PROVIDING FOR CONSIDERATION OF H.R. 961, CLEAN WATER AMENDMENTS OF 1995

Mr. QUILLEN. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 140 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 140

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 961) to amend the Federal Water Pollution Control Act. The first reading of the bill shall be dispensed with. Points of order against consideration of the bill for failure to comply with section 302(f) of the Congressional Budget Act of 1974 are waived. General debate shall be confined to the bill and shall not exceed two hours equally divided and controlled by the chairman and ranking minority member of the Committee on Transportation and Infrastructure. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Transportation and Infrastructure now printed in the bill. The committee amendment in the nature of a substitute shall be considered by title rather than by section. The first three sections and each title of the committee amendment in the nature of a substitute shall be considered as read. Points of order against the committee amendment in the nature of a substitute for failure to comply with clause 7 of rule XVI or clause 5(a) of rule XXI or section 302(f) of the Congressional Budget Act of 1974 are waived. During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 6 of rule XXIII. Amendments so printed shall be considered as read. Before consideration of any other amendment it shall be in order to consider the amendment printed in the report of the Committee on Rules accompanying this resolution. That amendment may be offered only by a Member designated in the report, may amend portions of the bill not yet read for amendment, shall be considered as read, shall be debatable for ten minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Transportation and Infrastructure, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. If that amendment is adopted, then the committee amendment in the nature of a substitute as so amended shall be considered as original text for the purpose of further amendment. At the conclusion of consideration of the bill for amendment for the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on an amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentleman from Tennessee [Mr. QUILLEN] is recognized for 1 hour.

Mr. QUILLEN. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from California [Mr. BEILENSON], pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for purposes of debate only.

(Mr. QUILLEN asked and was give permission to include extraneous matter.)

Mr. QUILLEN. Mr. Speaker, House Resolution 140 is an open rule providing for the consideration of H.R. 961, the Clean Water Amendments of 1995. The rule provides 2 hours of general debate divided equally between the chairman and ranking minority member of the Committee on Transportation and Infrastructure. The rule waives section 302(f) of the Budget Act, prohibiting new budget authority in excess of the committee's section 602(b) allocation, against consideration of the bill.

The rule also makes in order the committee amendment in the nature of a substitute as original text for amendment purposes, which shall be read by title rather than section for amendment, with each title considered as read. The rule provides the following waivers against the amendment in the nature of a substitute: waives clause 7 of rule XVI pertaining to germaneness; clause 5(a) of rule XXI, prohibiting appropriations in a legislative bill, and section 302(f) of the Budget Act.

Before consideration of any other amendment, it shall be in order to consider the amendment printed in the report of the Committee on Rules accompanying this resolution. This is an en bloc amendment addressing concerns of other committees of jurisdiction and makes technical amendments. This amendment may be offered only by Mr. SHUSTER or his designee, may amend portions of the bill not yet read for amendment, shall be considered as read, shall be debatable for 10 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Transportation and Infrastructure, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. If that amendment is adopted, then the committee amendment in the nature of a substitute as so amended shall be considered as original text for the purpose of further amendment.

Mr. Speaker, I would like to point out that the Transportation and Infrastructure Committee furnished the Rules Committee with a list of waivers required and specified the provisions requiring such waivers. Therefore, I do not object to the waivers provided in this rule.

Under this rule, the Chair may accord priority in recognition to Members who have preprinted their amendments in the CONGRESSIONAL RECORD. Finally, the rule provides one motion to recommit, with or without instructions.

Mr. Speaker, the Clean Water Act has not been amended comprehensively since 1987, and I strongly support this bill. I'm particularly pleased to see that the bill takes giant steps toward relieving the enormous burdens placed on the States, on business and industry and agriculture, and on individuals by outrageous and unnecessary Federal regulations. The Clean Water Act has done a good job in getting Federal, State, and local governments and private industry to work together to provide our Nation with clean, healthy water. But the Clean Water Act has not been without controversy, and this bill before us today provides an important balance between environmental protection and private property rights. It provides much needed clarification of wetlands issues and requires risk assessment and cost benefit analysis for any new clean water regulations. Perhaps most important, this bill provides flexibility to State and local governments in implementating regulations.

H.R. 961 has been strongly endorsed by almost all agricultural, business, and industry organizations, and this widespread support is a clear indication that a great deal of cooperation, dedication, and common sense went into the development of this important legislation. I commend the members of the Transportation and Infrastructure Committee for their hard work.

This open rule will allow Members to offer any relevant amendments to address their particular concerns, and I urge adoption of the rule.

Mr. Speaker, I include for the RECORD the following material comparing open and closed rules in the 103d and 104th Congresses:

THE AMENDMENT PROCESS UNDER SPECIAL RULES REPORTED BY THE RULES COMMITTEE,[1] 103D CONGRESS V. 104TH CONGRESS

[As of May 9, 1995]

Rule type	103d Congress		104th Congress	
	Number of rules	Percent of total	Number of rules	Percent of total
Open/Modified-open [2]	46	44	24	75
Modified Closed [3]	49	47	8	25
Closed [4]	9	9	0	0

THE AMENDMENT PROCESS UNDER SPECIAL RULES REPORTED BY THE RULES COMMITTEE,[1] 103D CONGRESS V. 104TH CONGRESS—Continued

[As of May 9, 1995]

Rule type	103d Congress		104th Congress	
	Number of rules	Percent of total	Number of rules	Percent of total
Totals:	104	100	32	100

[1] This table applies only to rules which provide for the original consideration of bills, joint resolutions or budget resolutions and which provide for an amendment process. It does not apply to special rules which only waive points of order against appropriations bills which are already privileged and are considered under an open amendment process under House rules.

[2] An open rule is one under which any Member may offer a germane amendment under the five-minute rule. A modified open rule is one under which any Member may offer a germane amendment under the five-minute rule subject only to an overall time limit on the amendment process and/or a requirement that the amendment be preprinted in the Congressional Record.

[3] A modified closed rule is one under which the Rules Committee limits the amendments that may be offered only to those amendments designated in the special rule or the Rules Committee report to accompany it, or which preclude amendments to a particular portion of a bill, even though the rest of the bill may be completely open to amendment.

[4] A closed rule is one under which no amendments may be offered (other than amendments recommended by the committee in reporting the bill).

