Travel Industry Association of America.
Trust for Public Land.
The Wilderness Society.
William Penn Mott, Jr Memorial Fund.

Mr. RICHARDSON. Mr. Speaker, I yield 3 minutes to the gentleman from California [Mr. MILLER].

Mr. MILLER of California. Mr. Speaker, I thank the gentleman for yielding, and I really rise to thank the members of the committee who have worked so terribly hard on behalf of this legislation. It has taken a great deal of tenacity and it has taken a great deal of patience to bring this legislation to the floor but it is clear that this legislation is in the best interest of the Nation and it is in the best interest of the Presidio.

One need only stop for a moment at the Presidio to recognize immediately why this wonderful, wonderful national asset has such broad popular support across the Nation from every conceivable part of American society, but bringing all those disparate parts together is hard work and takes a great deal of patience and a great deal of counsel. Our colleague, the gentlewoman from California, Congresswoman PELOSI, provided the strategy, the counsel, and the patience; and our colleague, the gentleman from Utah, [Mr. HANSEN], provided the counsel and a great deal of patience in dealing with this legislation.

What has emerged is a bipartisan piece of legislation supported by every level of government, every level of citizen group, every level of national organization for the preservation for the Presidio. There was no question that the Presidio was going to become a park. That has been done. The question and the challenge has been how can we best support that park, finance that park and deliver all of the assets and all of the uses of the park to the American people and to those of us who live in the San Francisco Bay area. This legislation achieves those goals while trying to get the very best bang for the buck for the taxpayers and trying to make sure that we can maintain all of the reasons and all of the assets of the Presidio that make it such a charming addition, an important addition to the Park Service, and to the cultural history of this Nation and of the bay area that that long history will be preserved with this legislation.

Mr. Speaker, this is an important piece of legislation. There really is no other alternative. This legislation was born out of months and weeks and hours of deliberations of other ways of meeting the goals and the needs of support for the Presidio, and that is what has emerged out of those deliberations. I would hope that the House would support it overwhelmingly. I would hope that they recognize that if this is successful, this is, in fact, the blueprint for how we can work out arrangements for other assets within the Federal Government's park system and preserve system so that they can be both utilized and they can be properly supported so that we will not diminish their value, their characteristics, and their importance to both the Nation and to the regions.

Mr. Speaker, I also would like to thank Judy Lemons, who has worked terribly hard, Steve Hodapp, who came at this, with all of the support and efforts and difference of views of various constituency groups, and allowed us to fashion this legislation. I urge my colleagues to support it.

Mr. HANSEN. Mr. Speaker, I yield myself such time as I may consume to again commend the gentlewoman from California [Ms. PELOSI] for the fine work that she has done on this. I do not know if the people in the bay area realize the hundreds of hours she and her staff put into this and they should be very proud of her work. Without her work, I would guarantee Members this would not be in front of us today. There is no question, she is a very persistent legislator.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

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

In summary, I want to reiterate what the chairman of the subcommittee said. I think the gentlewoman from California [Ms. PELOSI] and the gentleman from California [Mr. MILLER] who has worked many years on this bill, many, many years to get it through, I think they deserve enormous credit and we should pass this bill. It is good legislation. I think we can look at it to deal with other issues as we look at dealing with parks in the future, instead of park closure commissions. I think this is a good bill, and I have no further requests for time.

Ms. WOOLSEY. Mr. Speaker, for those of you who might not be familiar with the Presidio, it is the southern anchorage of the Golden Gate Bridge and the centerpiece of the Golden Gate National Recreation Area—the most visited national park in the entire National Park System.

The entire Presidio was designated a National Historic Landmark in 1962. It is a showcase of architectural styles dating from the Civil War. It contains 876 structures, over half of which are of historic or cultural significance.

In addition, the Presidio is the only United Nations designated International Biosphere in an urban area. It is home to 21 rare and endangered species and 10 rare plant communities that have disappeared in the rest of San Francisco. It encompasses 300 acres of historic forest planted by the U.S. Army over 100 years ago. Sites throughout the Presidio provide spectacular views of the Pacific Ocean, the Golden Gate Bridge, Marin headlands, San Francisco Bay, and the skyline of San Francisco. It is adjacent to the largest marine sanctuary chain in the world.

The Presidio is unique in its historical, cultural, and natural reach. If you have not seen it, you should. It is a dramatic site that you will never forget.

H.R. 1296 protects these resources, through a Presidio Trust, while requiring cost-effective management of the Presidio. Vote for H.R. 1296.

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

The SPEAKER pro tempore (Mr. FOLEY). The question is on the motion offered by the gentleman from Utah [Mr. HANSEN] that the House suspend the rules and pass the bill, H.R. 1296, as amended.

The question was taken.

Mr. HANSEN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I and the Chair's prior announcement, further proceedings on this motion will be postponed.

TEXAS LOW-LEVEL RADIOACTIVE WASTE DISPOSAL COMPACT CONSENT ACT

Mr. SCHAEFER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 558) to grant the consent of the Congress to the Texas Low-Level Radioactive Waste Disposal Compact.

The Clerk read as follows:

H.R. 558

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 ''Texas Low-Level Radioactive Waste Disposal Compact Consent Act''.

SEC. 2. CONGRESSIONAL FINDING.

The Congress finds that the compact set forth in section 5 is in furtherance of the Low-Level Radioactive Waste Policy Act (42 U.S.C. 2021b et seq.).

SEC. 3. CONDITIONS OF CONSENT TO COMPACT.

The consent of the Congress to the compact set forth in section 5—

(1) shall become effective on the date of the enactment of this Act;

(2) is granted subject to the provisions of the Low-Level Radioactive Waste Policy Act (42 U.S.C. 2021b et seq.); and

(3) is granted only for so long as the regional commission established in the compact complies with all of the provisions of such Act.

SEC. 4. CONGRESSIONAL REVIEW.

The Congress may alter, amend, or repeal this Act with respect to the compact set forth in section 5 after the expiration of the 10-year period following the date of the enactment of this Act, and at such intervals thereafter as may be provided in such compact.

SEC. 5. TEXAS LOW-LEVEL RADIOACTIVE WASTE DISPOSAL COMPACT.

In accordance with section 4(a)(2) of the Low-Level Radioactive Waste Policy Act (42 U.S.C. 2021d(a)(2)), the consent of the Congress is given to the States of Texas, Maine, and Vermont to enter into the Texas Low-Level Radioactive Waste Disposal Compact. Such compact is substantially as follows:

''TEXAS LOW-LEVEL RADIOACTIVE WASTE DISPOSAL COMPACT

''ARTICLE I. POLICY AND PURPOSE

''SEC. 1.01. The party states recognize a responsibility for each state to seek to manage low-level radioactive waste generated within its boundaries, pursuant to the Low-Level Radioactive Waste Policy Act, as amended by the Low-Level Radioactive Waste Policy Amendments Act of 1985 (42 U.S.C. 2021b–2021j). They also recognize that the United States Congress, by enacting the Act, has authorized and encouraged states to enter

into compacts for the efficient management and disposal of low-level radioactive waste. It is the policy of the party states to cooperate in the protection of the health, safety, and welfare of their citizens and the environment and to provide for and encourage the economical management and disposal of low-level radioactive waste. It is the purpose of this compact to provide the framework for such a cooperative effort; to promote the health, safety, and welfare of the citizens and the environment of the party states; to limit the number of facilities needed to effectively, efficiently, and economically manage low-level radioactive waste and to encourage the reduction of the generation thereof; and to distribute the costs, benefits, and obligations among the party states; all in accordance with the terms of this compact.

''ARTICLE II. DEFINITIONS

''SEC. 2.01. As used in this compact, unless the context clearly indicates otherwise, the following definitions apply:

''(1) 'Act' means the Low-Level Radioactive Waste Policy Act, as amended by the Low-Level Radioactive Waste Policy Amendments Act of 1985 (42 U.S.C. 2021b–2021j).

''(2) 'Commission' means the Texas Low-Level Radioactive Waste Disposal Compact Commission established in Article III of this compact.

''(3) 'Compact facility' or 'facility' means any site, location, structure, or property located in and provided by the host state for the purpose of management or disposal of low-level radioactive waste for which the party states are responsible.

''(4) 'Disposal' means the permanent isolation of low-level radioactive waste pursuant to requirements established by the United States Nuclear Regulatory Commission and the United States Environmental Protection Agency under applicable laws, or by the host state.

''(5) 'Generate,' when used in relation to low-level radioactive waste, means to produce low-level radioactive waste.

''(6) 'Generator' means a person who produces or processes low-level radioactive waste in the course of its activities, excluding persons who arrange for the collection, transportation, management, treatment, storage, or disposal of waste generated outside the party states, unless approved by the commission.

''(7) 'Host county' means a county in the host state in which a disposal facility is located or is being developed.

''(8) 'Host state' means a party state in which a compact facility is located or is being developed. The State of Texas is the host state under this compact.

''(9) 'Institutional control period' means that period of time following closure of the facility and transfer of the facility license from the operator to the custodial agency in compliance with the appropriate regulations for long-term observation and maintenance.

''(10) 'Low-level radioactive waste' has the same meaning as that term is defined in Section 2(9) of the Act (42 U.S.C. 2021b(9)), or in the host state statute so long as the waste is not incompatible with management and disposal at the compact facility.

''(11) 'Management' means collection, consolidation, storage, packaging, or treatment.

''(12) 'Operator' means a person who operates a disposal facility.

''(13) 'Party state' means any state that has become a party in accordance with Article VII of this compact. Texas, Maine, and Vermont are initial party states under this compact.

''(14) 'Person' means an individual, corporation, partnership or other legal entity, whether public or private.

''(15) 'Transporter' means a person who transports low-level radioactive waste.

''ARTICLE III. THE COMMISSION

''SEC. 3.01. There is hereby established the Texas Low-Level Radioactive Waste Disposal Compact Commission. The commission shall consist of one voting member from each party state except that the host state shall be entitled to six voting members. Commission members shall be appointed by the party state governors, as provided by the laws of each party state. Each party state may provide alternates for each appointed member.

''SEC. 3.02. A quorum of the commission consists of a majority of the members. Except as otherwise provided in this compact, an official act of the commission must receive the affirmative vote of a majority of its members.

''SEC. 3.03. The commission is a legal entity separate and distinct from the party states and has governmental immunity to the same extent as an entity created under the authority of Article XVI, Section 59, of the Texas Constitution. Members of the commission shall not be personally liable for actions taken in their official capacity. The liabilities of the commission shall not be deemed liabilities of the party states.

''SEC. 3.04. The commission shall:

''(1) Compensate its members according to the host state's law.

