

S. 1630

November 2, 1990

ton orchestra from 1939 to 1967, when Strayhorn died.

Virtually all of Ellington's compositions were written expressly for his own orchestra, tailored to showcase the individual styles of his outstanding soloists, several of whom—most notably, saxophonist Johnny Hodges—achieved personal fame through their association with the Ellington orchestra. It was suggested by Ebony magazine writer Phyl Garland that Ellington's lack of formal training "enabled him to devise the daring innovations that came to mark his music—the strange modulations built upon lush melodies that ramble into unexpected places; the unorthodox construction of songs rivaled in their sensitivity only by the classical compositions of the French Impressionists; the bold use of dissonance in advance of the time that has earned for him the admiration of formal composers like Igor Stravinsky."

Ellington's immense contributions to American music earned him the Bronze Medal of the city of New York and the N.A.A.C.P.'s Spingarn Medal. In 1967 he received honorary degrees from Yale, Morgan State and Washington universities, and in 1970 he was awarded the Medal of Freedom by President Richard Nixon. Also that year, Ellington was inducted into the National Institute of Arts and Letters. He was awarded the Legion d'honneur by the Government of France in 1973. Duke Ellington died in New York in 1974 at the age of 75.

Ellington would no doubt be pleased today to see the resurgence in popularity of classical jazz music that began in the mid-1980's. Appropriately, the talented young vanguards of this movement approach their craft with a strong sense of history and a thorough appreciation of the contributions made by the pioneers of their art form. Among jazz musicians and listeners of all ages, there is no one figure in the history of jazz more revered or more thoroughly studied than Duke Ellington—testament to the enormity of Ellington's contribution to the development of America's classical music.

In the Nation's capital, the grand legacy of Duke Ellington is celebrated daily at the Duke Ellington School of the Arts where high school students with demonstrated talent absorb an enhanced curriculum featuring innovative programs in the performing and visual arts. It is with great pleasure that I ask you to join me today in applauding the Balck American Heritage Foundation for its role in helping to preserve and promote the legacy of America's greatest composer through its commemoration of Duke Ellington's first sacred music concert.

CLEAN AIR ACT AMENDMENTS OF 1990 (S. 1630)

HON. HENRY A. WAXMAN

OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES

Saturday, October 27, 1990

Mr. WAXMAN. Mr. Speaker, as chairman of the Health and the Environment Subcommittee of the Committee on Energy and Commerce, which is the subcommittee with legislative jurisdiction over the Clean Air Act Amendments of 1990, I wish to clarify the legislative

history of the Clean Air Act Amendments of 1990.

The clean air legislation (S. 1630) reflects a series of bipartisan compromises. These compromises are embodied primarily in the conference report on the clean air bill (S. 1630) and the statement of managers accompanying the conference report. To the extent that provisions in the conference report track provisions in the House-passed bill (H.R. 3030), the report of the Committee on Energy and Commerce is also an authoritative source of the legislative intent of the House. On the other hand, accurate legislative intent is not necessarily reflected in the commentary of individual House Members on S. 1630.

Last May, before H.R. 3030 went to the floor, JOHN DINGELL, the chairman of the Energy and Commerce Committee, NORM LENT, the ranking Republican on the Energy and Commerce Committee, and I agreed that we would not make statements in the CONGRESSIONAL RECORD that interpreted the House bill unless all three of us could agree that the statements fairly interpreted the House bill. We had agreements among us and most other members of the Energy and Commerce Committee on almost all of the clean air bill. We wanted to avoid a situation where each of us created legislative history with a different and conflicting interpretation. We recognized that this would cause plenty of confusion and very little illumination.

Congressmen DINGELL, LENT, and I adhered to this understanding. We agreed to a few colloquies to clarify certain parts of the legislation. Otherwise, we kept our remarks general. Most other members of the Energy and Commerce Committee adopted a similar approach. The result was that the House spoke with a single voice when it acted on H.R. 3030.

Congressmen DINGELL, LENT, and I entered into a similar agreement when we brought the conference report on S. 1630 to the floor. Our objective was the same: we did not want the House debate to deteriorate into a war of conflicting interpretations of agreed-upon legislative language. Thus, we again kept our remarks general, except for a few colloquies that we jointly agreed to include in the legislative record.

Unfortunately, other Members of the House have taken a different course, and the CONGRESSIONAL RECORD of October 26 contains several detailed statements of legislative intent by individual Members. For instance, Congressman SHARP, the chairman of the Energy and Power Subcommittee, inserted a lengthy, one-sided interpretation of the reformulated gasoline provisions into the RECORD. These unilateral legislative histories do not reflect my understanding of S. 1630. Rather, these statements by individual Members interpreting the provisions of S. 1630 are just that—statements by individual Members. They do not reflect consensus interpretations of the House intent.

I cannot address all of the questions and problems raised by the unilateral legislative histories. However, I do wish to express my own views, as an individual member of the Conference Committee, on a few of the most serious misstatements.

