

H.R. 450

HON. DAVID MINGE

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 2, 1995

Mr. MINGE. Mr. Speaker, on February 24, 1995, Mr. JOHNSON of South Dakota submitted comments regarding the Regulatory Moratorium bill, H.R. 450. I share Mr. JOHNSON'S views and wish to restate them for the record. Like Mr. JOHNSON, I believe that H.R. 450 is deeply flawed. I voted for this bill last Friday with the understanding that I will not support the conference report unless the legislation is significantly improved by the Senate or conference committee. I share Mr. JOHNSON'S concern that as it now stands, H.R. 450 could result in massive confusion and an enormous amount of unnecessary litigation. It is also possible that if the current language is contained in the final version of this bill, it would interfere with a wide range of needed agricultural rulemaking involving turkeys, hogs, corn, and soybeans. I also share my colleague's concern that depending on the outcome of litigation, the existing language could interfere with rulemaking needed on behalf of the ethanol fuels industry.

The process by which Federal laws are crafted is often perceived as overly heavy-handed, rigid, and inefficient. I am optimistic that this legislation can be modified as it progresses through the legislative process so that its shortcomings are corrected. Unless significant modifications are made, I will not vote for this bill when it returns to the House for final consideration.

FURADAN REGULATION NOT AFFECTED BY REGULATORY MORATORIUM
HON. EARL POMEROY

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 2, 1995

Mr. POMEROY. Mr. Speaker, it is my understanding that the intent of the Government Reform and Oversight Subcommittee on National Economic Growth, Natural Resources and Regulatory Affairs is to exclude the Environmental Protection Agency Final Rule at 40 CFR part 180 titled, "Pesticide Tolerances for 2,3-Dihydro-2,2-Dimethyl-7-Benzofuranty-N-Methylcarbamate," from H.R. 450, a bill that imposes a moratorium on the implementation of regulations issued between November 20, 1994, and the enactment of risk assessment/cost benefit analysis legislation, or December 31, 1995, whichever comes first.

North Dakota has been granted a time-limited tolerance on Furadan CR-10 for use on canola. Furadan CR-10 is considered the most effective insecticide used to control the flea beetle, one of the major threats to canola in North Dakota.

North Dakota produces more canola than any other State and supports canola crushing facilities. Canola is a region-specific crop that when crushed produces one of the healthiest and highest demanded industrial use and edible use oils on the market today.

The initiative by the Environmental Protection Agency [EPA] enables canola producers

in North Dakota and a handful of northern tier States to sell Furadan-treated canola seed to "Canola Crushing Processors" within the United States. Prior to the tolerance, canola producers were required to export treated canola seed to foreign processors, mostly in Canada.

It is my understanding that the regulation meets at least one of the general exclusions established in H.R. 450.

Specifically, the definition of a "rule" excludes the "granting or recognizing an exemption, granting a variance or petition for relief from regulatory requirement, or other action relieving a restriction * * * or taking any action necessary to permit * * * [the] use of a substance or product."

In addition, H.R. 450 specifies that the term "regulatory rulemaking action" excludes:

Rulemaking actions that are "limited to repealing, narrowing, or streamlining a rule, regulation, or administrative process or otherwise reducing regulatory burdens."

Additionally, based on H.R. 450, it would appear that should the Office of Management and Budget be asked to determine whether to exclude or exempt this regulation from the moratorium, that it should do so.

FURADAN REGULATION NOT AFFECTED BY REGULATORY MORATORIUM
HON. DAVID M. MCINTOSH

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 2, 1995

Mr. MCINTOSH. Mr. Speaker, it has been brought to my attention that a handful of northern tier States are concerned about whether an Environmental Protection Agency [EPA] time limited tolerance on furadan CR-10 for use on canola would be affected by H.R. 450, the Regulatory Transition Act of 1995.

It is the intent of the drafters of H.R. 450 to exclude from the regulatory moratorium agency exemptions and other actions that relieve a restriction on the use of a product or process. The EPA Final Rule at 40 CFR Part 180 titled, "Pesticide Tolerances for 2,3-Dihydro-2,2-Dimethyl-7-Benzofuranty-N-Methylcarbamate," fits that exception.

Additionally, the furadan regulation might also satisfy the streamlining exception to the moratorium to the extent it streamlines the burden on producers and growers of canola seeds.

Thus, it is intent of the drafters of H.R. 450, that should the Office of Information and Regulatory Affairs be asked to determine whether to exclude or exempt this regulation from the moratorium, that the regulation should be excluded.

FAIRNESS FOR FILIPINO WORLD WAR II VETERANS
HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 2, 1995

Mr. FILNER. Mr. Speaker, I join today in a bipartisan effort with the gentleman from New York, Congressman BENJAMIN GILMAN, chairman of the House Committee on International Relations, to introduce the Filipino Veterans Equity Act of 1995.

Today, we recall the brave members of the Filipino Army who obeyed the order of the President of the United States during World War II. They fought side by side with U.S. forces against a common enemy. They served and died defending the American flag in the epic battles of Bataan and Corregidor and through 4 long years of enemy occupation. They were as much as part of our fighting forces as were soldiers drafted from the States.

But, soon after World War II ended, the 79th Congress enacted the Rescission Act of 1946, denying Filipino Veterans not only the benefits, but also the recognition they so richly deserved. For far too many years, Filipino Veterans have been waiting for the benefits they earned, the benefits that go automatically to other veterans who were exposed to similar hardships. A grave injustice has been done—and now is the time for us to correct this injustice.

Even President Harry S. Truman, who signed the Rescission Act, said it did not release the United States from its obligation to provide for the heroic Filipino Veterans who sacrificed so much during the war. He believed it was a moral obligation of the United States to look after the welfare of the Filipino Veterans—and so do I, and so do my colleagues who join me today in cosponsoring this legislation.

The bullets in World War II did not ask if their target was an American or a Filipino soldier. In 15 years, there will no longer be any of these veterans left alive. Many, until their dying day, were asking, "Do we deserve the 1946 Rescission Act? Didn't we suffer the same suffering as the American soldier fighting the same war?"

We must act and we must act now.

I am especially pleased that two of my colleagues from San Diego County are joining with me today in recognizing the contribution of the World War II Filipino Veterans, Congressmen BRIAN BILBRAY and RANDY "DUKE" CUNNINGHAM.

I urge all my other colleagues to join me in recognizing these brave soldiers and in granting them the benefits they earned and deserve.

CONGRATULATIONS TO FERMILAB
HON. J. DENNIS HASTERT

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 2, 1995

Mr. HASTERT. Mr. Speaker, I rise today to inform my colleagues of a scientific milestone, announced this afternoon at Fermi National Accelerator Laboratory in Batavia, IL.

Today, physicists at the laboratory, which is located within my district, announced the discovery of the subatomic particle called the top quark, the last of the six basic building blocks predicted to exist by current scientific theory.

Mr. Speaker, this discovery demonstrates the prominent role the United States and Fermilab play in the field of high energy physics. In addition, it is clear that Fermilab's Tevatron accelerator has established itself as the world's preeminent site for high energy physics research.