''(2) Conduct its business, hold meetings, and maintain public records pursuant to laws of the host state, except that notice of public meetings shall be given in the non-host party states in accordance with their respective statutes.

''(3) Be located in the capital city of the host state.

''(4) Meet at least once a year and upon the call of the chair, or any member. The governor of the host state shall appoint a chair and vice-chair.

''(5) Keep an accurate account of all receipts and disbursements. An annual audit of the books of the commission shall be conducted by an independent certified public accountant, and the audit report shall be made a part of the annual report of the commission.

''(6) Approve a budget each year and establish a fiscal year that conforms to the fiscal year of the host state.

''(7) Prepare, adopt, and implement contingency plans for the disposal and management of low-level radioactive waste in the event that the compact facility should be closed. Any plan which requires the host state to store or otherwise manage the low-level radioactive waste from all the party states must be approved by at least four host state members of the commission. The commission, in a contingency plan or otherwise, may not require a non-host party state to store low-level radioactive waste generated outside of the state.

''(8) Submit communications to the governors and to the presiding officers of the legislatures of the party states regarding the activities of the commission, including an annual report to be submitted on or before January 31 of each year.

''(9) Assemble and make available to the party states, and to the public, information concerning low-level radioactive waste management needs, technologies, and problems.

''(10) Keep a current inventory of all generators within the party states, based upon information provided by the party states.

''(11) By no later than 180 days after all members of the commission are appointed under Section 3.01 of this article, establish by rule the total volume of low-level radioactive waste that the host state will dispose of in the compact facility in the years 1995–2045, including decommissioning waste. The shipments of low-level radioactive waste from all non-host party states shall not exceed 20 percent of the volume estimated to be disposed of by the host state during the 50-year period. When averaged over such 50-year period, the total of all shipments from non-host party states shall not exceed 20,000 cubic feet a year. The commission shall coordinate the volumes, timing, and frequency of shipments from generators in the non-host party states in order to assure that over the life of this agreement shipments from the non-host party states do not exceed 20 percent of the volume projected by the commission under this paragraph.

''SEC. 3.05. The commission may:

''(1) Employ staff necessary to carry out its duties and functions. The commission is authorized to use to the extent practicable the services of existing employees of the party states. Compensation shall be as determined by the commission.

''(2) Accept any grants, equipment, supplies, materials, or services, conditional or otherwise, from the federal or state government. The nature, amount and condition, if any, of any donation, grant or other resources accepted pursuant to this paragraph and the identity of the donor or grantor shall be detailed in the annual report of the commission.

''(3) Enter into contracts to carry out its duties and authority, subject to projected resources. No contract made by the commission shall bind a party state.

''(4) Adopt, by a majority vote, bylaws and rules necessary to carry out the terms of this compact. Any rules promulgated by the commission shall be adopted in accordance with the Administrative Procedure and Texas Register Act (Article 6252–13a, Vernon's Texas Civil Statutes).

''(5) Sue and be sued and, when authorized by a majority vote of the members, seek to intervene in administrative or judicial proceedings related to this compact.

''(6) 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 or disposal, provided that the agreement receives a majority vote of the commission. The commission may adopt such conditions and restrictions in the agreement as it deems advisable.

''(7) Upon petition, allow an individual generator, a group of generators, or the host state of the compact, to export low-level waste to a low-level radioactive waste disposal facility located outside the party states. The commission may approve the petition only by a majority vote of its members. The permission to export low-level radioactive waste shall be effective for that period of time and for the specified amount of low-level radioactive waste, and subject to any other term or condition, as is determined by the commission.

''(8) Monitor the exportation outside of the party states of material, which otherwise meets the criteria of low-level radioactive waste, where the sole purpose of the exportation is to manage or process the material for recycling or waste reduction and return it to the party states for disposal in the compact facility.

''SEC. 3.06. Jurisdiction and venue of any action contesting any action of the commission shall be in the United States District Court in the district where the commission maintains its office.

''ARTICLE IV. RIGHTS, RESPONSIBILITIES, AND OBLIGATIONS OF PARTY STATES

''SEC. 4.01. The host state shall develop and have full administrative control over the development, management and operation of a

facility for the disposal of low-level radioactive waste generated within the party states. The host state shall be entitled to unlimited use of the facility over its operating life. Use of the facility by the non-host party states for disposal of low-level radioactive waste, including such waste resulting from decommissioning of any nuclear electric generation facilities located in the party states, is limited to the volume requirements of Section 3.04(11) of Article III.

''SEC. 4.02. Low-level radioactive waste generated within the party states shall be disposed of only at the compact facility, except as provided in Section 3.05(7) of Article III.

''SEC. 4.03. The initial states of this compact cannot be members of another low-level radioactive waste compact entered into pursuant to the Act.

''SEC. 4.04. The host state shall do the following:

''(1) Cause a facility to be developed in a timely manner and operated and maintained through the institutional control period.

''(2) Ensure, consistent with any applicable federal and host state laws, the protection and preservation of the environment and the public health and safety in the siting, design, development, licensing, regulation, operation, closure, decommissioning, and long-term care of the disposal facilities within the host state.

''(3) Close the facility when reasonably necessary to protect the public health and safety of its citizens or to protect its natural resources from harm. However, the host state shall notify the commission of the closure within three days of its action and shall, within 30 working days of its action, provide a written explanation to the commission of the closure, and implement any adopted contingency plan.

''(4) Establish reasonable fees for disposal at the facility of low-level radioactive waste generated in the party states based on disposal fee criteria set out in Sections 402.272 and 402.273, Texas Health and Safety Code. The same fees shall be charged for the disposal of low-level radioactive waste that was generated in the host state and in the non-host party states. Fees shall also be sufficient to reasonably support the activities of the Commission.

''(5) Submit an annual report to the commission on the status of the facility, including projections of the facility's anticipated future capacity, and on the related funds.

''(6) Notify the Commission immediately upon the occurrence of any event which could cause a possible temporary or permanent closure of the facility and identify all reasonable options for the disposal of low-level radioactive waste at alternate compact facilities or, by arrangement and Commission vote, at noncompact facilities.

''(7) Promptly notify the other party states of any legal action involving the facility.

''(8) Identify and regulate, in accordance with federal and host state law, the means and routes of transportation of low-level radioactive waste in the host state.

''SEC. 4.05. Each party state shall do the following:

''(1) Develop and enforce procedures requiring low-level radioactive waste shipments originating within its borders and destined for the facility to conform to packaging, processing, and waste from specifications of the host state.

''(2) Maintain a registry of all generators within the state that may have low-level radioactive waste to be disposed of at a facility, including, but not limited to, the amount of low-level radioactive waste and the class of low-level radioactive waste generated by each generator.

''(3) Develop and enforce procedures requiring generators within its borders to minimize the volume of low-level radioactive waste requiring disposal. Nothing in this compact shall prohibit the storage, treatment, or management of waste by a generator.

''(4) Provide the commission with any data and information necessary for the implementation of the commission's responsibilities, including taking those actions necessary to obtain this data or information.

''(5) Pay for community assistance projects designated by the host county in an amount for each non-host party state equal to 10 percent of the payment provided for in Article V for each such state. One-half of the payment shall be due and payable to the host county on the first day of the month following ratification of this compact agreement by Congress and one-half of the payment shall be due and payable on the first day of the month following the approval of a facility operating license by the host state's regulatory body.

''(6) Provide financial support for the commission's activities prior to the date of facility operation and subsequent to the date of congressional ratification of this compact under Section 7.07 of Article VII. Each party state will be responsible for annual payments equalling its pro-rata share of the commission's expenses, incurred for administrative, legal, and other purposes of the commission.

''(7) If agreed by all parties to a dispute, submit the dispute to arbitration or other alternate dispute resolution process. If arbitration is agreed upon, the governor of each party state shall appoint an arbitrator. If the number of party states is an even number, the arbitrators so chosen shall appoint an additional arbitrator. The determination of a majority of the arbitrators shall be binding on the party states. Arbitration proceedings shall be conducted in accordance with the provisions of 9 U.S.C. Sections 1 to 16. If all parties to a dispute do not agree to arbitration or alternate dispute resolution process, the United States District Court in the district where the commission maintains its office shall have original jurisdiction over any action between or among parties to this compact.

''(8) Provide on a regular basis to the commission and host state—

''(A) an accounting of waste shipped and proposed to be shipped to the compact facility, by volume and curies;

''(B) proposed transportation methods and routes; and

''(C) proposed shipment schedules.

''(9) Seek to join in any legal action by or against the host state to prevent nonparty states or generators from disposing of low-level radioactive waste at the facility.

''SEC. 4.06. Each party state shall act in good faith and may rely on the good faith performance of the other party states regarding requirements of this compact.

''ARTICLE V. PARTY STATE CONTRIBUTIONS

''SEC. 5.01. Each party state, except the host state, shall contribute a total of $25 million to the host state. Payments shall be deposited in the host state treasury to the credit of the low-level waste fund in the following manner except as otherwise provided. Not later than the 60th day after the date of congressional ratification of this compact, each non-host party state shall pay to the host state $12.5 million. Not later than the 60th day after the date of the opening of the compact facility, each non-host party state shall pay to the host state an additional $12.5 million.

''SEC. 5.02. As an alternative, the host state and the non-host states may provide for payments in the same total amount as stated above to be made to meet the principal and interest expense associated with the bond indebtedness or other form of indebtedness issued by the appropriate agency of the host state for purposes associated with the development, operation, and post-closure monitoring of the compact facility. In the event the member states proceed in this manner, the payment schedule shall be determined in accordance with the schedule of debt repayment. This schedule shall replace the payment schedule described in Section 5.01 of this article.

''ARTICLE VI. PROHIBITED ACTS AND PENALTIES

''SEC. 6.01. No person shall dispose of low-level radioactive waste generated within the party states unless the disposal is at the compact facility, except as otherwise provided in Section 3.05(7) of Article III.

''SEC. 6.02. No person shall manage or dispose of any low-level radioactive waste within the party states unless the low-level radioactive waste was generated within the party states, except as provided in Section 3.05(6) of Article III. Nothing herein shall be construed to prohibit the storage or management of low-level radioactive waste by a generator, nor its disposal pursuant to 10 C.F.R. Part 20.302.

''SEC. 6.03. Violations of this article may result in prohibiting the violator from disposing of low-level radioactive waste in the compact facility, or in the imposition of penalty surcharges on shipments to the facility, as determined by the commission.