SPECIAL RULES REPORTED BY THE RULES COMMITTEE, 104TH CONGRESS

[As of May 9, 1995]

H. Res. No. (Date rept.)	Rule type	Bill No.	Subject	Disposition of rule
H. Res. 38 (1/18/95)	O	H.R. 5	Unfunded Mandate Reform	A: 350–71 (1/19/95).
H. Res. 44 (1/24/95)	MC	H. Con. Res. 17	Social Security	A: 255–172 (1/25/95).
		H.J. Res. 1.	Balanced Budget Amdt.	
H. Res. 51 (1/31/95)	O	H.R. 101	Land Transfer, Taos Pueblo Indians	A: voice vote (2/1/95).
H. Res. 52 (1/31/95)	O	H.R. 400	Land Exchange, Arctic Nat'l. Park and Preserve	A: voice vote (2/1/95).
H. Res. 53 (1/31/95)	O	H.R. 440	Land Conveyance, Butte County, Calif	A: voice vote (2/1/95).
H. Res. 55 (2/1/95)	O	H.R. 2	Line Item Veto	A: voice vote (2/2/95).
H. Res. 60 (2/6/95)	O	H.R. 665	Victim Restitution	A: voice vote (2/7/95).
H. Res. 61 (2/6/95)	O	H.R. 666	Exclusionary Rule Reform	A: voice vote (2/7/95).
H. Res. 63 (2/8/95)	MO	H.R. 667	Violent Criminal Incarceration	A: voice vote (2/9/95).
H. Res. 69 (2/9/95)	O	H.R. 668	Criminal Alien Deportation	A: voice vote (2/10/95).
H. Res. 79 (2/10/95)	MO	H.R. 728	Law Enforcement Block Grants	A: voice vote (2/10/95).
H. Res. 83 (2/13/95)	MO	H.R. 7	National Security Revitalization	PQ: 229–100; A: 227–127 (2/15/95).
H. Res. 88 (2/16/95)	MC	H.R. 831	Health Insurance Deductibility	PQ: 230–191; A: 229–188 (2/21/95).
H. Res. 91 (2/21/95)	O	H.R. 830	Paperwork Reduction Act	A: v.v. (2/22/95).
H. Res. 92 (2/21/95)	MC	H.R. 889	Defense Supplemental	A: 282–144 (2/22/95).
H. Res. 93 (2/22/95)	MO	H.R. 450	Regulatory Transition Act	A: 252–175 (2/23/95).
H. Res. 96 (2/24/95)	MO	H.R. 1022	Risk Assessment	A: 253–165 (2/27/95).
H. Res. 100 (2/27/95)	O	H.R. 926	Regulatory Reform and Relief Act	A: voice vote (2/28/95).
H. Res. 101 (2/28/95)	MO	H.R. 925	Private Property Protection Act	A: 271–151 (3/1/95)
H. Res. 104 (3/3/95)	MO	H.R. 988	Attorney Accountability Act	A: voice vote (3/6/95)
H. Res. 103 (3/3/95)	MO	H.R. 1058	Securities Litigation Reform	
H. Res. 105 (3/6/95)	MO			A: 257–155 (3/7/95)
H. Res. 108 (3/7/95)	Debate	H.R. 956	Product Liability Reform	A: voice vote (3/8/95)
H. Res. 109 (3/8/95)	MC			PQ: 234–191 A: 247–181 (3/9/95)
H. Res. 115 (3/14/95)	MO	H.R. 1158	Making Emergency Supp. Approps.	A: 242–190 (3/15/95)
H. Res. 116 (3/15/95)	MC	H.J. Res. 73	Term Limits Const. Amdt	A: voice vote (3/28/95)
H. Res. 117 (3/16/95)	Debate	H.R. 4	Personal Responsibility Act of 1995	A: voice vote (3/21/95)
H. Res. 119 (3/21/95)	MC			A: 217–211 (3/22/95)
H. Res. 125 (4/3/95)	O	H.R. 1271	Family Privacy Protection Act	A: 423–1 (4/4/95)
H. Res. 126 (4/3/95)	O	H.R. 660	Older Persons Housing Act	
H. Res. 128 (4/4/95)	MC	H.R. 1215	Contract With America Tax Relief Act of 1995	A: 228–204 (4/5/95)
H. Res. 130 (4/5/95)	MC	H.R. 483	Medicare Select Expansion	A: 253–172 (4/6/95)
H. Res. 136 (5/1/95)	O	H.R. 655	Hydrogen Future Act of 1995	A: voice vote (5/2/95)
H. Res. 139 (5/3/95)	O	H.R. 1361	Coast Guard Auth. FY 1996	A: voice vote (5/9/95)
H. Res. 140 (5/9/95)	O	H.R. 961	Clean Water Amendments	

Codes: O-open rule; MO-modified open rule; MC-modified closed rule; C-closed rule; A-adoption vote; PQ-previous question vote. Source: Notices of Action Taken, Committee on Rules, 104th Congress.

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Mr. Speaker, I reserve the balance of my time.

Mr. BEILENSON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we support this open rule for H.R. 961, the clean water amendments of 1995, which makes major and substantial changes in current requirements for controlling water pollution and protecting wetlands.

Fortunately, the majority on the Committee on Rules did not accede to a request from the chairman of the Committee on Transportation and Infrastructure that a time limit be place don the amendment process. This is an enormously controversial bill that would in the view of many of us reverse many of the gains in water quality that have been achieved by what is probably our most successful environmental law, and Members should not be shut out by an arbitrary time limit.

As the gentleman from Tennessee has explained, the rule does contain several waivers. We are told that the waiver of the Budget Act prohibition against legislation containing new budget authority in excess of the committee's 602(b) budget allocation is necessary because of the provision in the bill that waives the Federal Government's sovereign immunity under the Clean Water Act.

We would point out to Members that the Congressional Budget Office was unable to provide estimates for the cost of this provision that is being protected, but it did report that the cost ''could be significant.''

Mr. Speaker, the Committee on Rules heard criticism yesterday about the process of the Committee on Transportation and Infrastructure in considering this bill. Many of us are concerned that some of the most controversial provisions of H.R. 961 did not receive adequate attention in the hearings that preceded markup of the bill. The provisions in question are those that provide waivers, loopholes, and rollbacks of existing Clean Water Act provisions relating to major dischargers of pollution in our waters.

We are concerned that the public did not have the opportunity to comment on the new provisions in the bill that were added late in the process and which would weaken or revoke many of the basic features of the Clean Water Act that have made it so successful over the years.

We are concerned, too, about widespread reports that those provisions of H.R. 961 were written in large part by lobbyists representing industries that are major polluters. Several agencies, including the EPA and the Department of Justice, have protested that they did not have the opportunity to comment in a timely manner on these new and very damaging provisions.

This open rule will give us the opportunity to discuss and emphasize some of those changes and ensure that the public has a greater awareness of their impact on the quality of our Nation's water supply.

Mr. Speaker, we will agree that there are reasonable changes that should be made in the Clean Water Act. Its requirements should be as rational, efficient, and cost effective as possible.

Complying with its regulations should not be more expensive or more burdensome than is necessary for the municipalities, industries, and private landowners affected by the provisions of the act.

Unfortunately, the bill before us would have widespread and serious consequences for the quality of the Nation's water supply. It would make legitimate regulation much more difficult, in many cases impossible.

