(6) "retailer" means a person who purchases from a distributor beverages in beverage containers for sale to a consumer or who sells or offers to sell in commerce beverages in beverage containers under pressure of carbonation to a consumer. The Administrator shall prescribe such regulations as may be necessary to establish what person is a retailer with respect to the sale of beverages in beverage containers under pressure of carbonation to consumers through beverage vending machines;

(7) "Administrator" means the Administrator of the Environmental Protection Agency;

(8) "commerce" means trade, traffic or transportation—

(A) between a place in a State and any place outside thereof,

(B) within the District of Columbia or any territory of the United States, or

(C) which affects trade, traffic, commerce, or transportation described in subparagraph (A) or (B); and

(9) "State" means a State, the District of Columbia, the Commonwealth of Puerto Rico, or any territory or possession of the United States.

REQUIRED BEVERAGE CONTAINER LABELING

SEC. 4. No distributor or retailer may sell or offer for sale a beverage in a beverage container under pressure of carbonation unless there is clearly, prominently and securely affixed to, or printed on, it (in accordance with regulations prescribed by the Administrator) a statement of the amount of the refund value of the container, such amount being not less than 5 cents.

RETURN OF REFUND VALUE OF BEVERAGE CONTAINERS

SEC. 5. (a)(1) If a consumer tenders for refund an empty and unbroken refundable beverage container to a retailer or distributor who sells (or has sold at any time during the period of three months ending on the date of such tender) a brand of beverage which was contained in the container, the retailer or distributor respectively shall promptly pay the consumer the amount of the refund value stated on the container.

(2) If a retailer tenders for refund an empty and unbroken refundable beverage container to a distributor who sells (or has sold at any time during the period of three months ending on the date of such tender) a brand of beverage which was contained in the container, the distributor shall promptly pay the retailer (A) the amount of the refund value stated on the container, plus (B) an amount equal to two cents (2¢) per container to help defray the retailer's cost for handling. This payment may be adjusted by the Administrator, following evaluation and public comment, to reflect the true cost of handling beverage containers.

(b) The opening of a refundable beverage container in a manner in which it was designed to be opened and the compression of a metal refundable beverage container shall not, for the purposes of this Section, constitute the breaking of the container if the statement of the amount of the refund value of the container is still readable.

RESTRICTION ON METAL BEVERAGE CONTAINERS WITH DETACHABLE OPENINGS

SEC. 6. No distributor or retailer may sell or offer for sale a beverage in a metal beverage container a part of which is designed to be detached in order to open such container.

PREEMPTION OF STATE AND LOCAL LAW

SEC. 7. (a) Except as otherwise provided in this Section, no State or political subdivision thereof may establish or continue in effect any law respecting a refund value of beverage containers sold with a beverage under the pressure of carbonation to the extent the Administrator determines the law is inconsistent with this Act.

(b) No State or political subdivision thereof may, for the purposes of determining the amount of any tax imposed by such State or subdivision on the sale of any refundable beverage container, take into account any amount charged which is attributable to the refund value of such container.

(c) Subsection (a) does not prevent a State or political subdivision thereof from establishing or continuing in effect any law respecting a refund value on containers other than for beverages.

PENALTIES

SEC. 8. Whoever violates any provision of Section 4, 5(a), or 6 shall be fined not more than $1,000 for each violation.

EVALUATION AND TECHNICAL ASSISTANCE

SEC. 9. The Administrator shall monitor, before and after the effective dates of Section 4(a) and 6, the rate of reuse and recycling of beverage containers, and shall evaluate and report to Congress annually at the end of the first four years after the date of the enactment of this Act thereafter as the Administrator sees fit on the impact of the provisions of this Act on—

(1) conservation of energy and material resources;

(2) resource recovery and the reduction of solid waste and litter; and

(3) the economy.

CONSULTATION ON EMPLOYMENT DISLOCATION

SEC. 10. The Administrator shall advise and consult with the Secretary of Labor on steps that the Secretary might take, through existing authorities, to identify and provide assistance to individuals whose employment may be adversely affected by this Act.

EFFECTIVE DATES

SEC. 11. (a) Except as otherwise provided in subsections (b) and (c), this Act shall take effect on the date of its enactment.

(b) The provisions of Sections 4, 5, and 7 shall apply with respect to beverage containers sold or offered for sale in interstate commerce on or after two years after the date of enactment of this Act.

(c) The provisions of Section 6 shall apply with respect to beverages in beverage containers sold or offered for sale in interstate commerce on or after one year after the date of enactment of this Act.

(d) The provisions of Section 7(a) shall preempt State and local laws to the extent to which they are inconsistent with the provisions of this Act only on and after the respective effective dates of such provisions.●

● Mr. AuCOIN. Mr. Speaker, I am pleased to join my colleague, Congressman JIM JEFFORDS of Vermont, in support of legislation being introduced today to establish a national beverage container deposit law.