''ARTICLE VII. ELIGIBILITY, ENTRY INTO EFFECT; CONGRESSIONAL CONSENT; WITHDRAWAL; EXCLUSION

''SEC. 7.01. The states of Texas, Maine, and Vermont are party states to this compact. Any other state may be made eligible for party status by a majority vote of the commission and ratification by the legislature of the host state, subject to fulfillment of the rights of the initial non-host party states under Section 3.04(11) of Article III and Section 4.01 of Article IV, and upon compliance with those terms and conditions for eligibility that the host state may establish. The host state may establish all terms and conditions for the entry of any state, other than the states named in this section, as a member of this compact; provided, however, the specific provisions of this compact, except for those pertaining to the composition of the commission and those pertaining to Section 7.09 of this article, may not be changed except upon ratification by the legislatures of the party states.

''SEC. 7.02. Upon compliance with the other provisions of this compact, a state made eligible under Section 7.01 of this article may become a party state by legislative enactment of this compact or by executive order of the governor of the state adopting this compact. A state becoming a party state by executive order shall cease to be a party state upon adjournment of the first general session of its legislature convened after the executive order is issued, unless before the adjournment, the legislature enacts this compact.

''SEC. 7.03. Any party state may withdraw from this compact by repealing enactment of this compact subject to the provisions herein. In the event the host state allows an additional state or additional states to join the compact, the host state's legislature, without the consent of the non-host party states, shall have the right to modify the composition of the commission so that the host state shall have a voting majority on the commission, provided, however, that any modification maintains the right of each initial party state to retain one voting member on the commission.

''SEC. 7.04. If the host state withdraws from the compact, the withdrawal shall not become effective until five years after enactment of the repealing legislation and the non-host party states may continue to use the facility during that time. The financial obligation of the non-host party states under Article V shall cease immediately upon enactment of the repealing legislation. If the host state withdraws from the compact or abandons plans to operate a facility prior to the date of any non-host party state payment under Sections 4.05(5) and (6) of Article IV or Article V, the non-host party states are relieved of any obligations to make the contributions. This section sets out the exclusive remedies for the non-host party states if the host state withdraws from the compact or is unable to develop and operate a compact facility.

''SEC. 7.05. A party state, other than the host state, may withdraw from the compact by repealing the enactment of this compact, but this withdrawal shall not become effective until two years after the effective date of the repealing legislation. During this two-year period the party state will continue to have access to the facility. The withdrawing party shall remain liable for any payments under Sections 4.05(5) and (6) of Article IV that were due during the two-year period, and shall not be entitled to any refund of payments previously made.

''SEC. 7.06. Any party state that substantially fails to comply with the terms of the compact or to fulfill its obligations hereunder may have its membership in the compact revoked by a seven-eighths vote of the commission following notice that a hearing will be scheduled not less than six months from the date of the notice. In all other respects, revocation proceedings undertaken by the commission will be subject to the Administrative Procedure and Texas Register Act (Article 6252–13a, Vernon's Texas Civil Statutes), except that a party state may appeal the commission's revocation decision to the United States District Court in accordance with Section 3.06 of Article III. Revocation shall take effect one year from the date such party state receives written notice from the commission of a final action. Written notice of revocation shall be transmitted immediately following the vote of the commission, by the chair, to the governor of the affected party state, all other governors of party states, and to the United States Congress.

''SEC. 7.07. This compact shall take effect following its enactment under the laws of the host state and any other party state and thereafter upon the consent of the United States Congress and shall remain in effect until otherwise provided by federal law. If Texas and either Maine or Vermont ratify this compact, the compact shall be in full force and effect as to Texas and the other ratifying state, and this compact shall be interpreted as follows:

''(1) Texas and the other ratifying state are the initial party states.

''(2) The commission shall consist of two voting members from the other ratifying state and six from Texas.

''(3) Each party state is responsible for its pro-rata share of the commission's expenses.

''SEC. 7.08. This compact is subject to review by the United States Congress and the withdrawal of the consent of Congress every five years after its effective date, pursuant to federal law.

''SEC. 7.09. The host state legislature, with the approval of the governor, shall have the right and authority, without the consent of the non-host party states, to modify the provisions contained in Section 3.04(11) of Article III to comply with Section 402.219(c)(1), Texas Health & Safety Code, as long as the modification does not impair the rights of the initial non-host party states.

''ARTICLE VIII. CONSTRUCTION AND SEVERABILITY

''SEC. 8.01. The provisions of this compact shall be broadly construed to carry out the purposes of the compact, but the sovereign powers of a party shall not be infringed upon unnecessarily.

''SEC. 8.02. This compact does not affect any judicial proceeding pending on the effective date of this compact.

''SEC. 8.03. No party state acquires any liability, by joining this compact, resulting from the siting, operation, maintenance, long-term care or any other activity relating to the compact facility. No non-host party state shall be liable for any harm or damage from the siting, operation, maintenance, or long-term care relating to the compact facility. Except as otherwise expressly provided in this compact, nothing in this compact shall be construed to alter the incidence of liability of any kind for any act or failure to act. Generators, transporters, owners and operators of facility shall be liable for their acts, omissions, conduct or relationships in accordance with applicable law. By entering into this compact and securing the ratification by Congress of its terms, no party state acquires a potential liability under section 5(d)(2)(C) of the Act (42 U.S.C. Sec. 2021e(d)(2)(C)) that did not exist prior to entering into this compact.

''SEC. 8.04. If a party state withdraws from the compact pursuant to Section 7.03 of Article VII or has its membership in this compact revoked pursuant to section 7.06 of Article VII, the withdrawal or revocation shall not affect any liability already incurred by or chargeable to the affected state under Section 8.03 of this article.

''SEC. 8.05. The provisions of this compact shall be severable and if any phrase, clause, sentence, or provision of this compact is declared by a court of competent jurisdiction to be contrary to the constitution of any participating state or of the United States or the applicability thereof to any government, agency, person or circumstances is held invalid, the validity of the remainder of this compact and the applicability thereof to any government, agency, person, or circumstance shall not be affected thereby to the extent the remainder can in all fairness be given effect. If any provision of this compact shall be held contrary to the constitution of any state participating therein, the compact shall remain in full force and effect as to the state affected as to all severable matters.

''SEC. 8.06. Nothing in this compact diminishes or otherwise impairs the jurisdiction, authority, or discretion of either of the following:

''(1) The United States Nuclear Regulatory Commission pursuant to the Atomic Energy Act of 1954, as amended (42 U.S.C. Sec. 2011 et seq.).

''(2) An agreement state under section 274 of the Atomic Energy Act of 1954, as amended (42 U.S.C. Sec. 2021).

''SEC. 8.07. Nothing in this compact confers any new authority on the states or commission to do any of the following:

''(1) Regulate the packaging or transportation of low-level radioactive waste in a manner inconsistent with the regulations of the United States Nuclear Regulatory Commission or the United States Department of Transportation.

''(2) Regulate health, safety, or environmental hazards from source, by-product, or special nuclear material.

''(3) Inspect the activities of licensees of the agreement states or of the United States Nuclear Regulatory Commission.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Colorado [Mr. SCHAEFER] will be recognized for 20 minutes, and the gentleman from New Jersey [Mr. PALLONE] will be recognized for 20 minutes.

Mr. BRYANT of Texas. Mr. Speaker, might I ask if the gentleman from New Jersey [Mr. PALLONE] is opposed to the bill?

Mr. PALLONE. No, Mr. Speaker, I am in favor of the bill.

Mr. BRYANT of Texas. Inasmuch as that is the case, Mr. Speaker, I request I be permitted to manage the time on this side in opposition to the bill.

The SPEAKER pro tempore. The gentleman from Texas [Mr. BRYANT] will be recognized for 20 minutes in opposition to the bill.

The Chair recognizes the gentleman from Colorado [Mr. SCHAEFER].

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

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

Mr. SCHAEFER. Mr. Speaker, I rise in support of H.R. 558, introduced by our colleague from Texas [Mr. FIELDS], which would grant congressional consent to the Texas, Maine, Vermont Low-level Radioactive Waste Disposal Compact. In 1980, Congress made the policy decision that we at the Federal level would divide responsibility for radioactive waste disposal within the States. The Federal Government would be responsible for the disposal of high-level waste while the States would handle the low-level wastes. These low-level wastes emit a less intensity of radioactivity. In fact, the vast majority of low-level waste, 97 percent, do not require any special shielding to protect workers or the surrounding community. Currently, 42 States are already involved in 9 compact arrangements for the disposal of low-level waste.

Mr. Speaker, the legislation before the House today will finally allow the States of Texas, Maine, and Vermont to begin their efforts to fully comply with the Low-level Radioactive Waste Act of 1980.

The responsibility of Congress in approving the compact is fairly simply. If the Texas compact complies with underlying requirements of the Low-level Radioactive Waste Act, Congress must grant approval to the compact. In our consideration of this measure before the Subcommittee on Energy and Power, we found that the Texas compact does meet this test. Congressional consent with allow the affected States to move ahead with their compact to fulfill the requirements of the Federal Low-level Waste Act.

Mr. SCHAEFER. Mr. Speaker, I yield such time as he may consume to the gentleman from Texas [Mr. BONILLA].

Mr. BONILLA. Mr. Speaker, I thank the chairman for yielding me time. As the chairman knows, this particular project is in my congressional district and I cannot emphasize strongly enough, after Members look into the people's eyes and listen to their message in Hudspeth County and the west

Texas area and surrounding communities of the Hudspeth County area, this is strongly going to impact their property rights and their lives and disrupt their communities to the degree that I think it is difficult for Members here to understand unless they can actually hear it from them firsthand. Therefore, I strongly am opposed to this bill, and I believe that this act should be amended, actually to include the input from local constituents like that when their lives can be disrupted. My constituents should never be forced to accept the low-level radioactive waste generated outside of Texas without first having their wishes considered at the Federal level, nor should any American community, for that matter.

Mr. Speaker, I ask my colleagues to think of this vote as if it was their constituents being affected and whose voices were being silenced. All of our constituents have a right to be heard on such matters.

In 1986, 7 years before I was elected to the U.S. House of Representatives, Congress passed legislation granting each individual State the authority to make a disposal agreement with other States.

This measure is in keeping with the interstate commerce clause of the U.S. Constitution.

It was designed to be fair and mutually beneficial to all participants; and it is, for the most part, except for the one party which is directly impacted—the people who live at the selected disposal sites. This fact makes all the difference as to why H.R. 558 is not good legislation.

Although the States have control in determining site selection, today, we in Congress can give my constituents a voice by voting ''no'' on this measure and demanding that the process be amended to consider local rights.

I am aware of a Federal circuit court ruling, based on interstate commerce law, which requires States to accept the low-level waste of other States. However, radioactive waste commerce cannot be considered in the same light as other interstate commerce.

