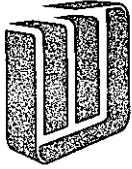


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MWD

METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA

EXECUTIVE SECRETARY

June 16, 1992

To: Board of Directors (Special Committee on Legislation--Action)
From: General Manager
Subject: Support for Senate Bill 792 on Radon in Drinking Water

Report

Senate Bill 792 (S. 792), a Federal bill that will reauthorize the Indoor Radon Abatement Act of 1988, was introduced April 9, 1991, by Senator Lautenberg (D-New Jersey) (attached). S. 792, as passed by the Senate on March 10, 1992, includes amendment language from Senator Smith that requires the U.S. Environmental Protection Agency (USEPA) to conduct a multi-media risk assessment of radon before issuing a drinking water standard for the radionuclide.

In July 1991, the USEPA proposed regulations for radon in drinking water that included a maximum contaminant level (MCL) of 300 picoCuries per liter. The USEPA has estimated that radon in drinking water provides less than five percent of the total contribution of radon in the environment. The American Water Works Association estimates that this MCL will cost utilities between \$12 to \$15 billion in capital costs, and the Association of California Water Agencies has estimated capital costs of \$3.7 billion for California water agencies. Clearly the financial burden to utilities, especially the small agencies, will be enormous, but the benefit associated with this cost has been questioned by such respected organizations as the USEPA Science Advisory Board.

The Smith amendment will require the USEPA to conduct a risk assessment on radon that would consider the health risks associated with various exposure pathways, the cost to mitigate for each pathway, and the cost to consumers for this mitigation. The assessment must also consider the risks of disposal of the carbon used to remove radon from the water supply, and the risks of using aeration treatment to remove the radon from the water and put it into the air. Once the assessment is completed, the USEPA must report the findings to Congress.

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The Smith amendment was approved on the Senate floor and the bill was referred to the House of Representatives (House). It is not clear yet when, and if, the House will act on this bill.

S. 792 also contains language that reauthorizes the Indoor Radon Abatement Act of 1988. Because this part of the legislation relates to radon in air and does not directly impact Metropolitan, it is not necessary for Metropolitan to have a position on this part of the bill.

Board Committee Assignments

This letter was referred for action to:

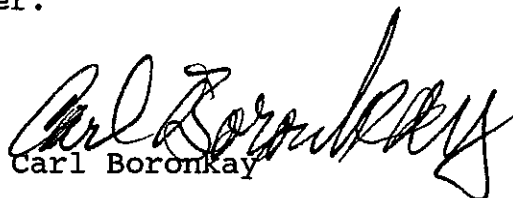
The Special Committee on Legislation because of its authority to review and make recommendations regarding proposals for Federal legislation that may affect the District, pursuant to Administrative Code Section 2581 (a); and

The Executive Committee because of its authority to study, advise, and make recommendations with regard to legislation affecting the District, pursuant to Administrative Code Section 2417 (a).

Recommendation

SPECIAL COMMITTEE ON LEGISLATION AND EXECUTIVE COMMITTEE FOR ACTION.

It is recommended that the Board support S. 792 as it relates to radon in drinking water.


Carl Boronkay

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BOARD/AL4

Attachment

majority leader; and Senator DURENBERGER for their assistance in moving S. 792.

I want to thank the staff, which has worked so hard on both S. 792 and S. 455, the Indoor Air Quality Act, which the Senate passed last session. The staff people, Mike Shields and Jeff Peterson, from the Environment and Public Works Committee, majority staff; and from the minority staff, Rich Innes and Jimmie Powell; and Ric Erdheim, my able assistant from my staff.

I yield the time, Mr. President. I assume that we are ready to vote.

The PRESIDING OFFICER. All time has been yielded or used. All time has expired.

The question is on agreeing to the committee amendment in the nature of a substitute, as amended.

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

Mr. LAUTENBERG. Mr. President, I move to reconsider the vote by which the amendment, as amended, was agreed to.

Mr. CHAFEE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, was read the third time.

The PRESIDING OFFICER. The bill having been read for the third time, the question is, Shall it pass?

On the question, the yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk called the roll.

Mr. FORD. I announce that the Senator from New Mexico [Mr. BINGAMAN], the Senator from Illinois [Mr. DIXON], the Senator from Iowa [Mr. HARKIN], the Senator from Hawaii [Mr. INOUE], and the Senator from Georgia [Mr. NUNN] are necessarily absent.

Mr. SIMPSON. I announce that the Senator from Indiana [Mr. COATS], the Senator from Mississippi [Mr. COCHRAN], the Senator from Utah [Mr. JEFFORDS], the Senator from Indiana [Mr. LUGAR], the Senator from Oklahoma [Mr. NICKLES], the Senator from Oregon [Mr. PACKWOOD], and the Senator from Virginia [Mr. WARNER] are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 82, nays 6, as follows:

[Rollcall Vote No. 37 Leg.]

YEAS—82

Adams	Bradley	Chafee
Akaka	Breaux	Cohen
Baucus	Brown	Conrad
Bentsen	Bryan	Cranston
Biden	Bumpers	D'Amato
Bond	Burdick	Danforth
Boren	Byrd	Daschle

DeConcini	Kennedy	Riegle
Dodd	Kerrey	Robb
Dole	Kerry	Rockefeller
Domenici	Kohl	Roth
Durenberger	Lautenberg	Rudman
Exon	Leahy	Sanford
Ford	Levin	Sarbanes
Fowler	Lieberman	Sasser
Glenn	Lott	Seymour
Gore	Mack	Shelby
Gorton	McCain	Simon
Graham	McConnell	Simpson
Gramm	Metzenbaum	Smith
Graessley	Mikulski	Specter
Hatch	Mitchell	Stevens
Hatfield	Moynihhan	Thurmond
Heflin	Murkowski	Wellstone
Hollings	Pell	Wirth
Johnston	Pressler	Wofford
Kassebaum	Pryor	
Kasten	Reid	

NAYS—6

Burns	Garn	Symms
Craig	Helms	Wallop

NOT VOTING—12

Bingaman	Harkin	Nickles
Coats	Inouye	Nunn
Cochran	Jeffords	Packwood
Dixon	Lugar	Warner

So the bill (S. 792), as amended, was passed, as follows:

S. 792

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Indoor Radon Abatement Reauthorization Act of 1992".

SEC. 2. NATIONAL GOALS.

