on VA, HUD, and Independent Agencies in defense of HUD's budget requests. We have always found him to be most knowledgeable and most responsive.

Over the years, he has been of great assistance to the subcommittee in its day to day dealings with the Department. We have always valued his counsel.

Herb is, I believe, a truly dedicated civil servant. His high standards represent what is best about the civil service.

Since 1990, Herb has been Director of the Office of Budget. Prior to that he served for a number of years as Deputy Director in the Office of Budget. He has made countless contributions to efficient and effective program management.

Mr. Persil began his Federal service at the Department of Agriculture in 1958. In 1964, Herb moved to HUD's predecessor agency, the Housing and Home Finance Agency. In his early years at HUD, Herb helped in the development and initial administration of the Model Cities Program. He also helped in the development of the first community development consolidated grant proposal which later evolved into the community development block grant program.

Mr. Persil's achievements and skills are not only recognized throughout HUD, but also in the academic community. As adjunct faculty, he teaches courses in public financial management for Golden Gate University and the American University. He is a member of the board of directors of Public Financial Publications, Inc., which publishes Public Budgeting and Finance, jointly sponsored by the American Association for Budget and Program Analysis [AABPA] and the American Society for Public Administration. He has served as chairman of special committees on AABPA and has participated as an expert in numerous panel discussions on topics such as training budget staff and managing under limited resources. He is also a frequent contributor to professional journals.

I understand that Herb plans to spend his time with his family, reading, and traveling. While he claims to be retiring, there are many who know that old habits are hard to break and suspect he will continue to serve through his teaching, writing, and panels on government issues.

Mr. Speaker, Friday, February 2, 1996, is Herb's last day at HUD. We will miss him. I know that you join with me in wishing him and his wife, Blythe, a long, happy, and healthy retirement after 41 years of distinguished Federal service.

ELECTRIC POWER COMPETITION ACT OF 1995

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 1, 1996

Mr. MARKEY. Mr. Speaker, I am today introducing legislation aimed at promoting competition in the electric utility industry. This legislation creates Federal incentives for the removal existing State-level barriers to competition in the generation of electricity—so that competition and market forces can be unleashed in a manner which will efficiently and reliably provide electric energy to retail consumers at a lower cost.

Today, the electric utility industry operates as one of our Nation's last great protected monopolies. Presently, the generation, transmission, and distribution of electricity remains fundamentally a monopoly enterprise. The monopoly nature of this industry has, in turn, necessitated a very strict system of Federal and State utility regulation aimed at protecting captive utility ratepayers from potential overcharges, abuses, and conflicts-of-interest.

Over the years, Congress has taken the lead in promoting increased competition in the electricity industry. In 1978, the Public Utility Regulatory Policies Act [PURPA] first opened up competition by making possible the growth of independent power. This was achieved by requiring utilities to purchase power from such independent producers at their avoided cost. While there have been problems in some States with implementation of the act, by most accounts, PURPA has been largely successful in achieving its objectives. The congressional conference report accompanying the bill predicted that 12,000 megawatts of nonutility projects would be on-line by 1995. In actuality, by 1991, 32,000 megawatts was on line. In addition, the emergence of wind, solar, biomass, geothermal, and other renewables industries can be directly traced to PURPA.

In 1982, the Energy Policy Act [EPACT] built on the foundation established under PURPA by adopting an amendment I authored along with the gentleman from California [Mr. MOORHEAD] which opened up wholesale transmission access. In the same legislation, Congress also adopted amendments to the Public Utility Holding Company Act [PUHCA] aimed at allowing utilities to establish exempt wholesale generators.

As a result of industry changes prompted by these bills, we are now at a crossroads for the electric utility industry—half-way between the old heavily regulated monopolies of the past and the new competitive electricity marketplace of the future. We now have a growing independent power industry, increased cogeneration, and increased interest by industrial customers in lowering rates through competition. While transmission and distribution systems appear likely to remain a natural monopoly, we now have an historic opportunity to bring full competition to the business of electricity generation. The transition to such a competitive market, however, will require both Federal and State action.

Right now, following the overall policy direction mandated by the transmission access provisions of EPACT, the Federal Energy Regulatory Commission [FERC] is moving forward on a proposed rulemaking on wholesale wheeling and stranded investment. This is a positive development and I look forward to adoption of a final FERC rule this year. In addition, several States, including Massachusetts, have initiated retail wheeling proceedings which, when completed, will open up retail competition and consumer choice by eliminating monopoly control over retail electricity generation.

