

(6) many State, local, and tribal law enforcement agencies, especially those in smaller communities and rural jurisdictions, need assistance in order to provide body armor for their officers.

(b) **PURPOSE.**—The purpose of this Act is to save lives of law enforcement officers by helping State, local, and tribal law enforcement agencies provide those officers with armor vests.

SEC. 3. DEFINITIONS.

In this Act:

(1) **ARMOR VEST.**—The term “armor vest” means body armor that has been tested through the voluntary compliance testing program operated by the National Law Enforcement and Corrections Technology Center of the National Institute of Justice (NIJ), and found to comply with the requirements of NIJ Standard 0101.03, or any subsequent revision of that standard.

(2) **BODY ARMOR.**—The term “body armor” means any product sold or offered for sale as personal protective body covering intended to protect against gunfire, stabbing, or other physical harm.

(3) **DIRECTOR.**—The term “Director” means the Director of the Bureau of Justice Assistance of the Department of Justice.

(4) **INDIAN TRIBE.**—The term “Indian tribe” has the same meaning as in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)).

(5) **LAW ENFORCEMENT OFFICER.**—The term “law enforcement officer” means any officer, agent, or employee of a State, unit of local government, or Indian tribe authorized by law or by a government agency to engage in or supervise the prevention, detection, or investigation of any violation of criminal law, or authorized by law to supervise sentenced criminal offenders.

(6) **STATE.**—The term “State” means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

(7) **UNIT OF LOCAL GOVERNMENT.**—The term “unit of local government” means a county, municipality, town, township, village, parish, borough, or other unit of general government below the State level.

SEC. 4. PROGRAM AUTHORIZED.

(a) **GRANT AUTHORIZATION.**—The Director may make grants to States, units of local government, and Indian tribes in accordance with this Act to purchase armor vests for use by State, local, and tribal law enforcement officers.

(b) **APPLICATIONS.**—Each State, unit of local government, or Indian tribe seeking to receive a grant under this section shall submit to the Director an application, in such form and containing such information as the Director may reasonably require.

(c) **USES OF FUNDS.**—Grant awards under this section shall be—

(1) distributed directly to the State, unit of local government, or Indian tribe; and

(2) used for the purchase of armor vests for law enforcement officers in the jurisdiction of the grantee.

(d) **PREFERENTIAL CONSIDERATION.**—In awarding grants under this section, the Director may give preferential consideration, where feasible, to applications from jurisdictions that—

(1) have a violent crime rate at or above the national average, as determined by the Federal Bureau of Investigation; and

(2) have not been providing each law enforcement officer assigned to patrol or other hazardous duties with body armor.

(e) **MINIMUM AMOUNT.**—Unless all applications submitted by any State, unit of local government, or Indian tribe for a grant

under this section have been funded, each State, together with grantees within the State (other than Indian tribes), shall be allocated in each fiscal year under this section not less than 0.75 percent of the total amount appropriated in the fiscal year for grants pursuant to this section, except that the United States Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands shall each be allocated 0.25 percent.

(f) **MAXIMUM AMOUNT.**—A qualifying State, unit of local government, or Indian tribe may not receive more than 5 percent of the total amount appropriated in each fiscal year for grants under this section, except that a State, together with the grantees within the State may not receive more than 20 percent of the total amount appropriated in each fiscal year for grants under this section.

(g) **MATCHING FUNDS.**—The portion of the costs of a program provided by a grant under this section may not exceed 50 percent, unless the Director determines a case of fiscal hardship and waives, wholly or in part, the requirement under this subsection of a non-Federal contribution to the costs of a program.

(h) **ALLOCATION OF FUNDS.**—Not less than 50 percent of the funds awarded under this section in each fiscal year shall be allocated to units of local government, or Indian tribes, having jurisdiction over areas with populations of 100,000 or less.

(i) **REIMBURSEMENT.**—Grants under this section may be used to reimburse law enforcement officers who have previously purchased body armor with personal funds during a period in which body armor was not provided by the State, unit of local government, or Indian tribe.

SEC. 5. APPLICATIONS.

Not later than 90 days after the date of enactment of this Act, the Director shall promulgate regulations to carry out this Act, which shall set forth the information that must be included in each application under section 4(b) and the requirements that States, units of local government, and Indian tribes must meet in order to receive a grant under section 4.

SEC. 6. PROHIBITION OF PRISON INMATE LABOR.

Any State, unit of local government, or Indian tribe that receives financial assistance provided using funds appropriated or otherwise made available by this Act may not purchase equipment or products manufactured using prison inmate labor.

SEC. 7. SENSE OF CONGRESS.

In the case of any equipment or product authorized to be purchased with financial assistance provided using funds appropriated or otherwise made available under this Act, it is the sense of Congress that entities receiving the assistance should, in expending the assistance, purchase only American-made equipment and products.

SEC. 8. AUTHORIZATION FOR APPROPRIATIONS.

There is authorized to be appropriated \$25,000,000 for each of fiscal years 1999 through 2003 to carry out this Act.

MOTION OFFERED BY MR. MCCOLLUM

Mr. MCCOLLUM. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. MCCOLLUM moves to strike all after the enacting clause of Senate 1605 and insert, in lieu thereof, H.R. 2829 as passed by the House.

The motion was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

The title of the Senate bill was amended so as to read: “A bill to estab-

lish a matching grant program to help State and local jurisdictions purchase armor vests for use by law enforcement departments.”

A similar House bill (H.R. 2829) was laid on the table.

PERSONAL EXPLANATION

Mr. DOYLE. Mr. Speaker, due to the illness of a member of my immediate family, I was unavoidably absent on Thursday, May 7, 1998, and as a result, missed rollcall votes 130 through 137.

