communicated to the House by Mr. Sherman Williams, one of his secretaries.

CONFERENCE REPORT ON H.R. 629, TEXAS LOW-LEVEL RADIOACTIVE WASTE DISPOSAL COMPACT CONSENT ACT

The SPEAKER pro tempore. Before recognizing the gentlewoman, the Chair would like to wish her a happy birthday.

Ms. PRYCE of Ohio. Mr. Speaker, that is very kind. I appreciate that.

Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 511 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 511

Resolved, That upon adoption of this resolution it shall be in order to consider the conference report to accompany the bill (H.R. 629) to grant the consent of the Congress to the Texas Low-Level Radioactive Waste Disposal Compact. All points of order against the conference report and against its consideration are waived.

The SPEAKER pro tempore. The gentlewoman from Ohio (Ms. PRYCE) is recognized for 1 hour.

Ms. PRYCE of Ohio. Mr. Speaker, for the purpose of debate only, I yield the customarily 30 minutes to the gentlewoman from New York (Ms. Slaughter), my good friend and colleague, pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

GENERAL LEAVE

Ms. PRYCE of Ohio. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on this resolution.

The SPEAKER pro tempore. The motion is the no objection to the request of the gentlewoman, the chair of the committee, to give the gentlewoman, the gentlewoman from Ohio, 1 hour.

There was no objection.

Ms. PRYCE of Ohio. Mr. Speaker, on Tuesday, July 28, the Committee on Rules met and granted a rule to provide for the consideration of the conference report accompanying H.R. 629, the Texas low-level Radioactive Waste Disposal Compact Consent Act. The rule waives all points of order against the conference report and against its consideration.

Mr. Speaker, in 1980, Congress passed legislation to provide a system for States to take responsibility for the disposal of low-level radioactive waste. Examples of low-level radioactive waste include that which is disposed of by hospitals, universities conducting research, and by electric utilities. This waste poses relatively few risks and typically does not require any special protective shielding to make it safe for workers and the community.

When it passed the Low-Level Radioactive Waste Policy Act of 1980, Congress recognized that, while the Federal Government should handle high-level waste, that States should be primarily responsible for disposal of the low-level waste generated within their own borders. Through the 1980 act, Congress encouraged States to either build their own disposal sites or enter into compacts with other States to share waste disposal facilities. That is exactly what the States of Texas, Vermont and Maine have done.

Mr. Speaker, on October 7, 1997, this body considered and passed H.R. 629 by a vote of 309 to 107. During its initial consideration in this body, an amendment was accepted on the condition that the affected States would be consulted as to the impact such a limitation would have on their ability to effectively implement the compact.

The conference, after consultation with the affected States, that the limiting language would not be in the best interests of the compact. The additional language would present serious questions regarding the need for re- ratification, lead to possible future litigation, and it would create an uneven playing field within the compact system. In addition, such a limitation would create a possible infringement on State sovereignty.

Compacts are contractual agreements between the States, as required by Congress. In fact, Congress has historically ratified them without amendments. This rule will provide for the consideration of a clean bill that deals with a straightforward process, the ratification of an interstate compact under the 1980 law, as Congress intended.

Once again, it is important to point out that the States of Texas, Maine and Vermont have done their job. They have negotiated a compact between them to provide for the responsible disposal of low-level radioactive waste and submitted it to this body as required by Federal statute, for the States of Texas, Maine and Vermont.

As I stated before, Congress has already given its consent to nine such compacts covering 41 States. This conference report will ratify compact number 10.

This conference report has the strong support of the governors of the member States as well as the National Governors Association, the Western Governors Association, the National Conference of State Legislatures, and the Nuclear Regulatory Commission.

Mr. Speaker, we heard during the testimony in the Committee on Rules, this issue has been around for a long time. Adoption of this rule and the conference report will finally allow the States of Texas, Maine and Vermont to see light at the end of the tunnel.

Therefore, I encourage my colleagues to support the rule so that we may consider the conference report on H.R. 629. I urge a "yes" vote on this rule.

Ms. SLAUGHTER asked and was given permission to revise and extend her remarks.

Ms. SLAUGHTER. Mr. Speaker, I yield myself such time as I may consume. I thank the gentlewoman for yielding, and also wish her a happy birthday.

Mr. Speaker, H. Res. 511 waives all points of order against the conference report on H.R. 629 and against its consideration. This conference agreement would grant congressional consent to an interstate compact among the States of Texas, Maine and Vermont providing for the disposal of low-level radioactive waste.

Mr. Speaker, conference reports are normally privileged and do not require rules for their consideration on the House floor. Why does this report require a rule? The answer is that the conferees chose to delete from the conference report certain provisions included in both the Senate and House bills. This is a violation of clause 3 of rule XXVIII that requires conference reports to be within the scope of the disagreements submitted to the conference committee.

In other words, despite the fact that both bills contain similar provisions, the conference report did not include those provisions. Under clause 6(f) of rule X, conference reports shall "include the principal proponents of the major provisions of the bill as it passed the House."

This provision is designed to ensure that the House conferees fight for the provisions of the House bill. However, in this case, a conferee testified at the Committee on Rules that he checked with the Governor of Texas and followed his wishes, rather than the expressed will of the House. Apparently neither the House nor the Senate conference fought for the purpose of putting into each of their bills that the conference report deleted.

As we all know, conference committees have enormous power to shape legislation. The only checks on that power are the handful of points of order that individual Members can raise against the consideration of the conference report.

Under the rules of this House, a single Member can make a point of order against this conference report because it eliminated the provisions contained in the House and Senate versions. But the rule we are now considering prohibits that point of order from being raised. The rule prohibits Members from exercising the protections expressly included in the House rules for the situation.

I am not taking a position on the deleted material nor on the conference report itself. However, I have to ask Members, particularly the vast majority of us who do not serve on conference committees, to not lightly
waive their rights to challenge conference reports.

Today's provision that the conference committee discarded may not be important to some Members, but waiving this point of order makes it easier to waive it the next time, and further erodes the protections afforded every Member by House rules. Next time a Member might be the champion of a provision included in both the House and Senate bills through his or her strenuous efforts, but then would see it discarded by the conference committee.

Mr. Speaker, I ask that my colleagues defeat the rule in order to uphold their own rights as guaranteed in the House rules.

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

Ms. PRYCE of Ohio. Mr. Speaker, I yield 1 minute to the gentleman from Texas (Mr. HENRY BONILLA).

Mr. BONILLA. Mr. Speaker, I thank the gentleman from Ohio for yielding time to me.

Mr. Speaker, I rise to oppose this rule. I realize that the majority on the Committee on Rules always tries to do their utmost to provide this body with the tools that our citizens expect; this is a fair rule, considering the parliamentary needs that are required to consider this legislation.

But I hope that the Members understand that I am going to oppose this rule because I am doing everything I possibly can to defeat this legislation, because this legislation is about something happening in my congressional district.

This is the same legislation that was overwhelmingly defeated in the 105th Congress by an overwhelming vote of 243 to 176 against. This is about allowing a low-level dump site of nuclear waste to be constructed in one of the poorest areas of the country that falls in the heart of my congressional district.

So honestly, it does not matter what kind of rule was granted, because we are in favor of protecting the people of Texas and extending that Texas hospitality. But a very good and rare quality is being taken just a little too far when it comes to this compact, because there are those in Texas who basically are saying, ``Send us your garbage. '' Unfortunately, at the top of the list is our Governor, George W. Bush.

It seems to me that the slogan that one can find on one pickup truck after another around Texas, and even a few other vehicles, ``Don't mess with Texas, '' is being converted by that administration into another slogan, ``Send us your mess; and in particular, send us your nuclear mess. ''

Governor Bush and other Statewide officials in Texas mostly have become largely silent on what is to become a nuclear waste dumping ground for this entire country, and that is the Sierra Blanca waste dump site in far West Texas.

On April 19 Governor Bush was quoted in the Houston Chronicle with some very positive comments about the issue that this conference committee has now dumped. He said, ``My pledge is to make sure that those are the only two States beside our own to use this dump site. '' I was very encouraged by his comments, though he had been largely silent.

Then I learned that within only a few days of that comment in Texas, that on April 22 of 1998, within the same week, in which he urged the confereses to end the provisions that would provide the very protection that in Texas he said he was for.

He was quoted the other day down in Brownsville as saying that he believed that this concept of limiting the dump to Texas, Vermont, and Maine, two small New England States sending a minimum amount of radioactive poisonous content to Texas, was such a good idea that he would be willing to write a State law to deal with this issue. The only problem is that if you have signed a compact ratified by Congress that provides otherwise, how are you going to write a State law?

If it is such a good idea in Texas and Brownsville and in Houston to limit the nuclear radioactive garbage that is about to be dumped in the pay toilet of the State of Texas, if it is such a good idea to write a State law, then why not speak up vigorously for what has been done by the United States Senate and the United States House, and that is to write it into Federal law that we were limiting that amount of garbage that will come to Texas, not to the world but to those two small New England States, which was the original justification for having this compact?

We cannot have it both ways. Either we are in favor of protecting the people of Texas, as the Houston Chronicle called for yesterday in an editorial, we are either in favor of protecting the people of Texas, or we are in favor of extending that Texas hospitality a little too far and saying to the people of United States, all of them who are in States who, since 1980, have not been able to get a single licensing agreement for a radioactive waste garbage site, ``We are sorry you had problems, but we in Texas love having nuclear radioactive garbage from all over the country, and send it down to the poor people of Sierra Blanca. Send it to the good people, send all your nuclear garbage to the good people of Sierra Blanca down in Texas, but also send it to those in Texas (Mr. BONILLA), on the edge of the district of the gentleman from Texas (Mr. REYES), because they love to have your garbage. ''

I want to tell the Members that the folks of that area do not want the nuclear garbage, and neither do many people across the State of Texas. The more they learn about the dangers of this dump site, the less they are going to want it.

There is a significant question here about why this particular site was chosen in the first place. I understand, and I am sure Members will hear that, oh, no, this does not have anything to do with the selection of a particular site. We are just going to arrange for all the nuclear radioactive garbage from around the country to roll into Texas. There is no guarantee it is going to go to Sierra Blanca.

Indeed, some administrative law judges in Texas have recently questioned the location of the Sierra Blanca site. They have not questioned the site. They have not questioned the selection of a particular site. They have not questioned the selection of the Sierra Blanca site. They have not questioned the selection of the Sierra Blanca site because it was the best place in the United States to locate nuclear garbage, or even the best place in the State of Texas. It was not chosen because it happens to be a fault that recently had an earthquake and has had tremors, and might well expose this nuclear waste to flowing down the Rio Grande River, since it is so near the Rio Grande, poisoning the water supply for literally millions of people on both sides of the Rio Grande River. It was not chosen for those reasons. It was chosen because it was perceived that the people of Sierra Blanca lack...
WELLSTONE put in, and why this rule surrounding area that Senator the people of Sierra Blanca and the protection to this dump to Texas, Vermont, so anti-Texas, and why it is so strange country. That is why this provision is who have nuclear garbage around the better deal to put it somewhere else, power plants. ing out of decommissioned nuclear research. Most of this garbage is com- support of this dump, 98 percent of and academic and industrial research going to resist the idea, and say, "We still like the sign that we see on the bumper stickers on the back of pickup trucks all over Texas: "Don't mess with Texas." Don't send us your nu-

Another phony argument that the supporters of this compact advance is that if we do not have this dump site, the more they have questioned it. Indeed, the more people of any ethnic origin in Texas, including, I am sure, the readers yesterday of the Houston Chronicle, learned that this is about to become a dump site for garbage from all over the country; it is now being New York, and then assign their rights to others who have nuclear garbage around the country. That is why this provision is so anti-Texas, and why it is so strange that, as we gather here today, despite a vote by the United States Senate of the United States House in favor of limiting this dump to Texas, Vermont, and Maine, that the conference committee has taken that protection off, that it has removed the protection to the people of Sierra Blanca and the surrounding area that Senator WELLSTONE put in, and why this rule should be rejected.
The fact is that, from hospitals to medical offices to dental offices, we have low-level nuclear waste. The question today is not are we going to have it or what amount are we going to have; the question is what to do with it. After all, the House and the Senate in this Congress considered in 1985 when it passed the Low-Level Radioactive Waste Policy Amendments Act.