Interestingly, many of its provisions—including the new classification system and compensation program for wetlands—would set up cumbersome and costly procedures that are likely to require more Federal employees and agency costs at a time when we are

trying to downsize the Federal bureaucracy, or the agencies in charge will simply have to decide not to effectively enforce the law.

And, as CBO reported, the cost of the compensation program for landowners of wetlands is impossible to estimate, but it is a program that could dramatically increase costs to the taxpayers. There are preliminary estimates that indicate that the effect of the bill would be to increase the deficit by several billion dollars during fiscal years 1995–98.

The Clean Water Act has been one of our most successful environmental laws and one of the most popular ones with individual citizens, a great majority of whom would prefer to see the act strengthened, and not weakened as H.R. 961 would do. This is legislation that threatens to overturn very important health protections that citizens have under the law as it is currently written.

The bill in its present form is likely to invite massive amounts of new litigation that ignores scientific information, most notably in making major changes in wetlands regulation without the benefit of a congressionally-mandated study on wetlands that was released just yesterday and which, and I quote from the article in the New York Times discussing it, ''repudiates the basic approach taken by the bill,'' mainly because it found that the cost-benefit analysis requirements in the bill are inflexible and unrealistic.

The bill has many other objectionable features including those that reduce water quality protection by undermining the strong national standards that have produced significant water quality improvements in the last 20 years. It seeks to repeal regulations that protect city water from pollution runoff.

It eases Federal protections for industrial polluters, and allows development of protected wetlands that are critical to our Nation's water supply. In fact it would redefine wetlands in such a way that well over half of the Nation's wetlands, including parts of the Everglades, would be removed from protection.

Mr. Speaker, one would think from reading this bill that we have gone too far or certainly far enough in attempting to clean up our Nation's waters. In fact, however, over 40 percent of our waters do not meet the standards for the uses designated under existing law.

Finally, Mr. Speaker, the administration strongly opposes the bill because, in its words, it threatens to undermine achievement in cleaning up the Nation's waters and would significantly delay progress in addressing remaining water pollution problems.

Among its most objectionable provisions, the bill would reduce water quality protection, eliminate fundamental wetlands protections, create enormous new costs, fail to address effectively non-point source pollution, and finally would paralyze the Federal Government's ability to issue regulations and guidance to protect the Nation's waters.

Fortunately as we have discussed, as the gentleman from Tennessee told us at the outset, this is an open rule, so we will have the opportunity to try to change many of the most worrisome features of the bill. We hope that amendments strengthening the act, or at least returning it to its existing state, are approved.

Again, Mr. Speaker, we support the rule for H.R. 961. We urge its approval so that we may proceed with consideration of this legislation today.

Mr. Speaker, I include the following for the RECORD.

Floor Procedure in the 104th Congress; Compiled by the Rules Committee Democrats

Bill No.	Title	Resolution No.	Process used for floor consideration	Amendments in order
H.R. 1*	Compliance	H. Res. 6	Closed	None.
H. Res. 6	Opening Day Rules Package	H. Res. 5	Closed; contained a closed rule on H.R. 1 within the closed rule	None.
H.R. 5*	Unfunded Mandates	H. Res. 38	Restrictive; Motion adopted over Democratic objection in the Committee of the Whole to limit debate on section 4; Pre-printing gets preference.	N/A.
H.J. Res. 2*	Balanced Budget	H. Res. 44	Restrictive; only certain substitutes	2R; 4D.
H. Res. 43	Committee Hearings Scheduling	H. Res. 43 (OJ)	Restrictive; considered in House no amendments	N/A.
H.R. 2*	Line Item Veto	H. Res. 55	Open; Pre-printing gets preference	N/A.
H.R. 665*	Victim Restitution Act of 1995	H. Res. 61	Open; Pre-printing gets preference	N/A.
H.R. 666*	Exclusionary Rule Reform Act of 1995	H. Res. 60	Open; Pre-printing gets preference	N/A.
H.R. 667*	Violent Criminal Incarceration Act of 1995	H. Res. 63	Restrictive; 10 hr. Time Cap on amendments	N/A.
H.R. 668*	The Criminal Alien Deportation Improvement Act	H. Res. 69	Open; Pre-printing gets preference; Contains self-executing provision	N/A.
H.R. 728*	Local Government Law Enforcement Block Grants	H. Res. 79	Restrictive; 10 hr. Time Cap on amendments; Pre-printing gets preference	N/A.
H.R. 7*	National Security Revitalization Act	H. Res. 83	Restrictive; 10 hr. Time Cap on amendments; Pre-printing gets preference	N/A.
H.R. 729*	Death Penalty/Habeas	N/A	Restrictive; brought up under UC with a 6 hr. time cap on amendments	N/A.
S. 2	Senate Compliance	N/A	Closed; Put on suspension calendar over Democratic objection	None.
H.R. 831	To Permanently Extend the Health Insurance Deduction for the Self-Employed.	H. Res. 88	Restrictive; makes in order only the Gibbons amendment; waives all points of order; Contains self-executing provision.	1D.
H.R. 830*	The Paperwork Reduction Act	H. Res. 91	Open	N/A.
H.R. 889	Emergency Supplemental/Rescinding Certain Budget Authority	H. Res. 92	Restrictive; makes in order only the Obey substitute	1D.
H.R. 450*	Regulatory Moratorium	H. Res. 93	Restrictive; 10 hr. Time Cap on amendments; Pre-printing gets preference	N/A.
H.R. 1022*	Risk Assessment	H. Res. 96	Restrictive; 10 hr. Time Cap on amendments	N/A.
H.R. 926*	Regulatory Flexibility	H. Res. 100	Open	N/A.
H.R. 925*	Private Property Protection Act	H. Res. 101	Restrictive; 12 hr. time cap on amendments; Requires Members to pre-print their amendments in the Record prior to the bill's consideration for amendment, waives germaneness and budget act points of order as well as points of order concerning appropriating on a legislative bill against the committee substitute used as base text.	1D.
H.R. 1058*	Securities Litigation Reform Act	H. Res. 105	Restrictive; 8 hr. time cap on amendments; Pre-printing gets preference; Makes in order the Wyden amendment and waives germaness against it.	1D.
H.R. 988*	The Attorney Accountability Act of 1995	H. Res. 104	Restrictive; 7 hr. time cap on amendments; Pre-printing gets preference	N/A.
H.R. 956*	Product Liability and Legal Reform Act	H. Res. 109	Restrictive; makes in order only 15 germane amendments and denies 64 germane amendments from being considered.	8D; 7R.
H.R. 1158	Making Emergency Supplemental Appropriations and Rescissions	H. Res. 115	Restrictive; Combines emergency H.R. 1158 & nonemergency 1159 and strikes the abortion provision; makes in order only pre-printed amendments that include offsets within the same chapter (deeper cuts in programs already cut); waives points of order against three amendments; waives cl 2 of rule XXI against the bill, cl 2, XXI and cl 7 of rule XVI against the substitute; waives cl 2(e) od rule XXI against the amendments in the Record; 10 hr time cap on amendments. 30 minutes debate on each amendment.	N/A.
H.J. Res. 73*	Term Limits	H. Res. 116	Restrictive; Makes in order only 4 amendments considered under a ''Queen of the Hill'' procedure and denies 21 germane amendments from being considered.	1D; 3R.
H.R. 4*	Welfare Reform	H. Res. 119	Restrictive; Makes in order only 31 perfecting amendments and two substitutes; Denies 130 germane amendments from being considered; The substitutes are to be considered under a ''Queen of the Hill'' procedure; All points of order are waived against the amendments..	5D; 26R.
H.R. 1271*	Family Privacy Act	H. Res. 125	Open	N/A.
H.R. 660*	Housing for Older Persons Act	H. Res. 126	Open	N/A.
H.R. 1215*	The Contract With America Tax Relief Act of 1995	H. Res. 129	Restrictive; Self Executes language that makes tax cuts contingent on the adoption of a balanced budget plan and strikes section 3006. Makes in order only one substitute. Waives all points of order against the bill, substitute made in order as original text and Gephardt substitute..	1D.
H.R. 483	Medicare Select Extension	H. Res. 130	Restrictive; waives cl 2(1)(6) of rule XI against the bill; makes H.R. 1391 in order as original text; makes in order only the Dingell substitute; allows Commerce Committee to file a report on the bill at any time..	1D.
H.R. 655	Hydrogen Future Act	H. Res 136	Open	N/A.
H.R. 1361	Coast Guard Authorization	H. Res 139	Open; waives sections 302(f) and 308(a) of the Congressional Budget Act against the bill's consideration and the committee substitute; waives c1 5(a) of rule XXI against the committee substitute.	N/A.