This was recognized by Congress when the House passed the 1986 legislation which provided a means for restricting this form of commerce between States.

The Texas-Vermont-Maine compact has the benefit of limiting waste shipments to those three States. However, there remain serious problems with this compact.

The language of the compact is not completely clear as to whether the Commission established under the compact could open the Hudspeth site to waste from even more. In addition, the people of Hudspeth County are compelled to accept this waste without recourse. It is vital that everyone understand the facts and what is involved.

Lastly, given the earthquake which recently struck the heart of rural west Texas, I had asked for a detailed geological study to be done on the effects that this and future earthquakes would have on the proposed site and just what consequences this would have on water quality and other health-threatening concerns.

This legislation has come to the floor today without a study and without knowledge of the potential harm caused by placing the compact in Hudspeth County. We are talking about private property rights here, real people, real lives.

Again, I ask that the Congress oppose the compact.

Mr. SCHAEFER. Mr. Speaker, I appreciate the gentleman's concern from his own district down there.

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

Mr. BRYANT of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the Constitution of the United States gives to Congress the right to approve compacts between the States, and when a compact is clearly not in the interest of the people of the United States of America, notwithstanding what may have been done between the two States, it is the duty of the Congress to reject that compact. We will offer today compelling arguments with regard to the national interest about why this compact should be rejected and would call upon the Members of the House to join with us in sending this compact back to be handled in a different fashion at the local level.

The fact of the matter is the States involved avoided the politically uncomfortable decisions and, therefore, made an irresponsible decision to locate this nuclear waste dump in a very unfortunate place, within 14 miles of an international border, in an active earthquake zone which is next to the Rio Grande river, thereby inviting Mexico to locate its unpleasant dump sites to the river in the future, also subjecting the United States to enormous liabilities to all the inhabitants of the Rio Grande valley should an earthquake come, as happened only last April within 100 miles of this site, and contaminate the entire lower Rio Grande valley.

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These compacts are supposed to be regional in nature. This is not a regional compact. This is a compact between Texas and the State of Maine. There could hardly be greater distances between the two locations.

This compact is not in the interest of the country. I urge the Members of the House to vote against it.

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

Mr. SCHAEFER. Mr. Speaker, I yield 5 minutes to my good friend, the gentleman from New Jersey [Mr. PALLONE].

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

Mr. Speaker, perhaps the most important thing about the Texas low-level waste compact is the progress it represents. This will be the 10th compact to receive congressional approval, and will bring to 45 the number of States moving forward together to meet their disposal needs. I am very happy to support its passage.

The compact system envisioned by the Low-Level Radioactive Waste Policy Act was developed with the strong support of the National Governors' Association. Under the law, the difficult task of selecting disposal sites is the States' responsibility. Congress' responsibility, on the other hand, is to act quickly on the compact's request and, if all is in order, to approve it promptly.

The Texas compact meets the law's requirements, and I urge my colleagues to support it.

Mr. BRYANT. Mr. Speaker, I yield 5 minutes to the gentleman from El Paso, TX [Mr. COLEMAN].

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

Mr. COLEMAN. Mr. Speaker, I thank my colleague from Dallas, TX, for yielding me this time.

Mr. Speaker, I agree with the statements by the gentleman adjoining my congressional district, the gentleman from Texas [Mr. BONILLA], who represents the district, the area in which the low-level radioactive waste dump site was to be located, or is to be located if we continue down this awkward path. I say awkward simply because I do not really care what the Congress said back in 1980 or 1982, that said low level, you do it; high level, we will do it. Low level, we will leave it to the States. So long as we care about the health and safety of any American citizen, I do not think we can wash our hands of that.

Mr. Speaker, I think the statements made by my colleague, the gentleman from Texas [Mr. BONILLA], are absolutely on target. I have represented that area during all of the time that the siting decisions were being made by the State of Texas, during all of the time that negotiations were ongoing between Vermont, Texas, and Maine.

We should not leave out Vermont in any of this discussion, by the way. They too, like Maine, have aging nuclear facilities that will all have to be dumped somewhere, some day. We know where that will be, provided the Congress of the United States does not stop going down this path believing that we can do anything we want. We do not care what the consequences are.

Let me tell you why it is especially difficult today I think for anyone to say that they support measures like this. It should be that the Federal Government should not be condoning another financial liability of massive proportions. After all, if in fact we have to do a cleanup, if there is an accident, and let me say we are putting it into an area of high earthquake and seismic

activity. The largest earthquake by the way in the State of Texas occurred in 1931, it was right here where they are putting the dump site.

Guess what happened last month? Another earthquake, affecting west Texas as it had not since the 1930's. Well, I guess everybody is sure that nothing bad will ever happen. That is what we always say. Why, this earthquake, we can sustain these kinds of things if we do this thing right. That is what everybody always says.

Let me just tell you what. I can tell you that, however, all of those statements notwithstanding, it is the poor siting, coupled with the large loopholes in the very bill you are asking us to vote on in this compact, which exposed the Federal Government, and yes, all U.S. taxpayers, not just those in Texas, as the compact would have you believe, not just those in Texas. By the way, Maine and Vermont will get out of it pretty easy in the compact itself. But this compact exposes all taxpayers to an enormous and unreasonable amount of liability.

I can tell you that this epicenter of the earthquake that occurred last month is the strongest recorded in Texas. I ask why would anybody deliberately dispose of such volatile materials in an area known for its seismic activity? Those are the kinds of questions we ought to be asking.

Who will ultimately have to pay? Well, we know. Under article 8, section 8.03, of the compact, the States of Vermont and Maine will not be held liable for damage incurred due to the siting, operation, maintenance, long-term care, or any other activity relating to the compact facility.

I am citing it to you. It is right there in the bill. Who does this leave liable? Some of us might think, well, maybe it is going to be the generators of the waste. Maybe it is going to be the transporters, the owners, the operators of the facility. However, these companies have limited financial resources. If they run out, once again, who do we leave that to? The taxpayers of Texas certainly, but also the taxpayers of the rest of the United States in bearing the brunt of that liability.

I could get into the issue of balancing the budget and how it is that we want to reform Superfund and cleanup and all of the things we know that have not happened very economically in terms of time or efficiency. Again, all I would say is we should be very careful, I think, before we get the United States back into another problem of that kind.

I do not think anyone here that should think all Texans are in agreement on this compact. Unlike the citizens of Maine, the people of Texas were never provided the opportunity to vote on whether or not they approve of this compact.

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

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

Mr. BONILLA. Mr. Speaker, I think as the gentleman is speaking reminds me of a point made that perhaps no other Member in Congress can testify firsthand to the beauty and the pristine of the wide open spaces of the part of the country we are talking about, that are unspoiled and untouched by any outside influence or contamination or toxic substance. It would be a real tragedy to have this suddenly introduced into an area like that.

Mr. COLEMAN. Mr. Speaker, reclaiming my time, the gentleman is correct. Let me just tell the gentleman, it is not just even the problems in the area that is going to be dumped upon. There is another issue, and that is that we do not limit the volume of waste it must accept from the party States as well as other contracting States which will occur.

Mr. Speaker, I would urge my colleagues to vote against this legislation, and I hope in the subsequent time we can make the other points that need to be made.

Today we are being asked to grant our approval of the Texas, Vermont, and Maine Low-Level Radioactive Waste Disposal Compact. While this legislation does not directly determine the site of disposal, the State of Texas has already selected the site and is limited by State law to a 200-square-mile area in west Texas. I know that Congress left it to the States to determine the disposal site. However, this does not mean that we abrogated our responsibility to ensure that citizens' health and safety are not endangered. The Federal Government should not be condoning another financial liability of massive proportion and we should see that international agreements we make are lived up to.

Proponents of the compact ask that we turn our backs on the issue of siting and the flaws in the compact. They propose that Congress should rubber stamp the actions of the State, regardless of the ramifications. However, it is the poor siting, coupled with the large loopholes in the compact which expose the Federal Government to an enormous and unreasonable amount of liability.

As evident by the recent earthquake in west Texas, the mountain ranges of west Texas, northern Mexico and the Chihuahua Desert are areas of seismic activity. The site is near the epicenter of the earthquake that occurred last month and to the one that struck in 1931, the strongest recorded earthquake in Texas. The siting authority has stated that they planned for earthquakes and that the facility will be able to handle an earthquake of up to 7.0 on the richter scale. I ask you, why would anyone deliberately dispose of such volatile materials in an area known for its seismic activity? Who will ultimately have to pay for the cleanup of this site, because of poor siting? This American taxpayer, that's who.

Under article VIII, section 8.03 of the compact, the States of Vermont and Maine will not be held liable for damage incurred due to the siting, operation, maintenance, long-term care, or any other activity relating to the compact facility. Who does this leave liable? One might think the answer is the generators, transporters, owners, and operators of the facility. However, these companies have limited financial resources. So, of course, the taxpayers of Texas and the Federal Government will bear the brunt of that liability.

This Congress has made a commitment to balance the budget by the year 2002. To do so, we have made enormous cuts in the EPA and some say we will continue to cut its budget over the next 7 years. We've all seen the difficulty the EPA has had in cleaning up superfund sites. It is a long and slow process. Wouldn't it be better if we had prevented the oilspills or unregulated dump sites in the first place? This compact is the worst of both scenarios. Today, we have an opportunity to save the Federal Government millions of dollars in cleanup costs. We know that the State has chosen an active earthquake zone for the dump. Once the leakage occurs, each of you will know that you could have avoided it. When the large cleanup bills roll in, each of you will know that you could have saved the Federal Government millions of dollars.

Should you ratify this compact today, I hope you will pledge to adequately fund the superfund, the EPA and the necessary cleanup costs associated with doing what will one day be necessary.

Do not think that all Texans are in agreement on this compact. Unlike the citizens of Maine, the people of Texas were never provided the opportunity to vote on whether or not they approve of a compact. The very people who have endangered their lives by accepting the wastes of other States, the people of Texas, had no say in the decision. If it was good enough for the people of Maine, it should have been good enough for the people of Texas. The people of Texas are speaking out against the compact and the dump site. A statewide survey conducted in September 1994 showed that 82 percent of Texans don't want to accept out-of-State nuclear wastes. Yet they never got a vote. Each week another city council of county commission passes a resolution objecting to the disposal site. Mr. Chairman, I ask unanimous consent to insert these resolutions into the RECORD.

My second objection to this compact is that it does not protect Texas by limiting the volume of waste it must accept from party States and contracting States. Under this agreement, Texas accepts responsibility for both management and disposal as described in article I, section 1.01. Management is defined as collection, consolidation, storage, packaging, or treatment. Treatment is not defined in the agreement. However, it is generally accepted as including incineration. Incineration reduces the volume of the waste, but not the level of radioactivity. Thus, less volume of waste will be disposed of at the site, but at a greater level of radioactivity.