Had I been present, I would have voted yes on rollcall 130, yes on rollcall 131, yes on rollcall 132, no on rollcall 133, no on rollcall 134, yes on rollcall 135, yes on rollcall 136, and no on rollcall 137.

APPOINTMENT OF CONFEREES ON H.R. 629, TEXAS LOW-LEVEL RADIOACTIVE WASTE DISPOSAL COMPACT CONSENT ACT

Mr. DAN SCHAEFER of Colorado. Mr. Speaker, by direction of the Committee on Commerce, I move to take from the Speaker's table the bill (H.R. 629) to grant the consent of Congress to the Texas Low-Level Radioactive Waste Disposal Compact, with a Senate amendment thereto, disagree to the Senate amendment, insist on the House bill and request a conference with the Senate thereon.

The SPEAKER pro tempore. The gentleman from Colorado (Mr. DAN SCHAEFER) is recognized for 1 hour.

Mr. DAN SCHAEFER of Colorado. Mr. Speaker, I yield 10 minutes to the gentleman from Texas (Mr. BONILLA) and 10 minutes to the gentleman from Texas (Mr. REYES), and I ask unanimous consent that they be permitted to control their own time.

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 may consume.

Mr. Speaker, the motion before the House is a very simple one. It allows the House to go to conference with the Senate to resolve differences between the two versions of H.R. 629 that was passed by each body.

H.R. 629 would grant the consent of Congress to the Texas, Maine and Vermont Low-Level Radioactive Disposal Compact. This compact, like the nine others we have passed through Congress, has already been approved. It is necessary to allow these three States to fully comply with their responsibilities under the Federal Low-Level Radioactive Policy Act.

The act was passed as a part of an agreement with the States that they would be responsible for the disposal of low-level waste while the Federal Government would be responsible for high-level radioactive waste disposal. It is important for Congress to complete its work on this matter, and the motion is

a necessary step in the legislative process. I would recommend adoption.

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

Mr. REYES. Mr. Speaker, I yield myself such time as I may consume, and I rise in opposition to House Resolution 622.

Mr. Speaker, I yield 2 minutes to the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. Mr. Speaker, 2 decades ago Congress passed legislation enabling States to form compacts to build low-level radioactive waste dumps. States have spent in excess of \$400 million trying to site low-level radioactive waste dumps, but not a single pile of dirt has been overturned.

The Midwest Compact, which is trying to site a low-level radioactive waste dump in Ohio, fell apart last year for the same reason the Texas, Maine, Vermont compact fell apart.

Maine Yankee Atomic Power Company, one of the biggest sources of nuclear waste to go into the dump site in Texas, recently announced they are going to shut the reactor 10 years sooner than they had anticipated.

□ 1845

The Maine Yankee Atomic Power Company has since concluded that the compact no longer makes economic sense and is urging Congress to vote no. When a nuclear power company says something does not make sense, just imagine how bad the thing is.

Compact after compact has fallen apart or been stopped by concerned citizens because the whole approach to building low-level radioactive waste sites is fundamentally flawed. We need a rational low-level radioactive waste policy that does not stick the taxpayers and ratepayers with huge waste disposal bills, that does not mandate the proliferation of dumps across the country, that does not put radioactive waste on the highways and railways.

The people of the United States should not have to pay for the disposal of waste that was generated by commercial nuclear utilities. The people of the United States should not have radioactive waste transported through their communities on its way to a dump thousands of miles away. And the poorest people of the United States should not have radioactive waste sites right in their own communities because they are too poor to fight back.

Though we may not agree on why, the Maine Yankee Atomic Power Company is absolutely right; the Texas compact makes no sense.

Mr. DAN SCHAEFER of Colorado. Mr. Speaker, I yield such time as he may consume to my good friend, the gentleman from Texas (Mr. HALL), ranking member on the subcommittee.

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

Mr. HALL of Texas. Mr. Speaker, I strongly support the Texas-Maine-Vermont low-level radioactive waste disposal compact.

Mr. Speaker, the Low-Level Radioactive Waste Policy Act is a very good example of state-Federal cooperation, and approval of the compact will fulfill the congressional side of the bargain. A deal was made a long time ago, worked out between the States; a deal that was heard, debated, legislated by each of the States, signed by the governor.

This is the tenth interstate compact to come up for congressional approval, and it behooves us I think to get this bill into conference and into law.

In 1980, and again in 1985, Congress enacted legislation setting up a program under which the States would have primary responsibility and control over the disposal of low-level radioactive waste. This is what the States wanted. And it makes sense because so many important local activities depend on having safe and ready disposal of their low-level waste, including the 3 States that are involved.

While this issue is often discussed in terms of utilities' need alone for disposal facilities, it also affects a lot of other entities. It affects hospitals, greatly affects university research programs. It affects the industry all across this land. Each of these activities utilizes low-level radioactive materials and each of them means jobs, and jobs mean dignity; and none could go forward without an assured economic option for disposal. Just think what would happen if nuclear medicine stopped being available. That gives us an idea of the importance of this bill.

Texas, Maine, and Vermont have done what they need to do; they have done all they can do in order to get a low-level facility. They have gone through their legislative procedure. They have had the hearings. They have selected the site. They have taken care of their own disposal needs. We look to them to do that.

As the largest producer of waste among the three, my State, the State of Texas, agreed to host the facility. Main and Vermont agreed to share in the cost. I will not pretend that finding a site has been easy or that all of the questions about how to build the right facility are known. These are the questions that have to be resolved in the course of obtaining the license to operate the facility and cannot be settled by laymen like ourselves.

Of course, Congress has an important role to play and it is our job to pass H.R. 558 so that the States can move forward. This will be the tenth compact to received congressional approval when it is approved and brings to 44 the number of States moving forward to meet their disposal needs. The Texas compact meets the law's requirements. It is needed by the people of Texas. It is needed by the people of Maine. It is needed by the people of Vermont. And I strongly urge my colleagues to support it.