Floor Procedure in the 104th Congress; Compiled by the Rules Committee Democrats—Continued

Bill No.	Title	Resolution No.	Process used for floor consideration	Amendments in order
H.R. 961	Clean Water Act	H. Res 140	Open; pre-printing gets preference; waives sections 302(f) and 602(b) of the Budget Act against the bill's consideration; waives c1 7 of rule XVI, c1 5(a) of rule XXI and section 302(f) of the Budget Act against the committee substitute. Makes in order Shuster substitute as first order of business.	N/A.

*Contract Bills, 67% restrictive; 33% open. **All legislation, 68% restrictive; 32% open. ****Restrictive rules are those which limit the number of amendments which can be offered, and include so called modified open and modified closed rules as well as completely closed rules and rules providing for consideration in the House as opposed to the Committee of the Whole. This definition of restrictive rule is taken from the Republican chart of resolutions reported from the Rules Committee in the 103rd Congress. ****Not included in this chart are three bills which should have been placed on the Suspension Calendar. H.R. 101, H.R. 400, H.R. 440.

Mr. BEILENSON. Mr. Speaker, I reserve the balance of my time.

Mr. QUILLEN. Mr. Speaker, I yield 4 minutes to the distinguished gentleman from Florida [Mr. GOSS], a very valuable member of the Committee on Rules.

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

Mr. GOSS. Mr. Speaker, I thank the distinguished gentleman from Tennessee [Mr. QUILLEN], the chairman emeritus, for yielding me this time.

Mr. Speaker, I rise in support of this open rule for the clean water amendments of 1995. The Clean Water Act is one our most important and far-reaching environmental laws, and the policies associated with it deserve a full hearing on the floor of this House.

I congratulate Chairman SHUSTER and Subcommittee Chairman BOEHLERT for their hard work in acting on this reauthorization in such a timely manner—it is a credit to them and the Transportation and Infrastructure Committee that we have this bill on the floor in early May.

Mr. Speaker, clean water is vital to everyone in America, but nowhere more so than in the State of Florida. We are literally surrounded by water—the Atlantic Ocean and the Gulf of Mexico. In southwest Florida, we have lakes, streams, and wetlands that are national treasures like the Everglades and Big Cypress—all of which are vital to our economy and our well-being. Thousands of new residents move to my district every year for the pristine beaches, the clear harbors, and the subtropical climate, providing tremendous economic growth. Each one of our major industries—tourism, fishing, and agriculture, depend on clean water and a healthy environment.

For years, the Clean Water Act has helped to remove pollution from many of America's lakes, rivers, and coastlines. It has aided in the preservation of our more pristine bodies of water. And yes, it has created some problems along the way. Wetlands protection, for instance, has become a regulatory nightmare for most ordinary citizens. Obtaining permits can take years, enforcement can be inconsistent, and local conditions are sometimes not considered. States and local governments have complained about rigid Federal mandates that are both costly and inefficient.

Improvements to the Clean Water Act can and should be made, and I look forward to addressing these issues in a full and open debate. I am especially pleased that this debate will include a substitute amendment offered by my friend, JIM SAXTON, from New Jersey.

The floor discussion on the fine points of these proposals will likely be determinant for the way many Members will vote. For instance, I will be seeking answers to questions like, will H.R. 961 replace one inefficient, unworkable wetlands bureaucracy with another? How will the classification criteria used by the Army Corps of Engineers relate to the just-released National Academy of Sciences Wetlands Report? Would it be better to address the problems associated with wetlands permitting by adopting the National Governor's Association proposal to do the work at the local level, with Federal oversight?

In addition, I will be interested in the debate over the coastal zone management provisions in H.R. 961; specifically, are we better off eliminating the nonpoint source pollution provisions from the CZMA, or do these just need some basic reforms? And if we do repeal section 1627 of the CZMA, are we providing enough coastal protection in other areas?

Finally, I am concerned about the takings language in H.R. 961 that would provide automatic compensation for any portion of a property that lost 20 percent of its value. Estimates from the Congressional Budget Office suggest that the cost to the Corps of Engineers of this provision alone could be $15 billion. The alternative could be to leave our most vital wetlands unprotected.

Mr. Speaker, I urge my colleagues to support this open rule.

Mr. BEILENSON. Mr. Speaker, I yield such time as he may consume to the gentleman from California [Mr. MINETA], the distinguished ranking member of the full committee.

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

Mr. MINETA. Mr. Speaker, I thank my colleague, the gentleman from California, for yielding me this time.

Mr. Speaker, I rise in support of this rule. It provides no limitations in terms of amendments, nor any limitation on the time available for amendments.

This is a very large and very complex bill with enormous consequences for people from all across America. It will determine how healthy or unhealthy their drinking water supply will be. It will determine whether the water that flows through their community is a blessing or a blight, and whether they need to try to keep their kids from swimming in it or fishing in it. It will determine whether they have enough clean water to be able to attract new businesses with new jobs.