In this act, Congress' intent was to give States the authority to work together and provide for the location of low-level nuclear waste, so that we could encourage management of low-level nuclear waste, so that we do not have literally thousands and thousands of sites, perhaps unsafe, low-level waste in utility companies' arenas and the back doors of hospitals all across this country. There was a reason why this Congress passed that compact and the reason is it was supported by the American people at that time.

Since then, there has been a good reason why 42 States have chosen voluntarily to participate in this process of safely and smartly managing the invention of low-level waste. Today, those of us from Texas that support this, and let me point out for the record, despite my good friends, whom I greatly respect, the gentleman from Texas (Mr. Bonilla), the gentleman from Texas (Mr. Doggett) and the gentleman from Texas (Mr. Reyes), despite their opposition, the majority of the members of the Texas delegation here in the House support this compact.

Republican Governor George Bush supports it. Democratic Governor Ann Richards at the time she was governor of Texas supported it. This is a compact that 42 other States have had the right to participate in since the passage of the original bill in 1985.

Today Texas, Maine, and Vermont are not asking for anything special. We are just asking other delegations to respect our right to do what they chose to do under the 1985 law. Late last year, Mr. Speaker, the House overwhelmingly passed H.R. 629, and the Senate passed it without objection. I believe it is time to put this issue to rest. It is time to vote on H.R. 629 so we can finally resolve the question of how to effectively manage low-level waste in our three particular States.

Mr. Speaker, we gave the States responsibility to handle this waste and, as I have said, the governors have negotiated an interstate compact which comports with our policy and all three legislatures overwhelmingly approved that compact.

Now the opponents to this bill, and they have legitimate reasons and I respect their concerns and their reasons for opposition, but they want, in many cases, to change Federal policy regarding low-level radioactive waste. They want Congress involved in individual States' decision.

Mr. Speaker, I urge support of this rule and urge passage of the bill.

Ms. PRYCE of Ohio. Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentleman from Maine (Mr. Allen).

Mr. ALLEN. Mr. Speaker, I thank the gentlewoman from New York (Ms. Slaughter) for yielding me this time.

Mr. Speaker, I rise today to urge support of this particular rule. This matter, as the gentleman from Texas (Mr. Edwards) just said, has come before this House now on several occasions and all we are asking is to give the citizens of Texas, Vermont, and Maine a chance to enter into an agreement to dispose of their low-level nuclear waste in a way that makes sense.

I would say this, the reason that it is important to do this without any amendment is that an amendment means delay. The agreement that was reached in Maine, it was adopted by referendum of all the people. Then it went to the State legislature. In both Maine and Vermont, the support of the legislature and the governors of those States. This is a matter that has come to us with unanimous approval of the State bodies that have jurisdiction over this particular issue.

Mr. Speaker, what we are asking is to get it through and allow us to dispose of our low-level radioactive waste in a way that makes sense.

The gentleman from Texas (Mr. Hall) was correct when he said that State that they are not going to see a flood of low-level radioactive waste from Maine and Vermont, and that is accurate. We are not generating low-level radioactive waste at such a level that it should be a burden. But we are committed to help pay for this facility. We are sharing in the cost of this. For that reason, what I am asking all Members to do today is respect what these three States have accomplished, support the rule, and I urge passage of the underlying bill.

Ms. PRYCE of Ohio. Mr. Speaker, I continue to reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I yield 8 minutes to the gentleman from Texas (Mr. Reyes).

Mr. REYES. Mr. Speaker, I thank the gentlewoman from New York (Ms. Slaughter) for yielding me this time.

Mr. Speaker, I rise today in strong opposition to this rule. I am here again today to ask that this body do the right thing for the people of West Texas. The conference report on H.R. 629, the Texas Low-Level Radioactive Waste Disposal Act, is in my opinion and in the opinion of others, including those people that live in West Texas, an affront to all of us and to those of us that represent them in this body.

This conference report strips a key provision from the bill that both the House and the Senate had adopted. Unlike both the House and Senate-passed bills, the conference report does not include a provision that would restrict waste at the selected site to the States of Texas, Maine, and Vermont.

I ask, how can this House in good conscience vote to waive all points of order against this report?

Mr. Speaker, this is my first term, but as I heard and as I understand the comments of the gentlewoman from New York, this is a highly unusual way to bring back a conference report for a vote.

I think that it is clear that the provisions that were both on the Senate and the House side were to use an old West Texas term, finagled off in a highly unusual maneuver in requiring a rule on a simple conference report. I think that is wrong and I think that the people of West Texas deserve better treatment by this House than they have received on this.

By voting for the conference report, my colleagues are saying to all the Members of this House that it is okay to ignore the will of this body, that it is okay for eight conferees to ignore the rest of all the senators and representatives that represent the people throughout this country.

Members should vote against this conference report because the conferees violated the scope of their authority. That I think is very clear. We should not let this happen. We should not do anything that ignores the will of both the House and the Senate. I am sure that without this key provision, which is the Doggett amendment which would restrict nuclear waste to Texas, Maine, and Vermont under H.R. 629 that bill would never have passed in the Senate.

Mr. Speaker, I ask my colleagues to defeat this rule and send this bill back to conference where it belongs. Let us all together today send a strong message that the conferees cannot and should not ignore the will of the House and the Senate. I urge all of my colleagues to vote against this rule.

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

Mr. REYES. Mr. Speaker, I yield to the gentleman from Texas.

Mr. DOGGETT. Mr. Speaker, it is my understanding that the States of Michigan, New Hampshire, New York, Massachusetts, Connecticut and New Jersey are not a part of the compact at present. My question is, are there not a number of very large States with a significant amount of potential to generate nuclear garbage, specifically Michigan, New Hampshire, New York, Massachusetts, Connecticut, New Jersey, that do not have a compact partner right now and would love to send their garbage down to Sierra Blanca?

Mr. REYES. Mr. Speaker, that is correct.

Mr. DOGGETT. Mr. Speaker, if the gentleman would continue to yield, indeed, did not the former governor of Connecticut already inquire and try to become associated with this compact? Mr. REYES. Mr. Speaker, as of point of reference, that is one of the major concerns that we have. That once the site is in place, it will become a profit-generating venture that would accept...
waste material not only from Texas, Maine, and Vermont but literally from throughout the country.

Mr. DOGGETT. Mr. Speaker, without the amendment that this House and the Senate approved, there is absolutely a need to keep the group of unelected commissioners appointed by the same governors who may have said, as in our case, one thing in Texas and another thing up here in Washington about this compact, from taking that nuclear waste from any of those States any more than any of the ones that are in compacts already but are part of those compacts that have been unable to get a licensing agreement since way back in 1980, almost 20 years ago.

Mr. REYES. That is correct. And the potential exists that this waste disposal site in Sierra Blanca, Texas, could conceivably become the only site where nuclear waste could be disposed of and could be stored. That is a very real concern for those of us that live in West Texas.

Mr. DOGGETT. Mr. Speaker, if the gentleman will continue to yield, and then I will yield to the gentleman from Austin, in that downtown paper, the Austin American Statesman, back in April that was entitled, "Okay, If You Must, Keep It As Just Three."

It concludes, if a three-State compact means just three, no one should fear putting that into law. It is the very least that can be done to reassure Texans they are not getting suckered.

I want to ask the gentleman if he feels that the people of Sierra Blanca and west Texas will be suckered if this kind of proposal without the three-State limitation is approved.

Mr. REYES. Absolutely. That is a very real concern that all of us have about this site that is scheduled to be into Sierra Blanca.

Mr. DOGGETT. Mr. Speaker, I know the gentleman is familiar with the terms of some of the other compacts that have been approved in the country for other States. We have heard so much about this Congress approving other compacts.

Is it not true that some of those other compacts have provided representation for the very county and the very region where the regional facility would be located and that this particular compact does not give the people of El Paso or Sierra Blanca or Van Horn or Pecos or any of the area affected or any of the places through which that waste might be moved like Austin, Texas, they do not get any representation guaranteed in this compact agreement, do they?

Mr. REYES. They do not. And there in lies the liability, not just for the people of Sierra Blanca, not just for those of us who live in west Texas, but literally for communities throughout this country that this waste material would be transported through to get to Sierra Blanca.

Mr. HALL of Texas. Mr. Speaker, will the gentleman yield?

Mr. REYES. I yield to the gentleman from Texas.

Mr. HALL of Texas. Mr. Speaker, the gentleman has listed the three States that embody this agreement and he has indicated that they are States that would like to send their low-level waste to Texas. I would like to add the other 44 States that would probably like to send their low-level waste to wherever they want to send it. When the gentleman says there is no way to keep them from doing it, he is aware of the application, he is aware that the application limits it to 1.8 million cubic feet, and that only 20 percent of that can come from the other two States. It does not allocate any to come from all the States the gentleman has named, nor the other 44.

Mr. DOGGETT. Mr. Speaker, if the gentleman will continue to yield, I am aware of the limitation and the application starting this out. But we are approving a compact that is to last for the ages. Mr. Chairman, as the gentleman just pointed out, and I could not agree with him more, that all 50 States would like to send their garbage to Texas. My guess is that with the kind of hospitality that they are being shown by Governor Bush and others who have been even more silent than he has, that they will all have a chance to put Sierra Blanca on the map.

It is a small place, heavily Hispanic, very poor. It is one of those places you can drive through and hardly know you have been through it when you are going down I-10 on the way to El Paso. It is going to be a point on the dot that they know about in Alabama and Vermont and Michigan and New York and all over this country, because it is not the decision on the floor of the State legislature that is a decision by the experts and the people that the State hires in their regulatory agencies to make that decision. So that is why this bill is so important. If we are going to have that site, then the compact, just like the other compacts, is important that we ratify it here.

The Low-Level Radioactive Waste Policy Amendments of 1985 established where States could develop compacts. Texas, under a former governor, not Governor Bush but Governor Ann Richards, worked out an agreement with Maine and Vermont to have this so Texas could limit our exposure. Again, we do not want to be the waste site for the Nation or the world, but we recognize the responsibility we have in our own State for our low-level waste that we generate. Some of it is from hospitals, some of it is from nuclear power plants, it is from all sources. But that product, that waste is now being stored on sites all over the State of Texas.

Mr. GREEN. Mr. Speaker, I thank my colleague on the Committee on Rules for allowing me to speak today. As she mentioned, now we can hear the rest of the story. I rise in support of the rule and support of the conference committee.