It is also unclear if waste imported from other States, but incinerated in Texas, is counted under the Texas portion or the non host allotment. Article iii, section 3.04(11) says: ''the shipments of low-level radioactive waste from all non host party states shall not exceed 20 percent of the volume estimated to be disposed of by the host state during the 50-year period.'' Shipment volumes are tied exclusively to disposal estimates. The compact is silent on how much volume can be shipped for management. A substantially larger amount of waste can be shipped in and incinerated than the disposal estimates allow. Incineration of waste will allow more States to contract to dispose of their waste in Texas.

Unfortunately, the State legislature has failed to recognize the tenuous dilemma these technical flaws have placed upon us. Once the Texas site is open there will be incredible outside pressure not to change the contract clause and so it probably will not happen. Why do these obvious disparities exist? Because, money—not the best science—is driving the compact process. Texas chose to be the host site for other States so that it could earn additional revenue. Texas could have entered into a reciprocal compact like Connecticut and New Jersey whereby each State agrees to manage and dispose of its own waste, but remains protected under the 1985 Low Level Radioactive Waste Disposal Policy Act amendments. It could have entered into a compact with a State more regional in nature. Instead, Texas chose to enter into a compact with the prosperous States of Vermont and Maine. Each of these States have aging nuclear plants which will eventually be buried lock, stock, and barrel in Texas.

A third objection relates to respecting our binational agreements. Texas has selected Sierra Blanca, the county seat of Hudspeth County, as the waste site. The town of Sierra Blanca is 20 miles from the Rio Grande River which is the international boundary between the United States and Mexico. Selection of this site is in clear violation of the 1983 agreement for cooperation on the environment between the United States and Mexico, commonly referred to as the La Paz agreement.

Under article 2 of the La Paz agreement the United States and Mexican Government are directed

> To the fullest extent practical . . . Adopt the appropriate measures to prevent, reduce, and eliminate sources of pollution in their respective territory which affect the border area of the other.

Article 7 of the agreement states that the two governments shall assess, as appropriate,

> Projects that may have significant impacts on the border area, so that appropriate measure may be considered to avoid or mitigate adverse environmental effects.

The border region is defined as properties within 100 kilometers on either side of the Rio Grande. I do not agree, as the State contends, that they must merely inform the Government of Mexico of their actions. That is not an appropriate means by which to conduct our relations with other countries, and neither do they believe it is.

I request that a communication from the Government of Mexico to the State Department outlining its objection be inserted into the RECORD immediately following my statement. As evident by this communication and the recent demonstrations on the Mexican side of the border against the dump site, the citizens and Government of Mexico are concerned about the threat to their environment from this disposal site. While Congress claims it may have no authority over the site selection process, we are responsible for guaranteeing that our binational agreements are respected by our own citizens, as well as by our State governments.

A final issue concerns waste sites in minority communities. Under this compact the site county will receive a total of $5 million from Vermont and Maine. Hudspeth County is 64 percent Latino, 2,915 people live there and the per capita income is only $13,029. It is a rural community whose residents are generally poor and do not have the means to hire high-priced lobbyists or the population to influence state policy. It is an area not unlike the many other poor, minority communities across the country which have been forced to cohabitate with other's radioactive waste. Five million dollars is a lot of money to anyone, but especially to these poor citizens. I would like to point out action by our President which speaks to the issue of poor, minority communities such as Sierra Blanca who are targeted under agreements sanctioned by this compact. On February 11, 1994, President Clinton signed the Executive order on Federal actions to address environmental justice in minority populations and low-income populations. This executive order was in response to the overwhelming evidence that minorities and low-income populations are disproportionately burdened with environmental hazards. Hudspeth County is a prime example of this. The President directed all Federal agencies to ensure that the practice not continue. It is left to Congress to address its responsibility in the same spirit of this act.

While Congress can not watch over each action by the States, we do have certain responsibilities. We have a responsibility to taxpayers not to rubber stamp an agreement which is going to cost them millions of dollars down the road. We have a responsibility to be leaders not followers in matters of civil rights. We have a responsibility to protect those without the means to protect themselves. We have a responsibility to abide by our bi-national agreements. We can fulfill our responsibility by disallowing this compact until a more suitable site is found.

Mr. Speaker, I insert the following material for the RECORD.

UNOFFICIAL TRANSLATION

The Embassy of Mexico presents its compliments to the State Department and has the honor of referring to the plans for the residual waste deposit sites that are supposed to be built near the U.S.-Mexican border: in Texas, Low Level in Sierra Blanca in Hudspeth County, Dryden in Terell County, and Spofford in Kinney County; in New Mexico, the Waste Isolation Pilot Plan in Eddy County; in California, La Posta and Campo in San Diego and Ward Valley in San Bernadino County.

As the State Department is aware, the plans for these hazardous waste deposit sites in the border zone, for which the Mexican Chancellory has appropriately given warning, have provoked strong reactions from the border communities, environmental organizations and both Mexican and United States Congressmen.

The Embassy would like to reiterate that the technical considerations shown by the Mexican Government, by the U.S. Environmental Protection Agency itself and by various non-governmental organizations of both countries, demonstrate that the plans and precautions of the companies promoting the above mentioned waste deposit projects cannot avoid the risk factor of transboundary pollution. In a context of greater environmental awareness and cooperation in the international community, neither one of our governments can ignore these types of concerns.

In accordance with the principles of cooperation and good-neighbors, the Embassy wishes to reiterate to the State Department the duty of all countries to prevent, inform and negotiate any action in their territory that could cause harm to a third state. In addition, we would like to remind you that during the High Level Meeting on Proposals for Radioactive and Hazardous Waste Deposits in the Border Zone, held on April 22, 1992, in Washington, the State Department committed itself to ''be the means through which the corresponding authorities of the United States would be made aware of any information or concern of the Mexican Government in this regard.''

As such, Mexico hopes that the United States takes all the preventive measures at its disposal to avoid the possibility of any risk of transboundary damage, or that the U.S. might cause said damage, in compliance with what was agreed upon by both governments in Article 2 of the La Paz Convention in the following terms: ''The Parties commit themselves as far as it is possible, to adopt the appropriate measures to prevent, reduce and eliminate sources of pollution in their respective territories that affect the border zone of the other.'' Based on the cited article, the hazardous waste deposit sites represents important sources of transboundary pollution.

At the same time, the second part of the article indicates that ''the Parties will cooperate in the resolution of environmental problems in the border zone for the common good, in accordance with the provisions of this Convention.'' As such, the fact that the United States Government sets a limit on its responsibility in regard to the actions taking place in its territory, whether by federal, state, local authorities or even individuals, demonstrates an unwillingness to cooperate in finding a solution to environmental problems, to which it agreed in the Convention of La Paz.

As it has already been expressed by the Mexican Government, to contemplate building such a large number of waste deposits near the international boundary or near international rivers implies that the border location was selected, and this is an outrage against the legitimate right of the people in the regional communities not to have their natural birthright and health affected.

In view of the above, and the fact that the United States has allowed local or state courts to approve such waste deposit projects without taking into account the agreements between our two countries, the Government of Mexico wishes to reiterate its particular concern because the United States Federal Government still has not taken an active role in this regard and it still has not responded to diplomatic note 1214 of October 29, 1993, in regard to the waste deposit site at Ward Valley.

In this context, the Embassy of Mexico would like to propose to the State Department that a High Level Meeting be held as soon as possible, that will allow our Governments to exchange viewpoints on the plans for the hazardous waste deposits in the border area.

The Embassy avails itself of this opportunity to renew to the State Department the assurances of its highest and most distinguished consideration.

RESOLUTION

Whereas, the State of Texas has proposed Sierra Blanca, Hudspeth County for the site of a low-level radioactive waste dump which would receive wastes from Texas, Maine, Vermont, and possible other states and whereas the wastes would be toxic for thousands of years; and

Whereas, the proposed siting appears to be a result of environmental racism and may be geological unsound as it is in an active earthquake zone and only 16 miles from the Rio Grande, potentially endangering Mexican and U.S. residents who live nearby and downstream; and

Whereas, Sierra Blanca is an impoverished Mexican American community and studies

have shown that toxic waste dumps are often sited in poor communities of color; and

Whereas, five of the six existing low-level nuclear waste dumps have reportedly leaked radiation into the surrounding environment; and

Whereas, the City of Austin is the partial owner of the South Texas Nuclear Project from which waste along with waste from Commanche Peak, and other nuclear power plants may comprise the majority of the proposed dump's contents by radioactivity; and

Whereas, the City of Austin desires to ensure the safe management of wastes it and its business ventures produce and to ensure that these wastes are not dumped on those with the least financial and physical resources to protect their communities from hazardous and radioactive waste dumping; and

Whereas, safer alternatives exist for the storage of nuclear waste such as aboveground, monitored, retrievable storage; now, therefore,

Be it resolved by the City Council of the City of Austin: That the Austin City Council opposes a nuclear waste dump in Sierra Blanca, Hudspeth County, Texas.

RESOLUTION OPPOSING THE NUCLEAR WASTE DUMP IN HUDSPETH COUNTY

* * * Sierra Blanca, Hudspeth County, for the site of low-level nuclear waste dump which would receive wastes from Texas, Maine, and Vermont and whereas the wastes will be toxic for thousands of years; and

Whereas, a radioactive release from the project could threaten the residents of West Texas; and

Whereas, West Texas highways would be used for the transportation of radioactive waste to Sierra Blanca, thus putting many residents along these routes at risk from a transportation accident; and

Whereas, precious underground water supplies for the region could be contaminated by this facility; and

Whereas, the proposed site is only 16 miles from the Rio Grande, thus endangering Mexican and U.S. residents who live downstream; and

Whereas, Sierra Blanca is a poor, 70% Hispanic community and studies have shown that toxic waste dumps are often sighted in poor minority communities; and

Whereas, four of the six existing low-level nuclear waste dumps have leaked radiation into the surrounding environment; and

Whereas, safer alternatives exist for the storage of nuclear waste such as above ground monitored retrievable storage.

Now therefore be it resolved, that the City of Brackettville, City Council oppose a nuclear waste dump in Sierra Blanca, Hudspeth County, Texas.