This is a big bill. When it was introduced, it was 141 pages. Now it is 326 pages. This bill makes far-reaching changes in the Clean Water Act, one of the most important and successful basic protections that our citizen have.

□ 1215

This bill will reach into every community, every home and come out through every faucet in America. This is a bill which requires careful and thorough consideration. This is a bill where we cannot afford to make mistakes and we cannot afford to act in haste. It is therefore imperative that this rule does not limit amendments or amendment time. Whatever concerns Members have, we need to hear from them. We need to consider them. We need to correct them if they need correcting, and for the same reasons it is important to hear all points of view in general debate.

We have Democrats who oppose the bill, and Democrats who support the bill. We have Republicans who oppose the bill, and we have Republicans who support the bill. All have different concerns and issues that they wish to air, and all should be given that opportunity.

The rule contributes to that goal by providing extra general debate time, 2 hours to be equally divided. But that still leaves open the question of distributing that time is a way which is fair to all points of views and allows all points of view to be heard.

I, for my part, have committed that I will yield 15 minutes of my time to Democrats who are in favor of the bill; namely in opposition to the position I take. And my suggestion yesterday at the Committee on Rules was that 15 minutes of the majority time should be set aside for Republicans who are in opposition to the bill. In that way both parties and both opponents and proponents would have equal time. To do otherwise would bar some points of view from being expressed on the floor, and would artificially skew the debate by providing more time for proponents than for opponents, which would be clearly an attempt to bias the debate.

I assume that no one here is afraid of anyone else's arguments, and so if I might I would like to ask either the gentleman from Tennessee, or my very fine chairman from Pennsylvania, as to whether or not Republicans who oppose the bill will have time from the majority side, something on the other of let us say 15 minutes, as I have given to

the gentleman from Louisiana [Mr. HAYES] to express their view on the bill.

Mr. SHUSTER. Mr. Chairman, will the gentleman yield?

Mr. MINETA. I am more than happy to yield to my friend, the gentleman from Pennsylvania.

Mr. SHUSTER. I am pleased to respond to the gentleman that the Republican leadership has agreed to give 15 minutes to the Democratic proponents of the bill, and so I of course will accede to that request. There were no requests at the Committee on Rules yesterday formally submitted at the time we met. It would be my intention to give as much time as I possibly could to all points of view.

However, because of the previous commitment that had been made by the Republican leadership to those Democrats who support the bill, I am constrained to honor that commitment, but I would point out that I understand there is a substitute which the gentleman from New York [Mr. BOEHLERT] and the gentleman from New Jersey [Mr. SAXTON] have which will be offered and under the rule there will be unlimited debate made available on that.

So, it certainly would not be my intention at this time to attempt to limit or constrain their time on their substitute at all.

Mr. MINETA. If I might reclaim my time, Mr. Speaker, as I understand it then under the arrangement then the gentleman from Pennsylvania [Mr. SHUSTER] will have 45 minutes of general debate time under his control, I will have 45 minutes of debate time under my control, and the gentleman from Louisiana [Mr. HAYES] will then have a half hour, is that correct?

Mr. SHUSTER. That is my understanding as to what the agreement was that I am simply carrying out.

Mr. MINETA. And that opponents of the bill that will be on the floor, then, will be accorded their time only when they present their substitute rather than under general debate time under H.R. 961.

Mr. SHUSTER. If I have the time I will be happy to yield to them, but since I do not know whether I am going to have any time, I cannot commit a block of time, because that block of time previously had been committed by the Republican leadership. Of course, the gentleman from California is certainly free to yield whatever time he wants to the opponents of the bill.

Mr. MINETA. Absolutely. I am going to be yielding my time to do that.

I appreciate the gentleman from California giving me the time.

Mr. BEILENSON. Mr. Speaker, I reserve the balance of my time.

Mr. QUILLEN. Mr. Speaker, I yield 2 additional minutes to the gentleman from Pennsylvania [Mr. SHUSTER]

Mr. SHUSTER. Mr. Speaker, I simply take this time to announce to the body that it is our intention to finish this bill by 1 p.m. Friday afternoon. In consultation with the leadership, I am informed that we might go tonight until between 9:30 and 10, that we will go tomorrow night as long as is necessary, so that we can finish this bill by 1 p.m.

I am pleased that we have an open rule; I am pleased that we have no time limits. If it appears that it is being dragged out, or there might be dilatory tactics, which I certainly do not anticipate, but should there be such tactics to delay or to get to go to final passage, then I of course reserve the right to move to put time limits on the debate.

I hope that we do not have to do that. It is not my intention, but it is indeed our intention to complete this bill and have final passage by 1 p.m. Friday afternoon.

Mr. BEILENSON. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Pennsylvania [Mr. BORSKI], the ranking member of the subcommittee.

Mr. BORSKI. I want to thank the gentleman for yielding me this time.

Mr. Speaker, I wish to express my support for the rule and my strong opposition to H.R. 961, an industry-written bill filled with loopholes and waivers to roll back the Clean Water Act.

H.R. 961 will do tremendous damage to our Nation's environment, the water quality of our rivers, lakes, and streams, and will threaten the health of the American public.

This bill has been rushed through the process with no time for adequate consideration.

At no time was the Democratic leadership of the Transportation and Infrastructure Committee ever consulted about the drafting of this bill.

The Environmental Protection Agency and the environmental community were totally excluded from the process.

H.R. 961 is an industry wish-list drafted by secret industry task forces that has had no hearings and the barest minimum of consideration in the committee.

The 326-page industry wish-list was unveiled for the first time on March 22. One week later, we went to subcommittee markup.

Less than 1 week after that markup began in full committee. These were markups that were scheduled over the objections of the Democratic leadership.

In only 15 days, we moved from seeing a 326-page bill for the first time, through subcommittee and full committee markups.

That would be impressive for a noncontroversial bill—but this bill is very controversial.

The result of that one-sided and exclusive process—a process that is totally unprecedented in our committee—is a bill that will completely gut the Clean Water Act.

H.R. 961 will roll back 20 years of environmental protection that has cleaned up many of our Nation's rivers, lakes, and streams.

Before 1972, the rivers in many cities were no more than open sewers. Some even caught fire.

We must not turn back the clock on environmental protection.

H.R. 961 would pit State against State, city against city, in the race to save money and attract industry by relaxing environmental standards.

It would do virtually nothing to attack the major remaining source of water pollution—non-point source runoff from rural and urban areas. In fact, it would eliminate the Coastal Zone Non-Point Control Act—the one effective program we have for managing non-point pollution.

In the last 10 years, there have been more than 100 outbreaks of waterborne disease. In Milwaukee polluted runoff in drinking water resulted in 400,000 illnesses and more than 100 deaths.

H.R. 961 would remove protection from 60 to 80 percent of our Nation's wetlands.

It would leave parts of such valuable areas as the Florida Everglades, the Great Dismal Swamp and large portions of the New Jersey shore unprotected.