Let me give the Members who are here on the floor and also in their offices and who are watching a little history about this compact. I think they have heard it over the last few years. I was in Congress in 1991, when we actually passed an interstate compact with Texas and Vermont and Maine, because under the interstate commerce clause, without a compact, if this site is built, whether it is in Sierra Blanca or anywhere else, it will be required to take waste from every State in the Union.

I think my colleague from Texas (Mr. HALL) pointed that out. All 44 other States would like to send their garbage here or elsewhere. We want to do something other than what is in the compact. So if this site is going to be built without a compact, it would have to accept it from everywhere.

Again, we did not pick the site, either the legislature or here on the floor of this Congress. The site was selected by the folks in Texas which is what the intent was. It was not supposed to be by those of us who serve in Congress or in the legislature, because instead of the legislature passing a compact 2 years whether they have to or not. It was selected by people who have the expertise to select sites, and they looked at sites in south Texas and west Texas, and they picked Sierra Blanca. It was my choice, I would not pick Sierra Blanca, because we have another site in Texas which may not be at the same level now in the application process who actually wants it. But that is not our decision on this floor and that is not the decision on the floor of the Senate legislature. The decision is a decision by the experts and the people that the State hires in their regulatory agencies to make that decision. So that is why this bill is so important. If we are going to have that site, then the compact, just like the other compacts, is important that we ratify it here.
Ms. Slaughter. Mr. Speaker, I yield the balance of my time to the gentleman from Texas (Mr. Doggett). Mr. Speaker, as you know, there is a strong commitment to the willingness and desire of our colleagues from New Mexico to put this nuclear garbage as far away from there as possible out into west Texas is quite understandable. The silence in some cases and the open invitation of Governor George W. Bush that we accept all that nuclear garbage in Texas is a little bit more difficult to understand.

It is difficult to understand, particularly because of some of the latest reports suggesting not needed because radioactive waste dump sites as are currently planned, that economically it does not make sense. We should consider the fact that none of these dump sites have been licensed for almost 20 years. It is the compact that some compacts have been formed. If we get on the fast track in Texas to put all that nuclear garbage in Sierra Blanca, guess where the major waste dump site for the country is going to be located? Right there in the most poor Texan Hispanic neighborhood.

I think that is one of the reasons why in June of this year some 95 environmental groups and legislators in both Mexico and the United States asked Governor Bush to keep his word and to stop this ongoing project. Unfortunately, that has not happened.

I find interesting the emphasis on the word “low,” when talking about nuclear waste or radioactive waste. Low. It reminds me a little bit of one of those late night commercials on television where someone is talking about “how low can you go” when buying a car or mobile home or something else that they might want to sell on there.

Well, let me tell my colleagues how low this radioactive waste is. It is low enough to kill you. It is low enough to kill people for thousands of years to come. It is low enough to kill people who exist on this planet today and any one of a little bit of that might exist on this planet that could ever remain for those of us that are gathered here on the floor of this Congress today. It is low for public relations purposes. It may be lower than the highest level of radioactive waste, but it is high enough to be lethal and deadly and not to be placed in Sierra Blanca.

Ms. Pryce of Ohio. Mr. Speaker, I yield 4 minutes to the gentleman from Texas (Mr. Hall), ranking member of the Subcommittee on Energy and Power.

Mr. Hall of Texas. Mr. Speaker, I would like to continue my discussion with the gentleman from Texas (Mr. Doggett) in hopes that we could win over to see what his State needs and what these States have contracted for.

I simply start out by saying if we do not have a compact, he would be extended to 44 States, these three States, Mexico perhaps, Canada, throw in the Virgin Islands if we want to, maybe want to send their waste to Texas or to any other State. That really is the reason we have compacts. It is the reason the Congress, in its wisdom back several years ago, provided for these compacts. That is the reason nine other compacts have been signed and are working. So I think in all these States, including Texas, we have the majority of the commission or we could be the target for all of those.

Now, let me just talk a little, another minute about how a compact protects an area that enters into a compact. I am talking about these three States. I am talking about our State and the rights that we have and the vision that those that put this agreement and application together had for our State.

I would tell the gentleman, he says, what is to keep it from happening, how can we not happen, how can we stop the flow of trucks and trains filing into this State? Well, it is very simple. Section 6 of section 3.05 says, The commission may enter into an agreement with any person, State, regional body or group of States for the importation of low-level radioactive waste into the compact for management of disposal, provided that the agreement reaches a majority vote of the commission.

They cannot just load up and say we are heading for Texas. They have to have the assurance and the authority of the commission.

The commission says, may adopt such conditions and restrictions in the agreement as it deems advisable. That is local control in its finest sense. That is the commission of these three States. How much authority does the State of Texas hold? Let us read again. Let us go to article 3. This is the protection I think that the gentleman is seeking. I think this is going to give you some assurance that I hope turns the tide on this rule. Who makes that decision by the commission? Who is the commission? Is that somebody from the other 46 States, the other 49 States or these three States? This tells us who makes that decision. It is not guesswork. It is not who has the biggest truck or who has the longest railroad. This says there is hereby established the Texas Low-Level Radio Waste Disposal Compact Commission. That is the commission on that is needed to.

The commission shall consist of one voting member from each party State, except that the host State shall be entitled to 6 voting members. So the gentleman’s State has 6 members, the other States with 2 members, I think they could do something about a deluge of low-level waste or garbage, whatever.

I have faith in the people that are going to be running this country in the future. I have faith in the legislature. The gentleman says do not mess with Texas. Do not mess with the legislature, do not mess with Governor Bush. Do not mess with the governors of the other two States who have been mess with all those public hearings that they have had. Do not mess with the Speaker of the House. Do not mess with the leader of the Senate. Do not mess with those who form the majority. Do not mess with the people who have voted for this, sent it on and asked for it, availed themselves of that that this Congress made available to them.

I think we need to pass this rule and get on with our business.
in other States? What is your option of what we do with this low-level waste stream? This is the Federal mandated option that we placed on States. This is better than having the waste stream in our neighborhoods, next to our children, playing, where our grandparents are staying. So when you talk about this and say, is this the proper site, let me challenge you by saying, is the option better? Is it better to leave the waste stream where it is now, backing up and piling up in our communities and your planning groups and your community groups and your families about do they want this waste stream left in their neighborhoods where it is now? The big untold story here is the fact that where this waste stream is and where it would be if it was not sited appropriately. This is the safest, most logical approach. This is a strategy we decided on decades ago, and it is one that we should continue with. It is a rational strategy. Let us not have this waste in our neighborhoods. Let us have it in a safer facility.

Ms. PRYE of Ohio. Mr. Speaker, I yield myself the balance of my time. Let me just say in response to some of my colleagues’ concerns that this conference report contains the identical language of the other nine existing compacts. Further, it is not the intention of Congress to create a prescriptive regime for the States. It was intended to allow the States to manage for themselves the safe disposal of low-level waste as they see fit, without burdensome Federal regulation. It is important to note that all eight conferees agreed to this course of action.

Let me remind my colleagues once again that this rule will allow the House to consider the conference report. The rule is supported by the governors of the member States as well as the National Governors Association, the Western Governors Association, the National Conference of State Legislatures and the Nuclear Regulatory Commission.

I once again urge my colleagues to support this rule and therefore allow the House to consider the conference report on this important legislation.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered. The SPEAKER pro tempore (Mr. DICKY). The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it. Mr. DOGGETT. Mr. Speaker, on that I demand the yeas and nays. The clerks of the House and nays were ordered. The vote was taken by electronic device, and there were—yeas 313, nays 108, not voting 13, as follows:

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<tr>
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[Vote lists with names of representatives who voted yeas and nays]
chairman and the ranking member are both in favor of the bill, under rule XXVIII I assert my right to be recognized for 20 minutes in opposition to the conference report.

The SPEAKER pro tempore. Is the gentleman from Texas (Mr. REYES) recognized to control 20 minutes of debate?

Mr. REYES. Mr. Speaker, as a member of the minority also in opposition to the conference report, I ask unanimous consent that the gentleman from Texas (Mr. BONILLA) yield to me 10 of his minutes that I may be allowed to control.

The SPEAKER pro tempore. Prior to entertaining that request, under clause 2(a) of rule XXVIII, recognition of a Member opposed does not depend on party affiliation but is within the sole discretion of the Chair, page 759 of the manual.

The gentleman from Texas (Mr. BONILLA) is senior to the gentleman from Texas (Mr. REYES), and therefore the gentleman from Texas (Mr. BONILLA) is recognized to control 20 minutes of debate.

Mr. DAN SCHAEFER of Colorado. Mr. Speaker, I want to get this straight.

I will control 20 minutes, the gentleman from Texas (Mr. HALL) will control 20 minutes, and the gentleman from Texas (Mr. BONILLA) will control 20 minutes of which I think he is going to yield 10 minutes to the gentleman from Texas (Mr. REYES).

The SPEAKER pro tempore. That is accurate. That is the understanding of the Chair.

Mr. BONILLA. Then, Mr. Speaker, I ask unanimous consent to allow the gentleman from Texas (Mr. REYES) to also have 10 minutes of my time to control.

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

There was no objection.

1145

PARLIAMENTARY INQUIRY

Mr. BECERRA. Mr. Speaker, parliamentary inquiry.

The SPEAKER pro tempore (Mr. Dickey). Will the gentleman from California please state his parliamentary inquiry.

Mr. BECERRA. If I heard the Speaker correctly, the allocation of time is being distributed two-thirds to those who are in support of the bill and one-third to those who are opposed to the bill.

The SPEAKER pro tempore. That is correct.

Mr. BECERRA. Mr. Speaker, my parliamentary inquiry is, is it not the tradition of the House to divide the time equally between those who are in support of the bill and those who are opposed to it?

The SPEAKER pro tempore. The House is now operating under clause 2(a) of rule XXVIII, and that is what is provided.
is not our decision. That is the decision to be made at the local level, at the State level, by whoever is in control of the local level and the State level at the time that decision is made. The key is letting the compact make that decision and preserving the flexibility to do so. That is what this legislation was passed for. I think that is what H.R. 629 preserves.

I thank the committee for its attention. I thank all of these Members for their votes of the past. I urge them to revote as they have in the past. Get this behind us. I would say this to the gentleman who represents the area where the site is: He has fought a valiant fight. He got here after many of the debates had been held and decisions have been made. But I have the same situation here. I have a wonderful friend who has a bad amendment, and we are going to try to turn back that amendment. But in doing so, we do not want to turn back the support that this fine Member has for the rest of the State, the great battle he has put up for his district. I admire him, yet I ask Members to support this thrust we are asking for today.

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

Mr. BONILLA. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, what we are talking about here is a basic fundamental right as Americans that we recognize for generations that has made our country what it is today standing above and beyond any country in the history of this planet; that is, the rights are of those of us in communities to determine our own future and to determine our own destiny and our own communities.

Also the right to private property and the right to have that property held sacred to us and that the value and that the use of that property is controlled as long as you are not hurting your neighbors and your friends that are existing adjacent to your property to allow that property to prosper over the years and to use it as you see fit.

Those rights have been threatened. Mr. Speaker, by this compact, but more importantly by the State legislature at the turn of the decade that decided, along with Governor Ann Richards, to implement this low level nuclear dump site in the community of Sierra Blanca and surrounding communities.