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

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

Mr. BONILLA. Mr. Speaker, I rise in strong opposition to this compact between the States of Texas, Maine, and Vermont. This is a situation that is endangering the future and the environment for many of the constituencies that I have in the western part of my congressional district. I have received communications from no fewer than a dozen local government, city and county governments that are right now hoping that the Congress will stand up and finally do the right thing on this issue.

Let me make it clear that there is no language in this bill at all that refers to where in Texas this dump would be constructed. That was decided by the State legislature, the State senators and State representatives, and the governors of Texas. What this does is allow the deal to be consummated, if you will; and we are the last hope that these folks have. Because, in their view, the State government did not do its job back home and have it constructed somewhere else, rather than right in their backyards.

Let us all understand that there have been earthquakes in this area, that the geology is not stable in the surrounding area, and that there is a strong threat to the water supplies, there is a strong threat to the future of communities that want to survive and thrive in this particular part of west Texas. So it is incumbent upon ourselves to consider how it is going to affect the people that live in these areas that could be threatened by these toxic substances that are going to be buried right next to where they have raised their families.

The other issue that is of great concern, not just to the folks who live in this area, but to the people who live in areas leading up to the area, in other words, the highways and the railway systems that lead to these areas where these toxic substances would be brought through, communities as far as 2 or 300 miles away, not only in Texas but in other States surrounding Texas where many of this low-level toxic radioactive waste material would be coming through their areas.

In fact, this question has been raised in the community of San Antonio by some who are questioning right now, "Where is this stuff going to be moving through? Will it be coming through our neighborhood, traveling westbound to be deposited in this particular area?"

So these questions have not been answered, and it is a strong threat to the future of many of these communities. It is for that reason I rise in strong opposition to this compact and urge my colleagues to vote no.

This thing has come up before in the House of Representatives on the floor here. One time earlier we were able to defeat it. The last time around, a lot of folks were spoken to very strongly and it turned out that we lost the second time around. And here we are one more time with an opportunity to say no to this dump and yes to the people that live in this community and are hoping

to have their families and grandchildren and future generations survive and thrive in these areas.

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), sponsor of the bill.

Mr. BARTON of Texas. Mr. Speaker, I rise in support of the motion to send this bill to conference with the Senate. It did pass the House last year 309-107, which is a tremendous bipartisan show of support.

All this bill does is ratify the ability of the States of Maine, Vermont, and Texas to enter into a compact for the storage of low-level nuclear radioactive waste. Nine other compacts have already been ratified by the Congress that comprise 42 States. So this legislation is necessary to give the State of Texas, the State of Vermont, and the State of Maine the opportunity to do what 42 other States already do; and that, simply put, is to enter into a compact for the storage of this waste.

It is low-level radioactive waste, it is not high-level. And I would point out to some of my friends in Texas who oppose this, if we do not ratify it, under the commerce clause of the Constitution, any State could send low-level radioactive waste to the State of Texas.

So this is a good piece of legislation. It has already passed the House once in this Congress 309-107. The Senate passed similar legislation. We need to appoint conferees and go to conference. So I would support the motion of the gentleman from Colorado (Mr. DAN SCHAEFER) to appoint conferees and go to conference and hope that the House would likewise do so.

Mr. REYES. Mr. Speaker, I yield 1½ minutes to my good friend, the gentleman from Texas (Mr. HINOJOSA).

Mr. HINOJOSA. Mr. Speaker, I will make my remarks very brief.

The Doggett language, as agreed to by the House and which is also included in the Senate bill, must be kept as part of the conference language. Why? Because the Doggett language guarantees that we do what is right and that is to ensure no low-level radioactive waste is brought into Texas from any State other than Maine or Vermont.

Sierra Blanca is an inappropriate site for intensely radioactive materials. The consequence of placing this waste in an area that is earthquake-prone is reason enough to support the Doggett language. Add to that the potential threat that would be posed to the Rio Grande River, and I believe it is quite obvious why we would want to preserve this language in conference.

With nuclear power waste, I think it is pretty safe to say we do not get a second chance. Would we want this in our community without appropriate safeguards? I do not think so. And that is all my colleague is seeking to do, make certain safeguards are in place.

I urge my colleagues to vote to preserve this language in conference.

Mr. DAN SCHAEFER of Colorado. Mr. Speaker, I yield 5 minutes to the gentleman from Maine (Mr. BALDACCI).

Mr. BALDACCI. Mr. Speaker, I thank the gentleman from Colorado for yielding me the time.

Mr. Speaker, I rise today in support of the motion to instruct the conferees, as offered by the gentleman from Texas (Mr. HALL) and my colleague, the gentleman from Colorado (Mr. DAN SCHAEFER).

The Governors of Texas, Maine, and Vermont have all signed this compact to ensure that their States have the means to efficiently manage and safely dispose of low-level waste. They entered into the compact to meet the demands placed on the States by Congress through the Low-Level Radioactive Waste Policy Act. They complied. They met the mandate. They should be allowed to meet Federal demands without unnecessary burdens of unwanted amendments.

Congress, to this point, has approved 9 compacts and it has amended none, and it should not start now. There are others who feel this way. The National Conference of State Legislatures stated it would be inappropriate for Congress to attempt to alter a valid effort by the compact States to meet their responsibilities under the Low-Level Radioactive Waste Policy Act.

The National Governors Association said that since 1985, 41 States have entered into 9 congressionally approved compacts without any of these unnecessary amendments. The Texas-Maine-Vermont compact deserves to be the tenth. I urge my colleagues to support this motion to instruct and to allow the States of Maine, Vermont, and Texas to properly dispose of the low-level waste.

