

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 customary 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. Is there objection to the request of the gentlewoman from Ohio?

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 communities.

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 an overwhelming vote of 309 to 107. During its initial consideration in this body, an amendment was accepted to limit the compact disposal facility to accept waste solely from the States of Texas, Maine and Vermont. This 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 conferees concluded, 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 ratification, and it would lead to costly 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 under Federal statute, for the consent of the Congress. That is exactly what this conference report will allow us to do: tell the States of Texas, Maine and Vermont whether or not we accept their mutual agreement.

As I have 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, as 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 con-

sider the conference report on H.R. 629. I urge a "yes" vote on this rule.

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

(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, conferees shall "include the principal proponents of the major provisions of the bill as it passed the House."

□ 1030

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 conferees fought for the provisions in 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 proposed 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 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 gentlewoman 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 fairest of rules possible. In fact, 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 104th 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 my constituents and I think this legislation is beyond repair.

There are other developments that have occurred in this that have indicated it is dangerous to the environment in my congressional area. I will bring those up later, but at this point I would just like to advise my colleagues I oppose this rule.

Ms. SLAUGHTER. Mr. Speaker, I yield 9 minutes to the gentleman from Texas (Mr. DOGGETT).

Mr. DOGGETT. Mr. Speaker, I thank the gentlewoman for yielding time to me.

Mr. Speaker, as the gentlewoman from New York has pointed out quite eloquently, regardless of one's position on the merits of this compact, the rules of the House have been violated and the instructions of the Senate and of the House have been disregarded.

When this measure went to the conference committee, there were guarantees to protect the folks in Texas, that they would not be taking waste from

States other than Maine and Vermont. There were guarantees that the people, the poor people of the Sierra Blanca area in the district of the gentleman from Texas (Mr. BONILLA), would have some rights and remedies if their interests were abused, as they surely will be if this waste site is located in Sierra Blanca. But this is more than a matter of abuse of the rules of the House and the Senate and of parliamentary procedure and insider talk.

I would suggest to my colleagues that anyone who has come to Texas has learned that one of the great qualities of our entire State is something called Texas hospitality. If you choose to visit our State, you will get more than just a pleasant "Howdy," you will get nods and smiles, and "How are you doing," from folks that do not even like you down there.

We believe in genuine hospitality. It is a warm State in more than the temperature at this time, and those of us who grew up in Texas take a special pride in 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 radioactive 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 Governor Bush signed a letter on April 22 of 1998, within the same week, in which he urged the conferees 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 Con-

gress 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 out in West 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 the United States, wherever they are, 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 the district of the gentleman from 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 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 Sierra Blanca site. The Sierra Blanca site was not chosen 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 near 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

the political power to be able to do something to protect their neighborhood; that it was okay to take this garbage from across the United States and put it into a poor neighborhood that would not be able to resist.

That is just not my comment on it. I turn to the comments of some two Texas A&M professors, employed by who actually promote this dump. This is in an article that appeared in the Texas Observer on October 24 of last year.

They said, "The findings of this survey suggest that a broad-based public information campaign designed to familiarize the general public with all aspects of waste disposal siting might prove detrimental. A preferred methodology might be to develop public information campaigns targeted at specific populations. One population that might benefit from such a campaign is Hispanics. This group is the least informed of all segments of the population. The authorities should be aware, however, that increasing the level of knowledge of Hispanics may simply increase opposition to the site."

And indeed, that is exactly what has happened. The more that particularly the heavily Hispanic population of West Texas has learned about the dangers of 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, the more they are 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 nuclear garbage."

Another phony argument that the supporters of this compact advance is that if we do not have this dump site, we are going to practically end medical and academic and industrial research in this country.

Ninety-nine, to be charitable to the supporters of this dump, 98 percent of the garbage that is going to be dumped here does not have anything to do with medical, academic, or even industrial research. Most of this garbage is coming out of decommissioned nuclear power plants.

It may well be that some with Maine Yankee Power think they can cut a better deal to put it somewhere else, 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 of the United States Senate and 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.

Ms. PRYCE of Ohio. Mr. Speaker, I am pleased to yield 5 minutes to the gentleman from Colorado (Mr. DAN SCHAEFER), the chairman of the Subcommittee on Energy and Power.

Mr. DAN SCHAEFER of Colorado. Mr. Speaker, I thank the gentlewoman very much for yielding time to me.

Mr. Speaker, I stand today in support of House Joint Resolution 511. This is a rule providing, as we all know, for the consideration of the conference report to accompany H.R. 629, the Texas Low-Level Radioactive Waste Compact Consent Act.

This important legislation, of course, would grant the consent of Congress to the States of Texas, Maine, and Vermont to enter into a compact for the disposal of low-level, low-level radioactive waste. I might say that nine other States have already done this. This would be the 10th State to do it.

The rule waives all points of order against consideration of this report. This is necessary for the House to consider a clean, clean compact bill as the conferees have recommended.

During the consideration in the House, an amendment was adopted which restricts the Texas compact to accept waste solely from Texas, Maine, and Vermont. Now, this language was accepted on one condition. That is that we have a chance to consult with the Governors of the three affected States regarding its impact on the ability to implement the compact.

The consultations were emphatic. All three Governors, all three Governors, opposed the amendment adopted by the House. The opposition was not limited to these three States. The National Governors Association, the Western Governors Association, the National Conference of State Legislators all contacted us in opposition to the House-passed language.

The Low-level Radioactive Waste Policy Act passed by Congress in 1980, 1980, provided the States with great latitude in implementing its requirements.

□ 1045

It was not the intention of Congress to create a prescriptive idea for the States to adopt. In considering H.R. 629, the States have reminded us of this fact. The action to eliminate the provision which requires us to seek this rule is a necessary one to preserve the flexibility of the States. And I say to the States, we want States' rights in implementing not only the Texas compact but the administration of the entire compact system.

All eight conferees, both Republicans and Democrats, House and Senate, agreed that this was a proper course of action. The States of Texas, Maine, and Vermont have fulfilled their responsibilities. They have negotiated a disposal contract between themselves and have presented it to Congress for our consent. This is a very good rule. It will allow the House to do the right thing for the States of Texas, Maine, and Vermont.

Mr. Speaker, I urge support for the rule.

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

Mr. DAN SCHAEFER of Colorado. I yield to the gentleman from Texas, one of the cosponsors of the bill.

Mr. HALL of Texas. Mr. Speaker, I will be brief because I know we have a long way to go today.

Notwithstanding my great respect for the gentleman from Travis County, Texas (Mr. DOGGETT), I opposed his amendment on the floor here. But the gentleman from Texas (Mr. BARTON) and others of us got together and I think we thought, not hysterically but from the standpoint of reason, it was the easiest way to deal with it, to send it on to conference and we could work it out.

Mr. Speaker, we tried to do that, and we have been unsuccessful in working it out with the gentleman from Texas (Mr. DOGGETT). We have carried out our part of the bargain. We sought the views of the governors; and, yes, we sought the views of Governor Bush, our governor, my governor, the governor of the State of Texas and the governors of the other two States. They oppose the Doggett amendment, and under these circumstances I fully support the conference report and the rule requested by the chairman.

We will get a chance to talk about a lot of these things that the gentleman from Texas (Mr. DOGGETT) set out later today, because we have other phases of it. But Texas is not about to get all the garbage. I think it is everyone's knowledge that there is a limitation on the amount that can come. I think it is 1.8 million cubic feet. Of that, only 20 percent of that can come from the other States. There is not going to be a trainload and a truckload and an airplane load and a pickup truckload of garbage coming into Texas from all areas. It is relegated to that amount from those two States.