I have the names here, which I will read at a later time, of 20 counties surrounding Sierra Blanca where this site was picked by Governor Richards, former Governor Richards, and that community. We have discussed before, as my friend, the gentleman from Texas (Mr. GREEN) has pointed out, that this issue we are voting on today has no reference at all to the site picked by the State legislature and Governor Richards many years ago.

We are simply trying to do the right thing for the people of the community around Sierra Blanca and surrounding counties by trying to stop this thing at the final checkpoint before it is allowed to be implemented.

The reasons for the opposition are very simple. There is unstable ground. It has been reviewed over and over and, in fact, two administrative law judges who have looked carefully at this situation have determined that the earth is unstable in this area.

How would you like it, whether you live in Manhattan or you live in Cleveland or you live in San Francisco or you live in West Texas where earthquakes have occurred, how would you like it if suddenly someone said that right next door they are going to start putting in containers, low level nuclear waste, that might leak out if the ground were unstable enough that it might threaten your property and your water supply and the future of the environment for the children that are growing up in this particular area?

So the threat to the environment is real and has, in fact, back home in Texas, been documented by two administrative law judges that are recommending that now in the capital of Austin, the State of Texas that has the job of recommending this issue take this into consideration in the strongest way or in fact recommending that this not be accepted.

The economic impact tied to the environment is also a very big issue that these administrative law judges have pointed out. So you can see why these two threats to the people of this community would have a huge impact on their ability to govern their own future and their economic growth surrounding the Sierra Blanca area and the counties surrounding that area as well.

So we have a chance to do here in the United States Congress what again the State legislature at the turn of the decade did not do. Governor Ann Richards chose to dump on the people of West Texas, and we are the last hope for the folks of Sierra Blanca and surrounding counties.

I have a list here. Mr. Speaker, in case there is any doubt of anyone in this body as to how the folks in West Texas feel about this: El Paso County, Presidio County, Jeff Davis County, Culberson, Val Verde, Webb, Starr, Hidalgo, Cameron, Zapata, Reeves, Brewster, Pecos, Kinney, Crockett, Pecos, Maverick, Ector. We are almost getting started on the entire list of counties in the State of Texas that have passed resolutions, I have the dates here on which they were passed, opposing building this dump that threatens the environment and their local economies.

We also have resolutions passed by 13 additional cities, municipalities in this area as well, that are opposed to this. We also have with our neighbors in Mexico, whom we have a treaty with to work together on environmental issues, the Treaty of La Paz, that designates clearly that we have to work with folks when it means that their environment ought to be threatened as well.

We would not want them dumping nuclear waste within a few miles of the Rio Grande on the Mexican side. They have expressed to us that they have a concern about this dump being constructed.

So I ask my colleagues in this body to oppose this conference report. It is a threat to their rights to control their own destiny, the folks back in Texas, and our communities. It is a threat to their private property rights, and it is something that we have an opportunity again to fix something that the former governor and the State legislature, at the turn of the decade, dumped on the people of West Texas.

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

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

Mr. Speaker, I want to thank my colleagues, the gentleman from Texas (Mr. BONILLA) because this is a tough issue but it is an issue that I find easy to defend because it is the right issue for our community and the area that we represent.

I rise in opposition to conference report on H.R. 629 because, as I mentioned earlier, I do not believe that we should be considering a conference report that ignores the will of the House and the Senate. I do not believe we should be considering a conference report that has stripped a key provision from the bill that both the House and the Senate had adopted.

Unlike both the House and Senate passed measures, the conference report does not include a provision that would restrict waste at the selected site to the 3 States, the States of Texas, Maine and Vermont.

As far as I am concerned, that, in itself, is reason enough not to move this bill forward.

But if we need additional reasons to vote against this conference report, I would like to enter into the RECORD an article that has already been mentioned by my colleague from Texas (Mr. BONILLA) that was printed in the Dallas Morning News on July 8.

As we can see in this article, two Texas hearing examiners recommended against granting a low-level nuclear waste dump in far West Texas, at Sierra Blanca. The hearing examiners explained that the State Low-Level Radioactive Waste Disposal Authority did not, and I repeat, did not adequately determine whether a facility under the site posed an environmental hazard or not.

The examiners further stated that the authority did not adequately address how the proposed facility might impact the quality of life in that area, the quality of life of a constituency that we represent. Their protection, their interests are why we are opposed to this conference report.
These findings are further evidence that the proposed radioactive waste dump is a potential environmental hazard which has not undergone adequate study by various State agencies.

Mr. Speaker, I ask this body if Texas State senators do not support the Sierra Blanca site, why should we jeopardize the health and the well-being of people in West Texas? I do not care how many times supporters of this bill say that a vote for H.R. 629 is not a vote for the Sierra Blanca site. It simply is a site. They know it, I know it, and the people of Sierra Blanca and El Paso know it.

Mr. Speaker, by now, having heard the argument, even you know it. If H.R. 629 becomes law, it will endanger the safety and the welfare of the community and the people who live there.

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

Mr. DAN SCHAEFER of Colorado.

Mr. Speaker, I yield such time as he may desire to the gentleman from Texas (Mr. BARTON), the author of the bill.

Mr. BARTON of Texas. Mr. Speaker, I thank the gentleman from Colorado for yielding me this time.

Mr. Speaker, I want to try to very quickly go through what I think are the substantive points in this debate. I want to try to address some of the comments the gentleman from Texas (Mr. REYES) and the gentleman also from Texas (Mr. DOGGETT) have already raised and, in advance, some of the comments that perhaps the gentleman from Texas (Mr. DOGGETT) will raise when he speaks in opposition.

With regards to the fact that the conference report is coming back as a clean bill, if we look at the House Record of October 7, 1997, on page 8531, there is a colloquy or a dialogue between myself and the gentleman from Texas (Mr. DOGGETT) where I agreed to support his amendment, but I did so with the reservation that we would check with the governor of Texas and let the representatives of Vermont and Maine check with their governors, and if they opposed the inclusion of the Doggett amendment, we reserved the right to strip that out in conference. The gentleman understood that and accepted it at the time.

Well, we did check with Governor Bush in terms of Texas, we checked with the governors of Maine and Vermont, and they decided that they did not want to accept any amendments, because no other compact had been amended on the floor of the House or the Senate previously when those compacts had been agreed to. So the conference did strip out the Doggett amendment.

If Governor Bush and the other State governors had accepted it, we would have accepted it and reported it back.

Let us talk about some of the environmental concerns that have been raised. We have talked about some water table concerns. The water table at the site is 700 feet beneath the site. The groundwater there moves very slowly. There is no analysis that says there could be groundwater contamination at all, period.

With respect to the earthquake, and administrative law judges did state in their decision that the earthquake analysis had not been adequately addressed. But they also said that that, in and of itself, was not a reason to deny the site.

I want to go through some of the earthquake site-specific issues. The strongest earthquake that has ever been recorded in Texas history is 6.4 on the Richter scale. This site is designed to withstand an earthquake of a magnitude of 6.0 directly beneath the site. The last time they can calculate there was an earthquake in the area was between 750,000 and 12 million years ago, Mr. Speaker, 750,000 and 12 million years ago. That is 730,000 years before the pyramids were built in Egypt.

The earthquake seismic activity rating for the region is, one, the same as Washington, D.C. This Capitol could not withstand an earthquake of 6.0 on the Richter scale directly beneath it. So I think there are some issues there. But according to the admissible law judge's recommendation, in and of itself, the seismic concerns—

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

Mr. BARTON. I yield to the gentleman from Texas.

Mr. BONILLA. Mr. Speaker, I appreciate the gentleman yielding.

I just want to remind my friend about the earthquake that struck in West Texas, I believe, if I am not mistaken, it was just 2 years ago and there was damage caused. It was not right at this location, but it was not far away, in the Alpine area that, as the gentleman probably knows, is just a few miles away.

Mr. BARTON of Texas. Mr. Speaker, a few miles away. My understanding is it was over 100 miles away, and it was less than 3 on the Richter scale. That is my understanding, but I could obviously be corrected.

Mr. BONILLA. Mr. Speaker, if the gentleman will yield further, the earthquake did cause damage, enough to cause concern out in the West Texas area. And, as the gentleman knows, even though it covers vast distances, that community is considered 100 miles up the road. As my friend knows, in that part of Texas, that is, in fact, just up the road.

Mr. BARTON of Texas. Mr. Speaker, reclaiming my time, it is just up the road. I will admit to that, my good friend. But this site could withstand a 6.0 magnitude effort quake directly beneath it and sustain no damage; and, again, there was been no earthquake of this magnitude in the region in over 750,000 years.

Let us talk about local support. My good friend (Mr. BONILLA) waved and alluded to a great list of Texas counties that oppose this site, and I have no doubt that that is a true list. In this county, the local elected officials that ran for reelection in the last local election supported the site and were re-elected.

Recently, in the office of AmericanStatesmen there was an open letter asking that the site be approved signed by over 100 local residents, many of them elected officials. So I think that there is support for it in the region.

Finally, Mr. Speaker, this bill passed the Senate 300 to 0 in October. Based on the rule vote that we just had, it is hopefully going to pass with that order of magnitude again in the next 30 or 40 minutes. We need to pass this bill; we need to let Texas, Vermont and Maine go about their business; we need to let the State of Texas go ahead and address the concerns that have been raised by the administrative law judge.

In conclusion, I want to read the conclusion of the administrative law judge report.

The judge's report. This is on page 7 of the Senate Record, page 7. TNRCC, docket number 96-1206-RAW. It says, and I quote, "if the Commission approves the application, the draft license should be modified to change the facility could accept waste containing a total of no more than 1 million curies of radioactivity over the 20-year license term. With this clarification, the performance assessment, including the consideration of nanoradiological impacts and accident scenarios, is adequate."

So the administrative law judge did not approve the site, but they did not disapprove it. They said that there are some concerns that need to be addressed by the Licensing Commission in Texas, and if those concerns were addressed, it should be approved.

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

Mr. HALL of Texas. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. BENTSEN).

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

Mr. BENTSEN. Mr. Speaker, I rise in support of the conference report for H.R. 629, the Texas Low-Level Radioactive Waste Disposal Compact Consent Act.

I believe this bill is vital to protecting Texas from increasing amounts of out-of-State waste by entering into the compact. By ratifying this agreement, Texas will receive added protection to stop other States from shipping their low-level radioactive waste into the State. Texas will maintain complete control over the disposal site. Only Texas will decide whether or not another State may join the compact.

Mr. Speaker, at this time I would like to enter into the Record an article from the El Paso Times where Governor George Bush, the current governor of the State of Texas, says that the Texas Senate will ask the legislature to adopt such legislation when they meet in 1999, assuming, of course, he is re-elected governor.
BUSH WANTS NUCLEAR WASTE LIMIT FOR DUMP
(By Gary Scharrer)

BROWNSVILLE—Gov. George W. Bush will ask Texas lawmakers to pass a law next year making clear that only Vermont and Maine may export nuclear waste to the Lone Star State under a compact moving through the U.S. Congress.