Mr. BONILLA. Mr. Speaker, I yield 3 minutes to the gentleman from San Antonio, Texas (Mr. RODRIGUEZ), my neighbor, friend, and colleague.

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

Mr. RODRIGUEZ. Mr. Speaker, I oppose the Texas-Maine-Vermont low-level radioactive 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 in 1993, when the Low-Level Radioactive Compact was approved. At that time the supporters of the bill insisted that only waste generated by the three member States would be disposed at the site. It was on that understanding that the legislators approved the legislation.

For this reason, I believe we should maintain the amendment by my colleague from Texas and the distinguished Senator from Minnesota to guarantee that the site will not become a national dumping ground in west Texas. Supporters of the waste site oppose this amendment on the grounds

that it may force the 3 States to re-ratify the compact.

I have seen the arguments, and this is not the case. Even if that is the case, however, I think that is the right thing to do and we should not avoid the issue merely because of convenience. There should not be any hurry to move on this particular motion, to move on this particular piece of legislation.

□ 1900

Furthermore, we should retain the other amendment from the Senate which allows the party to bring suit in case of discriminatory waste dumping. I believe that this safeguard for the residents of the Sierra Blanca is necessary in light of the predominantly minority population in the region where this facility may be located. Approximately 76 percent of the residents are Hispanic; 39 percent live in poverty in the area.

The site is not for relatively harmless medical waste. In fact, there is an effort at amending the site permit to include dumping parts of reactors, not just clothing and instruments.

This is not an issue about States rights. It is about self-determination, self-determination for the community and the land around it and the impact that it has. The residents have not received a fair chance to be able to make a decision on what will be occurring in their backyards.

A recent study, by the way, showed that, of the three existing sites that we have out there in Utah, Washington, and South Carolina, I want you to listen to that, the study indicated that there is a life expectancy of over 29 years. So there is no need for us to move until the year 2027.

Listen to this, in addition to that, beyond that, they have the potential of going up to almost 260 years in the existing sites.

So why are we doing what we are proposing? The only thing I can figure is for economic reasons and deciding to move in that direction. I would ask that we take this very seriously, that we take the time to study. Finally, it is a bad policy and is divisive.

As we look at our agreements with Mexico, we had an agreement in 1983, the La Paz Agreement. In that particular agreement, we talked Mexico into making sure that nothing occurred 60 miles from the Rio Grande on either side so we would not pollute the area. So what has happened? We are the ones that have polluted. We are the ones that are doing the site right next to it.

I ask Members to vote against it.

Mr. REYES. Mr. Speaker, how much time do I have remaining?

The SPEAKER pro tempore. The gentleman from Texas (Mr. REYES) has 6½ minutes remaining.

Mr. DAN SCHAEFER of Colorado. Mr. Speaker, I yield 5 minutes to the gentleman from Texas (Mr. GREEN), a member of the committee.

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

Mr. GREEN. Mr. Speaker, I thank the gentleman from Colorado (Mr. DAN SCHAEFER), my subcommittee chairman of the Committee on Commerce and Subcommittee on Energy and Power for allowing me to speak tonight.

I rise in support of the motion to instruct conferees. The States of Texas, Maine, and Vermont deserve and expect congressional approval for the disposal and storage of their low-level radioactive waste. Since 1985, Congress has improved nine compacts which include 41 States, so we are not breaking new ground by this legislation. It is vitally important that we move this bill quickly.

In fact, that is frustrating, Mr. Speaker, because I was in the State senate when we approved the compact as a State legislature in 1991. We did not approve the site; that was left to the experts. And now they, the experts, have picked a site in west Texas. It may not have been the one I picked, but I know we need a low-level site. So that is why we are here today, to authorize that.

If the State of Texas wants to pick another site, let them do that, but there is no reason why we should make that decision here on the floor of the House. The better place to do it is in the halls of the State legislature. So, anyway, I support the bill.

Under the terms of the Texas-Maine-Vermont compact, low-level radioactive waste produced in each State will be carefully disposed of at a single facility. Again, it is in west Texas.

I share the concern my colleague from San Antonio has with the 60 miles of the border, but we also have pollution that goes both ways across the border. In fact, it was ironic, last week, last fall rather, I was in California and saw cross-border pollution in California, both ways, from both northern Mexico and from southern California. So we have that problem on both sides within 60 miles of the border.

There is a need for this. Many other States are part of the compact. We need to have Texas and Maine and Vermont have their compact so we can protect the citizens of Texas, because, otherwise, this compact, without this approval, could ultimately be the low-level waste site for all the country. That is not what the States want. That is why other States have created compacts and that is why it is important for Texas to do this.

The waste will be transported from hospitals and university research centers, utilities, and other waste producers in each State to a safe, permanent disposal site to be built in Texas.

Much has been said about the proposed site for the waste disposal facility. In fact, the permit to build the waste disposal facility in west Texas has been requested from our Texas Natural Resources Conservation Commission.

If the Commission finds that the permit meets all of the requirements, it

will grant that permit. If Congress does not approve this bill under the Interstate Commerce clause, Texas must accept low-level waste from all other States.

H.R. 629 would allow Texas to limit who sends waste to the facility and be in compliance with the Low-Level Radioactive Waste Policy Act, just like 41 other States, Mr. Speaker, had their ability to limit it in a compact.

Again, Texas, there are three States; I think the minimum number of States that can be in a compact is three States, and so Texas and Maine and Vermont had made this agreement. Again, this is over a period of years. This just did not happen yesterday or last year.

When this first was being discussed, Ann Richards was the Governor of Texas, and now George Bush; and Ann Richards supported a low-level compact just like George Bush supports it.