That is the reason Congress passed this act to start with, to give States an opportunity to bind together to work out a situation to where they can put their low-level waste. That has happened and it has not been a one-way street. We have had hearings, public hearings. The three governors have had speeches and all over the State.

We have debated this three or four or five times here on the floor, I think. It is just common knowledge that this is the ninth or tenth such program that Congress provided for. We followed that rule to the extent of the law, and we think that this rule ought to be granted.

Ms. SLAUGHTER. Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. EDWARDS).

Mr. EDWARDS. Mr. Speaker, it would be convenient if we lived in a country and a world that had no low-level nuclear waste. We would all like that. But we do not have the luxury of enjoying that convenience, because that is simply not the real world in which we exist.

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. And that is exactly the question 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 so that we could provide sites 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 inventory 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 want 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 Vermont and Texas, it has 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, all 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 reminding those from 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 measures, 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 Texan 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 of 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 House vote on a bill 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. 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 and 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 a 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 nothing to keep a 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; or maybe some 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.

□ 1100

Mr. DOGGETT. Mr. Speaker, if the gentleman will continue to yield, and then I noticed an editorial in my hometown 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 really 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 therein 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 listed five other major 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 it, I know that 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. My concern is that, 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 Alaska and Vermont and Michigan and New York and all over this country, because it is going to be send your nuclear garbage there. Get a little bit in there now and a whole lot later when we amend the application.

Ms. PRYCE of Ohio. Mr. Speaker, I yield 1 minute to the gentleman from Texas (Mr. BARTON), a member of the Committee on Commerce.

(Mr. BARTON of Texas asked and was given permission to revise and extend his remarks.)

Mr. BARTON of Texas. Mr. Speaker, I rise in support of the rule to govern floor debate on the conference report on H.R. 629.

It passed the House 309 to 107 earlier this year. It is a good piece of legislation. It authorizes three States, Texas, Vermont and Maine, to enter into a compact to accept low-level nuclear waste. I think some of the rhetoric we have already heard in the rule debate is hotter than the waste that is going to be in this site when it is constructed. I think we ought to pass the conference report and let the three States go on about their business like we have already let 42 other States.

Ms. SLAUGHTER. Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. GREEN).

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 report.

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 because I was in the State Senate 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, the gentleman from Texas (Mr. HALL) pointed that out. All 44 other States would like to send it here or 46, after we get 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 in 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 in Texas the legislature meets every 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.

If it was my choice, I would not pick Sierra Blanca, because we have another site in Texas who 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 State legislature. It 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.

That is why we need to put it in a secure location, a permanent location. My colleague from Austin mentioned that we are passing a bill for the ages.

Granted, this low-level waste has a life much longer than any of us ever expect to be here in Congress or even our own lives, but we also know that Congress is in session all the time, the legislature is in session on a regular basis. They can change this, and they can deal with it. That is why it is so important today we pass this rule and adopt the conference committee report.

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

Mr. DOGGETT. Mr. Speaker, the willingness and desire of our colleagues from New England 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 is a little bit more difficult to understand.

It is difficult to understand, particularly because some of the latest reports suggest that we do not need as many 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, despite the fact that some compacts have been formed. If we get on the fast track in Texas to put all that nuclear garbage out in Sierra Blanca, guess where the major waste dump site for the country is going to be located? Right there in that 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 anyone in the future that might exist on this planet that would ever remember 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 him 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 exactly right. These other 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 is the reason we have compacts. That 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 that, including Texas, we have to have the compact 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 it 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 headed for Texas. They have to have the assurance and the authority of the commission.

The commission, it 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 have in that?

Well 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 the other article alluded 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 with 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 these other two States. Do not 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 of the Senate and the House and 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.

□ 1115

Ms. PRYCE of Ohio. Mr. Speaker, I yield 1 minute to the gentleman from Maine (Mr. BALDACCIO).

Mr. BALDACCIO. Mr. Speaker, I would like to thank the gentlewoman for yielding the time. The Texas Compact Act was passed by a floor vote of 309-107 in the House. The Texas compact has bipartisan support in its member States, in Congress and in the Nation. Congress has approved nine similar compacts for 41 States without amendments and without opposition.

The compact's member States oppose any amendments to this legislation. I support the rule. I support the proposal. It is in the best interest of Texas, Maine and Vermont, and it is in the best interest of this country. These entities need this safe disposal site, they need cooperation and collaboration between these States, and the State legislatures, the States' governors and the people of these States have supported these efforts. I ask for the consideration of this legislation.

Ms. PRYCE of Ohio. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. BILBRAY).

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

Mr. BILBRAY. Mr. Speaker, let us be very frank about this. The people that oppose the Texas compact traditionally oppose all of the low-level radiation compacts. Let us remember that 20, 30 years ago this material was going into landfills across this country.

Those who oppose the compacts and oppose siting these facilities have to ask themselves, it is easy to attack a location, an option, but it is awful hard to get a better option. I would just ask those who oppose this compact or any other compact to remember that the Federal Government mandated this approach, legislated this approach, and now there are those in the Federal Government that would love to obstruct this approach. I just ask those that do not like the options that are being proposed by this compact, what is your alternative? To continue to leave this waste stream in Dallas, in Houston, in Galveston, in the hospitals and the research facilities in Texas and

in other States? What is your option of what do 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 facilities, where our children are 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 neighborhoods? I would just ask that you consider the fact there may be people concerned about this site and about this compact, but go into your communities and ask 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 strategy. 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 safe facility.

Ms. PRYCE 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 which 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 strongly 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. DICKEY). 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 yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 313, nays 108, not voting 13, as follows:

