LC 3730

A-Engrossed House Bill 3640

Ordered by the House June 5

Including House Amendments dated June 5

Sponsored by Representative SOWA; Representative ROBERTS, Senators DERFLER, TROW.

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure.

Makes findings regarding Hanford Nuclear Reservation {−and Idaho National Engineering Laboratory−}, importance of uncontaminated ecosystem and state's history regarding nuclear facilities. Declares state policy concerning processing of mixed oxide fuel at Hanford Nuclear Reservation {−and Idaho National Engineering Laboratory−}. Requests that federal officials clean up Hanford Nuclear Reservation.

{−Refers Act to people at next regular general election.−}

A BILL FOR AN ACT

Relating to nuclear facilities.

Be It Enacted by the People of the State of Oregon:

SECTION 1. {+The Legislative Assembly and the people of the State or Oregon find that:

(1) The maintenance of healthy, unpolluted river systems, airsheds and land are essential to the economic vitality and well-being of the citizens of the State of Oregon and the Pacific Northwest.

(2) Radioactive waste stored at the Hanford Nuclear Reservation is already leaking into and contaminating the water table and watershed of the Columbia River and radioactive materials and toxic compounds have been found in plants, animals and waters downstream from the Hanford Nuclear Reservation and constitute a present and potential threat to the health, safety and welfare of the people of the State of Oregon.

(3) The Hanford Nuclear Reservation is now one of the most radioactively contaminated sites in the world, according to government studies, and will require billions of dollars in costs for cleanup and the ongoing assessment of health effects.

(4) In November 1980, the people of the State of Oregon, by direct vote in a statewide election, enacted a moratorium on the construction of nuclear power plants, and no nuclear power plants are presently operating in the State of Oregon.

(5) In May 1987, the people of the State of Oregon, by direct vote in a statewide election, enacted Ballot Measure 1, opposing the disposal of highly radioactive spent fuel from commercial power plants at the Hanford Nuclear Reservation.

(6) In 1995, the Legislative Assembly resolved that Oregon should have all legal rights in matters affecting the Hanford Nuclear Reservation, including party status in the Hanford tri-party agreement that governs the cleanup of the reservation.

(7) Throughout the administrations of Presidents Ford, Carter, Reagan and Bush, the policy of the Federal Government banned the use of plutonium in commercial nuclear power plants due to the risk that the plutonium could be diverted to terrorists and to nations that have not renounced the use of nuclear weapons.

(8) The Federal Government has announced that it will process plutonium from weapons with uranium to produce mixed oxide fuel for commercial nuclear power plants and other nuclear facilities. The Hanford Nuclear Reservation, located on the Columbia River, is a primary candidate site being considered for the production facilities.

(9) The production of mixed oxide fuel will result in enormous new quantities of radioactive and chemical wastes that will present significant additional disposal problems and unknown costs.+}

SECTION 2. {+The Legislative Assembly and the people of the State of Oregon:

(1) Declare that the State of Oregon is unalterably opposed to the use of the Hanford Nuclear Reservation for operations that create more contamination at the Hanford Nuclear Reservation, divert resources from cleanup at the Hanford Nuclear Reservation and make the Hanford Nuclear Reservation cleanup more difficult, such as the processing of plutonium to fuel nuclear power plants, reactors or any other facilities, and further declare that vitrification in a safe manner is the preferred means to dispose of excess plutonium, in order to protect human health and the environment.

(2) Request that the President of the United States and the Secretary of the Department of Energy continue their previous policy of banning the use of plutonium to fuel commercial power plants and nuclear facilities.

(3) Request that the Federal Government honor the Federal Government's original mandate to implement and complete the cleanup and restoration of the Hanford Nuclear Reservation.+}

SECTION 3. {+Not more than 10 days after the effective date of this Act, the Secretary of State shall transmit copies of sections 1 and 2 of this Act to the President of the United States, the Secretary of the Department of Energy, the Majority Leader of the United States Senate, the Speaker of the United States House of Representatives, each member of the Oregon Congressional Delegation, the Governors of the other 49 states and the tribal councils of the federally recognized Indian tribes in Oregon, Washington and Idaho.+}

Mr. MOAKLEY. Mr. Speaker, I yield 1 minute to the gentleman from New Jersey, [Mr. ROTHMAN].

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

Mr. ROTHMAN. Mr. Speaker, I rise to engage in a colloquy with the gentleman from Pennsylvania [Mr. MCDADE].

Mr. Speaker, I have a FUSRAP site in my district in Maywood, NJ, and I am very concerned about the committee's proposal to transfer responsibility for this program from the Department of Energy to the Army Corps of Engineers.