Bush said he would seek to take this to the floor of the state House and Senate and say, 'We will limit future (compact) commissioners to the lower House and Senate and say, 'We will limit future (compact) commissioners to the lower House and Senate and say, 'We will limit future (compact) commissioners to the lower House and Senate and say, 'We will limit future (compact) commissioners to the lower House and Senate and say, 'We will limit future (compact) commissioners to the lower House and Senate and say, 'We will limit future (compact) commissioners to the lower House and Senate and say, 'We will limit future (compact) commissioners to the lower House and Senate and say, 'We will limit future (compact) commissioners to the lower House and Senate and say, 'We will limit future (compact) commissioners to the lower House and Senate and say, 'We will limit future (compact) commissioners to the lower House and Senate and say, 'We will limit future (compact) commissioners to the lower 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LULAC goes on to say, “The selection of a poor Mexican-American community (which is already the site of one of the largest sewage sludge projects in the country) brings to mind serious considerations of environmental justice. The decision Congress now faces on this matter cannot be made in a vacuum, ignoring serious environmental justice questions that have come out of the siting evaluation process. These unjust procedures are an apparent contradiction of the 1994 Executive Order that firmly upheld environmental justice.”

LULAC would caution Congress not to be complicit in what has become, whether intentional or not, a repulsive trend in this country of setting the most hazardous and undesirable facilities in poor, politically powerless communities with high percentages of poor people of color. Only a vote against the Texas, Maine, and Vermont Radioactive Waste Compact conference committee report will ensure that this trend is not extended into Hudspeth County, Texas.

I would urge all Members to heed what one of the largest and oldest national organizations representing a very large section of this country, is saying, not because of what it says, but because of what this bill will do to the people that live in those areas. We are looking at affecting the lives of millions of people that live in that area of Texas, and I would hope that my colleagues would look a little closer before moving forward on a compact that would jeopardize the safety not just of people, but mostly of children.

Mr. DAN SCHAEFER of Colorado. Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. SAM JOHNSON).

Mr. Speaker, I rise in strong support of this legislation. I think that anything that Members do for their constituents should be. It is up to the Congress to confirm what the States have asked. I urge consideration and passage.

Mr. HALL of Texas. Mr. Speaker, I yield 3 minutes to the gentleman from Vermont (Mr. SANDERS), who represents one of the States.

Mr. SANDERS. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, I rise in strong support of the conference report. Let me say a few words on the substance, and then a few words on substance.

In terms of process, what is important for everyone to understand is that this compact bill has been passed overwhelmingly by the legislatures of Texas, Maine, and Vermont, and the legislation is strongly endorsed by the Governors of Texas, Maine, and Vermont.

In fact, in Vermont the legislature approved this legislation by voice vote by a 3 to 1 margin in the House. In Texas, the Texas State Senate approved this legislation 26 to 2, while the Texas House approved it by voice vote. In Maine, both the House and Senate approved the bill by wide margins. Under a statewide referendum held in Maine, the legislation passed by better than a 2 to 1 margin.

This bill, Mr. Speaker, is supported by both Senators from Texas, both Senators from Maine, and the entire Senate from Vermont. It is supported by the entire Maine delegation in the House, all two Members; the entire Vermont delegation, me; and as I understand it, two-thirds of the Texas House. So there is opposition from some Members of the Texas House here, but two-thirds support this legislation.

Mr. Speaker, this compact is not a new idea. Since 1985, nine interstate radioactive waste compacts have been approved by Congress, encompassing 41 States. I think we are saying, if this approach is valid for 41 States in nine compacts, it certainly should be valid for Texas, Maine, and Vermont. That is the process.

But the issue today is something different. Here, my views may be a little different than some of the people who are supporting this compact. I am an opponent of nuclear power. I think the nuclear power industry did us a disservice many, many years ago when they said, let us build the plants, except they forgot to tell us how we were going to get rid of the waste; a slight little problem.

Now, all over this country, serious people, environmentalists, are worried, how do you get rid of low-level radioactive waste, which we are dealing with here? How do you get rid of high-level waste? That is a very serious problem.

And as my dear storyteller, Mr. President, Professor Schaefer, I would close down every nuclear power plant in America as quickly as we safely can. But the issue today is something different. The reality is, we have nuclear power plants. We have universities and hospitals that are using nuclear power. Therefore, is how do we get rid of that low-level waste in the safest possible way? In my view, that is what this legislation is about. I think the evidence is pretty clear that Texas is in fact the best location to get rid of this waste.

The last point that I would make is there is nowhere in this legislation that talks about a specific site. Nowhere will we find that. We are not voting on a site. That decision is left to the authorities and the people of the State of Texas.

Mr. HALL of Texas. Mr. Speaker, I yield 3 minutes to the gentleman from Maine (Mr. ALLEN), another of the Member compacts.

Mr. ALLEN. Mr. Speaker, I thank the gentleman for yielding me the time.

I rise in strong support of the conference report to H.R. 629, and urge all Members to support this agreement. I have spoken on this issue now many times in the past. The issue is still the same. This is simply the opportunity for Texas, Maine, and Vermont to do what 41 other States have already done, enter into a compact for the disposal of their low-level radioactive waste.

Last November the House overwhelmingly approved this compact by a vote of 309 to 107. The Low-Level Radioactive Waste Act places the responsibility for the siting of low-level radioactive waste on the States. In order to dispose of waste safely and properly, States are allowed to enter into compacts.
Under the Act, the States of Maine, Vermont, and Texas have crafted a compact to meet their needs. Maine's voters approved the compact by a 3 to 1 margin at referendum, so it has not only been approved by the Governor and by the State legislature, but also by the people voting at referendum. Over the past several years, Congress has approved nine such compacts covering 41 States, and the time has come to add to that list.

We have heard Members stand up and argue that amendments were stripped in conference, and therefore the bill should be voted down. But not one of the other nine compacts, not one of them, had amendments to their agreements. Not one of them, in not one of those cases did the Congress try to impose on the parties that were agreeing additional requirements.

In particular, the amendment that has been proposed, we will not find that as part of any of the other compacts. This compact is like the others. It does not need a different amendment, and it should not have it.

I would say this, as well. We are opposed to this amendment because we have checked with the Governors of all three States and we are opposing the amendments. There is no question that if this agreement, if this compact is amended here, it has to go back to the States and we start this process all over again. That spells delay.

Frankly, we have had enough delay in this process. We need to move ahead today. We need to vote to approve this compact. We do not need delay and added cost due to likely litigation. The compact was the result of years of negotiation between the member States. They do not deserve additional costs and delays due to unwanted amendments.

Mr. Speaker, we must move this issue forward and allow Texas, Maine, and Vermont to address the need to dispose of their low-level radioactive waste. I urge all Members to support this legislation.

Mr. HALL of Texas. Mr. Speaker I yield 2 minutes to the gentleman from Texas (Mr. DAN SCHAEFER). Mr. Speaker, I yield 2 minutes to the gentleman from Texas, Mr. BALDACCI. Mr. Speaker, I thank the gentleman from Colorado (Mr. DAN SCHAEFER) for yielding me this time.

Mr. Speaker, this legislation has been before this body numerous times in the past. This legislation represents years of negotiation between the States of Maine, Vermont, and Texas. It is in each of those States' interest. The people in those States have voted for it. The Governors of those States support this. This Congress has approved compacts for 41 other States. This is no different.

I appreciate the concerns that have been raised, but those concerns will be addressed in the process. Each one of our Members knows that there will be an environmental impact statement. Just by voting for this approval for the process to move forward does not mean that the environment and the people and the public hearings that are to ensue will not occur. They will occur. So the public will be involved. The process will have the environmental safeguards, and the right siting will take place in regards to the public and the environment. To suggest otherwise is not to be accurate to the facts that take place.

Mr. Speaker, it is in our State's interest, it is in Vermont's State interest and it is in Texas' State interest. By law, Texas has to have a facility for the waste that it is producing. The States of Maine and Vermont are providing the resources with a low impact amount of waste in order to establish the compact, so that each one of our States is not having to open to a site or trash or other things coming in from all over the country. That is why we were told and given legislation on a national level to form these compacts.
Texas, but it would be for all the country.

Mr. Speaker, I notice that the State of California does have a compact and I do not know where their site is. But I was wondering if it was in a site that was also a rural area that was sparsely populated, compared to an urban area. That is why this is something that has been done by this Congress many times before, allowing States to join together to dispose of these low-level nuclear wastes.

I have a district in an urban area and we have this material all over our district right now and we would like to have a permanent place for it.

Mr. Speaker, I rise in opposition to the Conference Report on H.R. 629, the Texas Compact Consent Act. This bill grants Congressional approval to the proposed Texas, Maine, and Vermont compact for low-level radioactive waste disposal and deserves the quick support of the House.

As my colleagues know, the national policy for managing low-level radioactive waste is spelled out in the Low-Level Radioactive Waste Policy Amendments Act of 1985. This policy was developed by the states and passed by Congress, with overwhelming bipartisan support.

The objective of the policy is to provide for the safe, permanent disposal of the nation’s low-level waste. Under the terms of the Texas-Maine-Vermont compact, low-level radioactive waste produced in each state will be carefully disposed at a single facility in the State of Texas. The waste will be transported from the hospitals, university research centers, utilities or other waste producers in each state to a safe, permanent disposal and storage facility which will be built in Texas.

It is very important to understand that H.R. 629 does not designate a site for the Texas disposal facility. In the Low-Level Radioactive Waste Policy Amendments Act of 1985, Congress clearly reserved for the states the authority to decide where low-level radioactive waste facilities would be built within their borders. Even though H.R. 629 does not designate a site for the Texas facility, federal and state law requires that any low-level radioactive waste facility built by a state must be engineered to withstand any potential natural disasters that might occur at the chosen site.

Much has been said about the proposed site for the waste disposal facility. In fact, a permit to build a waste disposal facility in West Texas has been requested from the Texas Natural Resources Conservation Commission. If the Commission finds that the permit meets necessary requirements, it will grant the permit. If the Congress does not approve this bill, under the Interstate Commerce Clause, Texas must accept low-level radioactive waste from other states. H.R. 629 will allow Texas to limit who sends waste to the facility, to be in compliance with the Low-Level Radioactive Waste Policy Act.

With this compact in place, Texas will be able to limit access to its facility to only those states that are signatories to the compact—Maine and Vermont. The compact makes it possible for the States in an orderly, effective manner. Without the compact, the State of Texas would have no effective control over access.
nuclear waste dump in the far West Texas community of Sierra Blanca. The hearing examiners explained that the “State Low-Level Radioactive Waste Disposal Authority did not adequately determine whether a fault under the site posed an environmental hazard.”

The examiners further stated that the Authority and the Mexican government had not adequately studied the proposed facility might harm the quality of life in the area. These findings are further evidence that the proposed radioactive waste dump is a potential environmental hazard which has not undergone adequate study by various state agencies. If Texas state regulators don’t support the Sierra Blanca site, why should you?

I don’t care how many times supporters of this bill say that a vote for H.R. 629 is not a vote for the Sierra Blanca site—it is. They know it, I know it, the people of Sierra Blanca know it and you know it. If H.R. 629 becomes law, it will endanger the safety and welfare of the community and the people who live there.

If you need still another reason to oppose this conference report, I want to enter into the record the following resolution that unanimously passed the Mexican Congress. This resolution was passed on April 30 of this year.

Let me read some of it to you. “The Mexican Congress declares that the proposed project of Sierra Blanca, Texas, like other proposed disposal facilities on the Mexican border, puts at risk the health of the population in the border zone and constitutes an aggression to our national dignity.”