| | [Roll No. 343] | | Taylor (MS) | Upton | Weller |
|--------------|----------------|---------------|-------------|---------------|--------------|
| | YEAS—313 | | Taylor (NC) | Vento | White |
| | | | Thomas | Visclosky | Whitfield |
| Aderholt | Franks (NJ) | McKeon | Thornberry | Walsh | Wicker |
| Allen | Frelinghuysen | Metcalf | Thune | Wamp | Wilson |
| Archer | Frost | Mica | Thurman | Watkins | Wise |
| Armey | Gallegly | Miller (FL) | Tiahrt | Watts (OK) | Wolf |
| Bachus | Ganske | Minge | Traficant | Weldon (FL) | Young (AK) |
| Baesler | Gekas | Mollohan | Turner | Weldon (PA) | |
| Baker | Gephhardt | Moran (KS) | | NAYS—108 | |
| Baldacci | Gilchrest | Moran (VA) | Abercrombie | Hastings (FL) | Owens |
| Ballenger | Gillmor | Morella | Ackerman | Hilliard | Pascarella |
| Barcia | Gilman | Murtha | Andrews | Hinchey | Pastor |
| Barr | Goode | Myrick | Becerra | Holden | Payne |
| Barrett (NE) | Goodlatte | Nethercutt | Berman | Hooley | Pelosi |
| Barrett (WI) | Goodling | Neumann | Blagojevich | Jackson (IL) | Poshard |
| Bartlett | Gordon | Ney | Bonilla | Jefferson | Rangel |
| Barton | Goss | Northup | Bonior | Kanjorski | Reyes |
| Bass | Graham | Norwood | Borski | Kennedy (MA) | Rodriguez |
| Bateman | Granger | Nussle | Brady (PA) | Kilpatrick | Rothman |
| Bentsen | Green | Oberstar | Brown (CA) | Kucinich | Royal-Allard |
| Bereuter | Greenwood | Obey | Capps | LaFalce | Rush |
| Berry | Gutknecht | Oxley | Cardin | Lantos | Sawyer |
| Bilbray | Hall (OH) | Packard | Clay | Lee | Schumer |
| Bilirakis | Hall (TX) | Pallone | Clyburn | Lewis (GA) | Scott |
| Bishop | Hamilton | Pappas | Conyers | Lofgren | Serrano |
| Bliley | Hansen | Parker | Coyne | Lowey | Sherman |
| Blumenauer | Harman | Paul | Cummings | Luther | Skeen |
| Blunt | Hastert | Paxon | Davis (IL) | Maloney (NY) | Slaughter |
| Boehlert | Hastings (WA) | Pease | DeFazio | Markey | Stabenow |
| Boehner | Hayworth | Peterson (MN) | Delahunt | Matsui | Stark |
| Bono | Heffley | Peterson (PA) | DeLauro | McDermott | Stokes |
| Boswell | Hefner | Petri | Deutsch | McGovern | Strickland |
| Boucher | Herger | Pickering | Dixon | McKinney | Thompson |
| Boyd | Hill | Pickett | Doggett | McNulty | Tierney |
| Brady (TX) | Hilleary | Pitts | Doyle | Meehan | Torres |
| Brown (FL) | Hobson | Pombo | Ensign | Meek (FL) | Velazquez |
| Brown (OH) | Hoekstra | Pomeroy | Eshoo | Meeks (NY) | Waters |
| Bryant | Horn | Porter | Evans | Menendez | Watt (NC) |
| Bunning | Hostettler | Portman | Farr | Millender- | Waxman |
| Burton | Houghton | Pryce (OH) | Fattah | McDonald | Wexler |
| Buyer | Hoyer | Quinn | Filner | Miller (CA) | Weygand |
| Callahan | Hulshof | Radanovich | Ford | Mink | Woolsey |
| Calvert | Hutchinson | Rahall | Furse | Nadler | Wynn |
| Camp | Hyde | Ramstad | Geddes | Neal | Yates |
| Campbell | Inglis | Redmond | Gibbons | Olver | |
| Canady | Istook | Regula | Gutierrez | Ortiz | |
| Cannon | Jackson-Lee | Riggs | | NOT VOTING—13 | |
| Carson | (TX) | Riley | Clayton | Hinojosa | Price (NC) |
| Castle | Jenkins | Rivers | Cubin | Hunter | Towns |
| Chabot | John | Roemer | Engel | Kaptur | Young (FL) |
| Chambliss | Johnson (CT) | Rogan | Etheridge | McDade | |
| Chenoweth | Johnson (WI) | Rogers | Gonzalez | Moakley | |
| Christensen | Johnson, E. B. | Rohrabacher | | | |
| Clement | Johnson, Sam | Ros-Lehtinen | | | |
| Coble | Jones | Roukema | | | |
| Coburn | Kasich | Royce | | | |
| Collins | Kelly | Ryun | | | |
| Combest | Kennedy (RI) | Sabo | | | |
| Condit | Kennelly | Salmon | | | |
| Cook | Kildee | Sanchez | | | |
| Cooksey | Kim | Sanders | | | |
| Costello | Kind (WI) | Sandlin | | | |
| Cox | King (NY) | Sanford | | | |
| Cramer | Kingston | Saxton | | | |
| Crane | Kleckzka | Scarborough | | | |
| Crapo | Klink | Schaefer, Dan | | | |
| Cunningham | Klug | Schaefer, Bob | | | |
| Danner | Knollenberg | Sensenbrenner | | | |
| Davis (FL) | Kolbe | Sessions | | | |
| Davis (VA) | LaHood | Shadegg | | | |
| Deal | Lampson | Shaw | | | |
| DeGette | Largent | Shays | | | |
| DeLay | Latham | Shimkus | | | |
| Diaz-Balart | LaTourette | Shuster | | | |
| Dickey | Lazio | Sisisky | | | |
| Dicks | Leach | Skaggs | | | |
| Dingell | Levin | Skelton | | | |
| Dooley | Lewis (CA) | Smith (MI) | | | |
| Doolittle | Lewis (KY) | Smith (NJ) | | | |
| Dreier | Linder | Smith (OR) | | | |
| Duncan | Lipinski | Smith (TX) | | | |
| Dunn | Livingston | Smith, Adam | | | |
| Edwards | LoBiondo | Smith, Linda | | | |
| Ehlers | Lucas | Snowbarger | | | |
| Ehrlich | Maloney (CT) | Snyder | | | |
| Emerson | Manton | Solomon | | | |
| English | Manzullo | Souder | | | |
| Everett | Martinez | Spence | | | |
| Ewing | Mascara | Spratt | | | |
| Fawell | McCarthy (MO) | Stearns | | | |
| Fazio | McCarthy (NY) | Stenholm | | | |
| Foley | McCollum | Stump | | | |
| Forbes | McCrary | Stupak | | | |
| Fossella | McHale | Sununu | | | |
| Fowler | McHugh | Talent | | | |
| Fox | McInnis | Tanner | | | |
| Frank (MA) | McIntosh | Tauscher | | | |
| | McIntyre | Tauzin | | | |

Ms. ESHOO and Messrs. RUSH, MCNULTY, SAWYER, HOLDEN and MARKEY changed their vote from "yea" to "nay."

Mr. RAHALL changed his vote from "nay" to "yea."

The resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Mr. DAN SCHAEFER of Colorado. Mr. Speaker, pursuant to the provisions of House Resolution 511, I call up the conference report on the bill (H.R. 629) to grant the consent of the Congress to the Texas Low-Level Radioactive Waste Disposal Compact.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. DICKEY). Pursuant to the rule, the conference report is considered as having been read.

(For conference report and statement, see proceedings of the House of July 16, 1998, page H5724.)

The SPEAKER pro tempore. The gentleman from Colorado (Mr. DAN SCHAEFER) and the gentleman from Texas (Mr. HALL) each will control 30 minutes.

Mr. BONILLA. Mr. Speaker, I am opposed to the bill, and because the

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. HALL) opposed to the conference report?

Mr. HALL of Texas. I support it, Mr. Speaker.

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 and those who are opposed?

The SPEAKER pro tempore. The House is now operating under clause 2(a) of rule XXVIII, and that is what is provided.

GENERAL LEAVE

Mr. DAN SCHAEFER of Colorado. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on this legislation and to insert extraneous material on the bill.

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

There was no objection.

Mr. DAN SCHAEFER of Colorado. Mr. Speaker, I yield myself such time as I might consume of my 20 minutes.

H.R. 629, the Texas Low-Level Radioactive Waste Disposal Compact Consent Act would grant the consent of Congress to the low-level radioactive waste disposal agreement reached between the States of Texas, Maine, and Vermont.

When Congress passed this Act back in 1980, it was a part of a broader general agreement whereby the States are responsible for the disposal of low-level radioactive waste while the Federal Government is responsible for high-level radioactive waste disposal. Since 1980 when the act was passed, 41 States have received the consent of Congress for their disposal compacts.

The vast majority of low-level radioactive waste do not even require the use of special containers to protect against threats to human health. They include a wide range of materials, medical isotopes, university research wastes, and low-level wastes from nuclear power operations. In most cases, the radioactivity in these materials would decay to the point where there is no significant, no significant risk to human health after about 100 years.

With the decision to put low-level waste responsibilities at the State level, the obligations of the Federal government have always been fairly limited. Our primary responsibility is to ensure that the compacts comply with the Federal Low-Level Waste Act. The Texas Compact meets this test without a doubt. The State legislatures and the Governors of Texas and Maine and Vermont have met their obligations under the Low-Level Radioactive Waste Policy Act. It is now our responsibility as Members of Congress to support the States in this decision.