RESOLUTION

Whereas, the state of Texas has chosen Sierra Blanca, Hudspeth County, for the site of a low-level nuclear waste dump which would receive wastes from Texas, Maine, and Vermont and whereas the wastes will be toxic for thousands of years; and,

Whereas, the site of the nuclear dump is only 37 miles from El Paso County; and,

Whereas, a radioactive release from the project could threaten the residents of El Paso; and,

Whereas, precious underground water supplies for the region could be contaminated by this facility; and,

Whereas, the proposed site is only 16 miles from the Rio Grande, thus endangering Mexican and U.S. residents who live downstream; and,

Whereas, the growth pattern of El Paso is in the direction of Hudspeth County and whereas a nuclear waste dump will lead to devaluation of surrounding land resulting in a loss of tax revenue; and,

Whereas, Sierra Blanca is a poor, 70% Hispanic community and studies have shown that toxic waste dumps are often sighted in poor minority communities; and,

Whereas, five of the six existing low-level nuclear waste dumps have leaked radiation into the surrounding environment; and,

Whereas, safer alternatives exist for the storage of nuclear waste such as above ground monitored retrievable storage.

Now therefore, be it resolved, that the El Paso County Judge and County Commissioners oppose a nuclear waste dump in Sierra Blanca, Hudspeth County, Texas.

CITY OF MARFA: RESOLUTION 95–11

Whereas, the state of Texas, by action of the previous Governor of the State, did mandate the establishment of a nuclear waste dump site in an area of Far West Texas for the sole purpose of storing nuclear waste from the state of Texas, with pending permits for nuclear waste dumps and storage from the state of Maine and Vermont, and,

Whereas, no citizen or body of citizens in any jurisdiction of Far West Texas has ever had the opportunity to vote for or against the establishing of such waste site by the legal voting process which is the right of all citizens; and, which violates their sovereign rights as citizens of this State and the United States, and,

Whereas, these toxic wastes could affect the health and welfare of the present generation and all future generations; and the radioactive release from this project, and others of a like kind, could also affect all of the citizens of this area; and,

Whereas, there are no restrictions or requirements as to marking, labeling or illuminating for transportation of such waste either by highway or by rail to the Far West Texas site; and there are not speed limits nor are there restrictions as to convoy type movement of these wastes in place in any jurisdiction which is without regard for safety of its citizens as it passes through urban and rural areas to the dump site, and,

Whereas, the extremely limited water resources and underground water supply known to exist throughout this semi-arid represents the most precious commodity known to man and could be endangered by radioactive leakage, spillage or negligence in the total process of handling these potential dangerous materials and; therefore, must be protected at all costs and above all other considerations, and,

Whereas, without regard to any minorities, race, ethnic background, economic, status, population or any other group of concerned people since this is a universal concern involving the sovereign rights of all citizens which is to be protected by their government from radioactive nuclear waste of a toxic nature, and,

Whereas, our government's agencies must provide protection from all dangers involved in storage and disposal of such materials be it underground or above ground.

Now, Therefore be it resolved by the City Commission of the City of Marfa in Presidio County, Texas hereby opposes:

All nuclear waste dumps and dump sites within any area of far west Texas.

RESOLUTION: A RESOLUTION OF THE COMMISSIONER'S COURT OF JEFF DAVIS COUNTY, TEXAS OPPOSING THE PROPOSED NUCLEAR WASTE DUMP TO BE LOCATED IN SIERRA BLANCA, HUDSPETH COUNTY, TEXAS

Whereas, the State of Texas has chosen Sierra Blanca, Hudspeth County, for the site of a low-level nuclear waste dump which would receive wastes from Texas, Maine, and Vermont; and

Whereas, the wastes will be toxic for thousands of years; and

Whereas, a radioactive release from the project could threaten the residents of West Texas; and

Whereas, West Texas highways could be used for the transportation of radioactive waste to Sierra Blanca, thus putting many residents along these routes at risk from a transportation accident; and

Whereas, precious underground water supplies for the region could be contaminated by this facility; and

Whereas, the proposed site is only 16 miles from the Rio Grande, thus endangering Mexican and U.S. residents who live downstream; and

Whereas, Sierra Blanca is a poor, 70-percent Hispanic community and studies have shown that toxic waste dumps are often sited in poor minority communities; and

Whereas, four of the six existing low-level nuclear waste dumps have leaked radiation into the surrounding environment; and

Whereas, safer alternatives exist for the storage of nuclear waste such as above ground monitored retrievable storage.

Now, therefore, be it resolved by the Commissioner's Court of the County of Jeff Davis, Texas that: It hereby opposes a nuclear waste dump in Sierra Blanca, Hudspeth County, Texas.

RESOLUTION—NO. R: 95–67; A RESOLUTION OF THE COMMISSIONERS COURT OF PRESIDIO COUNTY OPPOSING THE PROPOSED NUCLEAR WASTE DUMP TO BE LOCATED IN SIERRA BLANCA, HUDSPETH COUNTY, TEXAS

Whereas, the State of Texas has chosen Sierra Blanca, Hudspeth County, for the site of a low-level nuclear waste dump which would receive wastes from Texas, Maine and Vermont; and

Whereas, the wastes will be toxic for thousands of years; and

Whereas, a radioactive release from the project could threaten the residents of West Texas; and

Whereas, West Texas highways could be used for the transportation of radioactive waste to Sierra Blanca, thus putting many residents along these routes at risk from a transportation accident; and

Whereas, precious underground water supplies for the region could be contaminated by this facility; and

Whereas, the proposed site is only 16 miles from the Rio Grande, thus endangering Mexican and U.S. residents who live downstream; and

Whereas, Sierra Blanca is a poor, 70% Hispanic community and studies have shown that toxic waste dumps are often sighted in poor minority communities; and

Whereas, four of the six existing low-level nuclear waste dumps have leaked radiation into the surrounding environment; and

Whereas, safer alternatives exist for the storage of nuclear waste such as above ground monitored retrievable storage.

Now, therefore, be it resolved by the Commissioners Court of Presidio County in Marfa, Texas, that: It hereby opposes a nuclear waste dump in any part of West Texas West of the Pecos River.

RESOLUTION NO. R: 95–67: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DEL RIO, TEXAS OPPOSING THE PROPOSED NUCLEAR WASTE DUMP TO BE LOCATED IN SIERRA BLANCA, HUDSPETH COUNTY, TEXAS

Whereas, the State of Texas has chosen Sierra Blanca, Hudspeth County, for the site of a low-level nuclear waste dump which would

receive wastes from Texas, Maine, and Vermont; and

Whereas, the wastes will be toxic for thousands of years; and

Whereas, a radioactive release from the project could threaten the residents of West Texas; and

Whereas, West Texas highways could be used for the transportation of radioactive waste to Sierra Blanca, thus putting many residents along these routes at risk from a transportation accident; and

Whereas, precious underground water supplies for the region could be contaminated by this facility; and

Whereas, the proposed site is only 16 miles from the Rio Grande, thus endangering Mexican and U.S. residents who live downstream; and

Whereas, Sierra Blanca is a poor 70% Hispanic community and studies have shown that toxic waste dumps are often isolated in poor minority communities; and

Whereas, four of the six existing low-level nuclear dumps have leaked radiation into the surrounding environment; and

Whereas, safer alternatives exist for the storage of nuclear waste such as above ground monitored retrievable storage.

Now, therefore, be it resolved by the City Council of the City of Del Rio, Texas, that: It hereby opposes a nuclear waste dump in Sierra Blanca, Hudspeth County, Texas.

Passed and approved on this 27th day of June 1995.

MEXICO-UNITED STATES: AGREEMENT TO COOPERATE IN THE SOLUTION OF ENVIRONMENTAL PROBLEMS IN THE BORDER AREA[1]

[Done at La Paz, Baja California, Mexico, Aug. 14, 1983]

Agreement between the United States of America and the United Mexican States on cooperation for the protection and improvement of the environment in the border area:

The United States of America and the United Mexican States,

Recognizing the importance of a healthful environment to the long-term economic and social well-being of present and future generations of each country as well as of the global community;

Recalling that the Declaration of the United Nations Conference on the Human Environment, proclaimed in Stockholm in 1972, called upon nations to collaborate to resolve environmental problems of common concern;

Noting previous agreements and programs providing for environmental cooperation between the two countries;

Believing that such cooperation is of mutual benefit in coping with similar environmental problems in each country;

Acknowledging the important work of the International Boundary and Water Commission and the contribution of the agreements concluded between the two countries relating to environmental affairs;

Reaffirming their political will to further strengthen and demonstrate the importance attached by both Governments to cooperation on environmental protection and in furtherance of the principle of good neighborliness;

Have agreed as follows:

ARTICLE 1

The United States of America and the United Mexican States, hereinafter referred to as the Parties, agree to cooperate in the field of environmental protection in the border area on the basis of equality, reciprocity and mutual benefit. The objectives of the present Agreement are to establish the basis for cooperation between the Parties for the protection, improvement and conservation of the environment and the problems which affect it, as well as to agree on necessary measures to prevent and control pollution in the border area, and to provide the framework for development of a system of notification for emergency situations. Such objectives shall be pursued without prejudice to the cooperation which the Parties may agree to undertake outside the border area.

ARTICLE 2

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.

Additionally, the Parties shall cooperate in the solution of the environmental problems of mutual concern in the border area, in accordance with the provisions of this Agreement.

ARTICLE 3

Pursuant to this Agreement, the Parties may conclude specific arrangements for the solution of common problems in the border area, which may be annexed thereto. Similarly, the Parties may also agree upon annexes to this Agreement on technical matters.

ARTICLE 4

For the purposes of this Agreement, it shall be understood that the ''border area'' refers to the area situated 100 kilometers on either side of the inland and maritime boundaries between the Parties.

ARTICLE 5

The Parties agree to coordinate their efforts, in conformity with their own national legislation and existing bilateral agreements to address problems of air, land and water pollution in the border area.

ARTICLE 6

To implement this Agreement, the Parties shall consider and, as appropriate, pursue in a coordinated manner practical, legal, institutional and technical measures for protecting the quality of the environmental in the border area. Forms of cooperation may include: coordination of national programs; scientific and educational exchanges; environmental monitoring; environmental impact assessment; and periodic exchanges of information and data on likely sources of pollution in their respective territory which may produce environmentally polluting incidents, as defined in an annex to this Agreement.

ARTICLE 7

The Parties shall assess, as appropriate, in accordance with their respective national laws, regulations and policies, projects that may have significant impacts on the environment of the border area, so that appropriate measures may be considered to avoid or mitigate adverse environmental effects.

ARTICLE 8

Each Party designates a national coordinator whose principal functions will be to coordinate and monitor implementation of this Agreement, make recommendations to the Parties, and organize the annual meetings referred to in Article 10, and the meetings of the experts referred to in Article 11. Additional responsibilities of the national coordinators may be agreed to in an annex to this Agreement.