Mr. Speaker, this bill should be defeated. The Transportation and Infrastructure Committee should start over on a bill that will make the reforms that are truly needed in the Clean Water Act but will maintain protection of the environment.

Mr. QUILLEN. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from New York [Mr. BOEHLERT], who is chairman of the Subcommittee on Water Resources and Environment.

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

Mr. BOEHLERT. Mr. Speaker, I support the rule we will vote on this morning. I am proud that the people's House will bring this landmark legislation up for debate under an open rule that allows for maximum debate.

I think it is a sign of the maturity and confidence of the new majority that we are willing to air our disagreements over major legislation. Competing ideas are not just permitted, but encouraged to percolate to the top, where we will have full and open debate.

Let me also say that I believe the committee's hearing process was open as well. As Chairman of the subcommittee of jurisdiction, the Subcommittee on Water Resources and the Environment, I presided over six major hearings in Washington, and one field hearing in upstate New York, that one dealing exclusively with the subject of nonpoint source pollution.

The process was open, and I applaud that. I voted for the bill out of subcommittee to report it to the full committee despite the fact that I had major objections, but I feel that the day has long since gone when one person in the House can deny all of the

others the opportunity to consider major legislation.

I voted for that bill to come out of the subcommittee to the full committee, but I could not in good conscience vote for that bill in the full committee, and let me tell Members why.

First of all, a 334-page bill was filed last Thursday. For most Members, the first opportunity that they had to be exposed to the extensive material on this complex legislation was yesterday when we returned to the Nation's Capital, and today we are debating the legislation.

This legislation will remove over 60 percent of our Nation's wetlands from any level of protection, and allow the destruction of maybe 80 percent of the Nation's wetlands. Just yesterday the National Academy of Sciences issued a report, and in effect at the briefing these preeminent scientists said there is no scientific basis for the wetlands provision in the committee bill. We have to deal with good science.

We have gone, those of us who are proposing an alternative, my colleagues Congressman SAXTON of New Jersey and Congressman ROEMER of Indiana, we have gone with an extensive outreach program with the National Governors Association and we have listened. That is what we are supposed to do in Washington, listen, and we have embraced the National Governors Association section of our bill dealing with wetlands.

The bill, the committee bill, repeals the coastal zone nonpoint source pollution control problem, a very serious mistake with very serious consequences, so we reached out. We went to the coastal zone organization, comprised of 30 States, their Governors, their key environment and public safety people, and we have embraced, adopted their provision to deal with the Coastal Zone Reauthorization Act amendments.

The bill repeals entirely the storm water permitting process. We think that is a big mistake. We recognize problems for smaller communities and smaller businesses, so we have put into our alternative a 10-year moratorium that would exempt communities of less than 100,000 or smaller industries. We have tried to be responsive.

Time after time, poll after poll, the people of America said they want us to do something meaningful about clean water. There is not one person in this House, not one person in America, who would hesitate in this richest, most technologically advanced nation to go to a water fountain in any city to quench their thirst, but they did that in Milwaukee and 104 people died in 1993; 400,000 were made ill.

□ 1230

Four hundred thousand were made ill, and that is just the most recent, the flagrant example of how the public health is in jeopardy if we do not do a better job with our Nation's clean water program.

My colleagues in the House, the people across America, I urge you to give very careful consideration to the alternative that will be offered by the gentleman from New Jersey [Mr. SAXTON], myself, and the gentleman from Indiana [Mr. ROEMER].

Clean water should be an American birthright.

Mr. BEILENSON. Mr. Speaker, I yield 4 minutes to the gentleman from New Mexico [Mr. RICHARDSON].

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

Mr. RICHARDSON. Mr. Speaker, I rise in support of the rule and against this bill. This bill guts one of our strongest environmental statutes, the Clean Water Act. This bill is a bonanza for special interests and polluters. They are probably jumping for joy over this bill.

They are doing so because they probably wrote it and, in fact, a better title for this bill should be ''The Dirty Water Act of 1995'' or ''The Polluters' Bill of Rights of 1995.''

Mr. Speaker, what we have here is a dirty water bill which would significantly weaken laws, affecting protection of wetlands, enforcement of water quality standards, regulation of storm water runoff and a number of other sewage standards relaxed much too much. In effect, this legislation would leave 50 to 70 percent of our Nation's most valuable wetlands unprotected. It would delete controls on the discharge of more than 70,000 chemicals which are now regulated by the act, 70,000 chemicals no longer regulated by the act. It would allow waivers for more than two dozen cities to discharge sewage into the ocean. It would ignore the impact of pollution from runoff, which is the No. 1 source of pollution in our Nation's surface waters.

And here is a statement by the administration: ''For these reasons, if H.R. 961 were presented to the President in its current form, the Administrator of EPA, the Secretary of the Interior, the Director of OMB, and the Attorney General would recommend that the bill be vetoed.'' Again, this bill reduces water quality protection.

We should support pollution prevention and flexible tailored cost approaches to meeting the goals of the act, but this bill would undermine the strong standards that have produced significant water quality improvements in the last 20 years.

On wetlands, wetlands are critical to our Nation's water supply by functioning as natural filters which improve water quality and mitigate potential disastrous flooding plus protecting a number of species. This bill would redefine wetlands and remove even the Everglades—as I said, over 70 percent of all wetlands.

Now, costs are created by this bill. We should all support private property rights, but the takings provision in this bill would dramatically increase costs to the taxpayer of protecting our vital wetlands.

The bill fails to address nonpoint source pollution. Nonpoint source pollution is the major water quality problem currently facing the country. It paralyzes the Federal Government's ability to issue regulations and guidance to protect the Nation's water.

The administration believes that cost-benefit analysis can and should influence environmental decisions and that regulations should be adopted upon a reasoned determination that the benefits of the regulation would justify its cost, but this bill would impose overly broad and judicially reviewable risk assessment and cost-benefit requirements prior to the issuance of such rules.

And most importantly, if you look at pay-as-you-go scoring, H.R. 961 would affect direct spending. Therefore, it would be subject to the pay-as-you-go provisions of the Omnibus Budget Reconciliation Act of 1990, and minimum estimates indicate that the effect of the bill would be to increase the deficit by several billion dollars during fiscal years 1995 and 1998.

Mr. Speaker, this is a bad bill. It should be rejected. We should start over and do this carefully. We must reauthorize the Clean Water Act, but not with this.

Mr. QUILLEN. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from New Jersey [Mr. SAXTON].

Mr. SAXTON. Mr. Speaker, I thank the gentleman from Tennessee for yielding me this time.