The conference agreement accomplishes this. It proposes a clean bill which does not include the amendments adopted during the floor consideration in the House and the Senate. This provides the States of Texas, Maine, and Vermont with the same flexibility enjoyed by nine other compacts Congress has already approved. It maintains an even playing field for the entire compact system. It is the right thing for the House to do at this time.

The gentleman from Texas (Mr. BARTON) and the gentleman from Texas (Mr. Hall), the sponsors of the legislation, deserve a great deal of credit for their strong leadership and capable effort in moving this bill and this conference report forward. I strongly sup-

port the conference report and encourage its adoption by the House.

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

Mr. HALL of Texas. Mr. Speaker, I yield myself for 4 minutes.

Mr. Speaker, I rise in strong support of the conference report to accompany H.R. 629, the Texas-Maine-Vermont Low-Level Radioactive Waste Compact. This is an oft told story because we have had many speeches on this floor. We have had many favorable votes.

This is not just an important bill to the three States involved, this is an important bill to the entire United States and to any of those who want a safe disposal of low-level radioactive waste that is produced within their own borders.

As my colleagues know, this material is produced by hospitals, universities, industries, power plants, you name it. Universities that teach industries that create jobs, and jobs mean dignity. We know all of that. We have talked about that before here.

This is pursuant to a plan set out by Congress followed by other States successfully, voted on in the various States, signed by the governors, debated by the legislators and passed. They have had public hearings galore. I think absent this consent we seek today to this interstate compact, it is not likely that a facility to take care of these three States' waste or material could be built anywhere without this compact.

This fulfills the plan that was envisioned by Congress some time ago and requested by the States when the legislation was enacted back in 1982. It permits States to join together to select a site to design an interstate agreement and one that works for them.

Congressional approval makes it possible for the States within a compact to control, and that is a very important feature, to control how much waste is accepted at the facility and for whom. The application controls that. That relegates it to a set amount. That set amount can only be changed by the commission set up in the law. That commission is controlled by the State where it is deposited because they have six votes. The other States have two votes. But it is a joint effort by all three.

This legislation like the nine compacts Congress has previously approved permits these three States to exclude waste from other nonmember States. That is very important. It is important to our State, but it is important to the total thrust of the compacts, because it alludes to other States and gives them the same right and the same opportunity to exclude if they enter into a compact.

It also allows the compact, if it chooses, to accept waste if so doing is in keeping with the purposes of the thrust. For example, taking out of region waste for a limited period of time might reduce operating costs. But that

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 revoke 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. The community opposed this strongly. 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 the State legislature.

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. The geology of the area 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 agency in charge of regulating 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 and former Governor Ann Richards choose 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, Ward, Sutton, Kimble, 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 a problem 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 also 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 their 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 colleague, 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.

□ 1200

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 licensing 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 fault 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 harm 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 regulators 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 vote for that 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 consume 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. BONILLA) and the gentleman also from Texas (Mr. REYES) 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 accept 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 conferees 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 denial of the site a specific request 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 ever 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 again, even according to the administrative law judges' 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 coun-

ties 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 American Statesmen 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 House 309 to 107 back 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's report. This is on 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 clarify that 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 nonradiological 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 he will ask the legislature to adopt such legislation when they meet in 1999, assuming, of course, he is re-elected governor.

[From the El Paso Times, June 26, 1998]

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 it absolutely clear that only Vermont and Maine may export nuclear waste to the Lone Star State under a compact moving through the U.S. Congress.

"I think we ought to take this to the floor of the state House and Senate and say, 'We will limit future (compact) commissioners to Maine and Vermont and Texas,'" Bush said Thursday at the start of the 16th annual Border Governor Conference.

Bush said he agrees with the spirit of an amendment by U.S. Rep. Lloyd Doggett, D-Austin, and U.S. Sen. Paul Wellstone, D-Minn., that would restrict the proposed compact to low-level nuclear waste from those three states. But the nuclear power industry opposes the amendment, which it contends will delay opening of the state's low level nuclear waste dump near Sierra Blanca.

"If it passes without that amendment, I think it makes sense for the governor to propose a bill out of the Texas Legislature that forever limits low level radioactive waste to Texas, Maine and Vermont," Bush said.

Opponents of the proposed dump site 90 miles southeast of El Paso contend that for West Texas stands to become a national dumping ground if the compact passes without restrictions.

A majority of appointed compact commissioners could decide to accept nuclear waste from other states, according to the pact already approved by the three states.

More than 50 Mexican journalists are covering the Border Governors Conference. The issue of low-level waste dominated Bush's opening-day news conference.

Bush assured Mexico's news media that Texas won't open the dump "unless it's safe."

The Texas Natural Resource Conservation Commission is expected to act later this year on a license application necessary for opening and operating the dump.

Some elected officials in Mexico contend the planned dump will violate the La Paz Agreement negotiated by the two nations in 1983 to prevent and eliminate pollution sources within 52 miles of the international border. The Sierra site is about 16 miles from the Rio Grande.

Bush said he's already received a legal opinion indicating the proposed dump does not violate the La Paz Agreement. Those who disagree need to appeal to federal officials, he said.

"This is a federal treaty. I would strongly urge Mexican officials take it up with federal officials in Washington, DC, to determine whether or not the treaty negotiated between federal governments pertains," he said.

Governors from Texas, New Mexico, Arizona and California and most governors from the six Mexican border states are at the two-day conference.

Water and border crossings probably will get the most attention, Bush predicted.

Texas and bordering Mexican states face the second drought in three years. A plan used two years ago to conserve and share water is likely to be used again this summer, Bush said.

Both he and Republican Arizona Gov. Jane Dee Hull said a proposed larger border-crossing card won't work because Mexican citizens can't afford it.

"The idea of the card is fine," she said. "I like the high-tech idea, but it is far too expensive for the Mexican family to afford. And I don't believe we will be able to imple-

ment it this quickly. . . . I have suggested that they delay implementation."

A laser card would cost \$45 and would be good for 10 years, but doesn't include photo, passport and visa costs.

"It's very important," Bush said, "for the U.S. federal government and the State Department to understand how important daily traffic is between our sister cities along the border, and we ought to make it easy for people to receive a modern card."

The idea of modernizing border-crossing cards is a good idea. But to make it very expensive and difficult to obtain is not a good idea."

Mr. BENTSEN. Mr. Speaker, just to make it clear, both Governor Bush, a Republican, and former governor Ann Richards, a Democrat, have supported this, as well as the Texas State legislature, which is a split legislature between Republican and Democrat. By entering into the compact, Texas can keep other out-of-State compact waste from entering into our State. Currently, 41 other States have entered into these types of compacts to prevent further importation of out-of-State waste.

Now, with respect to the issue of the site, as was raised by my colleague from North Texas, the question of the administrative law judge as to the suitability of the site is again an issue for the State to decide. What we are talking about here is the issue of the compact with Maine and Vermont, and that is what we ought to concern ourselves with.

It is very important to the State of Texas as it relates to the low-level radioactive waste that we produce in my district at the Texas Medical Center all across the State of Texas. This is an issue that the State will decide. The bill establishes a structure for the State to decide, and it limits the amount of out-of-State waste that can come in.

So I would urge my colleagues to do as they have done in the past and support the conference report.

Mr. BONILLA. Mr. Speaker, I yield 2½ minutes to the distinguished gentleman from San Antonio, South Texas (Mr. RODRIGUEZ).