Section 301 of the Toxic Substances Control Act (15 U.S.C. 2661) is amended—

(1) in the heading, by striking "NATIONAL GOAL" and inserting "NATIONAL GOALS";

(2) by inserting "(a) RADON LEVELS.—" before the first sentence of the section; and

(3) by adding at the end the following new subsection:

"(b) TESTING.—It is the goal of the United States that all homes, schools, and Federal buildings be tested for radon."

SEC. 3. DEFINITIONS.

Section 302 of the Toxic Substances Control Act (15 U.S.C. 2662) is amended by adding at the end the following new paragraphs:

"(5) The term 'residential dwelling' means—

"(A) a single-family dwelling or a one-family dwelling unit in a structure containing not more than four separate residential dwelling units, each such unit used or occupied, or intended to be used or occupied, wholly or partly, as the home or residence of one or more persons; or

"(B) a single-family or one-family dwelling unit on the subground, ground, or first-floor-above-ground level of a multi-unit residential structure.

"(6) The term 'multi-unit residential structure' means a building containing more than four separate residential dwelling units, each such unit used or occupied, or intended to be used or occupied, wholly or partly, as the home or residence of one or more persons.

"(7) The term 'contract for the sale of residential real property' means any contract or agreement whereby one party agrees to purchase from another party any interest in real property improved by one or more residential dwelling units used or occupied, or intended to be used or occupied, wholly or partly, as the home or residence of one or more persons.

"(8) The term 'applicable mortgage loan' includes any loan (other than temporary financing such as a construction loan) that—

"(A) is secured by a first lien on residential real property (including individual units of condominiums and cooperatives); and

"(B) either—

"(i) is insured, guaranteed, made, or assisted by any agency of the Federal Government, including the Department of Housing and Urban Development, the Veterans Administration, and the Farmers Home Administration; or

"(ii) is intended to be sold by an originating mortgage institution to any federally chartered secondary mortgage market institution.

"(9) The term 'originating mortgage institution' means any lender that provides federally insured, guaranteed, made, or assisted mortgage loans, or sells mortgage loans to a federally chartered secondary mortgage market institution.

"(10) The term 'federally chartered secondary mortgage institution' means an institution chartered by Congress that buys mortgages from originating financial institutions and resells them to investors, including the Federal National Mortgage Association, the Government National Mortgage Association, and the Federal Home Loan Mortgage Association.

"(11) The term 'Administrator' means the Administrator of the United States Environmental Protection Agency.

"(12) The term 'business day' means any day other than a Saturday, a Sunday, a Federal holiday, a State holiday in the State in which the affected residential property is located, or a State holiday in the State or States in which the buyer or seller resides.

"(13) The term 'person' means an individual, trust, firm, joint stock company, corporation (including a government corporation), partnership, association, State, municipality, commission, political subdivision of a State, or an interstate body.

"(14) The term "direct Federal financial assistance" means assistance in financing a residential dwelling provided by the Federal Housing Administration, Farmers Home Administration, and the Department of Veterans Affairs.

"(15) The term "Federal building" means any building that—

"(A) is used primarily as an office building, school, hospital, or residence,

"(B) owned, leased, or operated by any Federal agency, and

"(C) is occupied by the Library of Congress, is part of the White House, or is the residence of the Vice President, and

"(D) is included in the definition of 'Capitol Buildings' under section 16(a) of the Act entitled 'An Act to define the area of the United States Capitol Grounds, to regulate the use thereof, and for other purposes', approved July 31, 1946 (40 U.S.C. 193m)."

SEC. 4. PRIORITY RADON AREAS.

Title III of the Toxic Substances Control Act (15 U.S.C. 2661 et seq.) is amended—

(1) by redesignating sections 303 through 311 as sections 304 through 312, respectively; and

(2) by inserting after section 302 the following new section:

"SEC. 303. PRIORITY RADON AREAS.

"(a) DESIGNATION OF AREAS.—The Administrator shall, designate as expeditiously as possible but no later than January 1, 1992, areas as priority radon areas, and revise, as appropriate thereafter, the designations.

"(b) STANDARD FOR DESIGNATION.—The Administrator shall designate an area as a priority radon area in any case where the Administrator determines that there is a rea-

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sonable likelihood that the average indoor radon level in the area is likely to exceed the national average indoor radon level by more than a de minimis amount.

(c) FACTORS.—In designating priority radon areas, the Administrator shall consider the most current available information at the time of such designation, including—

“(1) the national assessment of radon conducted pursuant to section 118(k) of the Superfund Amendments and Reauthorization Act of 1986 (42 U.S.C. 7401 note);

“(2) surveys of school buildings conducted pursuant to section 308;

“(3) surveys of Federal buildings conducted pursuant to section 310;

“(4) surveys of work places conducted pursuant to section 318; and

“(5) any other information, including other radon measurements and geological data, as the Administrator determines to be appropriate.”

SEC. 5. CITIZEN'S GUIDE.

(a) SCHEDULE.—Section 304(a) of the Toxic Substances Control Act (as redesignated by section 4 of this Act) is amended—

(1) by striking “June 1, 1989,” and inserting “January 1, 1992,”; and

(2) by inserting “, in consultation with the Director of the Centers for Disease Control of the Department of Health and Human Services,” after “Administrator” in the last sentence of the subsection.

(b) ACTION LEVELS.—Section 304(b)(1) of the Toxic Substances Control Act (as redesignated by section 4 of this Act) is amended—

(1) by inserting “(A)” after “ACTION LEVELS.—”; and

(2) by adding at the end the following new subparagraphs:

“(B) The citizen's guide shall state the national goals established in this title, and shall estimate the average national ambient outdoor radon level. The guide shall also indicate the health benefits of reducing indoor radon levels to ambient outdoor levels.

“(C) The citizen's guide shall establish a target action point indicating a level of indoor radon that is, in the judgment of the Administrator, as close to the national ambient outdoor radon level as can be achieved consistently in existing, single family homes through the application of readily available and generally affordable radon mitigation technologies and practices.”

(c) INFORMATION.—Section 304(b)(2) of the Toxic Substances Control Act (as redesignated by section 4 of this Act) is amended by adding at the end the following new subparagraph:

“(F) The location of priority radon areas and the likelihood of radon levels above the target action point within and outside of priority radon areas.”

SEC. 6. MODEL CONSTRUCTION STANDARDS.