Mr. Speaker, cleanup of this site has been in progress for 13 years, and it should be completed in another 4. I want to be able to assure the residents of Maywood that these actions will not jeopardize or slow down the cleanup of this site.

Mr. Speaker, I would be grateful if the gentleman from Pennsylvania could assure me that this transfer of responsibility from the DOE to the Army Corps will not stop or slow down the progress which is being made at the Maywood site and that existing contracts and agreements will be honored.

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

Mr. ROTHMAN. I yield to the gentleman from Pennsylvania.

Mr. MCDADE. Mr. Speaker, I appreciate the concerns of my colleague, and I want to assure the gentleman that it is clearly the intention of the committee to expedite cleanup at these sites, complete ongoing activities and cleanups as quickly as possible, and to honor existing agreements.

Mr. MOAKLEY. Mr. Speaker, I yield 1 minute to the gentleman from Florida [Mr. HASTINGS].

Mr. HASTINGS of Florida. Mr. Speaker, I rise to engage the gentleman from Pennsylvania [Mr. MCDADE] in a colloquy.

Mr. Speaker, it is my understanding that the Section 107 program allows the Army Corps of Engineers to engage in small navigation construction projects absent a specific authorization. According to Section 107, the sand transfer plant project at Lake Worth Inlet, which requires just $354,000 in funding for preliminary design and engineering, is eligible for funding under this authority and indeed should be so funded with monies made available in this legislation.

Mr. Speaker, would the gentleman from Pennsylvania [Mr. MCDADE], THE CHAIRMAN, BE WILLING TO CONSIDER THIS IN CONFERENCE?

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

Mr. HASTINGS of Florida. I yield to the gentleman from Pennsylvania.

Mr. MCDADE. Mr. Speaker, I want to say that the gentleman from Florida [Mr. HASTINGS], my friend, has briefed me extensively on this project and we are very willing to work with the gentleman as this issue works toward conference.

Mr. HASTINGS of Florida. Mr. Speaker, reclaiming my time, I thank the gentleman in advance for his help.

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

Mr. HASTINGS of Washington. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I urge my colleagues to support this rule. This is an open rule, and I think what it represents is what the Committee on Rules has been trying to do on many occasions, which is to have an open rule so we can have open discussion on any issues that the Members want to bring to the floor.

Mr. Speaker, I also want to commend the gentleman from Pennsylvania [Mr. MCDADE], the chairman, and the gentleman from California [Mr. FAZIO] for their work on this. It certainly shows that when there is a will, that we can get something done with bipartisan support on a bipartisan basis.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. MCDADE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within

which to revise and extend their remarks on the bill (H.R. 2203) making appropriations for energy and water development for the fiscal year ending September 30, 1998, and for other purposes, and that I be permitted to include tabular and extraneous materials.

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

There was no objection.

ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 1998

The SPEAKER pro tempore (Mr. NUSSLE). Pursuant to House Resolution 194 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 2203.

□ 2143

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 2203) making appropriations for energy and water development for the fiscal year ending September 30, 1998, and for other purposes, with Mr. OXLEY in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered read the first time. The gentleman from Pennsylvania [Mr. MCDADE], and the gentleman from California [Mr. FAZIO], each will control 30 minutes.

The Chair recognizes the gentleman from Pennsylvania [Mr. MCDADE].

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

Mr. MCDADE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, as I indicated when the Committee on Rules kindly yielded time to us to consider colloquies, we have a number of Members who have colloquies which are very important to each one of them and we are going to take care of them with expedition and try to get that done.

Before I say anything about the bill or anything else, however, I want to express my appreciation to the gentleman from California [Mr. FAZIO], my dear friend the ranking member, who performed with great diligence and made great impact on the bill. And I want to say to the gentleman that it is a pleasure to work with him. I appreciate all of his efforts and guidance.

Let me say too, Mr. Chairman, that I want to tell every single member of this subcommittee how grateful I am for their diligence and their efforts. Every one of them put a footprint on this bill and added to its unanimous nature.

Mr. Chairman, this bill is reported unanimously from the subcommittee and unanimously from the full committee. It is because all of us as Members worked together, aided by one of the ablest staffs on Capitol Hill. I have nothing but thanks to the staff for their diligence, their efforts, their intelligence, their persistence, and their patience. All of them worked extremely hard and we are grateful to them.