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

I rise in opposition to H.R. 629, which is the Texas-Maine-Vermont low-level radiation waste dump bill. This bill, as originally written, would allow waste dump operators to dispose of waste in Texas from States other than Texas, Vermont and Maine. That is simply unacceptable.

I served in the Texas legislature; and, in fact, of the Members that are here, I am one of the few that voted for the bill in 1993 when the low-level waste radioactive compact was approved. At that time, supporters of the bill insisted that the only waste generated of the three-member States would be disposed of at that site. It was on that understanding to the legislators that it was approved that only those three States would be able to dump in Texas.

The House and the Senate have both passed amendments by my colleague

from Texas and the Senator from Minnesota to require that only that waste generated in those three States be dumped there.

Now, this is the first time, and I find it very unconscionable, that an amendment that is both put in on the House side and on the Senate side would now all of a sudden be stripped from both sides. Now, if my colleague from Texas indicated earlier that only waste from those three sites would be acceptable, then why not accept that amendment? Because we know otherwise, that basically they want to be able to dump from throughout the States; the other 49 States will be able to dump in Texas.

Furthermore, I urge inclusion of the environmental justice amendment that was put on the Senate. This allows a party to bring suit in the case of discriminatory waste dumping. This particular locality has a major concentration of Mexican-Americans. I believe this is a safeguard for residents of the Sierra Blanca, and it is necessary in light of the predominantly minority population in that region where the facility is located.

Supporters insist that the site is not finalized, but, in all honesty, they have already picked their site, and the judges have ruled against the site and they have ruled.

I would disagree with my friend from Texas, there has been an earthquake there. I was in the Texas legislature prior to 1993 when we allocated some resources because of some structural damage on some State facilities in the region. So we need to honestly look at this issue and take it into consideration.

Mr. REYES. Mr. Speaker, could I ask as to the availability of time that we all have?

The SPEAKER pro tempore. The gentleman from Colorado (Mr. DAN SCHAEFER) has 10½ minutes remaining; the gentleman from Texas (Mr. HALL) has 14 minutes remaining; the gentleman from Texas (Mr. BONILLA) has 2½ minutes remaining; and the gentleman from Texas (Mr. REYES) has 7½ minutes remaining.

Mr. REYES. Mr. Speaker, I yield 2½ minutes to the gentleman from Texas; excuse me, the gentleman from California (Mr. BECERRA). He wants to be from Texas.

Mr. BECERRA. Mr. Speaker, I thank the gentleman for yielding, but if this bill goes through, I definitely would not want to be from Texas.

I know my colleagues have heard quite a bit on this. I think it is unfortunate that, once again, we are seeing communities that are poor, oftentimes unrepresented well in the Congress because they may not be sophisticated politically; they may not have a lot of money to give to campaigns, or for whatever the reasons, now again being dumped upon.

If I may, rather than speak words that I believe will be spoken by others of my colleagues here, let me read a letter that was just yesterday issued by

the largest Hispanic national organization in the country, the League of United Latin American Citizens.

□ 1215

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 been raised about the site selection 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 more than 5 million 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. SAM JOHNSON of Texas asked and was given permission to revise and extend his remarks.)

Mr. SAM JOHNSON of Texas. Mr. Speaker, I listened to my colleagues harangue here about some of the things that are going on. They were in the legislature and voted on that in Texas, and so did I. I was there at the time.

I hear people bad-mouth Ann Richards, our Governor at the time. She was of the other party, but I want to tell the Members, I thought Ann Richards handled the waste company issue well, and she and George Bush support this compact. To say that it is not the right thing to do is crazy. I do not know where these Members are coming from. If they voted for it, they ought to be for it. It is a State matter, not a Federal matter.

For the gentleman to sit there and say that we have to determine our own destiny, and then turn around and say it is up to the Federal Government to put our destiny at risk, it is not, it is up to the States. The States made a compact. Three States made a compact, Vermont, Maine and Texas.

To not approve that compact, which is in a conference report now, and it

has been passed through both Houses, it is time for Congress to pass this compact so that those three States can get on down the road, and so that, in spite of what my colleagues are saying, Texas, Maine, and Vermont can store their low-level radioactive material. Because if we do not do it, Texas can be forced to take waste from other States in the Union, I am told. I think that is correct.

Also, to sit there and talk about Mexico, when they are one of the worst violators of the environment I have ever seen, that they are going to oppose us putting clean, well-packaged waste into the ground, is crazy. And then for somebody to bring up the idea that we are attacking a low-wage earning community is also ridiculous. I cannot believe it. That area was picked because of the soil, because of the ground around it, because it is a safe storage place.

The way we package these low-level radioactive items today, it is not dangerous. Members ought to go out to Nevada where they tested nuclear weapons. That is real hazard. I happened to be out there when they were testing them, and flew through some of those things as part of a test. I am not dead.

I think that anything that Members try to say about this compact as far as earthquakes, floods, water contamination, et cetera, is just crazy. It is time we voted for this report, the way it 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 3½ 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 process, 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 in the State Senate and 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, both Senators 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 low-level radioactive waste compacts have been approved by Congress, encompassing 41 States. I think all 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.

Let me say a few words on substance. 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.

If I had my druthers, 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. The environmental question today, 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 disposal 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 years, 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. They are opposed to 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 and good faith by the three 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 the opportunity 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 gentlewoman from Dallas, Texas, (Ms. EDDIE BERNICE JOHNSON).

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, we are at a crossroads. All of us support cancer treatment and X-rays. For the most part, much of that is done in our large university hospitals and medical centers and urban areas. We need to put the waste somewhere. It cannot be outside every doctor's office door or every hospital door. We must pick places that are sparsely populated.

There is no good answer, except we are not willing to sacrifice many of the scientific findings that we are using now to save people's lives. It is much more hazardous to have it scattered out all over very heavily populated areas.

If I thought for a moment that this would endanger the lives of the people that live somewhere in the area, in a

very sparsely populated area, I would not be standing here. It is never comfortable to stand and speak against people that you stand with most of the time. But they are not going to be happy. If I represented the area, I would be standing in the same place they are standing, but I am representing a whole lot more people who are not willing to sacrifice what creates this waste.

None of us are willing to sacrifice cancer treatment, none of us are willing to sacrifice x-rays for diagnostic treatment. We are simply not going to do that. We must make hard choices, but we must find the best places that we can to deposit this waste. This is one of the best places we can come up with. It is sparsely populated, out in the middle of nowhere. Texas has more space than most States. But we are going to limit it to these two States.

The best environmental Governor that Texas has ever elected is Ann Richards. She stands for this legislation. As a matter of fact, she was very progressive in looking out for the environment in Texas.

□ 1230

Mr. DAN SCHAEFER of Colorado. Mr. Speaker, I yield 2 minutes to the gentleman from Maine (Mr. BALDACCI).

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 will not be 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.

We are following through on the legislation that was initially passed in 1985. We are complying with the Federal legislation in the best interest of the people of our States. We ask for Congress to reaffirm its support that it had overwhelmingly supported in the past and to maintain that support and also to assure the citizens of the public hearings, the environmental impacts, and the process that will be taking place after this vote has been completed.

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

Mr. HALL of Texas. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. GREEN), the chairman of the Texas Democratic delegation, who would inform the Chair that the Texas group is meeting; and I suggest that he take the gentleman from Texas (Mr. REYES), the gentleman from Texas (Mr. RODRIGUEZ), and the gentleman from Texas (Mr. DOGGETT) with him.

