

This legislation amends the Clean Air Act to prohibit powerplants and other major point sources of nitrogen oxide (NO_x) pollution that are in an ozone non-attainment area from participating in EPA's emission trading program.

In 1990 Congress passed amendments to the Clean Air Act to deal with the issue of acid rain deposition.

Harmful acid rain was destroying our buildings, personal property and turning freshwater lakes into dead zones.

The new law established an innovative emission trading program to reduce the precursors of acid rain, harmful nitrogen oxides and sulphur dioxides emitted by coal-burning powerplants and major industrial boilers.

Since its establishment, the trading program has worked extremely well, better than even proponents of the 1990 amendment to the Clean Air Act ever expected.

While nitrogen and sulphur dioxides have been reduced, and reduced by millions of tons, an unanticipated new wrinkle has emerged as States and localities work to reduce urban smog and bring ozone non-attainment areas into compliance with other requirements in the Clean Air Act.

States and localities are bumping into the emission trading program for nitrogen oxides.

Not only are nitrogen oxides the precursors of acid rain, they also mix with hydro-carbons and form unhealthy ground level ozone.

Giving power plants in an ozone non-attainment area the authority to buy a credit from elsewhere and avoid nitrogen oxide reductions may help EPA meet its national acid rain reduction goals, but it can frustrate state and local efforts to lower ozone and urban smog and be in compliance with the Clean Air Act. I speak from experience.

Just across the Potomac River in Alexandria we have a power plant operated by Mirant that was in violation of its operating permit.

Aptly named the "Potomac River Plant", the coal-fired facility was built in 1949.

Because it was approaching the end of its useful life expectancy, Congress agreed to exempt it and other older plants from the tougher modern emission requirements under the Clean Air Act.

The exemption was probably a mistake.

Unfortunately, too many utilities found it cheaper to keep these antiquated and dirty plants operating beyond their useful life than replace them with costlier but cleaner power plants.

Had this region replaced all of exempt power plants with modern facilities, this region might be in compliance with the Clean Air Act ozone standards.

Instead, this region has had greater challenge to bring this region into compliance and imposed only modest emission reductions on the Potomac River Plant.

This attainment plan faced a serious setback during the summer of 2003 when the Potomac River Plant violated its clean air emission limits by more than 1,000 tons of nitrogen oxide, double the tonnage allowed under its permit.

Initially, Mirant claimed it could come into compliance by purchasing credits of emission reductions from sources elsewhere, outside this region, to meet its emission reduction goal.

"Not so," said the Commonwealth of Virginia.

The state's position, however, was on less than firm legal ground and it took extensive

enforcement action and the threat of a state-initiated lawsuit before an alternative remedy was agreed upon.

I am pleased that the state held firm and was able to reach a settlement, that while not ideal, will reduce emissions at the Potomac River Plant and the other three local coal-fired plants operated by Mirant.

The agreement will contribute substantially to reduce NO_x emissions throughout the metropolitan Washington, D.C. region and bring it into compliance with the Clean Air Act.

The legislation I am reintroducing today, however, is still necessary.

It gives states the clear legal authority they need and discourages power plants from challenging state ozone implementation plans in court.

This legislation will give other states the authority they need to block power plants in a non-attainment area from engaging in NO_x emission trading and avoiding their responsibility to reduce ozone and urban smog.

It makes no sense, to force this region, or the jurisdictions of any ozone non-attainment area, to ratchet down nitrogen oxides from other sources, beyond what may be necessary, simply because a few large sources are able to buy their way out of compliance.

It isn't fair, and it is not in anyone's best interest to do so.

My legislation puts an end to it. It deserves consideration.

IN HONOR OF THE ROTARY CLUB OF BRANDYWINE'S 50TH ANNIVERSARY

HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 25, 2005

Mr. CASTLE. Mr. Speaker, it is with great pleasure that I rise today to pay tribute to the Rotary Club of Brandywine as they celebrate their 50th anniversary in the State of Delaware.

While serving as the Vice President of the Phoenix Steel Corporation, Otis Zwissler chartered the Rotary Club of Brandywine on March 8, 1955. Over its 50-year history, the Rotary Club has raised more than \$500,000 dollars to benefit numerous service projects, both locally and internationally. During this time, the Rotary Club has engaged in efforts to eradicate polio, and has been involved in numerous community food drives. The Rotary Club of Brandywine recently aided in the construction of the Can-Do Playground, which will enable disabled children to join with the rest of their friends in a common play area. In addition, the Rotary Club has hosted many well-known guest speakers over the years, including the former United States Secretary of Housing and Urban Development and first Cuban-American ever elected to the United States Senate, Senator Mel Martinez; all of the current and several previous members of the Delaware federal delegation; the current Governor of Delaware, as well as many previous Governors; and the President of Rotary International.

The 46 members of the Rotary Club of Brandywine are part of the Delaware Eastern Shore of Maryland Rotary District. This district contains 2,000 Rotarians, and is one of over

31,000 worldwide clubs in 160 countries. Globally, over 1.2 million people take part in Rotary Club activities.

The Rotary Club of Brandywine's accomplishments and service to the State of Delaware deserve to be recognized and I commend the club on their great efforts to support others in our community. I look forward to the Rotary Club of Brandywine's continued success. Its contribution in Delaware should serve as an example to us all.

H.R. 304—AIRCRAFT CARRIER END-STRENGTH ACT

HON. ANDER CRENSHAW

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 25, 2005

Mr. CRENSHAW. Mr. Speaker, I rise today to introduce H.R. 304—the Aircraft Carrier End Strength Act. Recently, in a last ditch effort to reach OMB budgetary goals, the Department of the Defense approved drastic cuts in the Navy's Fiscal Year 2006 budget. Only one of these cuts is both operationally unsound AND irreversible . . . that is the reduction in the Navy's fleet of aircraft carriers from twelve to eleven.

This decision was not made by the military and policy experts who are now working on the 2005 Quadrennial Defense Review (QDR). This irreversible decision was made by budget crunchers looking to reduce the budget topline without considering all of the operational impacts. Congress has worked hard to re-build our national defense architecture and now is not the time to retreat. That is why I have introduced legislation, H.R. 304, which will ensure that the Navy maintains their current minimum requirement of twelve aircraft carriers.

Just last year, the Chief of Naval Operations, Admiral Vern Clark, stated; "Aircraft carrier force levels have been set at 12 ships as a result of fiscal constraints; however, real-world experience and analysis indicate that a carrier force level of 15 ships is necessary . . ." And in 2001, then-Vice Admiral Timothy J. Keating stated, "The United States needs 15 carriers to provide continuous combat-credible sovereign presence in each area of responsibility. . . . The United States accepts a risk by leaving areas of the world uncovered at times."

Over the last few years, Congress has heard a consistent message from the Department of Defense—the important tactical missions accomplished in Afghanistan and Iraq would not have been possible without our fleet of aircraft carriers. Aircraft carriers are in constant demand all over the globe and there is no technology that will allow them to be in two places at the same time. In the face of terrorist threats and other dangers that this nation is facing and with the proven operational need of aircraft carriers, now is not the time for the Navy to contemplate decreasing the number of aircraft carriers available for our national security strategy.

Please support H.R. 304—the Aircraft Carrier End-Strength Act.