

INTRODUCTION OF THE "NUCLEAR
DECOMMISSIONING FUNDS CLAR-
IFICATION ACT"

HON. JERRY WELLER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 1999

Mr. WELLER. Mr. Speaker, I am pleased to join with my colleague, BEN CARDIN, to introduce "The Nuclear Decommissioning Funds Clarification Act." The need for this legislation results from the emergence of a competitive electricity market out of a regulated environment. Because of this structural change, the tax treatment of nuclear decommissioning funds is not clear under current law.

Understanding that decommissioning a nuclear power plant represents a uniquely large and significant financial undertaking for a utility, in 1984 Congress enacted "Code section 468A" which was designed to have public service commissions authorize that certain costs could be charged by an electric utility company to its customers to dedicate to a nuclear decommissioning fund (Fund).

In 1986, the Code was further amended to allow an electric utility company with a direct ownership interest in a nuclear power plant to elect to deduct contributions made to a nuclear decommissioning fund, subject to certain limitations. The Fund must be a segregated trust used exclusively for the payment of decommissioning (shutting down) costs of nuclear power plants. Decommissioning the nation's 110 nuclear power plants represents a large financial commitment—so large that nuclear plant owners accumulate the necessary funding over the plant's 40-year operating life.

As a result of Federal and state laws enacted since 1992, 21 states have approved plans to introduce competition, and all states are considering deregulation. Fifty-four nuclear power plants are located in 15 of the states that have undergone restructuring, more than half the nation's 103 operating plants. Under current law, deductible contributions made to a nuclear decommissioning fund (Fund) are based on limitations reflected in cost-of-service ratemaking. In a competitive market, companies will no longer operate in a regulated, cost-of-service environment and will not be able to deduct contributions to decommissioning funds. Therefore, it is appropriate to clarify the deductibility of nuclear decommissioning costs under market-based rates and to codify the definition of "nuclear decommissioning costs" that limit contributions to a Fund.

In addition, restructuring has brought regulatory and market forces to bear upon continued ownership of nuclear power plants. As more companies move away from the nuclear generation—either by choice or state mandate—companies such as Illinois Power in my home state are planning transfers and sales of nuclear power plants. These new business activities have triggered unforeseen tax consequences that, if not corrected, could force the early shutdown of nuclear units that cannot be sold. Hence, a number of nuclear power plants may be forced to shut down before their licenses expire, resulting in the loss of jobs and a reduction of energy supply.

Decommissioning nuclear power plants is an important health and safety issue. It is essential that monies are available to safely decommission the plant when it is retired. It is also necessary, in many cases because of restructuring laws passed by states, to clarify the tax treatment for nuclear power plants that transfer ownership. I urge my colleagues to join with me in supporting this important bill.

COMMUNITY REINVESTMENT ACT

HON. JOHN J. LaFALCE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 1999

Mr. LaFALCE. Mr. Speaker, the Community Reinvestment Act was created by the Congress in 1977 to combat discrimination by encouraging federally insured financial institutions to help meet the credit needs of the communities they serve. I am here today to report that the Community Reinvestment Act, or CRA, has been a tremendous success.

CRA's success results from the effective partnerships of municipal leaders, local development advocacy organizations, and community-minded financial institutions. Working together, the CRA has proven that local investment is not only good for business, but critical to improving the quality of life for low and moderate income residents in the communities financial institutions serve.

You will be hearing about other CRA success stories in the next few weeks. I want to applaud the financial services industry for their extraordinary record of meeting their CRA obligations—at present it is estimated that almost 98 percent of all financial institutions have achieved a satisfactory or better CRA compliance rating. In my own district, however, there are many instances of leadership. Today I focus on one of the CRA lending practices of KeyBank. KeyBank loans have led to the development of 138 units of low income senior housing, as well as permanent financing for a group home for the developmentally disabled. KeyBank participants in the Buffalo Neighborhood Housing Services Revolving Loan Fund, which enabled local Neighborhood Housing Service agencies to acquire and rehabilitate numerous vacant properties, and resell them to low and moderate income constituents in my district. CRA lending by KeyBank has also led to job growth. For example, KeyBank has worked with the Minority and Women owned loan program of Western New York to create pro-bono counseling and monitoring services to minority and women loan applicants during the pre-application and post-loan periods of a new business. In addition, CRA lending by KeyBank resulted in the construction and financing for a manufacturing facility which resulted in the retention of 50 jobs and the creation of an additional 50 jobs in Niagara County.

Mr. Speaker, I strongly support the Community Reinvestment Act and the success it has achieved in combating discrimination. I applaud our financial institutions for their strong compliance record and welcome their continued success.