The compact makes it possible to manage a Texas facility in an orderly and efficient manner. Without the compact, we would have no control in Texas over access. The Texas, Maine, and Vermont compact is an excellent arrangement between the three States, and it has received overwhelming bipartisan support in the legislatures of all three States.

I know because, again, I was there in 1991. We approved the compact commission decision, not the site selection. That, again, is best left to the local legislature and the local experts to do that, not here on the floor of Congress.

We can debate all day whether we like the site in west Texas, or maybe we would like a site in the district of the gentleman from Texas (Mr. RODRIGUEZ). That was one I heard earlier that was proposed in the earlier part of this decade.

Let us let the folks in Texas make that decision and not here, because we do not have that expertise on the floor.

So I urge passage of the bill and support H.R. 629.

Mr. DAN SCHAEFER of Colorado. Mr. Speaker, I yield 5 minutes to the gentleman from Vermont (Mr. SANDERS).

Mr. SANDERS. Mr. Speaker, I thank the gentleman for yielding. Mr. Speaker, I rise today in strong support of H.R. 629, the Texas-Maine-Vermont Low-Level Radioactive Waste Compact.

The Low-Level Radioactive Waste Policy Act and its 1985 amendments make commercial low-level radioactive waste disposal a State, not a Federal responsibility. Since that time, 41 States from every region of the country have come together to form compacts.

Essentially, all we are asking today is that our three States be given the same consideration that every other State which went before us received in this process.

In every instance, Congress has understood the benefits of these compacts and has recognized the rights of the

different States to come together in their own best interests to form these compacts. In fact, each of these waste compacts passed by voice vote and without amendment.

This compact has been overwhelmingly approved by the legislatures of Texas, Maine, and Vermont. It has the very strong support of the governors of the three States. It has the support of all the Senators from Texas, Vermont, and Maine, all of the House Members from Vermont and Maine, and as I understand it, about two-thirds of the members of the Texas congressional delegation.

We hear a great deal of discussion in this body about devolution, returning powers to the States. If we believe in that concept and believe that States should have the right to come together in their own best interests to address this very difficult issue, then today's vote should be an easy one. This legislation won by a vote of 309 to 107 last year and should be strongly supported today.

Mr. DAN SCHAEFER of Colorado. Mr. Speaker, how much time do I have remaining?

The SPEAKER pro tempore. The gentleman from Colorado (Mr. SCHAEFER) has 26 minutes.

Mr. DAN SCHAEFER of Colorado. Mr. Speaker, I yield 5 minutes to the gentleman from Maine (Mr. ALLEN).

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

Mr. Speaker, I also rise in support of the motion to go to conference on H.R. 629. This is simply the opportunity for Texas, Vermont, and Maine to continue the process of gaining congressional approval for their low-level radioactive waste compact.

The House voted, as several speakers have said, last November by a vote of 309 to 107 to approve this compact. The Low-Level Radioactive Waste Act places the responsibility for the disposal of low-level waste upon the States.

I do want to come back to my good friend, the gentleman from Ohio (Mr. KUCINICH) who, earlier on, made a reference to Maine Yankee. Maine Yankee is, of course, the owner of the nuclear power facility that is now in the process of decommissioning in Maine. But Maine Yankee's position is now different than it was last year.

By letter dated March 12, 1998, Maine Yankee makes it clear that it does not object to the proposed compact. It has satisfied itself that it can dispose of its waste in the interim, but it does urge that the compact pass with no amendments.

Under this act, the States of Texas, Vermont, and Maine crafted a compact to meet their needs. In Maine, this compact was approved by a three-to-one margin during a referendum. This was not simply passed by the State legislature, which it was, but it was passed on a referendum by the people of Maine.

Over the past several years, Congress has approved nine such compacts covering 41 States. The time has now come

to add to that list. It is very important from our point of view that, once the bill goes to conference, a clean bill without amendments, without amendments, is reported back to the House and Senate. The member States are opposed to any amendments to the bill. The amendments to the compact will only cause delay and added costs due to likely litigation.

This compact did not come easily. It was the result of several years of good-faith negotiations by the three member States. Maine and the other member States do not deserve the additional costs and additional delays that would be the result of unwanted amendments.

No compact before this body, no compact has ever been amended without the express consent of the member States. In this case, no consent has been given by Maine, by Texas, or by Vermont.

Mr. Speaker, we must move this issue forward and allow Texas, Vermont, and Maine the opportunity to dispose of their low-level radioactive waste.

Mr. REYES. Mr. Speaker, I yield 5½ minutes to my good friend, the gentleman from Texas (Mr. DOGGETT).

Mr. DOGGETT. Mr. Speaker, I can certainly sympathize with the comments of my colleague from Maine. I guess if I lived in Maine or Vermont, I would like to get this stuff as far away as possible as much as anyone else.

There are two very serious misnomers in this compact as proposed. One is that it is a low-level radioactive waste disposal site. It is low-level only as compared with higher level, but not as compared to the life of anybody sitting around here tonight.

Indeed, long after every person in this body is gone from this Earth and everyone who ever knew any of them is gone from this Earth and everyone who knew anyone on this planet is gone from this Earth, this radioactive waste is going to be very, very deadly.

Indeed, this radioactive waste that is going to be put out in Sierra Blanca, Texas, is going to be very deadly to humans for far longer than all of recorded human history in the existence of men and women on this planet. So it is a very momentous occasion when we consider the issue of what we are going to do with waste that is waste and is harmful for thousands and thousands of years.

□ 1915

It is true that nuclear medicine, as my colleague from Texas indicated, is important, and all of the wastes generated from the academics, from medicine, from other sources of this type as proposed would take up, I believe it is something like five ten-thousandths of a percent of the capacity of this dump site. Well over 90 percent would come from the nuclear power industry. So it is indeed misleading to suggest that we are trying to thwart nuclear medicine, which we certainly are not.