Unfortunately, many other States are either not moving forward all or have become stalled part of the way through the process. I find this troubling in light of the fact that many in the utility industry are now arguing for a repeal of PURPA by suggesting that competition is already here. The reality is that full competition has not yet arrived. We cannot and should not deregulate into a monopoly environment; we can and should deregulate into a competitive marketplace.

The bill I am introducing today provides incentives to move toward competition. Specifically, my legislation will link any repeal of the mandatory power purchase provisions of PURPA to the arrival of real competition in the market for electricity generation. It would establish overall Federal standards for competition which could be met either by divesting generation from transmission and distribution assets or, alternatively by permitting retail power generation competition on an open and nondiscriminatory basis. In addition, the bill establishes certain minimum certification requirements aimed at ensuring that energy efficiency and renewables programs are retained and that the low-income consumers receive protections against price discrimination. Utilities in States that meet the minimum certification requirements and either the retail competition or divestiture standards in the bill would be freed of the mandatory power purchase requirements of PURPA. In other words, my bill deregulates—but it deregulates by creating the conditions in which true competition can exist.

I agree with Commerce Committee Chairman BLILEY and Energy and Power Subcommittee Chairman SCHAEFER it makes little sense to adopt piecemeal bills such as a repeal of the mandatory power purchase provisions of PURPA or a repeal of PUHCA. We cannot get rid of the protections built into these bills without also attaching the fundamental reason these laws were enacted in the first place: the continued existence of a government protected utility monopoly. With the bill I am introducing today, I hope to advance the dialog on the difficult and complex issues Congress will be confronting as we consider legislation regarding PURPA. Obviously, there are many broader restructuring issues that are not specifically addressed in my bill. These include the need to retain certain PUHCA restrictions on abusive interaffiliate transactions, the appropriate boundaries of Federal and State regulatory jurisdiction, treatment of conservation, efficiency, and renewables, and need to eliminate certain Government subsidizes for the power marketing administrations.

While these are difficult and complex issues, I believe that electric utility restructuring—if done properly—will benefit all consumers of electricity. A properly crafted approach holds out the hope of lowering electricity rates through increased competition, while simultaneously protecting the societal and environmental benefits of conservation, improved efficiency, and greater fuel diversity. I look forward to working with the leadership of the Commerce Committee as we proceed into this debate on electricity restructuring legislation, so that we can produce a truly balanced and bipartisan approach to bringing real competition and consumer choice to the electricity industry.

LAND DISPOSAL PROGRAM FLEXIBILITY ACT OF 1995

SPEECH OF

HON. MICHAEL G. OXLEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 30, 1996

Mr. OXLEY. Mr. Speaker, during the 104th Congress, the Commerce Committee has been highlighting the problem of inflexible or inappropriate statutory requirements. These requirements can prevent EPA from issuing regulations or facility cleanups that address realistic and significant risks in a cost-effective and cost-reasonable manner.

H.R. 2036 embodies the position of the EPA in final rules that were later struck down by the courts. In each case, EPA did a regulatory impact analysis which found that the costs of a given option were exceedingly high and the benefits very low. In each case, EPA sought a more flexible and balanced approach but was ultimately directed by the Courts to the most counterproductive result.

In their March 2, 1995, summary of the Proposed Rule EPA wrote, ''the Agency is required to set treatment standards for these relatively low-risk waste and disposal practices, although there are other actions and projects with which the Agency could provide greater protection of human health and the environment.''

In this particular case, EPA estimates suggest over half a billion dollars will be spent with little if any improvement to human health. Indeed, the Agency states that less safe alternatives may be chosen over more safe alternatives. That is unacceptable. In their letter endorsing H.R. 2036 the administration wrote,'' the bill would eliminate a mandate that the EPA promulgate stringent and costly treatment requirements for certain low-risk wastes that already are regulated in Clean Water Act or Safe Drinking Water Act units.''

H.R. 2036 is also endorsed by organizations representing State environmental programs such as the Groundwater Protection Council, and the Association of State and Territorial Solid Waste Management Officials as well as the National Association of Counties.

I appreciate the bipartisan efforts of Ms. Lincoln and the administration, including the chair of the Council on Environmental Quality Kathleen McGinty, and her staff, in support of H.R. 2036. It is important to move forward with legislation that injects common sense into current statutory law and H.R. 2036 is just such an infection.

This is time-critical legislation and I hope that it can proceed swiftly through the process. I should note, however, that these issues—while important for many—are the tip of the iceberg. We must make fundamental reform to ensure that our regulatory programs address realistic and significant risks through cost-effective and cost-reasonable means. There is much work to be done.

I urge all the Members to vote for swift passage of H.R. 2036 to prevent EPA from being forced to use unnecessary and costly regulations.