Let me just say at the outset that I want to thank the gentleman from Pennsylvania [Mr. SHUSTER] and the Republican leadership for giving us the opportunity to debate this very important matter under an open rule, giving us the opportunity to bring our points forward as the gentleman from New York [Mr. BOEHLERT] and I will do in a substitute a little later on. I called the Speaker on Friday and I expressed my concerns about this bill from a New Jersey coastal perspective. The Speaker, without hesitation, said ''You get together what you think is good for New Jersey in the way of a substitute or in the way of however you want to propose your amendments, and you bring them to floor, and we will have an open rule.'' And I appreciate that. I also appreciate the cooperation by the gentleman from Pennsylvania [Mr. SHUSTER] and members of the Committee on Rules in this regard. It truly is an opportunity for us to debate before the American people some issues that I think are of great importance.

I have now been in this House for a decade, and when I was elected to the House and became a member of the Committee on Merchant Marine and Fisheries, soon to be joined by the gentleman from New Jersey [Mr. PALLONE], already in place was Mr. Hughes from New Jersey, we were there because we had great concerns,

concerns about water quality particularly in the coastal areas of our State.

I think the same concerns exist in many coastal States, but perhaps they were emphasized in New Jersey because of our density of population. Perhaps they were emphasized because of our proximity to the largest city on our coast in the country, New York City, of course.

We began to look at some of the problems caused by that in the Northeast, Long Island, New England, and along the New Jersey coast; we began on a bipartisan basis, without consideration for politics, in my opinion, in any partisan form, to put together programs that were intended to create a much better condition for inhabitants and visitors to those coastal areas. We had massive beach closings in the summers of 1987 and 1988 in New York and New Jersey and other coastal States. We had flooding in many areas of our country, both inland areas as well as coastal areas, and that has to do very much with this bill.

We identified sources of pollution that were relatively easy to take care of, namely, point sources of pollution, and we also recognized that there is another category of pollution known as nonpoint sources of pollution that are much more difficult to deal with, and we put in place national policy sometimes tailored specifically to States through the Coastal Zone Management Act, and that process to take care of many of these programs and to take care of many of these issues and problems as well.

I must say together, as Republicans and Democrats, we have been very, very successful. As a matter of fact, just the day before yesterday, an airplane pilot friend of mine who has been flying over the Eastern coast for many years said to us, ''One of the things you have done right,'' he said, ''and I know this from my observations of flying over these areas and viewing the habitat and the environment, particularly the water, that you have done a good job in beginning to turn the corner on coastal pollution,'' and we have been able to do that.

Unfortunately, I take issue with many or some, at least, of the provisions of this bill relative to the treatment of wetlands and their importance in keeping the environmental quality what it should be in coastal areas, with the repeal of the CZMA section which has reference to nonpoint pollution, and that is why the Coastal States Association endorses the Saxton-Boehlert approach which we think is much more sensible, as well as the storm water discharge and the permitting process which is repealed by this act. All of these things are vitally important to the health and welfare and the environmental quality that affects the people's lives that inhabit and visit coastal areas.

One other issue of particular importance, I know it is of importance to the gentleman from New Jersey [Mr. PALLONE], as it to me, is the ocean dumping provisions of this bill that relate to dredge spoils being dumped offshore and the elimination of the involvement on a direct basis of the Environmental Protection Agency.

And so we will offer at the appropriate time a substitute which we hope we will get broad consensus on relative to these and a few other subjects. And so, Mr. Speaker, I thank you for the opportunity to express my support for the rule this morning and my appreciation for the leadership on our side and the Committee on Rules for permitting us to offer under an open rule changes in regard to these provisions.

Mr. BEILENSON. Mr. Speaker, I yield 5 minutes to the gentlewoman from Colorado [Mrs. SCHROEDER].

Mrs. SCHROEDER. Mr. Speaker, I thank the gentleman from California for yielding me this time.

I rise to say to Americans who believe that progress is preordained in this country, ''Wake up.'' Because today we are going backwards. Today we are on a real slippery slope, and for people who thought we would always be able to have clean water in America, that is one of the things we have been very proud of, you can turn on a tap, and rely on it. Guess what, today we are saying, ''Well, no more. We just do not want to push the polluters, it costs them too much to deal with the pollution.''

And so let me say in the next breath, for those who are looking for growth stocks today, I say buy bottled water stocks, because the real message is we do not want the polluters to have to clean up. We are going to have the people who use the water have to go buy bottled water or whatever in the future.

This is not the America or the Federal Government that I knew, and I must say I find it a very sad day. I do not even want to vote for the rule. Yes, it is open. I do not have any problem with the rule. The only problem is I do not think we should be dealing with this bill today, because the scientific evidence on this bill is not in.

Eighteen hours before we started debating this bill, the esteemed National Academy of Sciences released its report, 18 hours. Now, maybe everybody here is a little quicker than I am, but to absorb that and figure out how to deal with that and get it to the House floor in 18 hours is almost beyond, I think, most of our capability.

The Chair of that commission is William Lewis, a University of Colorado professor, and he and the others who drafted it were not complimentary at all of this bill. They said it was much too simplistic, and that it needed many, many pieces of work. They also were not particularly accepting of how the policy had gone on in the past. They came out with some long awaited changes of how we might be more efficient, how we might deal with some of the inconsistencies between different Federal agencies. To me, that is the issue I wish we had in front of us.

And I do not think this is the day that we have had time to get it done, so I fear that Americans are going to wake up and suddenly say, ''What happened? Why didn't you tell us? Why didn't we know? We can't believe anybody undid this.'' Well, here we are, we are doing it, and I find it very sad.

As we talk about these issues, you know, people will talk about the wetlands, the wetlands, how very serious, there are too many wetlands, we do not need the wetlands.

Well, what do wetlands do? You know, wetlands are absolutely vital as a filter to filter out a lot of the pollutants, a lot of the pesticides, the sediment, the nitrogen that otherwise gets right into the water source and everything else. We cannot put concrete on and we cannot develop every inch of this planet, because the runoff and stuff needs to go somewhere. It needs to be filtered through some place, and the wetlands are a very essential part of that ecosystem.

When you also look at all the different contaminants being put in and the level of toxics that go into rivers that will be considered acceptable, well, let me tell you, if we are going to allow these to be in flux, if we are going to treat much more cavalierly the 70,000 different pollutants people have been talking about, that is going to get transferred to people, and in either having to buy bottled water or in higher health care costs, and more environmental damage to people's health, all sorts of things before you even get to the fallout on what happens to the wildlife.

We now know songbirds are dying in America at a much faster pace than we would like to see that happen. We do not know why. We were learning in this whole ecology debate that we are having more and more about how interconnected we have become and how important it is to take these things seriously.

But I would hope that this body would go on good science. I hope that we find out for people who support this bill long term when good science says this is not a good bill to support, I would hope that it is bad politics not to support good science.

You know, this has not been a flat Earth caucus. This has been a Nation that has been built on good science and relying on academics and relying on people who do not have a dog in the fight, and when the academics have spoken and when those who are really with no ax to bear have spoken, but they have spoken just 18 hours ago and they are warning this bill is going in the wrong direction, I hope we wake up and listen to that. I sincerely do.