We have a better chance this session to enact a national bottle bill than at any time since Oregon pioneered the first deposit law. I urge my colleagues to follow Oregon's lead, and that of five other States—Vermont, Michigan, Connecticut, Maine, and Iowa—and join us in sponsoring this needed legislation.

A national beverage container bill addresses directly the agenda set by the citizens of our Nation—to stimulate the economy, to boost the working force, to reduce our dependency on foreign resources—all at no Federal expense.

Every study I have seen, uncolored by industrial bias, points to the same conclusion: Beverage container legislation reduces litter and solid waste, saves money to combat inflation, conserves energy, and creates jobs.

We simply cannot continue the throwaway trend. We cannot afford the extravagance of using beverage containers that are not refillable.

Oregon's experience shows that returnable containers represent no loss in the standard of living: Jobs were created, profits for beverage bottlers continued, litter was reduced substantially, and resources were conserved. Oregon taxpayers have saved an estimated $10 million by not paying State employees to pick up bottle and can litter.

Oregon's law has been so popular, the State legislature is considering extending the bill to include other types of containers.

Smaller States like Oregon and Vermont are not the only ones with beverage container laws who boast success stories. Michigan, the first large industrial State to approve a bottle bill, has a system that works.

For these reasons, I urge bipartisan support for this legislation to call a halt to the practice of throwing away resources that can be reused and wasting energy in the process.●

## THE KILLINGS IN ATLANTA—AMERICA'S TRAGEDY

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Massachusetts (Mrs. HECKLER) is recognized for 5 minutes.

● Mrs. HECKLER. Mr. Speaker, on Friday, at noon, in the Cannon Office Building, the Congressional Black Associates will hold a memorial service for the murdered and missing children of Atlanta. I would like to add my words of support for this timely and moving response to the tragic deaths of these young people as well as my prayers that the horrors that have occurred in Atlanta will end soon.

My heart goes out to the parents and loved ones of these innocent children who are victims of an unspeakable hatred. Their deaths are not only a loss to their families but a loss to the Nation. As Martin Luther King so wisely reflected in his letter from the Birmingham jail, "Injustice anywhere is a threat to justice everywhere." The bigotry and violence visited upon these children is a painful reminder that we cannot consider ourselves a nation under God if we do not do everything possible to stop acts that are offenses to God. Our survival as a people depends on it.

The poet Yeats vividly described a society of skewed values when he said:

> Things fall apart; the center cannot hold * * * the blood-dimmed tide is loosed and everywhere the ceremony of innocence is drowned. The best lack all conviction, while the worst are full of passionate intensity.

We cannot allow the innocence of children to be drowned in Atlanta or anywhere. We must call upon the best of this country to assert the conviction that the evil of racism will not be tolerated by true Americans—that what we see happening in Atlanta is bigotry of the worst intensity.

There is no way we can ever offer recompense to those who have personally suffered from these insane killings. We can only commit ourselves to the urgent task of stopping this senseless slaughter and eliminating the benighted racial prejudice that caused it.●

## FINANCING OF ALCOHOL FUELS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Iowa (Mr. TAUKE) is recognized for 5 minutes.

● Mr. TAUKE. Mr. Speaker, I want to bring to the attention of the House an unfortunate example of what has occurred in the wake of the President's decision to eliminate the Government's loan guarantee program for the development of alcohol fuels and its action putting a hold on the existing application's process. In the small rural community of Elgin, Iowa, a group of 100 farmers has put together an $8 million alcohol project that, if completed, will produce about 3 million gallons of alcohol per year.

To date, each of the farmers has contributed about $1,500 to finance the feasibility studies, engineering design, and organizational and legal costs of the project. After following the initial Farmers Home requirements, the group has now reached the point of being ready to send an application to the agency for a loan guarantee, should the program be allowed to continue. Financial commitments were originally received from Northwestern National Bank in Minneapolis.

The farmers have made arrangements to burn coal and wood in order to fire the combustion system of the project. They have decided that the mash byproduct would be used to feed dairy cattle, which is a big business in the area. And the group has contracted with a local jobber to market the finished product.

While it is far from certain, under present circumstances, that the project will receive Federal assistance—it still would have to proceed through the application and final negotiation processes—it appears that the project is sound in all aspects and would have had an excellent chance of being selected by FmHA.

After the announcement by the administration to eliminate the loan guarantee program, however, Northwestern National pulled out of the deal, and the farmers have been temporarily left holding the proverbial bag.

My concern is this: It is apparent that alcohol fuels provide us with a viable, short-term means of reducing our dependence on foreign oil. Yet, the industry is not capable at this time of standing on its own feet and may not be for 3 to 5 years. The reason is that financial institutions across this country are not willing to finance alcohol projects without the backing of the Federal loan guarantee program. Elgin Alcohol is only one case in point. There are many others as well.