“The position that the Mexican government assumes with regard to the proposed disposal facility of Sierra Blanca will constitute a clear precedent that can be invoked relating to disposal facilities that are planned in the future within 100 kilometers along the common border.”

“This represents high potential risk of contamination for the Rio Bravo and the underground aquifers, which could cause a negative impact for the health of the population, the environment, and the natural resources on both sides of the border.”

“The construction of the disposal facility in dispute would violate the spirit of the international law and would implicate the non-compliance of the commitments assumed by the United States after the signature of the 1983 Agreement on Cooperation for the Protection and Improvement of the Environment in the Border Area—better known as the La Paz Agreement—particularly Article 2 of the Agreement, which states: ‘The Parties undertake to the fullest extent practical to adopt the appropriate measures to prevent, reduce, and eliminate sources of pollution in their respective territory which affect the border area of the other.’”

The Agreement also “commits the Parties to cooperate in reciprocity, and mutual benefit. In complying with these dispositions, the United States Government must take measures in this case with the appropriate authorities, in order that the Sierra Blanca project not be authorized.”

The Resolution further states, “due to the adverse effects that this project could have on the health of [the Mexican] population and the natural resources, we present the following Pronouncement:”

“We reiterate our complete rejection of the project which is the construction and operation of the nuclear waste disposal facility that the Government of Texas plans to build in Sierra Blanca, Texas, and express our disagreement, concern, and unconformity with the policy adopted and followed up to now by the Government of the United States, that favors the construction of disposal facilities on the southern border with Mexico, without taking into account that the policy can have regarding human health and the environment in the communities located on both sides of the border.”

The Mexican Congress asks the “House of Representatives of the United States to vote against the Compact Law that authorizes the disposal of wastes between the states of Texas, Maine, and Vermont in virtue that its approval signifies a relevant approval for the construction and management of the disposal facility of radioactive wastes in Sierra Blanca, Texas and represents a violation of the spirit of the La Paz Agreement.”

Mr. Speaker, I urge all of my colleagues to listen to the Mexican Congress and to the people of far West Texas. Vote against this conference report because it’s the right thing to do.

Mr. Speaker, I include the following material for the RECORD:

[From the Dallas Morning News]

EXAMINERS RECOMMEND NO LICENSE FOR PROPOSED NUCLEAR-WASTE DUMP—STATE AGENCY HAS FAILED TO DEVELOP POSSIBLE HAZARDS OF W. TEXAS FACILITY, THEY SAY

(By George Kuepbel)

AUSTIN—In a victory for environmental groups, two state hearing examiners Tuesday recommended against licensing a low-level nuclear-waste disposal facility in Texas.

The recommendation was a setback for Gov. George W. Bush, who has tentatively backed the proposed dump, near Sierra Blanca, just 38 miles from the Rio Grande.

The hearing examiners found that the State Low-Level Radioactive Waste Disposal Authority, which wants to build the facility, did not adequately determine whether a fault under the proposed site posed an environmental hazard.

Kerry S. Leighty and Mike Rogan of the State Office of Administrative Hearings also said the agency failed to adequately address how the proposed facility might harm the quality of life in the area.

The examiners’ report was forwarded to the three-member Texas Natural Resource Conservation Commission.

The commission, which has already recommended that a license be issued, but the final decision rests with the commissioners, all of whom were appointed by Mr. Bush.

Their decision is not expected soon.

Mr. Bush is considering a proposed pact favored by Mr. Bush that would allow for low-level nuclear waste from Texas, Vermont and Maine to be buried at the site.

Mr. Bush said in a written statement that he was “troubled” by the examiners’ findings.

“I have said all along that if the site is not proven safe, I will not support it,” he said. “I urge the Texas Natural Resource Conservation Commission to thoroughly review this recommendation and the facts and to make their decision based on sound science and the health and safety of Texans.”

Democrat Garry Mauro, who is running against Mr. Bush this year’s governor’s race, praised the examiners’ ruling.

“I hope Governor Bush calls on his three (TNRCC) appointees to immediately reject this permit,” he said.

Mr. Mauro said that he is pleased the administrative judges also raised the “specter of environmental racism” but that he is sorry they didn’t address Mexico’s concerns about a possible treaty violation.

Critics have said Sierra Blanca was chosen because of its largely poor Hispanic population, an allegation that supporters have disputed.

Last month, lawmakers visited Austin last month to protest the dump, saying it would violate an agreement between the nations to curb pollution along the border.

Mr. Sullivan and Mr. Rogan spent three months hearing from both sides on the issue. Dump opponents said they were pleased with the findings.

“I don’t care how many times supporters of this bill say that a vote for H.R. 629 is not a vote for the Sierra Blanca site—it is. They know it, I know it, the people of Sierra Blanca know it and you know it. If H.R. 629 becomes law, it will endanger the safety and welfare of the community and the people who live there.

Mr. Sullivan was also cautious because the final decision on the dump license rests with the TNRCC, which is not bound by the hearings officers’ recommendation.

The dump, which would be built on a sprawling ranch just outside the rural town, is intended to hold radioactive waste primarily from the state’s utilities hospitals and universities.

It swam opposition from critics in West Texas and Mexico, who fear that it would contaminate precious groundwater reserves.

Unofficial Translation of Pronouncements passed by the Mexican National Chamber of Deputies (Cámara de Diputados) and Senate in opposition to the proposed nuclear waste disposal facility in Sierra Blanca, Texas. Translation by Richard Boren

The Pronouncement was approved unanimously by the Chamber of Deputies on April 27, 1998 and by the Senate on April 30, 1998. The Senate and Chamber of Deputies Pronouncements are nearly identical. Following is the translation of the Senate Pronouncement:

PRONOUNCEMENT OF THE UNITED COMMISSIONS OF ENVIRONMENT AND NATURAL RESOURCES, BORDER AFFAIRS, AND FOREIGN RELATIONS OF THE SENATE OF THE REPUBLIC REGARDING THE NUCLEAR WASTE DISPOSAL FACILITY THAT IS PROPOSED TO BE BUILT IN SIERRA BLANCA, TEXAS

Honorables: Assembly: The United Commissions of Environment and Natural Resources, Border Affairs, and Foreign Relations of the Senate of the Republic, after the hearing of the Permanent Commission of the Intersectarial Group made up of the Department of Foreign Relations, Department of Energy, Environment, Natural Resources and Administration, and the Permanent Commission of Nuclear Safety and Safeguarding, in order to analyze in depth the consequences for Mexico of the installation of the radioactive waste disposal facility in Sierra Blanca, Texas and of the disposal facilities of toxic and radioactive wastes in the border zone of the country with the United States of America, with the purpose of carrying out the necessary investigations and measures, have reached the following:

First—That the Mexican Congress, through the Permanent Commission, declares that the proposed project of Sierra Blanca, Texas, like other proposed disposal facilities on the Mexican border, puts at risk the health of the population in the border zone and constitutes an aggression to the national dignity.

Second—That the United Commissions of Ecology and Environment, Border Affairs, and Foreign Relations of the House of Deputies of the Senate, meet with the Intersectarial Group made up of the Department of Foreign Relations, Department of Energy, Environment, Natural Resources and Administration, and the Permanent Commission of Nuclear Safety and Safeguarding, in order to analyze in depth the consequences for Mexico of the installation of the radioactive waste disposal facility in Sierra Blanca, Texas and of the disposal facilities of toxic and radioactive wastes in the border zone of the country with the United States of America, with the purpose of carrying out the necessary investigations and measures, have reached the following:
In order to proceed and comply with the mandate granted by the Plenary of the Permanent Commission of the Honorable Congress of the Union, the members of the United Nations Environment and Natural Resources, Border Affairs, and Foreign Relations of the Chamber of Senators, have analyzed existing documentation and studied the radioactive waste disposal facility that is planned in Sierra Blanca, Texas, meeting on various occasions to design a political action strategy. Likewise a workshop was held with the intersectoral group, with the purpose of integrating the present Pronouncement.

Considering That: (a) the communities on both sides of the border, diverse governmental, political organizations, and public officials from Mexico and the United States of America have manifested their opposition to the construction of the nuclear waste disposal facility that the government of the State of Texas plans to install in the community of Sierra Blanca, Texas, a distance of approximately 30 kilometers from the Mexican border; (b) the administrative authorities of the State of Texas convened public hearings with the purpose of hearing the opinions of interested sectors regarding the possible construction of the disposal facility in Sierra Blanca; (c) the position of the Mexican government assumes with relation to the proposed disposal facilities in Sierra Blanca constitutes a clear precedent that can be invoked relating to disposal facilities that are planned in the future within 100 kilometers along the common border; (d) the intersectoral group—created in 1995 by the Federal Executive Power with the purpose of solving the problem of the Mexican government regarding disposal facilities in the border zone and to continue to review the projects that are planned in the states of the southern United States—were to carry out a preliminary study regarding the disposal facility being questioned; (e) the United Commissions have received diverse communications from citizens of the United States that demonstrate the existence of risks in the zone, not only the seismic activity of the terrain, but also due to the meteorological and hydro-geological registries of the Mexican state that do not exist in the United States; (f) the construction of disposal facilities in the border zone represents a high potential risk of contamination for the Rio Bravo and the underground aquifers, which could cause a negative impact on the natural resources on both sides of the border; (g) other adequate sites exist in the United States where the installation of radioactive waste disposal facilities, located outside of the border zone of 100 kilometers which shows that the chosen site in Sierra Blanca doesn’t represent the only option for the proposed project; (h) the radioactive wastes that are planned for disposal in Sierra Blanca, near the Mexican border, don’t only include wastes generated in the State of Texas, but also it is foreseen to deposit wastes from the states of Vermont and Maine, located on the border between United States and Canada; (i) the construction of the disposal facility in dispute would violate the spirit of diverse precedents of international law and would imply the noncompliance of the commitments assumed by the United States after the signature of the Agreement on Cooperation, Protection, and Improvement of the Environment in the Border Area (La Paz Agreement), particularly Article 2 of the Agreement approved in 1983, which states: “The Parties shall take measures to prevent, reduce, and eliminate sources of pollution in their respective territory which affect the border area of the other. In like manner, the Agreement commits the Parties to cooperate in the field of environmental protection on the basis of equality, reciprocity, and mutual benefit. In complying with these dispositions, the United States Government must take measures in this case with the appropriate authorities, in order that the project not be authorized.”

On the basis of what has already been stated and article 2 of the Rules for the Interior Government of the General Congress of the United Mexican States, just as for dealing with a matter that affects the interests of the Honorable Chamber of the Senate of the Republic, due to the adverse effects that this project could have on the health of our population and the natural resources that we present the following Pronouncement.

Pronouncement

First—the Senate of the Republic reiterates its complete rejection of the project which is the construction and operation of the nuclear waste disposal facility that the Government of Texas plans to build in Sierra Blanca, Texas, and expresses its disagreement, concern, and the policy adopted and followed up to now by the government of the United States, that favors the construction of disposal facilities on the southern border, without taking into account the potential negative impacts that this policy can have regarding human health and the environment in the communities located on both sides of the border.

Second—The Senate of the Republic has carried out an evaluation of the available information about this disposal project, whose construction and operation will bring with it potential adverse impacts. Based on this, being aware that the administrative authorities in the State of Texas have convened public hearings with the intention of analyzing the implications derived from the construction of said project, it is appropriate that the Mexican Government reiterate their concern and inconformity in light of the possibility that the project will be authorized.