IN HONOR OF VANCE C. SMITH, SR.

HON. MAC COLLINS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 1999

Mr. COLLINS. Mr. Speaker, I rise to honor a Georgia legend whose eighty year life encompassed all that it means to live the American dream. Vance C. Smith, Sr., born December 31, 1918, in Harris County, Georgia, to the late Shurley Sivell and Sallie Irvin Smith, will long be remembered for his devotion to family, community, and country.

On June 20, 1940, Mr. Smith married Reba Gray Simmons. In September 1943, he enlisted in the U.S. Navy and served with distinction until December 1945. During eighteen months on a Land Carrier Infantry boat in the Pacific, Mr. Smith was one of a handful to survive a Japanese suicide boat attack.

After World War II, Mr. Smith worked in the grocery business for four years, but then focused on his favorite business—the construction business. In 1951, Mr. Smith borrowed money to purchase a bulldozer, and the Vance Smith Construction Company was born. Over forty years later, the next generation of Smiths is still leading the family business.

Beyond the energy that went into maintaining a thriving business, Mr. Smith devoted much of his time to the community and helping others. He was a member and deacon of Pine Mountain First Baptist Church, a member of the Pine Mountain Chamber of Commerce, and a member of the Harris County Lion's Club. At one time he had not missed a Lion's Club meeting for a 25 year stretch. Mr. Smith was also a member of Chipley Lodge #40 F&AM, a past master, and a member of the Scottish Rite of Freemasonry.

Mr. Smith's community service also extended to political service. He served as a Harris County Commissioner from 1963 until 1966, at one time serving as chairman. In 1962, Mr. Smith was elected to the Pine Mountain Town Council, and served there for 33 years until his 1995 retirement.

Survived by his wife; daughter and son-in-law; son and daughter-in-law; five grandchildren; three sisters; and one brother, Vance Smith, Sr. fulfilled the life we all strive to live. Mr. Smith was successful in business, but his most meaningful contributions were those to his family and community. Mr. Smith's passing is a great loss to all, but his accomplishments and contributions will continue to be a blessing to those fortunate enough to have been touched by his life.

PERSONAL EXPLANATION

HON. XAVIER BECERRA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 1999

Mr. BECERRA. Mr. Speaker, due to a commitment in my district on Monday, June 7, 1999, I was unable to cast my floor vote on rollcall numbers 167–169. The votes I missed include rollcall vote 167 on approving the Journal; rollcall vote 168 to suspend the rules

and agree to the Senate amendment on H.R. 435, the Miscellaneous Trade and Technical Corrections Act; and rollcall vote 169 on the motion to suspend the rules and pass H.R. 1915, to provide grants to the States to improve the reporting of unidentified and missing persons.

Had I been present for the votes, I would have voted "aye" on rollcall votes 167, 168, and 169.

TEMPLETON ELEMENTARY SCHOOL—A NATIONAL BLUE RIBBON SCHOOL

HON. ALBERT RUSSELL WYNN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 1999

Mr. WYNN. Mr. Speaker, I would like to commend Templeton Elementary School, located in my Congressional District in Riverside, Maryland, for being named a National Blue Ribbon School. Templeton Elementary has a diverse enrollment of approximately 750 students with just over 70% coming from low income households.

This Blue Ribbon Award bestowed upon Templeton Elementary School by the U.S. Department of Education is a tribute to the school's academic accomplishments. Working within the tenants that "learning is valuable, respect is essential, communication is vital, consistent attendance is necessary, and teachers and parents must form a partnership to ensure student success," the students, parents and dedicated staff have demonstrated what is possible through their collective efforts.

Despite having a high percentage of children from low income homes and being within a school system with severe financial constraints, this school has excelled. Templeton serves as a model of the odds that can be overcome through both commitment and dedication.

WHITE HOUSE CONFERENCE ON MENTAL HEALTH

HON. JIM McDERMOTT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 1999

Mr. McDERMOTT. Mr. Speaker, the following speech delivered at the White House Conference on Mental Health by the President of the Special Olympics, Mrs. Shriver, does an excellent job in describing the challenges faced by individuals that suffer from both psychiatric disorders and mental retardation.

I urge my colleagues to take the time to read this particularly informative speech.

MRS. SHRIVER'S STATEMENT FOR THE WHITE HOUSE CONFERENCE ON MENTAL HEALTH

It has been known for at least the last 25 years that individuals with mental retardation suffer from the full spectrum of psychiatric disorders—depression, schizophrenia, anxiety states and more. In fact, it is now estimated that as many as 30% of the individuals with mental retardation also

have a coexisting mental illness, yet they remain one of the most underserved populations in the United States. These undiagnosed and untreated disorders prevent millions of people with mental retardation from leading productive lives.