CONGRESSIONAL BOYCOTT

HON. PETER A. DeFAZIO

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thurdsay, February 1, 1996

Mr. DEFAZIO. Mr. Speaker, I wish to voice my strong disapproval with the French Government's nuclear testing program. I join with many of my colleagues—and most of the world community—in protesting the detonation of six French nuclear weapons in the South Pacific. That is why I am joining the congressional boycott of the French President's visit to Congress.

French President Jacques Chirac will appear today before a joint session of Congress. I can not of good conscience attend. France and the United States have a proud relationship of cooperation extending back to the beginning of our Nation. However, France's conduct in the South Pacific can not be justified. Exploding nuclear weapons in pursuit of further weapons development contradicts the view of 175 nations—including France and the United States—who signed the Nuclear Non-Proliferation Treaty. It also needlessly endangers the environment and people of the region.

Just last week, France acknowledged the presence or radioactive iodine in the lagoon near the Mururoa test site. Despite their declaration that the tests blast are perfectly safe, we have no way to know if this is true. Since the French Government refuses to allow independent assessment of the environment impact of these nuclear explosions, I must remain suspicious. Are the people who live in the South Pacific threatened by nuclear poison in their region of the world? What will the ecological and human health threats 10, 20, or 100 years from now?

Although the Clinton administration has officially denounced the French nuclear testing program, its actions hardly match its rhetoric. I urge the White House to put real pressure on the Chirac government. Let us not forget our responsibility in the matter: The United States has long supported the French nuclear weapons program.

I must take special exception to the United States decision to allow French military aircraft to fly to the South Pacific test site via the use of United States airspace. How can the world take seriously a United States criticism of the French nuclear weapons testing program when the United States refuses to take even the most basic action to resist the French action. The only assurance Congress can get from the U.S. State Department is that no nuclear materials are being transported ''according to the best of our knowledge.'' This hardly represents strong scrutiny by our Government.

Now that the French Government has ended its series of nuclear detonations, I call on President Chirac to firmly commit his nation to end all future tests. At the very least, France should declare the permanent closing of the South Pacific test site. France should also clean up the nuclear mess it left behind and allow independent monitoring of the area. It is the least they can do for the South Pacific peoples who will have to live with the legacy of decades of nuclear weapons testing.

The rationale for nuclear testing ran out years ago. If the world governments won't stop this cold war relic now, then when? I look forward to the recognition by France that their ongoing nuclear weapons testing program was simply wrong. Perhaps we can now move toward an international ban on all future such explosive tests. The United States must continue to press for a comprehensive ban on all such future nuclear test explosions. And France must become an active player in these negotiations.

It is my hope that a change in the behavior of France's Government will allow me to participate in Mr. Chirac's next visit to Congress. I also look forward to a successful conclusion to the ongoing comprehensive nuclear talks so the world can take an important step toward nuclear disarmament.

A CLEAN DEBT CEILING EXTENSION BILL

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 1, 1996

Ms. ESHOO. Mr. Speaker, the time has come for this Congress to face up to its responsibilities by passing a clean debt ceiling extension bill and not allow this great Nation for the first time in 220 years to default.

Just last week Moody's Investors Service announced that it might lower the credit rating for U.S. Treasury bonds—the first time in our Nation's history. This should not be a source of pride to any Member of Congress.

America cannot afford to have its full faith, its good word and its credit sacrificed on the altar of partisan posturing. Imagine Social Security checks and veterans' checks not being sent to recipients or honored when deposited by individuals who earned these benefits and rely on them. The American people cannot afford the higher interest rates that would result from default. We rail against ''dead beat'' dads * * * no one should be part of a ''dead beat'' Government.

Mr. Speaker, only you and your colleagues have the power to keep America from the disgrace and disaster of default. Let us together pass a bill now to avoid default and international discredit.

TRIBUTE TO ELIZABETH DOUGHNER

HON. ANTHONY C. BEILENSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 1, 1996

Mr. BEILENSON. Mr. Speaker, I rise today to pay tribute to one of Topanga, CA's most dedicated and admired citizens, Elizabeth Doughner, who passed away recently.

Betty Doughner served as executive officer/clerk of the Board of Resource Conservation District of the Santa Monica Mountains—formerly the Topanga-Las Virgenes Resource Conservation District—which carries out environmental education and restoration projects. During the 34 years Betty was employed by the District, she watched it grow from an operation with one employee—herself—to the 50-employee agency it is today.

In her position with the district, Betty worked tirelessly for our community. She helped secure conservation services for landowners in