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

Mr. GREEN. Mr. Speaker, I thank the gentleman from Texas (Mr. HALL) for yielding me this time, and I will be glad to take my three colleagues to lunch today for our weekly luncheon.

Mr. BARTON of Texas. Mr. Speaker, if the gentleman would yield, does that include Republicans?

Mr. GREEN. Mr. Speaker, the gentleman may come as our guest.

Mr. BARTON of Texas. There is no such thing as a free lunch.

Mr. GREEN. Mr. Speaker, I rise in support of the conference committee regard.

Mr. Speaker, I have a prepared statement, and talking about the history of it, we have heard that already. Again, if we do not have a compact, then a State site in Texas will be subject to waste from all over the country.

The policy was developed in the State of Texas. I would not have picked Sierra Blanca if I had a vote, but I did not have a vote when I was in the legislature or a vote now as a Member of the House. That is going to be decided by the people in the legislature who confirm the people who make that decision and the governor appoints them.

Let me talk about some of the debate that we have had. One, the interstate commerce clause requires that Texas would take low-level waste from everyone if we do not have a compact. My colleague from California is opposed to it because of the Sierra Blanca location and the poor community. I represent a very poor community in Houston, Texas, and we have some of the same problems.

A statement, the letter from LULAC opposing the site, I am a member of LULAC and work with my local councils in Houston on a lot of issues and I share their concern. But, this is not the venue for their opposition. Granted, if they defeat it here, they could still create a compact and we could have it for

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 support of 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 specific 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 all the 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 and 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 to manage Texas' facility in an orderly, effective manner. Without the compact, the State of Texas would have no effective control over access.

The Texas, Maine, and Vermont compact is an excellent arrangement for the three states. It received overwhelming bipartisan support in the state legislatures of the three states. At a time when state budgets are constrained, the ratification of this compact will result in shared cost for the construction and subsequent operation of the low-level waste disposal facility.

Since 1985, the Congress has approved nine compacts which now include 41 states. It is vitally important that we move forward with the approval of the Texas-Vermont-Maine compact. I urge my colleagues to support this very important bill.

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

Mr. HALL of Texas. Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. TURNER).

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

Mr. TURNER. Mr. Speaker, it is not every day that we see the Texas delegation on the floor of this House divided. Normally, we are a group who hangs together. It is true, however, that six of our members, out of 31, have opposed this compact, I think primarily because it is a local issue with them, and I understand that. I fought a low-level nuclear waste disposal facility in my legislative district when I was a member of that body in 1981, and I understand where they are coming from.

But I think it is important for the other Members of this body to understand that, though six Texans out of 31 oppose this compact, that this compact really is not about the selection of the site. In fact, under this compact, the State of Texas and the Low-Level Nuclear Waste Disposal Authority could select any site. It just so happens that the Sierra Blanca site is the site now under consideration. But that is a matter that will remain under the control of the Low-Level Nuclear Waste Disposal Authority in Texas.

Mr. Speaker, I want to share a little bit of history. The State of Texas created a Low-Level Nuclear Waste Disposal Authority in our State in 1981 when I was a freshman member of the Texas House. We did it because we were having an increasing problem at our medical facilities and with our utilities and finding out where we could permanently dispose of low-level waste. What we decided to do was create a State commission to select a permanent site. It was the right thing to do. It was approved unanimously by the legislature.

Later, the Congress came along and created a statute that said that States could form compacts, compacts for the purpose of uniting States together that would store their waste in one site facility, a means whereby a State like Texas can prevent out-of-State waste from coming into Texas.

This Congress passed that bill, and 41 States have already taken advantage of it, and nine compacts have been ratified by this Congress. Texas, Vermont, and Maine come today asking that they be the tenth compact to be approved. The Texas legislature overwhelmingly approved this compact.

Mr. Speaker, I urge the Members of this body to join with the majority of the members of the Texas delegation and allow Texas, Vermont, and Maine to be the tenth compact to be approved by this Congress. This is an issue that will not go away. The low-level nuclear waste that is building up in temporary stockpiles in Texas will not go away. We need this compact, and we urge our colleagues to support us in this effort.

Mr. REYES. Mr. Speaker, I yield myself 1½ minutes.

Mr. Speaker, with all deference to the gentleman from east Texas, he made the statement that this is an issue that will not go away. He is absolutely right. The issue will not go away. But with the decision that we are making here today, we expect that a whole community can potentially go away.

We have been called crazy because we are in opposition to this. I think it would be irresponsible not to oppose a proposal that could affect a whole area, a whole region. It could affect up to 5 million people that utilize the Rio Grande River as a primary water source. It could affect the underground water tables. It could conceivably affect a whole region of our border area.

We have been told that to send it back would be to delay it. Well, I would ask my colleagues, with all due respect, what do they expect us to do when we have got the consequences facing us that could potentially affect future generations of west Texans in a way that we at this point cannot even imagine?

I ask my colleagues who are talking about what a good deal it is, how it can be very safe, how it has been well thought out, how it will be well packaged, if it is so good, why do they not take it? Why do they not put it in their district? Why do they not put it in a place where the people want it?

Mr. Speaker, the people of Sierra Blanca, the people of El Paso, the people along the border in our region simply do not want it. We have been told that Governor Richards and Governor Bush want it. Let them hear loud and clear that in this area, we do not want it. We do not need it. And we should not have it.

Mr. Speaker, I rise in opposition to the conference report on H.R. 629. As I mentioned earlier, I do not believe we should be considering a conference report that ignores the will of the House and 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 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 of the states of Texas, Maine and Vermont.

As far as I am concerned, that's reason enough not to move this bill forward.

But, if you need another reason to vote against this conference report, I'd like to enter into the record an article printed in The Dallas Morning News on July 8.

As you can see, two Texas hearing examiners recommended against licensing a low-level

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 did not adequately address how 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 a copy of the 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 relation 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 . . . 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 nonconformity 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 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."

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 HASN'T FULLY EXPLORDED POSSIBLE HAZARDS OF W. TEXAS FACILITY, THEY SAY

(By George Kuempel)

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

The recommendation was a setback for Gov. George W. Bush, who has tentatively backed the proposed dump, near Sierra Blanca just 18 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 Sullivan 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 staff already has 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.

Congress 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 in 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.

Mexican 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.

"Politically and legally, it's a victory," said Bill Addington, a merchant in Sierra Blanca, a town of 700 in Hudspeth County, about 90 miles southeast of El Paso. "The authority has not done its job, even with all the money and resources they have at their disposal."

But Mr. Addington also was 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 spawned 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 (Camara 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 PLANNED IN SIERRA BLANCA, TEXAS

Honorable Assembly: The United Commissions of Environment and Natural Resources, Border Affairs, and Foreign Relations of the Senate was given for their study and analysis the point of agreement passed by the Plenary of the Permanent Commission of the Honorable Congress of the Union on February 11, 1998, that is transcribed as follows:

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 and the Senate, meet with the Intersectorial Group made up of the Department of Foreign Relations, Department of Energy, Environment, Natural Resources and Fishing, and the National 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 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 pronouncements and necessary measures to impede their installation.

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 Commissions of Environment and Natural Resources, Border Affairs, and Foreign Relations of the Chamber of Senators, have analyzed existing documentation and studies about the radioactive waste disposal facility that is planned in Sierra Blanca, Texas, meeting on various occasions to design a political action strategy. Likewise a work session was held with the intersectorial group, with the purpose of integrating the present Pronouncement.