There is also a question of equity. It should be mentioned that other forms of energy—also not viable in the marketplace—are receiving Federal help, including the synthetic fuels and nuclear industries.

What is perhaps most unfortunate is that 100 farmers, responding to the national need to be more energy efficient and their own need to have security during a fuel shortage, have had the rug pulled out from under them. Not only have they received a financial slap in the face, but they have been told by their government that what they are doing to solve energy problem is not justifiable.

I urge the Congress and the administration during the upcoming debate on the budget cuts to carefully analyze the impact of the decision to terminate alcohol fuels assistance. The critical issue is Federal financial assistance. It makes little sense to continue some forms of alcohol fuel subsidies, and, at the same time, eliminate the chances for growth in the industry. If the alcohol fuels industry is capable of standing on its own feet, then let it stand. But, in my opinion, the preponderance of evidence indicates that it is not yet ready to do so. The risks and cost of development are still too high for the large—let alone the small—businessman to undertake on his own.●

## A CALL FOR REPEAL OF THE 25TH AMENDMENT

The SPEAKER pro tempore (Mr. RODINO). Under a previous order of the House, the gentleman from Texas (Mr. GONZALEZ) is recognized for 15 minutes.

Mr. GONZALEZ. Mr. Speaker, yesterday I introduced a resolution to repeal the 25th amendment to the Constitution. I am reaffirming a commitment I have had for six consecutive Congresses. I feel today, as strongly as I ever have, that the 25th amendment is a threat to orderly and most important, elected government in this country.

We value our Constitution, because it assures that the Government is elected, and that it is bound by laws. But laws and constitutions are only as strong as the will of the people to keep them. A government respects law only if its leadership is committed to law, and we know that this is not always the case.

In the 25th amendment, we have a device that is intended to provide for an orderly succession in the office of President. But what we also have is a standing invitation to overthrow the President, through the operation of the disability clause.

We have already lived through the reality of an unelected Vice President, who succeeded an elected President. In that circumstance, it was the criminal culpability of the Vice President that led to his resignation, and later, the criminal conduct of the President that forced him to resign—leading to the first and only time in our history that we have had an unelected President.

What few people remember is that before President Nixon resigned, it was his chief of staff, together with the Secretary of State, who contemplated using the 25th amendment to force him out of office if he did not quit. Even though the 25th amendment was not invoked, the President's powers were effectively shorn, because those same two individuals issued orders that they had to approve anything ordered by the President. In other words, the President might issue commands, but they were dead letters. This is as close to a palace coup as this country has ever been.

The fact was that Mr. Nixon was viewed by his staff as dangerous and irresponsible. They were operating outside the law and outside the Constitution by isolating him, and not invoking the judgment of anyone else. It was perhaps a well-meant conspiracy, but a conspiracy nevertheless. They had the tool of the 25th amendment to use as a last resort, but they did not need to.

Now we see Alexander Haig, who was that chief of staff, as the Secretary of State—the Keeper of the Seal. He is in a position of great power, greater by far than he enjoyed as chief of staff under Nixon. We know that Mr. Haig did not then and will not today hesitate to use his considerable powers to get his way—and the way could be inviting. Whereas Mr. Nixon was criminally guilty and under broad attack, Mr. Reagan is of an age where his powers might suddenly wane. Mr. Haig did not hesitate to become de facto President in 1974, and he would not hesitate to do so again.

The 25th amendment allows the President to be declared disabled, but by whom? By unelected officers of the Government. I do not think the Constitution ever intended that the unelected should have the power to unseat the elected.

The amendment assumes that all the President's staff and Cabinet are loyal to him, that they will not develop ambitions to unseat him. But we have already seen what happens when the country is in the grip of a political firestorm. The President finds himself isolated, and then gently forced from office by his friends, who it turns out have other loyalties, other wishes than to serve their erstwhile leader. I certainly am no apologist for Nixon, but I say that it was the power and duty of the Congress to remove him if

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CONGRESSWOMEN'S CAUCUS, CO-CHAIR

April 15, 1981

Paul E. Healy
City Clerk
Office of the City Clerk
Cambridge, MA 02139

Dear Mr. Healy:

Thank you for contacting my Washington office regarding your concern for the unresolved murders in the City of Atlanta.

On March 12, 1981, I voiced my opinions concerning these senseless murders to my fellow members of the House. Hopefully, the prayers of the millions of Americans will be answered soon.

I hope the enclosed information is helpful. Should you have any questions, please do not hesitate to contact me. It is a pleasure to be of service to you.

With best wishes, I am

Sincerely,

Margaret Heckler

MARGARET M. HECKLER
MEMBER OF CONGRESS

MMH: hgk

Please convey my thoughts to the entire Council – Thanks and keep in touch.

D-226

Comm. from Rep. Heckler acknowledging resolutions sent to her on the unsolved murders in the City of Atlanta.

In City Council,

April 27, 1981

4/27/81

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