(a) TECHNICAL AMENDMENTS.—(1) Section 305 of the Toxic Substances Control Act (as redesignated by section 4 of this Act) is amended—

(A) by inserting “(a) STANDARDS.—” before the first sentence of the section;

(B) by inserting “and periodically update” after “develop”; and

(C) by striking the second sentence of the section and inserting the following new subsection:

“(b) CONSULTATION.—In developing and updating standards and techniques pursuant to subsection (a), the Administrator shall consult with—

“(1) the Secretary of Housing and Urban Development;

“(2) organizations that are involved in establishing national building construction standards and techniques; and

“(3) national organizations that represent homebuilders and State and local housing agencies (including public housing agencies).”

(D) by inserting “(c) GEOGRAPHIC DIFFERENCES.—(1)” before the fourth sentence of the section;

(E) by striking the fifth sentence of the section; and

(F) by inserting “(d) IMPLEMENTATION.—” before the sixth sentence of the section.

(2) Section 305 of the Toxic Substances Control Act (as redesignated by section 4 of this Act) is amended by adding at the end the following new subsection:

“(e) SCHEDULE.—The Administrator shall publish final radon control standards and techniques for residential dwellings and make such techniques available to the public and the building industry by not later than January 1, 1992, and for multiunit residential structures and schools by not later than January 1, 1994.”

(b) OBJECTIVES.—Section 305 of the Toxic Substances Control Act (as redesignated by section 4 of this Act) is amended by adding at the end of subsection (c) (as designated by subsection (a)(1) of this section) the following new paragraph:

“(2)(A) Model standards and techniques shall indicate a range of effective radon control measures, practices, and techniques, that apply to original construction of a wide variety of building types, locations, conditions, and circumstances, and shall indicate the general range of radon control achievable by such measures individually and in combination with other measures.

“(B) At a minimum, the Administrator shall establish minimum radon reduction measures, practices, and techniques for new construction for the purpose of determining compliance with this section. Such radon standards shall be designed to require the use of reasonably available and economically achievable techniques, and to achieve indoor radon levels in homes less than the target action point established pursuant to section 304(b)(1)(C) where possible by using these techniques.”

(c) FEDERALLY ASSISTED HOUSING.—Section 305 of the Toxic Substances Control Act (as redesignated by section 4 of this Act, and as amended by subsection (a)(2) of this section) is amended by adding at the end the following new subsection:

“(f) FEDERALLY ASSISTED HOUSING.—The appropriate Federal official shall require that any residential dwelling or multiunit residential structure constructed more than two years after the date of the establishment of new construction standards pursuant to this section or the date of enactment of this section, whichever is later, in an area designated by the Administrator as a priority radon area or more than two years after the designation of an area as a priority radon area, whichever is later, shall be constructed in accordance with the radon control standards established pursuant to subsection (c)(2)(B), before providing any direct Federal financial assistance.”

(d) DESIGN AWARDS AND CERTIFICATION.—Section 305 of the Toxic Substances Control Act (as redesignated by section 4 of this Act, and as amended by subsection (c) of this section) is amended by adding at the end the following new subsection:

“(g) DESIGN AWARDS.—(1) The Administrator shall establish a radon design awards program.

“(2) The radon design awards program shall provide for awards for the best residential design incorporating radon control or mitigation standards in categories of residential design to be determined by the Administrator.”

(e) RELATIONSHIP TO STATE AND LOCAL STANDARDS.—Section 305 of the Toxic Substances Control Act (as redesignated by section 4 of this Act, and as amended by subsection (d) of this section) is amended by adding at the end the following new subsection:

“(h) RELATIONSHIP TO STATE AND LOCAL STANDARDS.—The standards published pursuant to this section shall not preempt the use of any State or local building standard if the State or local standard is equally effective in reducing radon levels as the standards published pursuant to this section.”

SEC. 7. TECHNICAL ASSISTANCE.

(a) ACTIVITIES.—Section 306(a) of the Toxic Substances Control Act (as redesignated by section 4 of this Act) is amended by adding at the end the following new paragraphs:

“(9) Development of a model State program to disseminate radon information to State and local tenant organizations.

“(10) Assistance to State agencies and other organizations concerning the assessment and mitigation of radon in public water supplies.

“(11) Assistance to State agencies and other organizations to facilitate prompt adoption and effective enforcement of new construction standards for reducing radon levels developed pursuant to section 305.

“(12) Development of testing guidelines for multiunit residential structures and multi-story buildings not later than six months after the date of enactment of this paragraph and development of mitigation guidelines not later than three years after the date of enactment of this paragraph.

“(13) Issuance of guidance to States on appropriate elements of State radon measurement and mitigation proficiency programs.”

(b) PROFICIENCY TESTING.—(1) Section 306(a)(2) of the Toxic Substances Control Act (as redesignated by section 4 of this Act) is amended by striking “voluntary”.

(2) Section 306(e) of the Toxic Substances Control Act (as redesignated by section 4 of this Act) is amended—

(A) by redesignating paragraph (2) as paragraph (2)(A); and

(B) by adding after paragraph (2)(A), as so redesignated, the following new subparagraphs:

“(B)(i) Except as otherwise provided in clause (ii), for the purposes of this paragraph, the term ‘small business’ means a corporation, partnership, or unincorporated business that—

“(I) has 150 or fewer employees; and

“(II) for the 3-year period preceding the date of the assessment, has an average annual gross revenue from radon measurement and mitigation activities in an amount that does not exceed \$40,000,000.

“(ii) If, after consultation with the Small Business Administration, the Administrator determines that a modification of the definition of ‘small business’ under clause (i) is appropriate to characterize small businesses associated with radon measurement and mitigation, the Administrator shall, by regulation, modify the definition in such manner as the Administrator determines to be appropriate.

“(C) The Administrator shall consider reductions of such charges for small businesses pursuant to the Regulatory Flexibility Act (5 U.S.C. 601 et seq.).

“(D) No charges may be imposed on State and local governments. In the case of a State which is administering a radon proficiency program pursuant to section 314(c), the State may impose charges consistent with charges which would have been imposed by the Administrator. Any amounts collected by a State as charges under this

paragraph may be used as part of the non-Federal share of a grant awarded pursuant to section 307 of this title."

SEC. 8. GRANT ASSISTANCE.

