtained from the Godiva reactor together with Na²⁴ activation data for the blood of the patients. It has been assumed that the gamma-to-neutron dose ratio was 1/10 for all those exposed. This is probably a good assumption except for case LA-9 who returned to the scene of the accident twice after his initial exposure.

Source: Excerpt from TID-5360 ("A Summary of Accidents and Incidents Involving Radiation in Atomic Energy Activities, June 1945 through December 1955")—Page 4.

A senior scientist was demonstrating techniques of critical assembly and associated studies and measurements to another scientist. The particular technique employed in the demonstration was to bring a hollow hemisphere of beryllium around a mass of fissionable material which was resting in a similar lower hollow hemisphere.

The system was checked with two one-inch spacers between the upper hemisphere and the lower shell which contained the fissionable material; the system was subcritical at this time.

Then the spacers were removed so that one edge of the upper hemisphere rested on the lower shell while the other edge of the upper hemisphere was supported by a screw

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