REFORMULATED GASOLINE

One of the most important provisions of the clean air bill is the provision requiring reformulation of conventional gasoline. Unfortunately, Congressman SHARP has introduced a legisla-

tive history of this provision that does not reflect my understanding of the reformulated gasoline provision. I will comment on some of the most significant of my disagreements below.

Certification: Mr. SHARP contends that the certification process for reformulated gasoline establishes procedures comparable to section 211(f)(4), whereby fuel additives are deemed approved if EPA fails to act. Such procedures, however, were proposed during the conference and expressly rejected by the conferees.

The key difference between the certification process for reformulated gasoline and section 211(f)(4) is that EPA is required to approve or disapprove every petition for certification of reformulated gasoline. This is a mandatory duty, enforceable by citizen suit under section 304. If EPA fails to act on time, the petition for certification will be treated as granted for an interim period until EPA completes action on the petition. However, ultimately EPA must complete its action, and when it does, it must either approve or disapprove the petition based exclusively on whether the reformulated gasoline meets the statutory and regulatory requirements. There is absolutely no statutory basis for the contention that EPA can act to disapprove a petition that receives interim approval only for "extraordinarily compelling reasons."

Likewise, there is absolutely no statutory basis for the contention that an oil company that has had its petition denied can continue to sell uncertified gasoline until it can obtain new permits and investments and construct new facilities. The language of the legislation is clear: it is illegal to sell uncertified gasoline in a covered area. Moreover, an oil company that was allowed to continue to sell an uncertified gasoline would obtain an unfair advantage over its competitors.

Pooling/credits. The reformulated gasoline provision directs EPA to establish credit programs under which persons can trade oxygen, aromatic, and benzene credits. In each case, the program must ensure that the use of credits do not result in an average level of oxygen, aromatics, or benzene different from that which "would occur in the absence of using any such credits." The purpose is to ensure that the credits are environmentally neutral—that they do not work to increase aromatic or benzene levels or to reduce oxygen levels below what would occur without any credits.

The statutory language thus requires that EPA consider how refiners, blenders, and importers would act in the absence of a credit program. If EPA determined that refiners, blenders, and importers would overcontrol to build in a compliance cushion, EPA must ensure that the credit program does not erode this cushion. Otherwise, the credits would not be environmentally neutral. For instance, if EPA determined that the average refiner would, in the absence of credits, sell gasoline with a benzene content of 0.9 percent in order to preserve a margin for error, then EPA must ensure that the average benzene content of the fuel in the area remains 0.9 percent after implementation of the credit program.

Contrary to Mr. SHARP's statements, EPA cannot assume that in the absence of credits, each gallon of gasoline would exactly meet section 211(k)'s requirements—unless EPA determines that this is a realistic assumption. If such a simplistic approach were our intent,

we would have said so directly, and not required EPA to determine what oxygen, aromatic, and benzene levels would be in the absence of credits.

In addition, there is no statutory basis for the contention that pooling within a company could supersede EPA's pooling regulations. Just the opposite is the case: all fuel pooling must comply with the Federal regulations, regardless of whether it is intracompany or intercompany pooling. Nor is there any basis for the contention that the credit program necessarily entails averaging over time.

Harmonization. Congressman SHARP states that EPA must "harmonize" the reformulated gasoline provisions with other provisions, such as the fleet program, and require that no more than one reformulated gasoline be sold in any area. However, these provisions were rejected by the conferees and not included in the final legislation.

ANTIDUMPING

Mr. SHARP also makes several statements about the antidumping provisions that are unsupported by the legislation. There is no requirement that the antidumping regulations use as test vehicles the same model year 1990 baseline vehicles as are used in the reformulated gasoline regulations. In addition, the antidumping provisions do not include a credit program for gasoline sold in attainment areas.

Relationship to section 206. Section 206 of S. 1630, which adds a new subsection 202(1) to the Clean Air Act, requires EPA to set standards that reduce emissions of hazardous air pollutants from motor vehicles to the greatest degree achievable. Contrary to Mr. SHARP's statements, this provision has not been rendered irrelevant by the reformulated gasoline provision. For one thing, it applies to all hazardous air pollutants—not just the five pollutants defined as toxic in section 211(k). For another, it applies nationwide—not just in severe ozone nonattainment areas. The purpose of section 206 is to require additional reductions in emissions of hazardous air pollutants, beyond those required by the reformulated gasoline provisions, where such reductions are achievable.

TRANSPORTATION PLANNING

The Energy and Commerce Committee negotiated the transportation planning provisions of S. 1630 with the Public Works and Transportation Committee and the Senate Committee on Environment and Public Works. This was a highly successful negotiation, and one that produced sound policy. I commend the efforts of GLENN ANDERSON, the chairman of the Public Works Committee, on these provisions.