(a) APPLICATION.—Section 307(b) of the Toxic Substances Control Act (as redesignated by section 4 of this Act) is amended by adding at the end the following new paragraph:

"(6) A description of the State's efforts to develop a mandatory radon proficiency program consistent with sections 306(a)(2) and 314."

(b) ELIGIBLE ACTIVITIES.—Section 307(c) of the Toxic Substances Control Act (as redesignated by section 4 of this Act) is amended by adding at the end the following new paragraphs:

"(11) Technical assistance to public water supply systems concerning mitigation of radon in public water supplies, and public education and information activities to assist homeowners in the assessment and mitigation of radon in private drinking water supplies.

"(12) Activities to adopt model new construction standards for reducing radon levels developed pursuant to section 305 to the State and assure the implementation of such standards in the State.

"(13) Technical and financial assistance to non-profit public interest groups to encourage radon testing and mitigation at local levels.

"(14) Targeting outreach and technical assistance activities to licensed child care facilities in priority radon areas.

"(15) Notwithstanding the limitation in subsection (1)(4), payment, in the form of grants or loans, of costs of implementing remediation measures necessary to prevent levels of radon in school buildings above the target action point identified pursuant to section 304(b)(1)(C); *Provided*, That such payments are made in consideration of the financial need of the applicant.

"(16) Payment of costs of conducting radon tests required pursuant to section 308(d); *Provided*, That such payments shall be made only in the case of a local educational agency that received assistance payment pursuant to paragraph (15).

"(17) Educational programs for members of the housing industry concerning the model construction standards and techniques published pursuant to section 305.

"(18) Financial assistance to conduct surveys to improve the precision of priority radon areas."

(c) PREFERENCE TO CERTAIN STATES.—Section 307(d) of the Toxic Substances Control Act (as redesignated by section 4 of this Act) is amended—

(1) by striking "1991" and inserting "1993"; and

(2) by inserting before the period "or have adopted equally effective standards".

(d) FEDERAL SHARE.—Section 307(f) of the Toxic Substances Control Act (as redesignated by section 4 of this Act) is amended by striking "in the third year" and inserting "in each succeeding year".

(e) ASSISTANCE TO LOCAL GOVERNMENTS.—Section 307(g) of the Toxic Substances Control Act (as redesignated by section 4 of this Act) is amended—

(1) by striking "and (6)" and inserting "(6), (11), (12), (14), (15), and (16)"; and

(2) by inserting "(1)" after "GOVERNMENTS.—"; and

(3) by adding at the end the following new paragraph:

"(2) Any remediation plans for reducing radon in school buildings implemented pursuant to this section shall be reviewed for consistency with EPA guidance by the school officials responsible for authorizing these types of structural changes."

(f) INFORMATION.—Section 307(h) of the Toxic Substances Control Act (as redesignated by section 4 of this Act) is amended by adding at the end the following new paragraph:

"(4) Any State receiving funds under this section shall investigate consumer complaints about radon services that violate the Environmental Protection Agency or State radon proficiency program. An appropriate official of the State shall advise the Administrator of any person who violates the requirements of section 314."

(g) AUTHORIZATION.—Section 307(j) of the Toxic Substances Control Act (as redesignated by section 4 of this Act) is amended by striking paragraph (5).

SEC. 9. RADON IN SCHOOLS.

Section 308 of the Toxic Substances Control Act (as redesignated by section 4 of this Act) is amended by adding at the end the following new subsections:

"(c) GUIDELINES.—(1) Not later than one year after the date of enactment of this subsection, the Administrator shall publish guidelines on testing for and remediating radon in school buildings.

"(2) After the publication of guidelines pursuant to this subsection, testing and remediation carried out pursuant to this section shall be conducted in a manner consistent with such guidelines.

"(3) Any radon testing or remediation of school buildings conducted prior to the publication of guidelines pursuant to this subsection shall be considered to meet the requirements of this section if the testing or remediation is conducted in a manner consistent with any interim guidance published by the Administrator or by a State (in any case where the Administrator determines that such guidelines are substantially consistent with the guidelines published under this subsection).

"(d) REQUIREMENT FOR RADON TESTING.—

(1) Not later than two years after the designation by the Administrator of an area as a priority radon area, each local educational agency located in whole or in part in such designated area shall conduct tests for radon in each school building owned or operated by the local educational agency.

"(2) The Administrator may extend the schedule for testing for radon pursuant to this subsection to the date two years from the date of publication of testing guidelines pursuant to subsection (c).

"(3) The results of any tests conducted pursuant to this section by a local educational agency shall be available for public review in the administrative offices of the local educational agency during normal business hours. The local educational agency shall notify parent, teacher, and employee organizations of such results and shall send the results to the Administrator and the agency of the State that implements radon programs.

"(4) Any radon testing conducted pursuant to this section shall be supervised by a person who has received instruction pursuant to an Environmental Protection Agency or equivalent State approved program, as determined by the Administrator, and shall use radon measurement devices and methods approved by the radon proficiency program established pursuant to sections 306(a)(2) and 314."

SEC. 10. REGIONAL RADON TRAINING CENTERS.

Section 309(b) of the Toxic Substances Control Act (as redesignated by section 4 of this Act) is amended by adding at the end the following new sentence: "The regional radon training centers are authorized to provide training to State and local building code officials, contractors, and others in the building community, on the model construc-

tion standards and techniques published pursuant to section 305."

SEC. 11. FEDERAL BUILDINGS.

Section 310 of the Toxic Substances Control Act (as redesignated by section 4 of this Act) is amended by adding at the end the following new subsection:

"(g) RADON ASSESSMENT AND MITIGATION PLAN.—(1) Not later than January 1, 1994, the Administrator shall submit to Congress a plan describing activities to be undertaken by appropriate Federal agencies to assess and mitigate radon in Federal buildings.

"(2) The Administrator shall consult with the heads of affected Federal agencies in the development of the plan required pursuant to this subsection.

"(3) The plan required pursuant to this subsection shall, at a minimum—

"(A) include a list of each Federal building and an indication of the results of any radon tests for such buildings conducted to date;

"(B) specify those Federal buildings for which assessment and mitigation will be undertaken on an expedited basis based on consideration of—

"(i) the radon levels in the buildings;

"(ii) the number of people exposed to high radon levels; and

"(iii) the susceptibility of the building to mitigation.

"(C) specify the schedule for mitigation in each building in which radon levels exceed the target action level specified in section 303(b)(1)(C); and

"(D) specify the Federal agency responsible for the building, the estimated costs of mitigation, and the source of funds for assessment and mitigation actions.

