Mr. Speaker, this statue is a fitting tribute to the spirit of the Olympic games, and to the determination, skill, and camaraderie of the athletes who have competed in the Olympics over the millennia. I am honored that one of my constituents has made such an outstanding contribution to the Centennial Olympic games in Atlanta. I want to recognize Peter Calaboyias today on the House floor and commend him for creating this remarkable work of art.

BILL TO AMEND THE RESOURCE CONSERVATION AND RECOVERY ACT

HON. JOHN M. SPRATT, JR.

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 2, 1996

Mr. SPRATT. Mr. Speaker, I rise today to inform my colleagues of a bill I'm introducing to toughen Federal laws regulating hazardous waste facilities. Hazardous waste treatment and disposal is regulated by the Resource Conservation and Recovery Act [RCRA]. Since RCRA was enacted in 1976, we have made dramatic progress in improving oversight of hazardous waste though a flexible regulatory structure in which States have the primary role in enforcing the statute. The bill I introduce today takes three simple, but powerful, further steps to assist State environmental agencies in protecting the environment from hazardous wastes.

First, the bill requires the Administrator of the EPA to certify that authorized State RCRA programs include standards for the siting of hazardous waste facilities. Currently, a number of States have no regular standards which guard against the placement of hazardous waste facilities in environmentally sensitive or unstable areas. These States operate on an ad hoc basis when making permitting decisions. But the ad hoc approach has two weaknesses. The public is left with little to no information to judge whether a particular site represents a true danger to public health, and business is left with little certainty as to which sites are likely to garner approval. Standards which preclude siting in places like flood plains, karst terrain, or over important aquifers will clear up this confusion for both parties. And the bill allows each State the flexibility to tailor standards to its own needs and conditions.

Second, it authorizes the States to fund their RCRA programs through permit fees, and requires the EPA to determine for each State the cost of fully maintaining its program. In many States, taxpayers are funding RCRA programs from general revenues. Not only is this unfair, since the burden of supporting oversight functions properly belongs to those who treat and dispose of the waste, but it often leads to underfunding of State programs. This bill provides every State the opportunity and the ability to recover these costs through permits fees in accordance with the polluter pays principle.

Third, the bill corrects the problem that owners of hazardous waste facilities who are currently violating State or Federal environmental laws are still legally eligible to receive and do receive new operating permits. The third part of my bill, called a good-guy provision, prevents any company which is violating State or Federal environmental laws from obtaining a permit for a hazardous waste facility. This provision provides a strong incentive for operators to obey laws designed to protect public safety and minimize environmental risks.

I have a particular interest in ensuring that hazardous waste facilities are safe because my congressional district is adjacent to a hazardous waste landfill in Sumter County, SC—the second largest hazardous waste landfill in the Southeast, and my district formerly hosted a hazardous waste incinerator in Rock Hill, SC, which is now a reprocessing facility. Both have experienced problems, and I believe facilities of this kind would benefit from stricter Federal laws. I know the general public would benefit. Similar situations exist in almost every congressional district in the country. That's why this legislation is appropriate and deserves the support of the entire Congress.

I believe this bill represents modest but important change in environmental law. Hazardous waste facilities will continue to pose a danger to our health and the environment, but this legislation can help minimize that risk.

ABANDONED AND DERELICT VESSEL REMOVAL ACT OF 1996

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 2, 1996

Mr. STARK. Mr. Speaker, today I am introducing the Abandoned and Derelict Vessel Removal Act of 1996. This act will provide the necessary tools to encourage the cleanup of a long-term public nuisance resulting from abandoned boats and barges found in the navigable waters of many communities in this country.

This issue centers on dozens of abandoned boats and other debris which has accumulated along the Guadalupe Channel, which surrounds the community of Alviso, CA. This concern was first brought to my attention by members of the San Jose City Council, the Alviso Master Plan Task Force and, most important, members of the Alviso community. These abandoned vessels have become a public health and safety hazard to both the community as well as to those that use the adjacent public waterways. Unfortunately, Alviso is far from the only community that suffers from this problem.

The Abandoned and Derelict Vessel Removal Act also make sense economically. Abandoned vessels do not just sit harmlessly by—these vessels are often used as an illegal dumping ground for hazardous materials. Cleaning up this mess is both expensive, time consuming, and places the health of the community in jeopardy. Between January 1988 and September 1991, the Federal Government spent $5.2 million to remove 282 abandoned vessels that blocked waterways. In that same time, Government spent nearly $5.7 million to clean up pollutants from just 96 abandoned vessels. This legislation would cut cleanup costs to the Government by more than 300 percent.

This legislation will establish clear authority to remove vessels left unattended in a public waterway that has not been designated as a harbor or marina for more than 45 days or those left unattended in an approved harbor or marina for more than 60 days. There are approximately 17 million recreational boaters using public waterways nationwide. It is estimated that this number will increase, on average, 4 percent per year. Given this substantial increase in waterway users, regulation becomes necessary.