Third—The Senate of the Republic sets forth to the Department of Foreign Relations to consider the formulation of the following proposals to the United States Government: (a) Manish the disagreement of the Senate of the Republic regarding the policy of the United States that favors the installation of nuclear and toxic waste disposal facilities in the border area; (b) Insist in the possibility of relocating the Sierra Blanca project to a site located outside of the 100 kilometer common border zone; (c) Manifest the wishes of the Senate of the Republic to the members of the House of Representatives of the United States, so they vote against the Compact Law that authorizes the disposal of wastes between the states of Texas, Maine, and Vermont in virtue that its approval signifies a relevant approval for the construction and the management of the disposal facility of radioactive wastes in Sierra Blanca, Texas and represents a violation of the spirit of the La Paz Agreement; (d) Include the subject of the disposal facilities for radioactive and toxic wastes in the next meeting of the Mexico-United States Bi-national Commission in order to include the possibility of establishing a reciprocal moratorium on the installation of disposal facilities for radioactive waste inside the 100 kilometer border zone.

Sixth—The Senate of the Republic proposes: (a) To inform the Governors and municipal mayors of the states of the Republic of Mexico about the border zone with the United States about the current status of the Sierra Blanca project and other disposal projects that are being planned in the 100 kilometer border zone and propose any measures that are considered opportune.

Seventh—That the public opinion has greater knowledge on this subject, it is suggested to prepare as soon as possible a document that can be disseminated through the national and international media, in order to express the nature of this problem and the current status of the project in dispute.

Approved in the Honorable Chambers of the Senators April 30, 1998.

TESTIMONY OF REP. SILVESTRE REYES, JULY 29, 1998

Mr. Speaker, I want to make sure that every member of this House is aware of the substantial opposition of a project. I want to read you a list of those cities and counties that have passed resolutions opposing it: El Paso County, Presidio County, Jeff Davis County, Culberson County, Val Verde County, Webb County, Starr County, Hidalgo County, Cameron County, Zapata County, Brewster County, Reeves County, Sutton County, Kimble County, Kinney County, Crockett County, Pecos County, Maverick County, Ector County, Culberson County, Brewster County, El Paso County, El Paso, City of Alpine, Hidalgo County, El Paso, City of El Paso, City of Alpine, Hidalgo County, El Paso, City of Ft. Stockton, City of La Salle County, City of Pearsall, City of McAllen, City Council of J. H. Jones, Mexican State Congress of Coahuila, Mexican State Congress of Chihuahua, Mexican State Congress of Tamaulipas, Mexican National Chamber of Deputies, Mexican National Senate, Mexican State Congress of Sonora, Mexican State Congress of Tamaulipas. The next interparliamentary meeting between Mexico and the United States.
LULAC is asking all members of this House to vote NO on the conference report for H.R. 629.

As most of you know, LULAC is the oldest and largest Hispanic civil rights organization in the nation. Let me read part of their letter to you:

"The selection of a poor Mexican-American community (which is already the site of one of the largest sewage sludge projects in the country) brings to mind serious considerations of environmental justice. Although the decision Congress now faces on this matter cannot be made in a vacuum, ignoring serious environmental justice questions that have not been addressed by the site selection process. These unjust procedures are in apparent contradiction of the 1994 Executive Order that firmly upheld environmental justice.

"There are also matters of international relevance that must be considered. The dumping of nuclear waste near Sierra Blanca, approximately 16 miles from the Rio Grande, would violate that 1983 La Paz Agreement between the U.S. and Mexico. Under all of these agreements, both nations committed their efforts to prevent, reduce and eliminate pollution in the U.S.-Mexico border area. The proposed site is one of two areas in Texas more than 63 miles on each side of the border. The government of Mexico has already expressed its strong opposition to the project in communication with the U.S. Department of State. LULAC would caution Congress not to be complicit in what has become, whether intentional or not, a repulsive trend in this country of selecting the most hazardous and undesirable facilities in poor, politically powerless communities with high percentages of people of color. Only a vote against the Texas Maine Vermont Radioactive Waste Compact conference committee report will ensure that this trend is not extended into Hudspeth County Texas."

I urge all of my colleagues to follow the advice of LULAC and vote against this conference report.

LEAGUE OF UNITED LATIN AMERICAN CITIZENS,

DEAR REPRESENTATIVE: On behalf of the League of United Latin American Citizens (LULAC), I urge you to vote NO on the Conference Committee Report for The Texas Maine Vermont Radioactive Waste Compact. LULAC is the oldest and largest Hispanic civil rights organization in the nation. Since 1929, we have been providing a voice to our community throughout the U.S. and Puerto Rico. A major concern of ours is the proposed site of a nuclear waste dump near Sierra Blanca in Texas.

As you know, The Compact proposes the construction of shallow, unlined trenchless enclosures for the burial of "low-level" radioactive waste. LULAC strongly opposes this Compact. Serious issues of environmental justice and political equity arise when the Compact considers this bill. One should not only vote against this proposal because of serious environmental and health matters, but also because of the potential for intimidation practiced against the predominantly Mexican-American population of the area.

Just this month, the Texas administrative law judges recommended the Sierra Blanca compact dump license be denied because of severe geological problems and unanswered questions about environmental racism. If Congress ignores these problems and approves the compact, thus funding the dumping, tremendous pressure will be placed on the political processes of communities that have long struggled to prevent such facilities from being located on their land. Local governments are in the situation of having little ability to act to protect their citizens. The Texas Department of Waste Resource Conservation Commission to approve the license despite the judges' recommendation to deny it.

The selection of a poor Mexican-American community (which is already the site of one of the largest sewage sludge projects in the country) brings to mind serious considerations of environmental justice. Although the bill does not expressly designate Hudspeth County as the location for the site, the Faskin Ranch near Sierra Blanca has clearly been marketed as a site for the nuclear waste. The decision Congress now faces on this matter cannot be made in a vacuum, ignoring serious environmental justice questions that have not been addressed by the site selection process. These unjust procedures are in apparent contradiction of the 1994 Executive Order that firmly upheld environmental justice.

There are also matters of international relevance that must be considered. The dumping of nuclear radioactive waste near Sierra Blanca, approximately 16 miles from the Rio Grande, would violate that 1983 La Paz Agreement between the U.S. and Mexico. Under all of these agreements, both nations committed their efforts to prevent, reduce and eliminate pollution in the U.S.-Mexico border area. The proposed site is one of two areas in Texas more than 63 miles on each side of the border. The government of Mexico has already expressed its strong opposition to the project in communication with the U.S. Department of State. LULAC would caution Congress not to be complicit in what has become, whether intentional or not, a repulsive trend in this country of selecting the most hazardous and undesirable facilities in poor, politically powerless communities with high percentages of people of color. Only a vote against the Texas Maine Vermont Radioactive Waste Compact conference committee report will ensure that this trend is not extended into Hudspeth County Texas.

Thank you for your consideration of this issue. If you need more information please call Cusahtemoc Figueroa, Director of Policy and Communications at (202) 438-0060.

Sincerely,

RICK DOVALINA,
LULAC National President.

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

MR. BONILLA. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, I first of all would like to thank the gentleman from Colorado (Chairman SCHAFFER) and the gentleman from Vermont (Mr. DOGGETT) and the gentleman from Texas (Mr. HALL), my friend, who were speaking in support of this bill today. They have been most gracious in allowing those who have strong feelings about this conference report to work with them very closely, and I just wanted to express my appreciation for that.

The whole idea of having compacts is one that I have no problem with, and I do not think Members generally have a problem with the States getting together to decide where waste is going to go. Of course, then, as I stated strongly over and over again for many years now, the problem that I have and other Members who have near congressional areas in Texas have, is the threat to the environment in this area, the unstable geology, and also the threat to the economic future of these communities.

Quite simply, speaking, they do not want it. Again, I have 20 counties and 13 cities and municipalities on record as opposing this conference report and this whole idea. There is a county in Texas that is very strongly in favor of having this kind of dump in their community and I would gladly work with them to try to make sure that we have this dump moved to that area in the future, if that is even a possibility.

Though the whole idea of having place that started with putting nuclear waste, low-level radioactive waste, is an issue that I understand. I know that my colleagues understand how strongly at this point my people feel about this issue, as do I.

There is another issue I want to bring up as well. All of us in Texas are going through an incredible drought at this point. The agriculture community is suffering. Local governments are implementing water rationing in some areas. I want to emphasize above all that now should be the time that we understand, as Texans, that any potential threat to water supplies in any community in Texas is something that we should all be concerned about.

I do not think any of us have anticipated being at this point in Texas right now with the shortage of water and the unbearable heat that is upon us every day at this time in Texas with no end in sight. So I would appeal to my colleagues in other areas of the State and other parts of the Nation suffering from droughts and heat waves that they could identify with the needs that could occur if the water supplies were threatened by a dump like this in the future.

So, I thank my colleagues for working with me on this issue and I ask them, I plead for every citizen in my congressional area who has ever pleaded with me to make sure that this body. I hope that I have made it and I hope that we had an impact on those who are considering opposing this conference report. The people of West Texas need all the help they can get.

Mr. HALL of Texas. Mr. Speaker, I thank the gentleman for yielding me the time.

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

Mr. BONILLA. Mr. Speaker, I yield myself the balance of my time.

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

Mr. BONILLA. Mr. Speaker, I yield myself the balance of my time.

Mr. HALL of Texas. Mr. Speaker, I yield myself the balance of my time.

The SPEAKER pro tempore (Mr. QUINN). The gentleman from Texas (Mr. HALL) is recognized for 2 minutes and 30 seconds.

Mr. HALL of Texas. Mr. Speaker, I thank the gentleman for yielding me the time.

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

Mr. BONILLA. Mr. Speaker, I yield to the gentleman from Texas (Mr. REYES), the gentleman from Texas (Mr. RODRIGUEZ), the gentleman from Texas (Mr. DOGGETT).

Mr. DOGGETT. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. BONILLA).

Mr. BONILLA. Mr. Speaker, I yield to the gentleman from Texas (Chairman SCHAFFER).

Mr. BONILLA. Mr. Speaker, I yield to the gentleman from Texas (Mr. REYES).

Mr. BONILLA. Mr. Speaker, I yield to the gentleman from Texas (Mr. DOGGETT).

They have done a good job. They have been an honorable opposition, and they have been an effective opposition. Because no matter how the vote goes, I think the vote is going to go favorable on this, as it has before, but regardless of the outcome of this vote, they have made it a better compacts.

Their opposition has spawned article 3 where it provides a way to amend the contract or to protect the depository State if the commission, in its wisdom, decides not to allow any other waste to come into the State. Then that is set up as to how that is done. There are 6 voting members. The host State has 6 voting Members. Each of the other two States have one. So the State of Texas, where it will be deposited, has the right to determine whether or not any other waste comes into the State.

We have to have faith in those who are going to represent the State and
the local bodies in the future. I have that faith. I think it is going to work. On local support, on how good it has been, everybody out in Sierra Blanca and Hudspeth County and all of west Texas does not oppose this compact. Actually, makes us so proud. There are a lot of adults citizens from Sierra Blanca asking for it. It has not been without meetings and keeping them advised. They have had monthly meetings out there, since 1992, in Hudspeth County to address the concerns that are there. I think it is like this because of the in- sistence of the gentleman from Texas (Mr. REYES) that they be kept advised of it.