"(4) At a minimum, each Federal agency that is responsible for Federal buildings shall assure that—

"(A) all schools and residences are assessed to determine radon levels by not later than January 1, 1996;

"(B) all other Federal buildings are assessed to determine radon levels by not later than January 1, 1998; and

"(C) in the case of a Federal building with radon levels above the target action point established by the Administrator pursuant to section 304(b)(1)(C), measures designed to achieve radon levels at or below the target action point are implemented by not later than two years after the applicable deadline for assessment specified in this paragraph.

"(5) In implementing radon assessment and mitigation activities, Federal agencies shall employ as contractors private firms certified by the Administrator as proficient pursuant to section 306(a)(2).

"(6) Not later than two years after the submittal of the plan required pursuant to this subsection, the Administrator shall submit to Congress a report on actions taken to implement the plan."

SEC. 12. RADON INFORMATION.

Title III of the Toxic Substances Control Act (15 U.S.C. 2661 et seq.) (as amended by section 4 of this Act) is further amended by adding at the end the following new section:

"SEC. 313. RADON-RELATED INFORMATION.

"(a) INFORMATION DOCUMENT.—(1) Not later than 180 days following the date of enactment of this section, the Administrator, in consultation with the Secretary of Housing and Urban Development, national organizations that represent State and local housing agencies (including public housing agencies), real estate groups and real estate financial institutions, citizen groups, and other groups that the Administrator determines to be appropriate, shall develop a

written document containing radon-related information.

"(2) The document shall include, at a minimum—

"(A) information indicating the health risk associated with different levels of radon exposure consistent with the health information in the citizen's guide;

"(B) information regarding the advisability of undertaking measures to mitigate dangerous levels of radon;

"(C) information regarding appropriate Federal and State agencies that can provide further information on the health risk from radon, and a list of firms or other entities approved by the Environmental Protection Agency for purposes of radon detection and mitigation; and

"(D) recommended Environmental Protection Agency radon testing procedures that will provide quality and reliable measurements in conjunction with a real estate transaction.

"(3) A copy of such document shall be provided by every originating mortgage institution to each person from whom it receives or for whom it prepares a written application for an applicable mortgage loan. Such document shall be made available not later than five business days after such application is received or prepared.

"(4) No federally chartered secondary mortgage institution may purchase any mortgage loan originating twelve or more months after the date of enactment of this section unless such secondary mortgage institution requires, by contract or otherwise, that the originating mortgage institution shall comply with the radon information distribution requirements imposed under this section, in originating mortgages to be purchased by such secondary mortgage market institution.

"(5) For purposes of this section, a document may be printed and distributed by each originating mortgage institution if the form and content of the document meet the requirements of this section and the document is approved by the Administrator.

"(b) VALIDITY OF CONTRACTS AND LIENS.—Nothing in this section shall affect the validity or enforceability of any sale or contract for the sale of residential real property or any loan, loan agreement, mortgage, or lien made or arising in connection with an applicable mortgage loan.

"(c) RELATIONSHIP TO OTHER LAWS.—Nothing in this section shall annul, alter, affect, or exempt any person subject to this section from complying with the laws of any State with respect to the provision of radon-related information, except to the extent that the Administrator determines that any such law is inconsistent with this section, and then only to the extent of the inconsistency."

SEC. 13. MANDATORY RADON PROFICIENCY PROGRAM.

Title III of the Toxic Substances Control Act (15 U.S.C. 2661 et seq.) (as amended by section 12 of this Act) is further amended by adding at the end the following new section:

"SEC. 314. MANDATORY RADON PROFICIENCY PROGRAM.

"(a) MANDATORY PARTICIPATION.—Effective two years after the date of the enactment of this section, no person shall offer radon measurement devices or radon measurement or mitigation services to the public unless such person has successfully completed the Environmental Protection Agency's radon proficiency program, or appropriate portions thereof.

"(b) STATUTORY CONSTRUCTION.—Nothing in this section shall be construed to apply to governmental units or nonprofit organiza-

tions that provide a radon service for their own use and do not provide that service for commercial purposes.

"(c) DELEGATION TO STATES.—(1) The Administrator shall administer the mandatory proficiency program in a manner consistent with the Guidance to States on Radon Certification of the Environmental Protection Agency.

"(2) The Administrator is authorized to enter into any agreement or other arrangement with any State for the purpose of delegating its radon proficiency program, including enforcement provisions, or any other part thereof, to such State, provided that a State program is consistent with the Federal program.

"(d) PROHIBITED ACTS.—It shall be unlawful for any person to—

"(1) fail or refuse to comply with this section, or any rule or regulation promulgated or order issued pursuant to this section; or

"(2) fail or refuse to—

"(A) establish or maintain records as required by the Administrator or by a State where the Administrator has entered into an agreement or other arrangement under subsection (c);

"(B) submit reports, notices, or other information, as required by the Administrator or by a State where the Administrator has entered into an agreement or other arrangement under subsection (c);

"(C) permit entry or inspection by the Administrator, or by a State where the Administrator has entered into an agreement or other arrangement under subsection (c); or

"(D) permit access to or copying of records by a State where the Administrator has entered into an agreement or other arrangement under subsection (c)."

SEC. 14. MEDICAL COMMUNITY OUTREACH.

Title III of the Toxic Substances Control Act (15 U.S.C. 2661 et seq.) (as amended by section 13 of this Act) is further amended by adding at the end the following new section:

"SEC. 315. MEDICAL COMMUNITY OUTREACH.

"(a) IN GENERAL.—The Administrator, in cooperation with the Secretary of Health and Human Services, shall develop and implement an outreach program to provide information about radon to the medical community.

"(b) INFORMATION.—(1) The Administrator, in consultation with the Secretary of Health and Human Services, the Surgeon General, and the Director of the Centers for Disease Control shall develop informational material concerning radon tailored to doctors in general practice and in specialties related to lung cancer. Such information shall, at a minimum—

"(A) explain the health threats posed by exposure to radon and include a summary of scientific evidence that demonstrates the human health effects of exposure to radon;

"(B) explain the association of radon with smoking and other causes of lung cancer;

"(C) identify appropriate steps to take to determine exposure to radon in the home; and

"(D) identify sources of additional information.