This legislation empowers local authorities to keep public waterways clear while allowing boat or barge owners the opportunity to repair and remove vessels that are not actually abandoned. In addition, the removal of these derelict vessels will alleviate concerns regarding water quality and its impact on the public health of the local community.

This legislation will promote cooperation between interested local citizens, community groups, and government agencies in their joint efforts to preserve and protect the navigable waters of the United States, and it will return the power to take action to the communities and force boat owners to take responsibility for their vessels. A community could instigate action simply by petitioning a local elected official to notify the Secretary of the Army of the problem. Proceedings to notify the boat owner, and ultimately to remove the boat, would then be taken by the Secretary.

I urge my colleagues to support this legislation.

H.R. —

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Abandoned and Derelict Vessel Removal Act of 1995''.

SEC. 2. DEFINITIONS.

In this Act, the following definitions apply:

(1) ABANDON.—The term ''abandon'' means to moor, strand, wreck, sink, or leave a vessel unattended for longer than 45 days.

(2) NAVIGABLE WATERS OF THE UNITED STATES.—The term ''navigable waters of the United States'' means waters of the United States, including the territorial sea.

(3) REMOVAL; REMOVE.—The term ''removal'' or ''remove'' means relocation, sale, scrapping, or other method of disposal.

(4) SECRETARY.—The term ''Secretary'' means the Secretary of the Army.

(5) VESSEL.—The term ''vessel'' includes recreational, commercial, and government-owned vessels but does not include vessels operated by the Coast Guard or the Navy.

(6) VESSEL REMOVAL CONTRACTOR.—The term ''vessel removal contractor'' means a person that enters into a contract with the United States to remove an abandoned vessel under this Act.

SEC. 3. ABANDONMENT OF VESSEL PROHIBITED.

An owner or operator of a vessel may not abandon it on the navigable waters of the United States. A vessel is deemed not to be abandoned if—

(1) it is located at a federally or State-approved mooring area;

(2) it is on private property with the permission of the owner of the property; or

(3) the owner or operator notifies the Secretary that the vessel is not abandoned and the location of the vessel.

SEC. 4. PENALTY FOR UNLAWFUL ABANDONMENT OF VESSEL.

Thirty days after the notification procedures under section 5(a)(1) are completed, the Secretary may assess a civil penalty of not more than $500 for each day of the violation against an owner or operator that violates section 3. A vessel with respect to which a penalty is assessed under this Act is liable in rem for the penalty.

SEC. 5. REMOVAL OF ABANDONED VESSELS.

(a) PROCEDURES.—

(1) IN GENERAL.—The Secretary, in cooperation with the Commandant of the Coast Guard, may remove a vessel that is abandoned if—

(A) an elected official of a local government has notified the Secretary of the vessel and requested that the Secretary remove the vessel; and

(B) the Secretary has provided notice to the owner or operator—

(i) that if the vessel is not removed it will be removed at the owner or operator's expense; and

(ii) of the penalty under section 4.

(2) FORM OF NOTICE.—The notice to be provided to an owner or operator under paragraph (1)(B) shall be—

(A) if the identity of the owner or operator can be determined, via certified mail; and

(B) if the identity of the owner or operator cannot be determined, via an announcement in a notice to mariners and in an official journal of the county (or other equivalent political subdivision) in which the vessel is located.

(3) LIMITATION ON LIABILITY OF UNITED STATES.—The United States, and any officer or employee of the United States is not liable to an owner or operator for damages resulting from removal of an abandoned vessel under this Act.

(b) LIABILITY OF OWNER OR OPERATOR.—The owner or operator of an abandoned vessel is liable, and an abandoned vessel is liable in rem, for all expenses that the United States incurs in removing the abandoned vessel under this Act.

(c) CONTRACTING OUT.—

(1) SOLICITATION OF BIDS.—The Secretary may, after providing notice under subsection (a)(1), solicit by public advertisement sealed bids for the removal of an abandoned vessel.

(2) CONTRACT.—After solicitation under paragraph (1) the Secretary may award a contract. The contract—

(A) may be subject to the condition that the vessel and all property on the vessel is the property of the vessel removal contractor; and

(B) must require the vessel removal contractor to submit to the Secretary a plan for the removal.

(3) COMMENCEMENT DATE FOR REMOVAL.—Removal of an abandoned vessel may begin 30 days after the Secretary completes the procedures under subsection (a)(1).

SEC. 6. LIABILITY OF VESSEL REMOVAL CONTRACTORS.

A vessel removal contractor and its subcontractor are not liable for damages that result from actions taken or omitted to be taken in the course of removing a vessel under this Act. This section does not apply—

(1) with respect to personal injury or wrongful death; or

(2) if the contractor or subcontractor is grossly negligent or engages in willful misconduct.