What we are trying to do is to ensure that something that is going to be ex-

remely dangerous for tens of thousands of years is not inappropriately dumped on a poor, impoverished, heavily Hispanic area of Texas, that also happens to be environmentally unsuitable.

The second misnomer in this bill is something we can and have done something about, and that is it is labeled as the Texas-Maine-Vermont compact. Indeed it is so labeled. Yet in the fine print, as the comments of my colleague from Maine suggest, there is a little escape clause that says that a group of unelected commissioners, appointed by governors who have long forgotten about this compact, that this group of people can let anybody into this compact they want to, and have everybody dumping on the poor people of Sierra Blanca, Texas. That is wrong, and that is why this House of Representatives has already gone on record in approving an amendment that I offered to limit the compact to the title, Texas, Maine and Vermont.

The United States Senate did exactly the same thing. They approved the same kind of amendment. So the conferees ought not to have to spend any time on the issue of limiting this dump site to three states, Texas, Maine and Vermont, because both houses of Congress have already acted on this issue.

Unfortunately, our statewide elected officials in Texas have been strangely silent on it, and hopefully the fact that now both the House and the Senate have acted will give them the fortitude to come forward and speak out and say, "Don't mess with Texas; don't dump everybody else's waste." At least limit it, if you are going to mess with Texas, to just the states of Maine and Vermont.

Indeed, that is exactly what they said. My good friend, the gentleman from Rockwall, Texas (Mr. HALL), told this body on October 7 of 1997 that by approving this compact, and I am quoting, "Texas will be required to accept waste only from Maine and Vermont."

The same comments were made by our colleague the gentlewoman from Dallas, Texas (Ms. JOHNSON), by the gentlewoman from Texas (Ms. JACKSON-LEE), and by a number of other of our colleagues, and it was reiterated by Governor George Bush in an interview with the Houston Chronicle on April 19th, that that was the objective of this whole proposal.

Well, if it is, let us write it into law, as we have done.

The suggestion of the gentleman from Maine and others that this somehow would require reratification is nonsense. There is no reason that simply holding these parties to what they presented to this Congress, of limiting it to those three states, would require reratification. Nor does it constitute any violation of the commerce clause, as some have suggested, since it deals exclusively with the compact and not all sources of waste.

But, you know, the real issue here is not the legalism, but the environ-

mental soundness of this decision. The most recent report on the whole subject of nuclear waste dumping, one that came out in December of this past year, indicates we already have excess capacity, that the three waste sites that we have at present are perfectly adequate to meet future waste needs.

Senator WELLSTONE has done an excellent job of adding an amendment in the Senate that deals with this issue of environmental justice. I hope that it is maintained by the conference committee.

I think that the reason this site has been placed in Sierra Blanca, Texas, for Maine and Vermont, and perhaps for other states, is not because of environmental suitability, but because of perceived political weakness. We are today speaking out on behalf of the poor people of Sierra Blanca and all those that care about this nuclear waste issue, to say it is wrong to dump on them what we would refuse to keep in our own backyard.

Mr. DAN SCHAEFER of Colorado. Mr. Speaker, I yield five minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the chairman very much for yielding me this time.

Mr. Speaker, this is a difficult question, as many times I come to the floor of the House and I join in with my good friend, the gentleman from Texas (Mr. DOGGETT), and fully appreciate the high moral ground that he now is able to stand upon dealing with the ultimate perceived impact that this legislation, H.R. 629, presents.

But, Mr. Speaker, I ask that this particular legislation go to conference, and I say to the gentleman from Texas (Mr. REYES), who has worked very hard on this issue, he can count on me to work with him to address the State legislature as to the question of site location, and would certainly, as I have indicated in previous debate, be the first to oppose what may be an already established site that would impact negatively on his immediate community.

But, Mr. Speaker, I cannot deny that this is the best approach. This answers the question, what now, and how? For it is through man's knowledge and expertise that we have been able to utilize nuclear science, nuclear technology.

It would be devastating, Mr. Speaker, for us to disallow the utilization of this technology, and, yes, it is in its own realm, very difficult and sometimes very dangerous. But that is why we have established the Low Level Radioactive Waste Policy Amendments Act, in order to be able to assure that Congress does not intervene or dominate on decisions that need to be made by the states.

In this instance, Mr. Speaker, we have the states of Texas, Maine and Vermont who have worked in a bipartisan manner to protect the life and safety of their residents and constituents. This has not been done haphazardly,

Mr. Speaker. You have had governors from parties, from both sides of the aisle, who have come together to negotiate this pact. I think it would simply be tragic for us not to allow this to now go to conference.

I do believe, as I have indicated in debate, that the gentleman from Texas (Mr. DOGGETT) has a very good point, and I hope in conference we can work out the agreement where this compact does relate to Texas and Vermont and Maine, but the question becomes, who does have the higher moral ground? Is it those who say we do not know where it should go, throw it to the wind, keep it in limbo, hold Maine hostage or Vermont hostage; or, when Texas has conceded to the point we can work it out, ignore the response of those in Texas?

I think, Mr. Speaker, we have a problem with nuclear waste, and we in our own human frailties have done the best that we can. Because I do not want to see the benefits of nuclear medicine, if you will, go down the drain, when someone laying on an operating room table needs that kind of technology and we cannot give it, because we have no way of disseminating the waste in a proper manner. These are life and death questions, Mr. Speaker, and I believe this low impact radioactive waste policy and the coming together of these states is the best approach.

Any day I will stand with my colleague the gentleman from Texas (Mr. REYES) in the selection. I asked in the last debate last year that the State not precipitously move forward, our State, the State of Texas, but to hold hearings and listen to the constituents and work to ensure that it not be in an area that may be heavily directed toward a low or poor income area.