"(2) Not later than one year after the date of enactment of this section, the Administrator shall transmit the information developed pursuant to this section to—

"(A) doctors in the United States in general practice;

"(B) doctors in specialties related to lung cancer;

"(C) all doctors employed by the Federal Government;

"(D) all hospital administrators; and

"(E) other physicians and officials determined by the Administrator to be appropriate.

"(c) REPORT.—Not later than two years after the date of enactment of this section, the Administrator, in consultation with the Secretary of Health and Human Services, shall report to Congress concerning the implementation of this section and recommendations for measures to improve radon information dissemination to the medical community."

SEC. 15. FEDERAL HOUSING.

Title III of the Toxic Substances Control Act (15 U.S.C. 2661 et seq.) (as amended by section 14 of this Act) is further amended by adding at the end the following new section:

"SEC. 316. FEDERALLY OWNED AND ASSISTED HOMES, SCHOOLS, AND BUILDINGS.

"(a) FEDERALLY FUNDED CONSTRUCTION.—Not later than six months after the publication of priority radon areas required by section 303, or the publication of model construction standards required by section 305, whichever is later, the head of each Federal agency shall adopt such procedures as may be necessary to assure that any new Federal building or that any school constructed with Federal financial assistance, in a priority radon area, shall conform to the model construction standards required by section 305.

"(b) FEDERALLY ASSISTED HOUSING.—The Secretary of Housing and Urban Development, in cooperation with the Administrator, shall, not later than one year after the date of enactment of this Act, disseminate in priority radon areas information on the health threats posed by radon, proper methods of testing for radon, and techniques for mitigating elevated radon levels to public housing agencies and Indian housing authorities, as defined in paragraphs (6) and (11), respectively, of section 3(b) of the United States Housing Act of 1937 (42 U.S.C. 1437a(b)), and to owners and managers of other housing assisted under other provisions of the United States Housing Act of 1937 (42 U.S.C. 1437 et seq.) and the National Housing Act (12 U.S.C. 1701 et seq.).

"(c) RESEARCH.—The Secretary of Housing and Urban Development shall undertake a program of radon research, consisting of research on—

"(1) radon distribution and mitigation within multiunit residential structures in conjunction with the Administrator;

"(2) landlord liability;

"(3) predicting radon hazards in new multiunit residential structures on particular lands; and

"(4) such other research as both the Secretary of Housing and Urban Development and the Administrator consider appropriate."

SEC. 16. NATIONAL RADON EDUCATIONAL EFFORTS.

Title III of the Toxic Substances Control Act (15 U.S.C. 2661 et seq.) (as amended by section 15 of this Act) is further amended by adding at the end the following new section:

"SEC. 317. NATIONAL RADON EDUCATIONAL CAMPAIGN.

"The Administrator shall establish a national education campaign and is authorized to enter into cooperative agreements to increase public awareness about radon health risks and motivate public action to reduce radon levels, including the use of funds for the purchase and production of public educational materials."

SEC. 17. RADON IN WORK PLACES.

Title III of the Toxic Substances Control Act (15 U.S.C. 2661 et seq.) (as amended by section 16 of this Act) is further amended

by adding at the end the following new section:

"SEC. 318. RADON IN WORK PLACES.

"(a) STUDY OF RADON IN WORK PLACES.—

"(1) AUTHORITY.—The Director of the National Institute for Occupational Safety and Health of the Department of Health and Human Services, in consultation with the Administrator, shall conduct a study for the purpose of determining the extent of radon contamination in the Nation's work places.

"(2) SURVEY.—In conducting such study, the Director of the National Institute for Occupational Safety and Health of the Department of Health and Human Services and the Administrator shall be jointly responsible for designing a survey that, when completed, allows Congress to characterize the extent of radon contamination in work places. The survey shall include testing from a representative sample of work places in each priority radon area and shall include additional testing, to the extent resources are available for such testing.

"(3) REPORT.—Not later than two years after the date of enactment of this Act, the Director of the National Institute for Occupational Safety and Health of the Department of Health and Human Services, in consultation with the Administrator, shall submit a report setting forth the results of the study conducted pursuant to this section.

"(b) AUTHORIZATION.—For the purpose of carrying out this section there are authorized to be appropriated such sums, not to exceed \$2,000,000, as may be necessary."

SEC. 19. PREEMPTION.

Title III of the Toxic Substances Control Act (15 U.S.C. 2661 et seq.) (as amended by section 17 of this Act) is further amended by adding at the end the following new section:

"SEC. 319. PREEMPTION.

"(a) CONSTRUCTION OF PROVISIONS AS NOT PREEMPTING OTHER LAWS.—Nothing in this title shall be construed, interpreted, or applied to preempt, displace, or supplant any other Federal or State law, whether statutory or common.

"(b) AWARD OF COSTS AND DAMAGE AWARDS.—Nothing in this title shall be construed or interpreted to preclude any court from awarding costs and damages associated with the testing or mitigation of radon contamination, or a portion of such costs, at any time.

"(c) CONSTRUCTION OF PROVISIONS AS NOT PROHIBITING MORE STRINGENT STATE REQUIREMENTS.—Nothing in this title shall be construed or interpreted as preempting a State, with respect to radon within such State, from establishing any liability or more stringent requirement that is equal to or more stringent than those included in this title.

"(d) CREATION OF CAUSE OF ACTION.—Nothing in this title creates a cause of action or in any other way increases or diminishes the liability of any person under any other law.

"(e) EFFECT OF PROVISIONS IN CIVIL ACTIONS FOR DAMAGES.—It is not the intent of Congress that this subsection, or rules, regulations, or orders issued pursuant to this subsection, be interpreted as influencing, in either the plaintiff's or defendant's favor, the disposition of any civil action for damages relating to radon. This subsection does not affect the authority of any court to make a determination in any adjudicatory proceedings under applicable State law with respect to the admission into evidence or any other use of this title or rules, regulations, or orders issued pursuant to this title."

SEC. 20. ENFORCEMENT.

Title III of the Toxic Substances Control Act (15 U.S.C. 2661 et seq.) (as amended by section 18 of this Act) is further amended by adding at the end the following new section:

"SEC. 320. ENFORCEMENT.

"(a) CIVIL PENALTIES.—(1) Any person violating section 313 or 314 or who provides false information concerning compliance with section 305(f) to an appropriate Federal official, shall be liable to the United States for a civil penalty in an amount not to exceed \$25,000 for each such violation.