SEC. 7. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to carry out this Act such sums as may be necessary for fiscal years beginning after September 30, 1996. Such funds shall remain available until expended.

CONFERENCE REPORT ON H.R. 3230, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1997

SPEECH OF

HON. ROBERT S. WALKER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 1, 1996

Mr. WALKER. Mr. Speaker, the Defense Authorization bill agreed to by conferees is a solid piece of legislation, which represents an honest effort to reach compromise among all parties, and I will vote for final passage. Nevertheless, there is one provision in the bill that concerns me, and which I feel obligated to address. There is a section in the bill entitled, ''Prohibition of Collection and Release of Detailed Satellite Imagery Relating to Israel,'' which, from the time of enactment on, will prohibit the United States Government from licensing American commercial remote sensing companies to collect or disseminate imagery of Israel that is more detailed than imagery that is available from other, non-American commercial sources. This provision contradicts bipartisan efforts by Congress and the executive branch since 1984 to promote commercial remote sensing as a leading sector of the American aerospace industry. Ultimately, I believe this provision is bad for both the United States and Israel.

This provision was offered as an amendment to the Senate defense authorization bill without hearings, debate, or any other public discussion. Originally, it was considerably more restrictive, but conferees were able to address some of my specific concerns. Nevertheless, this prohibition remains unnecessary and counterproductive. It sets back our efforts to reinvigorate the U.S. aerospace industry through commercialization, and contradicts traditional American principles such as open skies and freedom of information.

I believe that the sponsors of this provision are concerned with Israeli national security, which is a concern that I share. Israel has always had a special place in American policy and always will. But, this provision does nothing to improve Israeli security. Aircraft flying in international airspace can already image Israel in greater detail than that licensed by commercial satellites, which the United States Government cannot prevent and which this measure does not address.

In the long run, by forcing United States industry to surrender its advantage to foreign entities, this amendment will take control over the shutters of commercial remote sensing satellites out of the hands of the United States Government and place it in the hands of the French, Russians, Chinese, Indians, Brazilians, and any other number of countries that are working on commercial remote sensing satellites. None of these countries is likely to be as sensitive to Israeli security as we are, but this provision will place more power over imaging Israel in their hands. Consequently, this will undermine Israeli security in the long run.

Some might believe that we should accept this measure as a symbol of the United States commitment to Israeli security. Symbols have a place, but not when they do real harm to our national interests, in this case, our interest in promoting commercial space development and U.S. global leadership. The commercial remote sensing industry is in its infancy; like a newborn, it is highly vulnerable to sudden changes in its environment. The simple fact is that business can't flourish if we keep changing the rules, and this provision changes the rules. There are measures in current law, policy, and regulation that enable the U.S. Government to restrict the operations of U.S. commercial remote sensing satellites if needed for U.S. national security, foreign policy, or international obligations. This provision essentially throws that rational process out the window and provides a predetermined answer. Under such capricious Government action, it will become increasingly difficult, if not impossible, for private American firms to raise investment capital, and so the section threatens the entire industry. That's bad for American aerospace workers, who have suffered enormously under defense cuts in the last few years.

The U.S. Government has gone through the process of considering U.S. and allied security interests when it issued nine licenses to U.S. companies for commercial remote sensing as detailed as one meter. None of those licenses places restrictions on imaging Israel. So, the Government has already been through a rational policymaking process which found no interests were served by prohibitions on imaging Israel. Furthermore, this section of the bill only calls on the Government to place possible restrictions on licenses issued in the future, after it becomes law. It does nothing to retroactively affect the United States companies for whom the Government has already issued licenses, and on which the Government placed no restrictions about imaging Israel.

I fear that this provision will constrain U.S. industry in the future and give its competition a commercial advantage. The Wall Street Journal reported in February that organizations owned by the Israeli Government were going to partner with United States firms to offer commercial remote sensing services similar to those offered by American companies. The trade weekly Space News printed an interview with the head of the Israeli Space Agency on July 29 in which he said that the state of Israel was trying to enter the commercial remote sensing market in partnership with Germany and Ukraine. If we believe the head of the Israeli Space Agency, then the result was be a protected market for Israel at the expense of United States aerospace workers and companies.

In general, this provision demonstrates an inadequate understanding of our contemporary times. It seeks to prohibit the creation and distribution of information, which authoritarian governments have tried and failed to do for decades. The genius of our system, and one reason our economy continues to grow, is that Americans believe in the wide exchange of information. In the Information Age, that gives us natural advantages because information naturally spreads. One builds economic strength and protects national security in the information age by winning technological competitions and staying at the forefront of technological change. This section of the bill seeks to prevent that and takes us in the wrong direction. It is a well-meant, but misplaced effort that I hope we will not repeat in the future.