Considering That: (a) the communities on both sides of the border, diverse non-governmental organizations, political organizations, and public officials from Mexico and the United States of America have manifested their total 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, at 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 that the Mexican government assumes with relation 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;

(d) the intersectorial group—created in 1995 by the Federal Executive Power with the purpose of defining the policy 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—wrote a preliminary study regarding the disposal facility being questioned;

(e) the United Commissions have received diverse studies 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 registers observed in the chosen site. This represents a 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;

(f) other adequate sites exist in the United States for 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;

(g) the radioactive wastes that are planned for disposal in Sierra Blanca, next to 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;

(h) the construction of the disposal facility in dispute would violate the spirit of diverse precepts of international law and would implicate the noncompliance of the commitments assumed by the United States after the signature of the Agreement on Cooperation for the 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 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." In like manner, the Agreement commits the Parties to cooperate in the field of environmental protection in the border zone, 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 being founded in articles 58 and 59 of the Rules for the Interior Government of the General Congress of the United Mexican States, just as for dealing with a matter that merits an urgent resolution of the Honorable Senate of the Republic, due to the adverse effects that this project could have on the health of our population and the natural resources, 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 inconformity 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 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 result demonstrates that its 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) Manifest 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 that 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:

I. design criteria for the installation and operation of disposal facilities in the border zone of 100 kilometers within the framework of the La Paz Agreement and the Border 21 Program, 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.

II. establish that a group of experts from both countries analyze the impacts of the proposed disposal facilities in the 100 kilometer border zone.

Fourth—The Senate of the Republic proposes:

(a) To inform the Governors and municipal mayors of the states of the Republic of Mexico in 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 with the objective of adopting any measures that are considered opportune.

(b) To transmit existing information about the Sierra Blanca project to the local legislatures of the border states of the Mexican Republic with the objective of making this information available to them so they can adopt any measures which they consider appropriate.

(c) That a multi-party commission of senators be formed with the purpose of meeting with the governor of Texas, George Bush, with the purpose of telling him that the Mexican Senate believes that the Sierra Blanca project violates the spirit of the commitments made with the signing of the La Paz Agreement and that are linked to the state which he governs and which don't contribute to the strengthening of the good relations of friendship and neighborliness that must prevail between both countries.

Fifth—That the Senate of the Republic proposes including this matter in the agenda of the next interparliamentary meeting between Mexico and the United States.

Sixth—The Senate of the Republic expresses that this case constitutes a valuable opportunity for both countries to demonstrate their good will, responsibility, and capacity for cooperating in dealing with similar matters of common interest.

Seventh—So 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 to this compact. 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, Reeves County, Brewster County, Ward County, Sutton County, Kimble County, Kinney County, Crockett County, Pecos County, Maverick County, Ector County, City of Austin, City of Del Rio, City of Bracketville, City of Marfa, City of Van Horn, City of El Paso, City of Alpine, Hondo City, City of Ft. Stockton, City of Laredo, City of Eagle Pass, City of Presidio, City of McAllen, City Council of Juarez.

Mexican State Congress of Coahuila, Mexican State Congress of Chihuahua, Mexican State Congress of Nuevo Leon, Mexican National Chamber of Deputies, Mexican National Senate, Mexican State Congress of Sonora, Mexican State Congress of Tamaulipas.

Mr. Speaker, I also want to enter into the record a letter dated yesterday from the League of United Latin American Citizens.

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 . . . The decision Congress now faces on this matter cannot be made in a vacuum, ignoring serious environmental justice questions that have been raised about the site selection process. These unjust procedures are in 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 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,
Washington, DC, July 28, 1998.

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 soil trenches for the burial of "low-level" radioactive waste. LULAC strongly opposes this Compact. Serious issues of environmental justice and blatant discrimination arise when one considers this bill. One should not only vote against this proposal because of serious environmental and health matters, but also because of the racial discrimination practiced against the predominantly Mexican-American population of the area.

Just this month, two 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 dump, tremendous pressure will be placed on the political appointees at the Texas Natural 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 earmarked and a draft license has been approved. The decision Congress now faces on this matter cannot be made in a vacuum, ignoring serious environmental justice questions that have been raised about 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. With this agreement, both nations committed their efforts to prevent, reduce and eliminate pollution in the U.S./Mexico border area. The proposed site is well within the "border area" of 63 miles on each side of the border. The government of Mexico has already expressed its strong opposition to the project in communications to 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 setting 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.

Thank you for your consideration of this issue. If you need more information please call Cuauhtémoc Figueroa, Director of Policy and Communications at (202) 408-0060.

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 SCHAEFER) and the gentleman from Texas (Chairman BARTON) 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 process of 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 nearby 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 there. 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 that community to try to have this dump moved to that area in the future, if that is even a possibility.

Though the whole idea of having places to put nuclear waste, low-level radioactive waste is an issue that I understand is very necessary, 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 their case before this body. I hope that I have made it and I hope that we have had an impact on those who are considering opposing this conference report. The people of West Texas need all the help they can get.

□ 1245

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

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.

I could not close without sending accolades toward the gentleman from Texas (Mr. BONILLA), the gentleman from Texas (Mr. REYES), the gentleman from Texas (Mr. RODRIGUEZ), 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 compact.

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, there has been some signatures by a lot of adult 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, the concerns that are there. Perhaps this came about because of the insistence 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 dollars per 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 and makes 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 called this "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 much about 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 in Texas?

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 is bigger than most 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 did another in Washington. That is most unfortunate for Texas.

Mr. DAN SCHAEFER of Colorado. Mr. Speaker, I yield 3 minutes the gentleman from Texas (Mr. BARTON), the author of the bill.

Mr. BARTON of Texas. Mr. Speaker, I will try to go through this very quickly. I believe my good friend from Austin was the president of the student body at the University of Texas. He obviously has a golden throat and is able to weave words very carefully. I was just a poor engineering student at Texas A&M trying to see how to use a slide rule so I do not claim that I am as eloquent as he is.

I did try to list his 5 points down as he enumerated them. He talked about

waste being there for all mankind. Eighty-five percent of the waste is going to decay to harmless levels within 30 years. Ninety-eight percent within harmless levels within 100 years. The canisters are designed to last 500 years. I do not think there is any question but there will not be any danger if we accept this waste on this site.

He talked about site location. That has been determined by the State of Texas, not by the U.S. Congress.

He talked about the administrative law judge saying that we do not really need a site. Actually the administrative law judge said that there is no other acceptable site. The waste that is being generated now at 97 locations in Texas and several in Vermont and Maine is being stored on site. The administrative law judge says that is simply not acceptable. He talked about the safeguards being meaningless. Again, the administrative law judge, in their application review, has said that we should limit the amount of waste stored to no more than 1 million curies.

The gentleman from Texas (Mr. HALL) has pointed out there are going to be 6 commissioners from Texas and one from Vermont and Maine. They will have the safeguards of the populations of their States high in their mind.

I guess to close I would simply state that we have debated this issue several times. It passed the House in October, 309 to 107. Hopefully it will pass again with a margin that large in the very next few minutes.

Let us do the right thing. Let us let Texas, Vermont and Maine adopt this compact, and let them go about the business of safeguarding the low-level waste that these three States generate.

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 nothing, then Texas may well 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. And 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 rise in support of 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 developed 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 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 if 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, encompassing 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.

My position on any site location, which I have expressed in the past, is that public hearings must and should be part of the process in order to give concerned citizens an opportunity to express their views on the site and that no site be selected that presents an undue burden on people with low incomes. I will continue to work with my Texas congressional colleagues who seek to resolve this questionable process that has allowed a low-income minority area to be selected, for the site in Texas.

Before any final decision of location is made these hearings should allow for proper comment and evaluation of those comments to take place. It is my understanding that the Texas state planners are committed to as public a process as possible.