In the case of the United States of America the national coordinator shall be the Environmental Protection Agency, and in the case of Mexico it shall be the Secretaría de Desarrollo Urbano y Ecología, through the Subsecretaría de Ecología.

ARTICLE 9

Taking into account the subjects to be examined jointly, the national coordinators may invite, as appropriate, representatives of federal, state and municipal governments to participate in the meetings provided for in this Agreement. By mutual agreement they may also invite representatives of international governmental or non-governmental organizations who may be able to contribute some element of expertise on problems to be solved.

The national coordinators will determine by mutual agreement the form and manner of participation of non-governmental entities.

ARTICLE 10

The Parties shall hold at a minimum an annual high level meeting to review the manner in which this Agreement is being implemented. These meetings shall take place alternately in the border area of Mexico and the United States of America.

The composition of the delegations which represent each Party, both in these annual meetings as well as in the meetings of experts referred to in Article 11, will be communicated to the other Party through diplomatic channels.

ARTICLE 11

The Parties may, as they deem necessary, convoke meetings of experts for the purposes of coordinating their national programs referred to in Article 6, and of preparing the drafts of the specific arrangements and technical annexes referred to in Article 3.

These meetings of experts may review technical subjects. The opinions of the experts in such meetings shall be communicated by them to the national coordinators, and will serve to advise the Parties on technical matters.

ARTICLE 12

Each Party shall ensure that its national coordinator is informed of activities of its cooperating agencies carried out under this Agreement. Each Party shall also ensure that its national coordinator is informed of the implementation of other agreements concluded between the two Governments concerning matters related to this Agreement. The national coordinators of both Parties will present to the annual meeting a report on the environmental aspects of all joint work conducted under this Agreement and on implementation of other relevant agreements between the Parties, both bilateral and multilateral.

Nothing in this Agreement shall prejudice or otherwise affect the functions entrusted to the International Boundary and Water Commission in accordance with the Water Treaty of 1944.

ARTICLE 13

Each Party shall be responsible for informing its border states and for consulting them in accordance with their respective constitutional systems, in relation to matters covered by this Agreement.

ARTICLE 14

Unless otherwise agreed, each Party shall bear the cost of its participation in the implementation of this Agreement, including the expenses of personnel who participate in any activity undertaken on the basis of it.

For the training of personnel, the transfer of equipment and the construction of installations related to the implementation of this Agreement, the Parties may agree on a special modality of financing, taking into account the objectives defined in this Agreement.

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[1][Reproduced from the text provided by the U.S. Department of State.

[The Memorandum of Understanding, referred to in Article 23 and which this Agreement supersedes, is reproduced at 17 I.L.M. 1056 (1978).

[An agreement between Canada and the United States concerning acid rain research appears at I.L.M. page 1017.]

ARTICLE 15

The Parties shall facilitate the entry of equipment and personnel related to this Agreement, subject to the laws and regulations of the receiving country.

In order to undertake the monitoring of polluting activities in the border area, the Parties shall undertake consultations relating to the measurement and analysis of polluting elements in the border area.

ARTICLE 16

All technical information obtained through the implementation of this Agreement will be available to both Parties. Such information may be made available to third parties by the mutual agreement of the Parties to this Agreement.

ARTICLE 17

Nothing in this Agreement shall be construed to prejudice other existing or future agreements concluded between the two Parties, or affect the rights and obligations of the Parties under international agreements to which they are a party.

ARTICLE 18

Activities under this Agreement shall be subject to the availability of funds and other resources to each Party and to the applicable laws and regulations in each country.

ARTICLE 19

The present Agreement shall enter into force upon an exchange of Notes stating that each Party has completed its necessary internal procedures.

ARTICLE 20

The present Agreement shall remain in force indefinitely unless one of the Parties notifies the other, through diplomatic channels, of its desire to denounce it, in which case the Agreement will terminate six months after the date of such written notification. Unless otherwise agreed, such termination shall not affect the validity of any arrangements made under this Agreement.

ARTICLE 21

This Agreement may be amended by the agreement of the Parties.

ARTICLE 22

The adoption of the annexes and of the specific arrangements provided for in Article 3, and the amendments thereto, will be effected by an exchange of Notes.

ARTICLE 23

This Agreement supersedes the exchange of Notes, concluded on June 19, 1978 with the attached Memorandum of Understanding between the Environmental Protection Agency of the United States and the Subsecretariat for Environmental Improvement of Mexico for Cooperation on Environmental Programs and Transboundary Problems.

Done in duplicate, in the city of La Paz, Baja California, Mexico, on the 14th of August of 1983, in the English and Spanish languages, both texts being equally authentic.

Mr. SCHAEFER. Mr. Speaker, I yield 5 minutes to the gentleman from Texas [Mr. FIELDS], the sponsor of the legislation.

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

Mr. FIELDS of Texas. Mr. Speaker, I rise in support of H.R. 558, a bill I introduced to provide the consent of Congress to the Texas low-level radioactive waste disposal compact. As most of us know, the legislatures of Texas, Maine, and Vermont—the States composing this compact—approved this legislation overwhelmingly.

As we consider H.R. 558 today, I would like to make four simple points:

First of all, we should pass this legislation out of recognition of the accomplishment of the States of Texas, Maine, and Vermont for their responsiveness in doing just what Congress asked them to do. In 1980, Federal legislation was passed which established a low-level radioactive waste policy that placed the responsibility within the States for the disposal of low-level radioactive waste. In 1985, further amendments were passed in Congress reinforcing this policy and providing incentives to States to form these compacts. Therefore, after they have done their job of passing this compact in all three State legislatures, we should do our job and act promptly to approve this resulting compact agreement. In response to Congress' entreaty, nine compacts have already been formed and approved, including 42 States; this compact will bring the total to 10 compacts covering 45 States.

Second, our role is to be sure that the compact comports with the underlying Federal law from which it derives and not to preside over controversies that may be local in nature, which are the responsibility of the local authorities. Simply put, Mr. Speaker, our responsibility is to be sure that the three State legislatures were consistent with the underlying Federal law when they passed this compact and not to arbitrate over local issues such as site selection. That is a matter for the States, and it would be intrusive of us to assume the authority unto ourselves. The compact implicitly defers questions on these matters to the Texas Legislature, the Texas Low-Level Radioactive Waste Disposal Authority, the Texas Water Commission, and other State agencies.

Third, this compact has already received a hearing before the Commerce Subcommittee on Energy and Power on May 11. Subsequently, the subcommittee approved the compact by a voice vote. Shortly thereafter, the full Commerce Committee approved H.R. 558 by a vote of 41 to 2. The compact remains the same, the underlying Federal legislation remains the same, and therefore I would urge my colleagues to support this bill so that the three States in question can perform their responsibilities and proceed to develop a site to responsibly dispose of low-level radioactive waste.

Last of all, Mr. Speaker, I would like to point out that this legislation is in the best interest of all three States, but particularly for my State of Texas. By forming this compact, Texas avoids the risk of being forced to take waste from other States which would generate much larger amounts of low-level waste. Under the compact, Texas has full control of the site, development, operation and management, and closure of its low-level waste disposal facility. Furthermore, with our State's leadership in such areas as research and medical activities, which use low-level radioactive materials at our academic and health institutions, it is in our best interest to responsibly provide for the disposal of the constant wastes from those activities and take a leadership role in planning for our future.

This responsible action was reflected in the approval of the compact by the Texas House of Representatives by a voice vote and the Texas Senate by a vote of 26 to 2.

In summary, Mr. Speaker, there is no legitimate reason to delay an approval at the Federal level any longer.

Mr. BRYANT of Texas. Mr. Speaker, I yield 6 minutes to the gentleman from Texas [Mr. DOGGETT].

Mr. DOGGETT. Mr. Speaker, I strongly oppose this compact. This plan causes me, it causes many people in the city of Austin and across the State of Texas, the gravest concern. Though a new Member here, I had understood there was at least some tradition of giving a certain degree of deference to the Members in whose district a project of this type is going to be located.

I have listened to the eloquent comments of the gentleman from El Paso, TX [Mr. COLEMAN] who has fought steadfastly, along with his staff, to resist this compact, to try to block it. I have listened to the very telling comments today of my colleague from Texas, a fellow Texan, Mr. BONILLA, in whose district this particular project would be sited. And I think what they say has a considerable degree of merit.

My district, the city of Austin and Travis County, is halfway across Texas from where this project will be located. Hundreds of miles. But I can tell you that the people of central Texas are every bit as concerned about this as are the people of Sierra Blanca or the people of El Paso.

I believe that I have now received a total of 1,415 communications from people in Travis County, TX, expressing opposition to the location of this dump; and, oh, by the way, six people who said they were for locating it at this point and approving this compact. What these people kept saying is the same thing that the Austin City Council said when it voted 5 to nothing against this compact, and that is do not make Texas the dumping ground for this Nation.

Mr. Speaker, let us acknowledge from the beginning that when Congress passed this piece of legislation, the 1986 Low Level Radioactive Policy Act, it was planning on agreements that did not look anything like the one we are taking up here today. When it referred to a regional compact, it has in mind just that, a region, because there would be less danger of spills and other problems if you localize the nature of the disposal.

Well, we in Texas have a rather big idea of our State. I have even heard some Texas talk about Colorado as north Texas, and indeed when we declared our independence in 1936, it was north Texas. But I have yet to see the

most boastful Texan ever suggest that Maine and Vermont were in the region of Texas.

There is good reason for everyone and not just Texans, boastful or otherwise, to be concerned about this compact. Because to get from here to there, to get from Maine and Vermont to Texas, you are going to have to cross a little of these United States. So if you represent Ohio or New Jersey or New York or Kentucky or Tennessee or Arkansas, or any number of other States, you have every reason to be concerned about what happens when this highly toxic radioactive waste is transported across your State and across your district.

Though this compact has been lobbied through the Texas Legislature very successfully as a way to limit the dump in the State of Texas, exactly the opposite is going to happen. There is absolutely no reason that the commissioners of this compact cannot get together without any input from the people in Sierra Blanca or in El Paso or in Austin or in this U.S. Congress and expand the compact to include every State in the Nation. Under the definition of ''region'' being used here, there is no more basis for excluding New York or California than there is for including Maine and Vermont. Texas could well become the place where all of this toxic waste from around the country is located.

□ 1800

Mr. Speaker, there are already proposals up talking about mixing radioactive waste, low-level radioactive waste, with other types of toxic waste once this compact is ratified. Other States and economic pressures are going to cause this compact to include other States and have Texas be a dumping ground.

The Hudspeth County site that has been chosen in the district of the gentleman from Texas [Mr. BONILLA] raises a number of safety concerns. Seepage of radioactive waste into ground water supplies has been a problem with other dump sites. This is just a few miles from the Rio Grande River which provides a water supply to all of the southern border of the big State of Texas.