"(2)(A) A civil penalty under this section shall be assessed by the Administrator by an order made on the record after opportunity for a hearing in accordance with section 554 of title 5, United States Code. Before issuing such an order, the Administrator shall give written notice to the person to be assessed a civil penalty under such order and provide such person an opportunity to request, not later than 15 days after the date the notice is received by such person, a hearing on the order.

"(B) In determining the amount of a civil penalty, the Administrator may take into account the nature, circumstances, extent, and gravity of the violation or violations and, with respect to the violator, ability to pay, effect on ability to continue to do business, any history of prior such violations, the degree of culpability, and such other matters as justice may require.

"(C) The Administrator may compromise, modify, remit, with or without conditions, any civil penalty that may be imposed under this subsection. The amount of such penalty, when finally determined, or the amount agreed upon in compromise, may be deducted from any sums owing by the United States to the firm charged.

"(3) Any person who requested a hearing under this section respecting the assessment of a civil penalty and who is aggrieved by an order assessing a civil penalty may file a petition for judicial review of such order with the United States Court of Appeals for the District of Columbia Circuit or for any other circuit in which such person resides or transacts business. Such a petition may only be filed within the 30-day period beginning on the date the order making such assessment was issued.

"(4) If any person fails to pay an assessment of a civil penalty—

"(A) after the order making the assessment has become a final order and if such person does not file a petition for judicial review of the order in accordance with paragraph (3); or

"(B) after a court in an action brought under paragraph (3) has entered a final judgment in favor of the Administrator,

the Attorney General shall recover the amount assessed (plus interest at currently prevailing rates from the date of the expiration of the 30-day period referred to in paragraph (3) or the date of such final judgment, as the case may be) in an action brought in any appropriate district court of the United States. In such an action, the validity, amount, and appropriateness of such penalty shall not be subject to review.

"(b) COMPLIANCE ORDERS.—(1) If the Administrator finds on the basis of information made available, that any person, firm, or organization is in violation of this Act, the Administrator shall proceed under the authority under subsection (2) of this section, or notify the person, firm, or organization in which the violation occurred. If, beyond the thirtieth day after the notification of the Administrator, the State has not commenced appropriate enforcement action, the Administrator may issue an

order requiring compliance or such other relief as the Administrator may find appropriate, or bring civil action in accordance with paragraph (4) of this subsection.

"(2) If the Administrator finds, on the basis of information made available, that any person, firm, or organization is in violation of requirements of the Act, the Administrator may issue an order requiring such person, firm, or organization to comply with such requirement or such other relief as the Administrator may find appropriate, or shall bring civil action in accordance with paragraph (4) of this subsection.

"(3) Any order issued under this subsection shall be by personal service, shall state with reasonable specificity the nature of the violation, and shall specify a time for compliance not to exceed thirty days. Such orders shall take into account the seriousness of the violation and any good faith efforts to comply with applicable requirements.

"(4) The Administrator is authorized to commence a civil action for appropriate relief, including a permanent or temporary injunction, of any violation for which he is authorized to issue a compliance order under paragraph (1) of this subsection. Any action under this subsection may be brought in the district court of the United States in the district in which the defendant is located or resides or is doing business, and such court shall have jurisdiction to restrain the violation and require compliance. Notice of the commencement of such action shall be given immediately to the appropriate State."

SEC. 20. CITIZEN SUITS.

Title III of the Toxic Substances Control Act (15 U.S.C. 2661 et seq.) (as amended by section 19 of this Act) is further amended by adding at the end the following new section:

"SEC. 321. CITIZEN SUITS.

"(a) IN GENERAL.—Except as provided in subsection (b), any person may commence a civil action—

"(1) against the United States in any case where the United States is alleged to be in violation of section 305(f), 310, or 316, or any rule promulgated thereunder, to restrain such violation;

"(2) against any person who is alleged to be in violation of section 306, 313, or 314, or any rule promulgated thereunder, to restrain such violation; or

"(3) against the Administrator to compel the Administrator to perform any act or duty under this Act that is not discretionary.

Any civil action under paragraph (1) shall be brought in the United States district court for the district in which the alleged violation occurred or in which the defendant resides or in which the defendant's principal place of business is located. Any action brought under paragraph (2) shall be brought in the United States District Court for the District of Columbia, or the United States district court for the judicial district in which the plaintiff is domiciled. The district courts of the United States shall have jurisdiction over suits brought under this section, without regard to the amount in controversy or the citizenship of the parties. In any civil action under this subsection, process may be served on a defendant in any judicial district in which the defendant resides or may be found and subpoenas for witnesses may be served in any judicial district.

"(b) LIMITATION.—No civil action may be commenced—

"(1) under subsection (a)(1) to restrain a violation of this Act, or rule or order under this Act—

"(A) before the expiration of sixty days after the plaintiff has given notice of such violation—

"(i) to the Administrator; and
 "(ii) to the person who is alleged to have committed such violation; or

"(B) if the Administrator has commenced and is diligently prosecuting a proceeding to require compliance with this Act or with such rule or order, or if the Attorney General has commenced and is diligently prosecuting a civil action in a court of the United States to require compliance with this Act or with such rule or order, but if such proceeding or civil action is commenced after the giving of notice, any person giving such notice may intervene as a matter of right in such proceeding or action; or

"(2) under subsection (a)(2) before the expiration of sixty days after the plaintiff has given notice to the Administrator of the alleged failure of the Administrator to perform an act or duty that is the basis for such action.

Notice under this subsection shall be given in such manner as the Administrator shall prescribe by rule.

"(c) IN GENERAL.—(1) In any action under this section, the Administrator, if not a party, may intervene as a matter of right.

"(2) The court, in issuing any final order in any action brought pursuant to subsection (a), may award costs of suit and reasonable fees for attorneys and expert witnesses if the court determines that such an award is appropriate. Any court, in issuing its decision in an action brought to review such an order, may award costs of suit and reasonable fees for attorneys if the court determines that such an award is appropriate.

"(3) Nothing in this section shall restrict any right that any person (or class of persons) may have under any statute or common law to seek enforcement of this Act, or any rule or order under this Act, or to seek any other relief.

