

In addition, there are new technologies benefiting all Americans developed at Great Plains on a regular basis. Among the most recent are the production of the rare gases krypton and xenon, and using synthetic gas to produce anhydrous ammonia and ammonium sulfate, two commercial fertilizers.

I am hopeful that the commissioners at FERC will see this ruling for what it is—an administrative law judge run amok, believing he knows more than the agency, industry, and consumers working with this project on a daily basis. If this ruling were to stand, Great Plains would likely have to shut its doors forever. This is simply not right. It is time the absurdity of this decision was brought to full attention of this body and the American people.

What we have here is sophisticated parties entering into contracts and making investments based upon those contracts. Then along comes an administrative law judge who retroactively nullifies the express agreements and imposes his judgement. In the process, he single-handedly destroys the viability of the entire project.

I would like to outline the most disturbing aspects of this ruling, if it were accepted by FERC.

It requires the plant to sell the product to the pipelines at well-below the cost of producing the gas. The judge's ruling would set the purchase price at almost \$1 per dekatherm below the cost of production and resulting in a loss of \$55 million in 1995. This is totally unacceptable.

The ruling would also require the pipeline companies to retroactively refund customers to the tune of \$280 million. This cost would no doubt be passed on to the plant itself, further jeopardizing Great Plains' ability to meet its bottom line.

Amazingly, the judge provided more relief than was even sought by the consumers. The judge strayed far from the matters at hand into issues of production capacity at the plant. He ruled that the pipeline companies would no longer have to receive what is produced at the plant—around 160 million barrels per day. Rather, they would only have to receive what was expected to be produced at the plant—131 million barrels per day.

If FERC were to approve the ruling, it would completely set-aside FERC's own Opinion 119 agreement between Great Plains and the four pipeline purchasers which allowed the project to go forward in the first place. Opinion 119 was the basis for further negotiations enabling Great Plains to be sold to the Dakota Gasification Co., a subsidiary of Basin Electric, with a profit-sharing arrangement with the Department of Energy. To abandon Opinion 119 at this time would be a disservice to all parties involved—especially when you consider that it was the consumer representatives themselves that drafted the pricing formula of these gas purchase agreements.

This issue will be decided by FERC in the near future. I urge each Member of that body to give this matter their most careful attention. Their decision will have ramifications on the Department of Energy, my State of North Dakota, and the energy future of this Nation.

VETO OVERRIDE ON THE INTERIOR APPROPRIATIONS BILL

HON. CHET EDWARDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, January 26, 1996

Mr. EDWARDS. Mr. Speaker, on July 18, 1995, I voted for the fiscal year 1996 Interior appropriations bill. While I did not agree with everything in the bill, I strongly supported the reforms that were included on the Endangered Species Act. Specifically, the bill prohibited the listing of new endangered species until the Endangered Species Act is reauthorized. Also, the bill prohibited the use of funds to designate critical habitat for listed species. As a defender of private property rights, I also supported the provision that defunded the National Biological Survey.

When the House considered the conference report on this bill in December, again I supported the bill because of these important provisions. That measure passed the House on December 13, 1995 by a vote of 244–181.

Unfortunately, President Clinton vetoed the Interior appropriations bill. I was disappointed that these important provisions were not signed into law.

When the House voted to override the veto in January 1996, I fully intended to continue my support for the bill by voting to override that veto. However, when I checked the CONGRESSIONAL RECORD, I realized that I had mistakenly voted to sustain the veto. This vote was in error. I want to make it clear for the record that I support this legislation and I intended to vote to override the President's veto.

I have consistently been in favor of making changes in the current Endangered Species Act [ESA]. I am a cosponsor of H.R. 2275, a bill supported by the Texas Farm Bureau that would make commonsense changes to the existing law.

In 1994, when central Texas was under fire from the U.S. Fish and Wildlife Service over designating critical habitat for the golden cheeked warbler, I was a leader in forcing the Service to abandon the plan. I believe that this situation demonstrates the weaknesses of the ESA, and shows how desperately reform is needed.

I have also been a vocal critic of the National Biological Survey. On June 22, 1994, I voted in favor of the Allard amendment to the Interior appropriations bill. This amendment, which would have eliminated all funds for the National Biological Survey, did not pass. This year opponents of the NBS like me were pleased to see that this program was targeted for elimination. While I appreciate the recent reforms in this program, I am still not convinced it is a prudent use of taxpayers' money.

When the issues regarding private property rights come up for votes in 1996, I will vote to protect those rights as I have consistently done in years past.

TRIBUTE TO THE SOUTH BRONX MENTAL HEALTH COUNCIL, INC., FIFTH PATIENT RECOGNITION DAY

HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, January 26, 1996

Mr. SERRANO. Mr. Speaker, I rise to pay tribute to the South Bronx Mental Health Council, Inc., which today will celebrate its fifth Patient Recognition Day.

Since 1968, the South Bronx Mental Health Council, previously named the Lincoln Community Mental Health Center, has provided treatment and mental health services to members of our community.

A community-based organization, the council offers counseling and mental health treatment for individuals of all age groups, including children, as well as satellite programs at local schools and community support programs.

On this special occasion, council personnel and patients will be joined by family and friends to recognize the achievements made by patients during the past year. With the support of the council's dedicated personnel, many of these patients have made special efforts to overcome their challenges and accomplished specific goals.

Mr. Speaker, I ask my colleagues to join me in saluting our friends at the South Bronx Mental Health Council and in recognizing their outstanding achievements on their fifth Patient Recognition Day.

INTRODUCTION OF LEGISLATION

HON. THOMAS J. BLILEY, JR.

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, January 26, 1996

Mr. BLILEY. Mr. Speaker, I would like to insert for the RECORD the text of flow control legislation which may be brought up on the Suspension Calendar on Tuesday, January 30.

SECTION. 1. CONGRESSIONAL AUTHORIZATION OF STATE AND LOCAL MUNICIPAL SOLID WASTE FLOW CONTROL.

(a) AMENDMENT OF SUBTITLE D.—Subtitle D of the Solid Waste Disposal Act is amended by adding after section 4011 the following new section:

“SEC. 4011. CONGRESSIONAL AUTHORIZATION OF STATE AND LOCAL GOVERNMENT CONTROL OVER MOVEMENT OF MUNICIPAL SOLID WASTE AND RECYCLABLE MATERIALS.

“(a) FLOW CONTROL AUTHORITY FOR FACILITIES DESIGNATED AS OF MAY 16, 1994.—Any State or political subdivision thereof is authorized to exercise flow control authority to direct the movement of municipal solid waste, and recyclable materials voluntarily relinquished by the owner or generator thereof, to particular waste management facilities, or facilities for recyclable materials, designated as of May 16, 1994, if each of the following conditions are met:

“(1) The waste and recyclable materials are generated within the jurisdictional boundaries of such State or political subdivision, determined as of May 16, 1994.

“(2) Such flow control authority is imposed through the adoption or execution of a law,