I still stand on those words. But this is a good piece of legislation that should move through the conference. This is a good process for states to make the decision, and not the United States Congress. This is positive for states to become allies in this very increasing concern.

Mr. Speaker, we must as a country have a way of ridding ourselves of the waste of using nuclear energy or nuclear science in the question of doing what is best for us.

We have found, Mr. Speaker, that more and more of our energy concerns are not relying on nuclear energy, but they have in the past. They may in the future. It is best then for the states to move forward. This policy is one that directs the states to make their arrangements. It is not a Federal policy that dominates the states.

Mr. Speaker, we have had no authority, no choice, no decisionmaking on the site. I think it should be very clear.

I would argue, Mr. Speaker, this is good legislation, it should go to the conference, and we must find a way to make sure and ensure that all of our constituencies are safe; but we must do it in a manner where we are cooperating with the states. That is what this legislation does. I would ask my colleagues to support it.

Mr. BONILLA. Mr. Speaker, I yield the balance of my time, four minutes, to the gentleman from El Paso, Texas (Mr. REYES), who is on the right side of this issue.

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

Mr. Speaker, as many know, I have opposed this bill at every turn. On October 7, 1997, the House passed H.R. 629, in spite of overwhelming opposition by the residents of Hudspeth County, Presidio County, Jeff Davis County and others in West Texas.

I respect my colleagues that are on the other side of this issue. I respect the fact that they have strong opinions about the necessity of our State and Vermont and Maine to have a site where nuclear waste can be stored. However, this issue is about fairness. This issue is about understanding that a life in Sierra Blanca, Texas, is worth the same as a life in Rockwall, in Houston, and in any other part of this great country of ours.

I believe that this site threatens the health and safety of our citizens, our citizens that live in Sierra Blanca, Texas. In spite of the designation of "low level," this dump would accept intensely radioactive materials, as my colleague the gentleman from Texas (Mr. DOGGETT) has stated.

The community of Sierra Blanca already has one of the largest sewage sludge projects in the country. The proposed dump site is also at risk in this particular area of Texas from earthquakes. According to the 1993 license application for Sierra Blanca, it is part of the most tectonically active area within the State of Texas. This radioactive site would effectively threaten the water supply of about 3 million people by threatening the Rio Grande River.

I also believe that this bill violates the 1983 La Paz Agreement with Mexico. This bill directs the governments of the United States and Mexico to adopt appropriate measures to prevent, reduce and eliminate sources of pollution within a 60 mile radius of the border. The State of Texas asserts that they just merely must inform the Government of Mexico on actions of this type. I disagree, the Mexican government disagrees, and in fact last week the Mexican Congress in a strongly worded message passed a resolution taking an official position against the site of this nuclear dump.

During the debate on H.R. 629, the House agreed to an amendment offered by the gentleman from Texas (Mr. DOGGETT) that makes Congressional approval conditional and will be granted only for so long as no low level radioactive waste is brought into Texas from any other State other than Maine or Vermont. As introduced, H.R. 629 did not include that stipulation. This compact was promoted to the Texas legislature as a way to restrict out-of-state waste to those other than those two New England states. I strongly believe and those that support our position,

which is the right position, believe that the Doggett amendment should remain as part of this legislation.

When the Senate considered this bill, it also included the Doggett language in the bill. I strongly support this language, and urge the conferees in the strongest possible way to leave this language in the conference bill.

The Senate has also unanimously agreed to an amendment which gives local residents and businesses the right to challenge the compact if they can prove discrimination on the basis of race. This area that has been selected is predominately Hispanic. Eighty-two percent of the residents of Sierra Blanca, Texas, are Hispanic. Therefore, this is a vital and important component in the legislation. Much of the local community believes that there has been discrimination, I believe that there has been discrimination, and the Senate amendment gives the local community a chance to prove its case in court.

Again, in closing, I strongly urge the conferees to preserve the language and think of the people of Sierra Blanca, Texas, and let us not make decisions on where we locate radioactive dumps on the basis of political impotence.

□ 1930

I think it would send a very strong and clear message to the community of Sierra Blanca, Texas, to west Texas, and those that ultimately are going to rely on the Rio Grande River as their main water source that this body, that the House and the Senate, care about the future of this area and this region of the country.

For that reason, I strongly recommend that if we are going to pass this kind of legislation, that it be with the Doggett amendments.

Mr. DAN SCHAEFER of Colorado. Mr. Speaker, I yield such time as he may consume to the gentleman from Texas (Mr. BARTON), the sponsor of the bill.

Mr. BARTON of Texas. Mr. Speaker, I will be very brief.

This legislation passed the House 309 to 107 last year; it passed the Senate earlier this year by unanimous consent. There are 42 other States that have such compacts. The motion before us is simply to send the bill to allow the House to appoint conferees to go to conference with the Senate. I think we can all agree to that. If we pass this in the next several minutes, there will be no motions to instruct. We will just go to conference, we will let the conference work its will and then we will have one final vote of both the House and the Senate on this legislation.

So let us all vote in favor of appointing conferees and send this bill to conference.

Mr. DAN SCHAEFER of Colorado. Mr. Speaker, I have no further speakers. I yield back the balance of my time, and I move the previous question on the motion.

The previous question was ordered. The SPEAKER pro tempore (Mr. HEFLEY). The question is on the motion

offered by the gentleman from Colorado (Mr. DAN SCHAEFER).

The motion was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore. Without objection, the Chair appoints the following conferees:

For consideration of the House bill and the Senate amendment and modifications committed to conference:

Messrs. BLILEY,
DAN SCHAEFER of Colorado,
BARTON of Texas,
DINGELL, and
HALL of Texas.