I agree that we also need to set a good example for our neighbor to the south, Mexico. Can Members imagine the uproar, the outrage on the floor of this Congress if Mexico was talking about locating a radioactive waste dump right on the border next to the United States? We would hear one Member after another denounce that kind of operation.

But that is precisely what we are doing at the same time we are seeking the involvement of the people of Mexico and their government in cleaning up other kinds of environmental damage all along the border from San Diego, CA to Brownsville, TX. This is a step that really works against our national interest all along the border on a wide range of environmental issues.

An earthquake. Well, most people associate those with San Francisco or California. Yet, as my colleague the gentleman from Texas [Mr. BRYANT] who has also fought so ably against the compact pointed our earlier, we just had one of 5.6 on the Richter scale within a relatively short distance of this Sierra Blanca site back in April when this measure was being considered here in Congress.

Mr. Speaker, this is a deeply flawed plan. This is a facility that will house waste not just for a few years but for a few millennia. Do not make the Lone Star State the Lone Dump State. Vote against this legislation.

Mr. BRYANT of Texas. Mr. Speaker, I yield 2 minutes to the gentleman from El Paso, TX [Mr. COLEMAN].

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

Mr. Speaker, let me only add to what I was saying a little bit before. I wanted to hit a couple of points that may have been lost because we did not get to them.

One certainly was concerning the volume of waste. I know that that is not an issue that a lot of people concern themselves with, but let me tell the Members what this compact that we are voting on says, very simply.

Texas accepts responsibility for both management and disposal as described in article 1, section 1.01. Management is defined as ''collection, consolidation, storage, packaging or treatment.'' Treatment, however, is not defined in this agreement. I hope that is just not an oversight of the committee.

It is generally accepted, as I understand it, in terms of the committee's understanding of it as including incineration? I think so. Incineration reduces the volume of the waste but not the level of radioactivity. It is not like other kinds of waste disposal sites that Members may be thinking of. Thus, less volume of waste will be disposed of at the site but at a greater level of radioactivity.

Yet, what happens in the agreement that is unclear if waste imported from other States but incinerated in Texas is counted under the Texas portion of the nonhost allotment? Article iii, section 3.04(11) says: ''The shipments of low-level radioactive waste from all nonhost party States shall not exceed 20 percent of the volume estimated to be disposed of by the host State during the 50-year period.''

Shipment volumes are tied exclusively to disposal estimates. The compact is silent on how much volume can be shipped for management.

Why is that? We did not care? It did not matter? That is out in the little old town, mainly Hispanic community, called Sierra Blanca in west Texas, right? Is that why we did not care?

I think there are a lot of us that have some very serious questions about this legislation. Were it not placed on a suspension provision under the rules, we could actually be able to amend it in a way that perhaps we could all be supportive.

Unfortunately, the State legislature has failed to recognize the tenuous dilemma these technical flaws have placed on us. That is on whom we rely. We should not be doing that for the health and welfare of American citizens.

Mr. BRYANT of Texas. Mr. Speaker, I yield myself such time as I may consume.

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

Mr. BRYANT of Texas. Mr. Speaker, while those of us from Texas are understandably voicing the great anxiety of the people of our State and the particular region in which this is to be located, of far greater importance to the listeners to this debate within the House is the enormous threat to the national interest that is posed by this compact. The gentleman from Texas [Mr. FIELDS] said a moment ago, there have already been nine of those that have been approved, but there have not been nine of these kinds of compacts that have been approved.

There have not been any compacts approved where we are putting a low-level nuclear waste dump in an earthquake zone. There have not been any compacts approved where we have put a low-level nuclear waste dump 14 miles from a river that serves the farms and ranches and the drinking water for millions of people. And there have not been any low-level nuclear waste dumps approved which would invite the neighboring country, which will no doubt take great offense at this decision, to begin locating its undesirable entities and dumps right on the river, right on the border, right across from the United States.

The gentleman from Texas [Mr. DOGGETT] asked the right question a moment ago. Is it not obvious how we would feel if the Mexican Government was going to locate a nuclear waste dump 14 miles from the Rio Grande River on the other side? We would be up in arms about it. Yet we are going to sit back here, if we do as these gentlemen have asked us, and approve this.

They are going to get up in a moment and say, oh, siting decisions are not the province of the U.S. Congress. Well, generally I would agree. Siting decisions within a State, that is pretty much up to the State.

But if a siting decision has international foreign policy implications, if a siting decision would subject the people of the United States to enormous financial liability because of the irresponsibility of the decision, then that is a situational where we should exercise our constitution authority and responsibility and say, ''No, we are not going to approve a compact like this. Take it back and start over.'' That is all that we are asking for.

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

Mr. BRYANT of Texas. I yield to the gentleman from Texas.

Mr. COLEMAN. Mr. Speaker, let me just say respecting our binational agreements is pretty important. I have been told over and over again in hearings throughout the last decade that the agreement that President Ronald Reagan made with the President of Mexico was not a treaty, and that is absolutely right. Nonetheless, many of us respect agreements made by our Presidents. In fact, I think it is the responsibility of the U.S. Congress, not the State legislature, to see to it that we respect those agreements and live up to them.

The La Paz Agreement, under article 2, said very simply that the Governments of Mexico and the United States were directed to the fullest extent practicable to adopt appropriate measures to prevent, reduce, and eliminate sources of pollution in their respective territory which affect the border area of the other. Article 7 stated that the two governments shall assess as appropriate projects that may have significant impacts on the border area.

I have placed into the RECORD with my motion to revise and extend the objections of the Mexican Government and diplomatic note to the United States. That is not the responsibility of the State of Texas. We are a State that is in this Union. That is the responsibility of this Congress to see to it that we respond in an appropriate fashion.

I can just tell the Members that my colleague from Texas is absolutely right. The United States would not put up with it if it was within 100 kilometers, as the La Paz Agreement states we were to have the dumping of radioactive waste by the Government of Mexico.

Mr. BRYANT of Texas. Mr. Speaker, I thank the gentleman for his additional comments. I would emphasize once again, we are not talking about a simple siting question that makes some people happy and some unhappy. We are talking about a siting question that subjects this country to enormous liabilities.

In 1931, 40 miles from this site, there was an earthquake that registered 6.4 on the Richter scale. Sixty-five years ago is just yesterday in geologic time. In April of this year, just 2 months before this thing was marked up in committee, there was an earthquake in the same region that measured 5.6 on the Richter scale. Can anybody argue that we ought to let States locate nuclear waste dumps in earthquake zones right next to an international boundary and on a river that serves millions of people, who if harmed will be in the courthouse asking the taxpayers of this country to pay for the harm that they suffered? I do not think we can make that argument.

Today the gentleman from Texas [Mr. COLEMAN] and I and the gentleman from Texas [Mr. DOGGETT] and the gentleman from Texas [Mr. BONILLA] stand on the floor of the House and ask this House of Representatives to make a decision that is in the interest of the American people, and say to the States of Texas, Maine, and Vermont, go back and do it again. We may approve the next one and we may not, but for goodness sakes do not send us one that is in an earthquake zone.

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

I would just say that our colleague, the gentleman from Texas [Mr. FIELDS], should be commended for this efforts to move this bill forward in a very fashionable, responsible, and timely manner.

I would like to thank the gentleman from New Jersey [Mr. PALLONE], the ranking member of the Subcommittee on Energy and Power, for his support in moving this very reasonable measure through the House of Representatives.

Mr. Speaker, I yield the balance of my time to the gentleman from Texas [Mr. FIELDS] to close debate.

Mr. FIELDS of Texas. Mr. Speaker, I will be fairly brief.

The purpose of a law passed by Congress is to allow States to make decisions for themselves, to make decisions relative to siting. That decision has been made. It is a decision that has been reviewed by the Texas Low-Level Radioactive Waste Compact Commission. It has been reviewed by the Texas Water Commission. The Texas legislature has voted on this. I stand here with a letter from Governor George Bush. It is factual to say that former Governor Ann Richards supported this. I stand here with a letter from Lieutenant Governor Bob Bullock, I stand here with a letter from Mickey LeMater of the M.D. Anderson Cancer Institute talking about the need for Congress to move forward.

Is there a benefit to the State? The answer is absolutely. That if the State of Texas had not itself moved forward, then Texas would have been subject to becoming the dumping ground for the rest of the country. We would not have had the ability or have the ability to pass laws restricting the low-level nuclear waste coming in to our particular State. This is a decision that has been made by Texans for Texans in the best interest of our particular State. I urge all of my colleagues to support this piece of legislation.

PARLIAMENTARY INQUIRY

Mr. COLEMAN. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore (Mr. FOLEY). The gentleman will state it.

Mr. COLEMAN. Mr. Speaker, it has been some time since I have done a suspension on the floor and I am unsure how we can assure a record vote. At what time should that request be made?

The SPEAKER pro tempore. We will have that in just a moment.

The question is on the motion offered by the gentleman from Colorado [Mr. SCHAEFER] that the House suspend the rules and pass the bill, H.R. 558.

The question was taken.

Mr. BONILLA. 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. Pursuant to clause 5, rule I, and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

GENERAL LEAVE

Mr. SCHAEFER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 558, the bill just considered.

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

Mr. COLEMAN. Reserving the right to object, Mr. Speaker, not on that issue but only to make sure that we have in fact ensured that we will have a vote. I thought we needed to ask for the yeas and nays. If that was done in dissimilar fashion, that is fine, but I just was inquiring.

The SPEAKER pro tempore. The yeas and nays have not been ordered on that motion. It would be put to a vote tomorrow afternoon at some point.

Mr. COLEMAN. I thank the Speaker, and I withdraw my reservation of objection.

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

There was no objection.

PERMISSION FOR SUNDRY COMMITTEES AND THEIR SUBCOMMITTEES TO SIT TOMORROW, TUESDAY, SEPTEMBER 19, 1995, DURING THE 5-MINUTE RULE

Mr. BONILLA. Mr. Speaker, I ask unanimous consent that the following committees and their subcommittees be permitted to sit tomorrow while the House is meeting in the Committee of the Whole House under the 5-minute rule.

The Committee on Banking and Financial Services; the Committee on Commerce; the Committee on Government Reform and Oversight; the Committee on International Relations; the Committee on the Judiciary; and the Committee on Resources.

It is my understanding that the minority has been consulted and that there is no objection to these requests.

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

□ 1815

Mr. PALLONE. Mr. Speaker, reserving the right to object, the Democratic leadership has been consulted and we have no objection to these requests.

Mr. Speaker, I withdraw my reservation of objection.