"(d) CONSOLIDATION.—When two or more civil actions brought under subsection (a) involving the same defendant and the same issues or violations are pending in two or more judicial districts, such pending actions, upon application of such defendants to such actions that is made to a court in which any such action is brought, may, if such court in its discretion so decides, be consolidated for trial by order (issued after giving all parties reasonable notice and opportunity to be heard) of such court and tried in—

"(1) a district that is selected by such defendant and in which one of such actions is pending;

"(2) a district that is agreed upon by stipulation between all the parties to such actions and in which one of such actions is pending; or

"(3) a district that is selected by the court and in which one of such actions is pending. The court issuing such an order shall give prompt notification of the order to the other courts in which the civil actions consolidated under the order are pending."

SEC. 21. AUTHORIZATIONS OF APPROPRIATIONS.

(a) TECHNICAL ASSISTANCE.—Section 306(f) of the Toxic Substances Control Act (as redesignated by section 4 of this Act) is amended by striking "and 1991." and inserting "1991, 1992, 1993, 1994, and 1995."

(b) GRANT ASSISTANCE.—Section 307(j)(1) of the Toxic Substances Control Act (as redesignated by section 4 of this Act) is amended by inserting before the period ", and \$15,000,000 for each of fiscal years 1992, 1993, 1994, and 1995".

(c) SCHOOL REMEDIATION.—Section 307(j) of the Toxic Substances Control Act (as redesignated by section 4 of this Act) is amended—

(1) by striking paragraph (5); and
 (2) by adding at the end the following new paragraphs:

"(5) Of funds appropriated pursuant to this subsection for fiscal years 1992, 1993, 1994, and 1995, not more than one-third shall be used to implement radon remediation measures for local educational agencies pursuant to paragraphs (15) and (16) of subsection (c).

"(6) Of funds appropriated pursuant to this subsection for fiscal years 1992, 1993, 1994, and 1995, the Administrator may reserve an amount up to 2 percent or \$200,000, whichever is the greater, for the purposes of making grants to local educational agencies for the implementation of measures to reduce radon levels: *Provided*, That any such local educational agency is prohibited by State law from receiving grant assistance from the State: *Provided further*, That the local educational agency provides not less than 50 percent of the cost of implementing such measures from non-Federal sources."

(d) REGIONAL TRAINING CENTERS.—Section 309(f) of the Toxic Substances Control Act (as redesignated by section 4 of this Act) is amended by inserting before the period ", and \$1,500,000 for each of fiscal years 1992, 1993, 1994, and 1995".

SEC. 22. TECHNICAL AMENDMENTS.

(a) TABLE OF CONTENTS.—The table of contents in section 1 of the Toxic Substances Control Act (15 U.S.C. 2601 note) is amended—

(1) by redesignating the items relating to sections 303 through 311 as 304 through 312, respectively;

(2) by inserting after the item relating to section 302 the following new item:

"Sec. 303. Priority radon areas."
 and

(3) by adding at the end the following new items:

"Sec. 313. Radon-related information.

"Sec. 314. Mandatory radon proficiency program.

"Sec. 315. Medical community outreach.

"Sec. 316. Federally owned and assisted homes, schools, and buildings.

"Sec. 317. National radon educational campaign.

"Sec. 318. Radon in work places.

"Sec. 319. Preemption.

"Sec. 320. Enforcement.

"Sec. 321. Citizens suits.

"Sec. 322. Periodic Reassessment of Health Risks."

(b) RADON MITIGATION DEMONSTRATION PROGRAM.—Section 118(k)(2) of the Superfund Amendments and Reauthorization Act of 1986 (42 U.S.C. 7401 note) is amended—

(1) in subparagraph (A)—
 (A) by inserting "develop and" after "to"; and

(B) by adding at the end of the subparagraph the following new sentence: "The demonstration program shall include the development and evaluation of innovative low-cost techniques to reduce radon concentrations in existing structures, including structures with low to moderate radon levels, and in new structures, and the development and demonstration of radon mitigation technology for multistory buildings."

(2) by striking subparagraph (B); and

(3) by redesignating subparagraph (C) as subparagraph (B).

SEC. 23. REPORT TO CONGRESS ON PROMOTING RADON TESTING.

(a) EVALUATION.—The Administrator of the Environmental Protection Agency, in consultation with the Secretary of Housing and Urban Development, the Secretary of Agriculture, and the Secretary of Veterans Affairs, shall evaluate existing efforts to promote radon testing in the Nation's homes and ways to increase radon testing.

(b) REPORT.—(1) The Administrator shall report to Congress by October 1, 1993, on the effectiveness of alternative strategies to promote radon testing. The strategies shall include—

(A) grants to support the development of radon testing strategies by States;

(B) financial incentives to homeowners;

(C) testing and disclosure of radon levels during real estate marketing;

(D) public education programs;

(E) distributing radon information during real estate marketing; and

(F) distributing radon information with utility bills.

(2) In preparing the report, the Administrator shall consult with concerned parties including public interest groups, health officials, radon testing industries, realtors, home builders, utilities and the States.

SEC. 24. PERIODIC REASSESSMENT OF HEALTH RISKS.

Title III of the Toxic Substances Control Act (15 U.S.C. 2661 et seq.) is amended by adding at the end thereof the following new section:

"SEC. 322. PERIODIC REASSESSMENT OF HEALTH RISKS.

The Administrator, in consultation with the heads of the National Academy of Sciences and the Centers for Disease Control, shall conduct a program to reassess, on a periodic basis, the human health risks associated with radon exposure."

SEC. 25. RADIONUCLIDES, PRIMARY DRINKING WATER REGULATIONS.

Prior to promulgating any national primary drinking water regulation for radionuclides under the Safe Drinking Water Act, the Administrator of the Environmental Protection Agency shall conduct a multimedia risk assessment of radon considering: (a) the relative risk of adverse human health effects associated with various pathways of exposure to radon; (b) the relative costs of controlling or mitigating exposure to radon from each pathway; and (c) the relative costs for radon control or mitigation experienced by households, communities and other entities including the costs experienced by small communities as the result of such regulation. Such an evaluation shall consider the risks posed by the treatment or disposal of any wastes produced by water treatment. Upon completion of this risk assessment, the Administrator shall report his findings to the Senate Committee on Environment and Public Works and the House Committee on Energy and Commerce. Nothing in this section shall modify or be the basis for an extension of any statutory or court-ordered deadline for the promulgation of such regulation.

Mr. MITCHELL. Mr. President, I move to reconsider the vote by which the bill, as amended, was passed.

Mr. BENTSEN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ORDER OF PROCEDURE

The PRESIDING OFFICER. The majority leader.