The Texas Compact specifies that commercial low-level radioactive waste generated in the party states of Texas, Maine, and Vermont will be accepted at the Texas Low-Level Radioactive Waste Disposal Facility. "Low-Level radioactive waste is defined the same way as the Low-Level Radioactive Waste Policy Amendments Act of 1985, Public Law 99-240.

With the needs for storage facilities constantly increasing with the number of nuclear research projects and medical applications which use radioactive materials in their treatment of patients with serious illnesses this Compact is needed.

Commerce low-level radioactive waste typically consists of wastes from operations and decommissioning of nuclear power plants, hospitals, research laboratories, industries, and universities. Typical low-level radioactive waste is trash-like materials consisting of metals, paper, plastics, and construction materials that are contaminated with low-levels of radioactive materials.

A compact is a serious matter, and a compact regarding the disposal or storage of Low-Level Radioactive Waste is extremely important. This compact will be managed by the participating states and especially by the State of Texas with the greatest care and professionalism possible.

I urge my colleagues to support this compact.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the conference report.

There was no objection.

The SPEAKER pro tempore. The question is on the conference report.

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

Mr. REYES. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

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

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—years 305, nays 117, not voting 12, as follows:

| [Roll No. 344] | | | NAYS—117 | |
|----------------|---------------|----------------|--------------|---------------|
| YEAS—305 | | | | |
| Aderholt | Condit | Hamilton | Abercrombie | Hinchey |
| Allen | Cook | Hansen | Ackerman | Pascrell |
| Archer | Cooksey | Harman | Andrews | Pastor |
| Armey | Costello | Hastert | Bachus | Paul |
| Baker | Cox | Hastings (WA) | Baesler | Hooley |
| Baldacci | Coyne | Hayworth | Berman | Jackson (IL) |
| Ballenger | Cramer | Hefley | Blagojevich | Pelosi |
| Barcia | Crane | Hefner | Bonilla | Petri |
| Barr | Crapo | Herger | Bonior | Pombo |
| Barrett (NE) | Cubin | Hill | Brady (PA) | Kanjorski |
| Barrett (WI) | Cunningham | Hilleary | Capps | Kasich |
| Bartlett | Danner | Hilliard | Becerra | Rahall |
| Barton | Davis (FL) | Hobson | Castle | Kennedy (MA) |
| Bass | Davis (VA) | Hoekstra | Conyers | Rangel |
| Bateman | DeGette | Horn | Hulshof | Reyes |
| Bentsen | DeLay | Hostettler | Cumming | Kennelly |
| Bereuter | Deutsch | Houghton | Davis (IL) | Rodriguez |
| Berry | Dickey | Hoyer | DeLauro | Ros-Lehtinen |
| Bilbray | Dicks | Hulshof | Diaz-Balart | Rothman |
| Bilirakis | Dingell | Hunter | Dixon | Royal-Allard |
| Bishop | Doolley | Hutchinson | Deal | Sánchez |
| Biley | Doolittle | Hyde | DeFazio | Schumer |
| Blumenauer | Dreier | Inglis | Delahunt | Sensenbrenner |
| Blunt | Duncan | Istook | DeLauro | Shays |
| Boehlert | Dunn | Jackson-Lee | Lofgren | Sherman |
| Boehner | Edwards | (TX) | Diaz-Balart | Kucinich |
| Bono | Ehlers | John | Maloney (NY) | Rush |
| Borski | Ehrlich | Johnson (CT) | Dixon | Sanchez |
| Boswell | Emerson | Johnson (WI) | Markey | Schiff |
| Boucher | Everett | Johnson, E. B. | Doggett | Smith (NJ) |
| Boyd | Ewing | Johnson, Sam | Doyle | Stabenow |
| Brady (TX) | Fawell | Jones | McGovern | McKinney |
| Brown (CA) | Fazio | Kaptur | Engel | Stark |
| Brown (FL) | Foley | Kim | English | Strickland |
| Brown (OH) | Fossella | Kind (WI) | McNulty | Tompson |
| Bryant | Fowler | King (NY) | Ensign | Tierney |
| Bunning | Fox | Kingston | Meehan | Torres |
| Burr | Frank (MA) | Kleczka | Eshoo | Meeks (NY) |
| Burton | Frelinghuysen | Klink | Evans | Farr |
| Buyer | Frost | Klug | Menendez | Menendez |
| Callahan | Gallegly | Knollenberg | Fattah | Miller (CA) |
| Calvert | Ganske | Kolbe | Filner | Mink |
| Camp | Gejdenson | LaFalce | Forbes | Morella |
| Campbell | Gekas | Lampson | Ford | Waters |
| Canada | Gephhardt | Largent | Franks (NJ) | Nadler |
| Cannon | Gilchrest | Latham | Nethercutt | Waxman |
| Cardin | Gillmor | LaTourette | Clayton | Weller |
| Carson | Gilman | Lazio | Etheridge | Weygand |
| Chabot | Goode | Leach | Gonzalez | Woolsey |
| Chambliss | Goodlatte | Levin | Granger | Young (FL) |
| Chenoweth | Goodling | Lewis (CA) | Hinojosa | |
| Christensen | Gordon | Lewis (KY) | | |
| Clay | Goss | Linder | | |
| Clement | Graham | Lipinski | | |
| Clyburn | Green | Livingston | | |
| Coble | Greenwood | Lowey | | |
| Coburn | Gutknecht | Lucas | | |
| Collins | Hall (OH) | Luther | | |
| Combest | Hall (TX) | Maloney (CT) | | |

NOT VOTING—12

| | |
|-----------|------------|
| Jenkins | Price (NC) |
| McHale | Talent |
| Millender | Young (FL) |
| McDonald | |
| Moakley | |

□ 1317

Ms. KILPATRICK and Messrs. LAHOOD, CONYERS, PAYNE, WATT of North Carolina and FORD changed their vote from "yea" to "nay."

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 HOUSE JOINT RESOLUTION 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 joint resolution) and the gentlewoman 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 considered as 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 gentlewoman 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. MATSUI).

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 re-

marks 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 AND 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.

□ 1320

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. COMBEST 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 request for a recorded vote on the amendment offered by the gentleman from Indiana (Mr. ROEMER) 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 science, aeronautics and technology 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 law; space flight, spacecraft control and communications activities including operations, production, and services; and purchase, lease, charter, maintenance and operation of mission and administrative aircraft, \$5,541,600,000, to remain available until September 30, 2000.

MISSION SUPPORT

For necessary expenses, not otherwise provided for, in carrying out mission support for human space flight programs and science, aeronautical, and technology programs, including research operations and support; space communications activities including operations, production and services; maintenance; construction of facilities including repair, rehabilitation, and modification of facilities, minor construction of new facilities and additions to existing facilities, facility planning and design, environmental compliance and restoration, and acquisition or con-

demnation of real property, as authorized by law; program management; personnel and related costs, including uniforms or allowances therefor, as authorized by 5 U.S.C. 5901-5902; travel expenses; purchase, lease, charter, maintenance, and operation of mission and administrative aircraft; not to exceed \$35,000 for official reception and representation expenses; and purchase (not to exceed 33 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, \$19,000,000.

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 available until expended. This provision does not apply to the amounts appropriated in "Mission support" pursuant to the authorization for repair, rehabilitation and modification of facilities, minor 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, the amounts appropriated for construction of facilities shall remain available until September 30, 2001.

Notwithstanding the limitation on the availability of funds appropriated for "Mission support" and "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.

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 may be used for feasibility studies for, or 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