However, I cannot agree with the statement of Chairman ANDERSON that highway sanctions should be used only where a State has failed to comply with transportation planning requirements. Cutting off Federal highway funds is an effective, sanction that can—and should in the appropriate situation—be used to insure compliance with clean air requirements that are unrelated to transportation issues.

For instance, title V of the bill provides that the highway sanction should be used if a State fails to submit an approvable permitting program, even though this failure may have nothing to do with transportation controls. The one exception to this requirement is that in the situation where the permitting failure re-

lates to nonattainment pollutants, the offset sanction can be applied before the transportation sanction.

I also cannot agree that all resurfacing, restoring, or rehabilitating projects can proceed while the transportation sanction is in effect. Highway projects that are genuinely safety projects can proceed. However, the Administrator and the Secretary of Transportation must be watchful to insure that this safety exception does not become a huge loophole. This would occur if all resurfacing, restoring, or rehabilitating projects were routinely exempted from the funding sanction, without a case-by-case determination that each project's principal purpose is safety.

HONORING MAURA A. CIRACO

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Saturday, October 27, 1990

Mr. ENGEL. Mr. Speaker, I would like to add my voice to the those of the men and women of the Westchester County American Legion who are honoring their past madam president, Maura A. Ciraco.

As a member of the county committee for more than 41 years, Maura Ciraco has been a long-time advocate for veterans and for the local community. From her days in U.S.O. during World War II to her recent organization of shows at veterans hospital, she has been an inspiration and delight to her fellow countrymen and neighbors.

The widow of Vito Ciraco, a life-long member of the American Legion, Maura is the proud mother of six children, two of whom are Vietnam veterans. She is the grandmother of 15 children and the great grandmother of 8. On top of all that, she is looked upon as a motherly figure by the veterans of Westchester County.

It is an honor to commend Maura Ciraco for a lifetime of dedication and to express my appreciation on behalf of the local community.

A CONGRESSIONAL SALUTE TO SOUTHERN CALIFORNIA GAS CO.

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Saturday, October 27, 1990

Mr. ANDERSON. Mr. Speaker, I rise today to pay tribute to an outstanding company, Southern California Gas. On Friday November 9, 1990, this company will be honored for its many contributions to southern California.

The Southern California Gas Co. [SoCal] is the largest natural gas distribution utility in the United States serving more than 15 million people between Fresno and the Mexican border. The gas company, as it is called, was founded in 1867 and has been supplying the energy needs of a broad base of consumers for over 123 years.

Although they are the best at what they do, I want to recognize the gas company for something other than their innate business sense. I want to take a look at this humanistic side. Over the years the gas company has focused on customer service, environmental concerns, and interest in the communities it

serves. What sets SoCal apart from the rest, is this longstanding commitment to improving the quality of life in the communities it serves.

Because of the community's concerns with smog, air quality has become a major focus of the gas company and is the driving force for entry into the natural gas vehicle [NGV] market. This updated technology provides and alternative vehicle power which results in reduced emissions and a lessened dependency on foreign oil. Fleet and mass transportation customers are currently being encouraged to investigate the opportunities available for decreasing operating costs and meeting regional air quality standards.

Keeping in touch with the needs of the community has always been important to the gas company. Organizations like United Way benefit from company-sponsored employee and volunteer programs. Individual organizations also benefit through local contributions, employee volunteers, and leadership provided by key gas company personnel. These range from local day-care centers, chambers of commerce, boy's and girl's clubs and education facilities specializing in providing youth with workforce readiness skills. Community service is just one way in which SoCal is different from other companies who are only interested in their profits.

To coincide with their upstanding reputation of community service, customer service has always been important to SoCal. Service from restoring a pilot light to a leak investigation are only a phone call away, at no charge. Customers have grown accustomed to this personalized form of service that seems to be disappearing in many other organizations. The gas company states that their greatest asset is their employees. The employees are highly trained, skilled, and motivated to serve. They provide the end result of the company motto, "Glad To Be of Service!"

I would like to take the time congratulate the Southern California Gas Co. for its many years of care and consideration for the people of California. My wife, Lee, joins me in wishing SoCal many more wonderful years to come.

TRIBUTE TO THE KONAWAENA HIGH SCHOOL WORLD SOLAR CHALLENGE TEAM

HON. PATSY T. MINK

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Saturday, October 27, 1990

Mrs. MINK. Mr. Speaker, I rise today with great pride and pleasure to take note of the hard work and achievement of the students of Konawaena High School who are members of that school's team which will compete in "The World Solar Challenge," a 1,900-mile race of cars powered by solar energy from Darwin to Adelaide in Australia, to be held November 11-22. Konawaena High School is in my district on the island of Hawaii. These students have worked hard, mentally and physically, to become the only American high school team to compete in this event. They have this honor by virtue of winning "The Tour of the Sun" race, held at Kailua-Kona, HI. This honor is fitting testament to the students' intelligence, ingenuity, and hard work because they designed and built the solar-powered vehicle