Mr. Chairman, I rise in strong support of H.R. 2203, the Energy and Water Development appropriations bill for fiscal year 1998. The Energy and Water bill is a fiscally responsible measure which continues to protect important priorities of Congress. At $20 billion, the bill is $52 million above the fiscal year 1997 level and $2.6 billion below the budget request. The bill is within its allocation of both budget authority and outlays.

The subcommittee has worked diligently to strike the right balance between the energy and water programs funded in this bill. Unfortunately, the administration's request underfunds vital water resource activities across the country, including flood control, shore protection activities, and harbor maintenance. The subcommittee has been deluged with a crushing number of requests from Members regarding water resource projects in their districts. Recognizing the value of these investments, the subcommittee has been as accommodating as possible to Members within the constraints of a severe budgetary environment.

Mr. Chairman, the Energy and Water bill includes $4 billion for the Corps of Engineers. This amount includes an increase of $550 million, or 16 percent, over the budget request for the water resource activities of the corps. Still, this amount is $188 million below the amount appropriated last year. Although the subcommittee was unable to fund all the worthy requests it received for water projects, it did commit a substantial amount to protect and enhance our vital investment in the country's water resource infrastructure.

Notably, the recommendation rejects the proposed policies of the administration that would: First, require full upfront funding of Corps of Engineers construction projects, and second, severely restrict the role of the corps in shoreline protection and small harbor navigation projects. With respect to these administration initiatives, the committee was confronted with enormous opposition and no visible support.

The Formerly Utilized Site Remedial Action Program [FUSRAP], previously funded as a program of the Department of Energy, is included in this bill as a program of the Army Corps of Engineers, The committee has increased the budget for this program—established to clean up sites participating in the country's early development of nuclear weapons materials—by nearly 50 percent over last year to $110 million. This increase, coupled with the transfer of programmatic responsibilities to the corps, is intended to accelerate the cleanup of contaminated sites, enhance program efficiency, and reduce costs to the taxpayer.

Title II of the bill includes funding for programs of the Department of the Interior, including the Bureau of Reclamation. The $910 million recommended in title II is $23 million below the budget request and an increase of $86 million over the current fiscal year. The recommendation includes $120 million—$23 million below the budget request—for a new initiative: the Bay-Delta Enhancement and Water Supply project. This new program is designed to protect and enhance water resources in northern California's Bay-Delta region. It is worth noting that voters in the State of California have passed a $1 billion bond issue for purposes complementary to the Federal investment.

Title III includes funding for both defense and nondefense functions of the Department of Energy. The recommendation for the Department of Energy is $15.3 billion, $3.2 billion below the budget request. The reduction from the request is largely due to the rejection of the administration's proposals for Environmental Management privatization and full upfront funding of construction projects.

Eleven billion dollars—over half of the bill—is committed to the atomic energy defense activities of DOE. Of this amount, nearly $5.3 billion is devoted to the cleanup of our nuclear defense production complex. Other defense activities funded in this bill include the maintenance of our nuclear weapons stockpile, nonproliferation efforts, and the disposal of defense nuclear waste. The defense portion of the bill is generally consistent with the House National Security authorization bill for fiscal year 1998.

The remaining $4.3 billion appropriated to the Department of Energy is to continue the important civilian activities of the Department. The committee has been especially protective of basic science and energy research conducted by the Department, appropriating $2.2 billion to a newly created science account. This account funds efforts involving nuclear physics, high energy physics, basic energy sciences, and biological and environmental research.

The bill includes $225 million for fusion energy sciences, including funding for the International Thermonuclear Experimental Reactor project. High energy physics and nuclear physics programs are funded at $680 million and $321 million, respectively—a $5 million increase over the budget request for each program. Furthermore, the bill fully funds the budget request for the human genome project, $85 million; the large hadron collider, $35 million; the National Spallation Neutron Source, $23 million; and other high-value basic research programs.

Mr. Chairman, the bill provides a grand total of $329.3 million in direct support of solar and renewable energy activities of the Department of Energy. The bill includes $285 million for solar and renewable energy programs directly administered by the Office of Energy Efficiency and Renewable Energy. This represents an increase of $18.7 million over the fiscal year 1997 level. In addition, the recommendation includes $44 million for basic renewable energy research activities of the Office of Energy Research.

The bill also includes a total of $350 million for the nuclear waste disposal activities of DOE, including the continued characterization of Yucca Mountain in Nevada as a potential geologic repository. This is $30 million less than the budget request and $32 million less than the amount provided in fiscal year 1997. Of the total amount, $160 million is to be derived from the Nuclear Waste Fund, capitalized by contributions of nuclear utility ratepayers, and $190 million represents the Federal contribution for disposal of high-level defense waste.