Benefits to Sierra Blanca, the host county, has received over $2 million in benefits payable through housing, additional housing, medical services and others. They are going to receive $5 million from the other two States. They are going to receive a half a million a year after start-up. This brings prosperity, it brings jobs. It brings opportunity. That brings dignity to this part of the State.

I think, as has been said before, the relations to earthquakes and all these other things, there is protection against that.

I urge the passage of this amendment.

Mr. REYES. Mr. Speaker, I yield the balance of my time to the gentleman from Texas (Mr. DOGGETT).

Mr. DOGGETT. Mr. Speaker, I would close by simply emphasizing to my colleagues 5 points.

First, when we talk about this radioactive waste as being low level, that is good for public relations purposes but not for health purposes. The radioactive waste that will be buried at Sierra Blanca will be deadly to human beings for longer than all recorded human history. It is extraordinarily lethal. Mr. Speaker, this debate all the more important.

Number two, the Sierra Blanca site was not chosen because of its suitability but solely because of its vulnerability, its political vulnerability, which is playing out here today. It was not the best site for a storage facility. It was the easiest site, because it is a largely poor, Hispanic area.

That is one of the reasons that the Texas State conference of the NAACP this year has released an "environmental racism." It is one of the reasons that the League of Conservation Voters has spotlighted this as one of the key anti- environmental votes of this Congress.

Number three, we do not need this dump. It is great public relations to talk about slowing scientific research or the health isotopes that are vital to the future of our health, but that has absolutely nothing to do with what is really at stake in this debate. We have heard and made sure all the other compacts that have already been approved. What our colleagues have not pointed out is that of those 9 compacts that Congress has approved, not one of them has secured a license agreement, not one. And two of them have actually stopped looking for a site. This leads to the conclusion that if they sought those compacts, but they are not doing anything with them, why should we approve another one?

Indeed, as the most recent report on radioactive waste storage by Dr. F. Gregory Hayden has pointed out, "There is currently an excess capacity for this type of disposal in the United States without any change to current law or practice."

That leads to the fourth and very important point, that the safeguards that are in this compact, without the amendments that have been stripped out, are meaningless.

My colleague, the gentleman from Texas (Mr. HALL) from Rockwall, is always eloquent, and he has been very candid in this debate. He has said it is not the fellow with the biggest truck that is going to be decisive here. I agree.

My concern is it will be determined by the place with the biggest dump. We all know Texas has a bigger truck than any other place, and we are about to have one heck of a big dump out there in west Texas. It will become the dumping site for all the people from those other places around the country because, as Mr. HALL has quite appropriately noted, and I quote him from this debate today, "it might reduce the operating cost."

The economic factors for those special interests, who want a cheaper place to put their radioactive garbage and found a convenient place among the poor people of Sierra Blanca, who now will have no adequate safeguards. To suggest that the compact limits it to 20 percent from out of State is misleading. If we read the fine print, it is 20 percent that could come from Maine and Vermont, but there is no limitation that I see with regard to the rest of the States.

Finally, my colleague, the gentleman from Texas (Mr. BARTON) has been fair and direct with me. He told me on this floor that he would check with the governor. That is exactly what he did.

My final point is that without the blessing of Governor George Bush, we would be limited to three States. Governor Bush said one thing in Texas; he would be limited to three out of State. He did another in Washington. That is most unfortunate for Texas.

Mr. DAN SCHAEFER of Colorado. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, I think we have heard eloquent debate here. I do have to say, I feel like a little bit of an orphan here between Maine and Vermont and Texas, being from the State of Colorado, but I think what our committee has done is the right thing, to move this legislation, give it a chance to rise or fall on its merits here on the floor by a democratic process.

I think it is an important thing also to notice, I mentioned before, if we do not have this, then Texas have to be taking waste from a number of States, not just in addition to Maine and Vermont.

I thank the gentleman from Texas and the other gentlemen from Texas. I would also like to say to the gentleman from Texas (Mr. BONILLA), his efforts on this have been admirable. We have worked real hard on this one over a period of time. I think that he has done a terrific job on this.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I would like to support the Texas Low-Level Radioactive Waste Disposal Compact going to conference. This agreement will allow the State of Texas, Maine and Vermont to enter...
into an agreement to dispose of Low-Level Radioactive Waste produced in their states.

The Congressional consideration of this bill was thorough and thoughtful and we must at this time allow a contractual agreement to be forced by Texas, Maine, and Vermont for the cooperative resolution of the problem of disposing of low-level radioactive waste.

The Commerce Clause found in Article I, Section 8, Clause 3 of the United States Constitution provides that Congress—not the States—has the power to regulate commerce among the States. This clause has been interpreted by the courts to restrict a state's ability to regulate in a manner that would be an impermissible burden or discriminate against interstate commerce.

Under this law, without the Compact's protection, the site opened in Texas would be forced to take Low-Level Radioactive Waste from all fifty states.

Through legislative action in 1980 and 1985, the Congress encouraged states to form compacts to provide for new low-level radioactive waste disposal. Since 1985, 9 interstate low-level radioactive waste compacts have been approved by Congress, enrolling 41 states.

All radioactive materials lose radioactivity at predictable rates. Therefore, agreements are necessary for the proper disposal and storage of low-level radioactive waste until it reaches harmless levels at the end of 100 years.

This compact would not designate a particular site, but only the agreement among the participating states for the development of a low-level radioactive facility.
So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

MAKING IN ORDER ON THURSDAY, JULY 30, 1998, CONSIDERATION OF H. RES. 120, DISAPPROVING EXTENSION OF WAIVER AUTHORITY WITH RESPECT TO VIETNAM

Mr. SOLOMON. Mr. Speaker, I ask unanimous consent that it be in order at any time on the legislative day of Thursday, July 30, 1998, to consider in the House the joint resolution (H.J. Res. 120) disapproving the extension of the waiver of authority contained in section 402(c) of the Trade Act of 1974 with respect to Vietnam; that the joint resolution be considered as read for amendment; that all points of order against the joint resolution and against its consideration be waived; that the joint resolution be debatable for 1 hour equally divided and controlled by the chairman of the Committee on Ways and Means (in opposition to the resolution) and the gentleman from California (Ms. LOFGREN) or her designee in support of the joint resolution; that pursuant to sections 152 and 153 of the Trade Act, the previous question be ordered on the joint resolution to final passage without intervening motion; and that the provisions of sections 152 and 153 of the Trade Act of 1974 shall not otherwise apply to any joint resolution disapproving the extension of the waiver authority contained in section 402(c) of the Trade Act of 1974 with respect to Vietnam for the remainder of the second session of the 105th Congress.

Mr. Speaker, it is the intention of this unanimous consent request that the majority manager in opposition to the joint resolution, who will probably be the gentleman from Illinois (Mr. CRANE), will yield half of his time to a majority Member in support of the joint resolution; that will be the gentleman from California (Mr. ROHRABACHER); and that the minority Member in support of the joint resolution, the gentleman from California (Ms. LOFGREN) on the Democrat side of the aisle yield half of her time to a minority Member in opposition to the joint resolution, and that will probably be the gentleman from California (Mr. MATSU). The SPEAKER pro tempore (Mr. QUINN). Is there objection to the request of the gentleman from New York?

There was no objection.

GENERAL LEAVE

Mr. LEWIS of California. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks on the further consideration of the bill, H.R. 4194, and that I be permitted to include tables, charts and other extraneous material.

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

There was no objection.

DEPARTMENTS OF VETERANS AFFAIRS, HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 1999

The SPEAKER pro tempore. Pursuant to House Resolution 501 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 4194.

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 4194) making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 1999, with Mr. COBRETT in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose on Thursday July 23, 1998, the record was open on the amendment offered by the gentleman from Indiana (Mr. ROEMER) that had been postponed and the bill was open from page 72, line 3, through page 72, line 16.

Are there further amendments to this portion of the bill?

If not, the Clerk will read.

The Clerk read as follows:

SCIENCE, AERONAUTICS AND TECHNOLOGY

For necessary expenses, not otherwise provided for, in the conduct and support of scientific research and development activities, including research, development, operations, and services; maintenance; construction of facilities including repair, rehabilitation, and modification of real and personal property, and acquisition or condemnation of real property, as authorized by 5 U.S.C. 5901-5902; and for associated support of research, including uniforms or allowances for personal services of a support nature, and the salaries, benefits and support between and/or related to the National Aeronautics and Space Administration and the National Oceanic and Atmospheric Administration, therefor, as authorized by law; to be used for flight operations, plan and design, and acquisition or construction of real property, as authorized by law; for program management; personnel and related costs, including uniforms or allowances therefore, as authorized by 5 U.S.C. 5903-5902; for operations; purchase of aircraft, and operation of mission and administrative aircraft; for payment (for replacement only) and hire of passenger motor vehicles; $2,458,600,000, to remain available until September 30, 2000.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the Inspector General Act of 1978, as amended, $39,000,000.

ADMINISTRATIVE PROVISIONS

Notwithstanding the limitation on the availability of funds appropriated for "Human space flight", "Science, aeronautics and technology", or "Mission support" by this appropriations Act, when any activity has been initiated by the incurrence of obligations for construction of facilities as authorized by law, such amount available for such activity shall remain unexpended. This provision does not apply to the amounts appropriated in "Mission support" pursuant to the authorization for repair, rehabilitation and modifications of facilities, excluding construction of new facilities and additions to existing facilities, and facility planning and design.

Notwithstanding the limitation on the availability of funds appropriated for "Human space flight", "Science, aeronautics and technology", or "Mission support" by this appropriations Act, any unexpended amounts appropriated for construction of facilities shall remain available until September 30, 2001.

Notwithstanding the limitation on the availability of funds for the Office of Inspector General, amounts made available by this Act for personnel and related costs and travel expenses of the National Aeronautics and Space Administration shall remain available until September 30, 1999 and may be used to enter into contracts for training, investigations, costs associated with personnel relocation, and for other services, to be provided during the next fiscal year.

The NASA shall develop a revised appropriation structure for submission in the Fiscal Year 2000 budget request consisting of two basic appropriations (the "Human Space Flight Appropriation" and the "Science, Aeronautics and Technology Appropriation") with a separate (third) appropriation for the Office of Inspector General. The appropriations shall each include the planned full costs (direct and indirect costs) of NASA's related activities and allow NASA to shift civil service salaries, benefits and support between and/or among appropriations or accounts, as required, for the safe, timely, and successful accomplishment of NASA missions.

None of the funds made available by this Act shall be used for the construction or procurement of satellite hardware for, or for the construction or procurement of satellite hardware for, a mission to a region of space identified as an Earth LaGrange point, other than for the Solar and Heliospheric Observatory (SOHO), Advanced Composition Explorer (ACE), or Genesis mission. Such funds shall also not be used for the addition of an earth-observing payload to any of the missions named in the preceding sentence.

NATIONAL CREDIT UNION ADMINISTRATION

CENTRAL LIQUIDITY FACILITY

During fiscal year 1999, gross obligations of the Central Liquidity Facility for the principal amount of new direct loans to member credit unions, as authorized by the National Credit Union Central Liquidity Facility Act