There was no objection.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 3534, MANDATES INFORMATION ACT OF 1998

Mr. SOLOMON, from the Committee on Rules, submitted a privileged report (Rept. No. 105-529) on the resolution (H. Res. 426) providing for consideration of the bill (H.R. 3534) to improve deliberation on proposed Federal private sector mandates, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 512, NEW WILDLIFE REFUGE AUTHORIZATION ACT

Mr. SOLOMON, from the Committee on Rules, submitted a privileged report (Rept. No. 105-530) on the resolution (H. Res. 427) providing for consideration of the bill (H.R. 512) to prohibit the expenditure of funds from the Land and Water Conservation Fund for the creation of new National Wildlife Refuges without specific authorization from Congress pursuant to a recommendation from the United States Fish and Wildlife Service to create the refuge, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 10, FINANCIAL SERVICES ACT OF 1998

Mr. SOLOMON, from the Committee on Rules, submitted a privileged report (Rept. No. 105-531) on the resolution (H. Res. 428) providing for consideration of the bill (H.R. 10) to enhance competition in the financial services industry by providing a prudential framework for the affiliation of banks, securities firms, and other financial service providers, and for other purposes, which was referred to the House Calendar and ordered to be printed.

COMMUNICATION FROM FORMER STAFF MEMBER OF HON. SAM GEJDENSON, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following commu-

nication from Donald N. Mazeau, former staff member of the Hon. SAM GEJDENSON, Member of Congress:

DONALD N. MAZEAU,
46 FENWOOD DRIVE,
Old Saybrook, CT, May 5, 1998.

Hon. NEWT GINGRICH,
Speaker,
Washington, DC

DEAR MR. SPEAKER, This is to formally notify you, pursuant to Rule L (50) of the Rules of the House of Representatives, that I have been served with a subpoena ad testificandum issued by the Superior Court for the District of New London, Connecticut, in the case of FDIC v. Caldrello, No. 0511581.

After consultation with the Office of General Counsel, I have determined that compliance with the subpoena is consistent with the precedents and privileges of the House.

Sincerely,

DONALD N. MAZEAU,
Former Congressional Aide to
Congressman Sam Gejdenson.

APPOINTMENT OF MEMBERS TO CANADA-UNITED STATES INTER-PARLIAMENTARY GROUP

The SPEAKER pro tempore. Without objection, and pursuant to the provisions of 22 U.S.C. 276d, the Chair announces the Speaker's appointment of the following Members of the House to the Canada-United States Inter-parliamentary Group, in addition to Mr. HOUGHTON of New York, Chairman, appointed on April 27, 1998:

Mr. GILMAN of New York,
Mr. HAMILTON of Indiana,
Mr. CRANE of Illinois,
Mr. LAFALCE of New York,
Mr. OBERSTAR of Minnesota,
Mr. SHAW of Florida,
Mr. LIPINSKI of Illinois,
Mr. UPTON of Michigan,
Mr. STEARNS of Florida,
Mr. PETERSON of Minnesota, and
Ms. DANNER of Missouri.

There was no objection.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. SHIMKUS). Under the Speaker's announced policy of January 7, 1997, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

TRIBUTE TO STERLING, COLORADO

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Colorado (Mr. BOB SCHAEFER) is recognized for 5 minutes.

Mr. BOB SCHAFFER of Colorado. Mr. Speaker, I would like to recognize the hardworking people that live, work, and recreate in Sterling, Colorado. Sterling is the center of economic activity, professional services, and recreation for northeastern Colorado. The city is situated 2 hours northeast of Denver on the South Platte River. With a population of 11,000, the county seat of Logan County boasts a good environment and a strong, safe community. The community enjoys modern telecommuni-

cations technology and a solid infrastructure.

Sterling is easily accessible by plane, rail, and car. Located off I-76, the city is the hub of activity in northeast Colorado. With a regional medical center and a fully accredited junior college, Sterling provides valued medical and educational services to thousands of my constituents.

Recreational opportunities add to the high quality of life in this admirable community, including public and private golf courses, reservoirs, parks and portions of the Pawnee National Grasslands. Logan County contains rural farms which provide a good environment for people and wildlife alike and a vibrant agricultural economy.

Mr. Speaker, Sterling was recently named one of 30 finalists for the All-American City Award. Representatives from the community will appear soon before a panel in Mobile, Alabama in June to highlight the reasons why Sterling deserves such an award. The National Civic League and Allstate Insurance Company present the award each year to 10 outstanding communities around the Nation. Such recognition exemplifies the western spirit and strong values that bind this community together. Good schools, good services, and a good environment make Sterling ideal for new businesses and economic growth.

Mr. Speaker, I am proud of those that live in and around Sterling, Colorado.

ALLEGATIONS CONCERNING IMPROPER CONDUCT BY MR. STARR ARE AT LEAST AS CREDIBLE AS ALLEGATIONS AGAINST LABOR SECRETARY ALEXIS HERMAN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. CONYERS) is recognized for 5 minutes.

Mr. CONYERS. Mr. Speaker, I have just asked the Attorney General to investigate the possibility that independent counsel Kenneth Starr may have improperly shared information and coordinated their activities with the gentleman from Indiana (Mr. BURTON), my friend, or his staff.

In support of this request, I point out that Chairman BURTON coincidentally released his selectively edited transcripts on the same day that Judge Starr announced his new punitive indictments of Mr. Webster Hubble. According to published reports, "The transcription and editing process of the tapes was a crash project aimed to coincide with last week's new indictment of Hubble." Recent reports have also made it clear that members of Chairman BURTON's staff had developed several close contacts in Judge Starr's office and communicated with them regularly.

For example, it was reported that several Republican sources confirmed that the gentleman from Indiana (Mr.