I am very sorry that this day has come.

Mr. Speaker, H.R. 961 represents a fundamental change in the way we think about clean water. Unfortunately, the change is not a positive one.

Under current law, polluters do not have a right to dump messes into public resources; if they do, they pay a fine. In my district, for example, paying for the Sand Creek greenway was part of Conoco's penalty for discharging toxics into Sand Creek. Under H.R. 961, the outcome might be different. The cost benefit provisions in H.R. 961 essentially make polluting a legally acceptable use of water.

Currently, the level of toxic contamination in a river or lake that is considered acceptable is based on human health and ecological standards. The Shuster bill will change that standard. It incorporates the polluter's needs into the formula.

Wetlands would change too. For the most part they would disappear. Wetlands filter more than 90 percent of the pesticides, sediment, and nitrogen that would otherwise pollute our bodies of water. Wetlands are also vital to over 75 percent of our fish and shellfish. H.R. 961 eliminates wetlands protection by narrowly defining a wetland and allowing a claim as a ''taking'' for the protection of those wetlands that fit the difinition.

The original goal of the Clean Water Act was to make the Nation's waters swimmable, fishable, and drinkable. While we have not cleaned up everything, the Clean Water Act has brought us a long way on the road to that goal. The Shuster bill not only abandons that goal, but if enacted, will threaten our gains. Vote ''no'' on H.R. 961.

STEWART SCHOOL,
Oxford, OH, April 7, 1995.

SAVE OUR SEAS,
Washington, DC.

DEAR SIR OR MADAM: We are learning about oceans in school, and we don't like the pollution. Not only fish are dying, but birds, seagulls, and many more animals. I love animals and I hate pollution. Oil spils should be stopped. Well, I and 24 other friends of mine hate it.

Sincerely,

FAITH MANKA.

□ 1245

Mr. QUILLEN. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Pennsylvania [Mr. GEKAS].

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

Mr. GEKAS. Mr. Speaker, Members of the House, I appreciate the opportunity to speak on the rule which I support and then to assert that my support for the bill itself is based on several propositions.

No. 1, I am impressed by the fact that this is a bipartisan piece of legislation that has reached the floor. One can only read the results of the subcommittee vote and the full committee vote to assert for themselves that this is indeed a bipartisan crafted piece of legislation. That in itself answers the request of the American people that we approach this and many other problems in our country on that bipartisan basis for which they have been yearning for so many years. Here is an excellent opportunity to put into play our search for bipartisan solutions to the Nation's problems.

No. 2, if that were not enough, it also is bipartisan in this particular unique tenant about which I am concerned. The Chesapeake Bay has for a long time been a strong concern of the environmental community of our Nation, and not only nationwide are the environmentalists interested in the preservation, and the clean up and the stabilization of Chesapeake Bay, but naturally the regional interests, Pennsylvania, Delaware, Maryland, et cetera, are also interested in the preservation of the Chesapeake Bay as we once knew it. In that regard this bill calls for adoption, as a matter of fact, of increase in, the President's recommendation for reauthorization of that portion that has to do with funding the Chesapeake Bay, another facet of the bipartisan approach that we can adopt by supporting the committee's version of this vital piece of legislation.

Mr. BEILENSON. Mr. Speaker, I yield 4 minutes to the gentleman from New Jersey [Mr. PALLONE].

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

Mr. PALLONE. Mr. Speaker, I rise in support of the open rule but against the bill. I think it is very important that we do have an open rule without time limits on this legislation because it is so controversial, and I do believe that the bill makes fundamental changes to the Clean Water Act that are not in the national interest.

I was very pleased to hear my colleague, the gentleman from New Jersey [Mr. SAXTON], speak before because he pointed out and reminded me about the fact that when we were first elected to the Congress, back in the mid or late 1980's, that a big part of our election was because we swore that we would come down here and try to stop ocean dumping and improve ocean water quality. The fact of the matter is that since those New Jersey beach closings in 1987 and 1988 the ocean water quality and the quality of our rivers and harbors have increased dramatically in the State of the New Jersey and throughout the country. People tell us every day, and in particular looking forward to the beach season this summer, they talk about how improved the water quality is and how many people want to come down to the shore and swim and enjoy our beaches and our water.

We cannot turn the clock back, and my fear is that this is what this legislation does. It in effect turns the clock back and makes it very possible that, if it were to pass 5, 10, 20 years from now, our water quality would significantly decrease.

I would want to mention a few things, and some of them were mentioned by my colleague, the gentleman from New Jersey [Mr. SAXTON], specifically about what the bill does and how it is dangerous.

With regard to coastal run off, contaminated run off is the number one contributor to water pollution. The committee bill would end an existing program mandating States to draw up enforceable run-off control plans in coastal zones, replacing with a voluntary approach similar to an existing program in inland areas. Environmentalists and the EPA have said that our efforts should be directed toward making run-off programs enforceable, not voluntary.

With regard to storm water, the bill would repeal an existing formal permitting process governing city and industrial storm water releases into service water, replacing it with a system emphasizing voluntary measures of compliance, again voluntary rather than mandatory.

With regard to wetlands, by changing definitions, the proposed legislation would remove as much as half of the Nation's wetlands from protection. The EPA would also be stripped of its veto power of decisions by the Army Corps of Engineers to grant wetlands development permits.

My colleague, the gentleman from New Jersey [Mr. SAXTON], mentioned a substitute, and we also from New Jersey have several amendments that would try to improve and eliminate some of these more egregious measures that are in the bill. I urge my colleagues on the Democrat side to support the Saxton-Boehlert substitute. This substitute would eliminate some of the worst problems that exist in this bill.

I was hopeful, however, that this would be the opportunity, during the authorization of the Clean Water Act, to actually improve the existing Clean Water Act, and so I have proposed, pursuant to this open rule again, certain amendments that would actually improve the existing law. I am not sure, and I think perhaps in this atmosphere it is unlikely that some of these will pass, but it is important to put them forward.

One of them is the Clean Water Enforcement Act. We have noticed that with the existing Clean Water Act there has not been sufficient enforcement. In many cases it pays to pollute because the fines that are imposed for pollution or violating one's discharge permit are too small. The Clean Water Enforcement Act would go after the bad actors, the repeat violators of their discharge permits, require mandatory penalties and increasing penalties so that it does not pay to pollute.

Another amendment that I will be proposing today under the open rule is something that my colleague, the gentleman from New Jersey [Mr. HUGHES], has repeatedly introduced and had passed in this House several times in previous sessions of Congress that would basically require a national program for beach water quality testing. In New Jersey we have a very good program that requires the testing of water quality before we decide whether beaches are open to bathers. I would like to see that included in the Clean Water Act, and again that would be a strengthening amendment.