Clinicians tell me that often emotional or aggressive outbursts are labeled normal behaviors for those with mental retardation when serious depression or other psychiatric disorders may be present. Too often in these situations psychotropic medicines in large doses may be administered with unnecessary toxic side affects.

Let me tell one short story that exemplifies this unfortunate situation. A forty-year-old woman with moderate mental retardation in an institution in a state not far from here was very heavily sedated because of severe aggressive behavior. Because of one well-trained clinician this woman's life was completely turned around. He diagnosed her as having a bi-polar affective disorder and treated here with Lithium. Shortly thereafter, she returned to here community, obtained a job and is now a productive member of society in contact with family and friends.

Another unfortunate example is when a non-retarded child is hyperactive he is often diagnosed as having an attention deficit disorder and treated properly. but when a child with mental retardation is hyperactive that behavior is typically attributed to his mental retardation and not adequately diagnosed or treated. We do know that children with attention deficit were very very rarely included into "Federal studies" on attention deficit disorder.

What can we do to improve these dreadful situation?

First, all psychiatric training should include exposure to children and adults with mental retardation and the American Board of Psychiatry and Neurology should require such experiences for certification.

Secondly, most of us agree that the earlier treatment is started, the more effective it is. Therefore, when a young child with mental retardation attends primary grades and acts up that shouldn't be automatically attributed to his mental retardation. The child should be referred to the school psychologist for proper diagnosis and treatment.

To accomplish all these goals, basic and clinical research that can benefit people with mental retardation and mental illness should be a priority at the National Institute of Mental Health working cooperatively with the National Institute of Child Health and Human Development and mentally retarded must be included in new research.

Finally, we must remember that persons with mental retardation are finding their own voice, telling their own stories, reminding the world that they are not to be pitied nor neglected, but rather individuals with ideas and feelings and dreams for their future. They stand with us today announcing their abilities and proclaiming that their time has come. From the Special Olympics Movement I have seen over and over again their promise, their potential and their unbridled human spirit.

I am confident that this conference and Mrs. Gore's leadership will forcefully move us into the next millennium where the mental health needs of those with mental retardation will be fully studied and addressed. I look forward to hearing others' thoughts and comments on this critical issue.

I thank you for this opportunity to talk on behalf of these wonderful human beings.

PERSONAL EXPLANATION

HON. ROBERT L. EHRLICH, JR.

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 1999

Mr. EHRLICH. Mr. Speaker, I missed 3 recorded votes because I was unavoidably delayed on June 7. I missed rollcall vote numbers: 167 on approving the Journal; 168 (H.R. 435); and 169 (H.R. 1915). Had I been present I would have voted "aye" on each of the three votes.

PERSONAL EXPLANATION

HON. MICHAEL G. OXLEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 1999

Mr. OXLEY. Mr. Speaker, I was unavoidably absent from the House Chamber for rollcall votes held the evening of Monday, June 7th. Had I been present I would have voted "yea" on rollcall votes 167, 168, and 169.

GUN CRIME PROSECUTION ACT OF 1999

HON. TOM UDALL

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 1999

Mr. UDALL of New Mexico. Mr. Speaker, today, I along with Congresswoman MCCARTHY and Congressman MOORE and other co-sponsors introduce a bill that will put at least one Federal prosecutor in every State to focus upon prosecuting gun crimes.

There is no question that our nation is facing a growing scourge of gun violence that is holding an increasing number of our communities under siege. Crimes committed with firearms are among the most heinous, and should be prosecuted as quickly and forcefully as possible.

While the federal government has, in the past, approached the problem of gun violence by passing new federal laws and putting more cops on the beat, there is nothing that can be done to attack the problem if our prosecutors do not have the resources they need to enforce these existing laws.

Simply put, we must give them the resources they need to fully enforce existing gun laws. That is why we have introduced the Gun Crime Prosecution Act of 1999.

This legislation will give every United States Attorney for each judicial district an additional Assistant US Attorney position whose sole purpose would be the prosecution of crimes committed with a firearm. Specifically, each new prosecutor position would give priority to violent crimes and crimes committed by felons. By committing a full-time position within each US Attorney's office to prosecuting gun crimes, we will be giving our prosecutors the tools they need to enforce the laws that already exist in statute.

We hope you will join us in this effort by signing on to the Gun Crime Prosecution Act