Kleczka
Klink
Klug
Knollenberg
Kolbe
LaHood
Largent
LaTourette
Laughlin
Lazio
Leach
Levin
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Lowey
Lucas
Luther
Manton
Manzullo
Markey
Martini
Mascara
Matsui
McCarthy
McCollum
McCrery
McDade
McDermott
McHale
McHugh
McInnis
McIntosh
McKeon
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
Mica
Miller (FL)
Minge
Mink
Molinari
Mollohan
Montgomery
Moorhead
Morella
Murtha
Myers
Myrick
Nethercutt
Neumann
Norwood
Nussle
Obey
Olver
Ortiz
Orton
Owens
Oxley
Packard
Pallone
Parker
Paxon
Payne (VA)
Peterson (FL)
Petri
Pomeroy
Porter
Poshard
Pryce
Quillen
Quinn
Radanovich
Rahall
Ramstad
Rangel
Reed
Regula
Riggs
Rivers
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
Roukema
Royce
Salmon
Sanders
Sawyer
Saxton
Scarborough
Schaefer
Schiff
Schumer
Seastrand
Sensenbrenner
Serrano
Shadegg
Shaw
Shays
Shuster
Sisisky
Skaggs
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Solomon
Souder
Spence
Spratt
Stark
Stearns
Stenholm
Stokes
Studds
Stump
Stupak
Talent
Tate
Tauzin
Taylor (NC)
Thornberry
Thornton
Tiahrt
Torres
Torricelli
Traficant
Upton
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Ward
Watts (OK)
Waxman
Weldon (FL)
Weller
White
Whitfield
Wicker
Wolf
Yates
Young (FL)
Zeliff

NAYS—88

Abercrombie
Becerra
Bonior
Borski
Brown (CA)
Brown (FL)
Brown (OH)
Clay
Clayton
Clyburn
Coburn
Coleman
Collins (IL)
Collins (MI)
Condit
Costello
Crane
Davis
DeLauro
Dicks
Dingell
Dooley
Durbin
Engel
Everett
Filner
Ford
Frank (MA)
Frost
Gephardt
Gibbons
Gillmor
Green
Gutierrez
Gutknecht
Hastings (FL)
Hefley
Hefner
Heineman
Hilleary
Hilliard
Hinchey
Jackson-Lee
Jacobs
Johnson, E.B.
Kaptur
LaFalce
Lantos
Latham
Lewis (GA)
Lincoln
Longley
Martinez
Meyers
Miller (CA)
Moran
Neal
Ney
Oberstar
Payne (NJ)
Pelosi
Peterson (MN)
Pickett
Pombo
Richardson
Roybal-Allard
Rush
Sabo
Sanford
Schroeder
Scott
Slaughter
Tanner
Taylor (MS)
Thompson
Thurman
Torkildsen
Towns
Velazquez
Vento
Visclosky
Waters
Watt (NC)
Wise
Woolsey
Wyden
Wynn
Zimmer

ANSWERED ''PRESENT''—1

Harman

NOT VOTING—26

Conyers
de la Garza
DeFazio
Diaz-Balart
Ensign
Farr
Fazio
Fields (LA)
Gejdenson
Hoyer
Maloney
Mfume
Moakley
Nadler
Pastor
Portman
Smith (WA)
Stockman
Tejeda
Thomas
Tucker
Volkmer
Weldon (PA)
Williams
Wilson
Young (AK)

□ 1103

Mr. PAYNE of New Jersey changed his vote from ''yea'' to ''nay.''

So the Journal was approved.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. PASTOR. Mr. Speaker, during rollcall vote No. 760 on the Journal, I was unavoidably detained. Had I been present I would have voted ''yea''.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 1868) ''An Act making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1996, and for other purposes,'' with an amendment.

PERSONAL EXPLANATION

Mr. YOUNG of Florida. Mr. Speaker, I was not recorded on rollcalls 734 and 745. Had I been recorded, I would have voted ''yes'' in both cases.

Mr. Speaker, due to a malfunction of the voting system, I was not recorded October 24, 1995, on rollcall vote 734. This was the third in a series of votes that evening, and although I was recorded on the first two votes, my vote was not recorded on the third vote. Had I been properly recorded, my vote was ''yes'' in support of S. 1322, legislation providing for the relocation of the United States Embassy in Israel to Jerusalem.

As one who has signed letters to the President and Secretary of State in support of the relocation of the Embassy, I would request unanimous consent that my statement appear in the permanent RECORD immediately following the vote on S. 1322.

Mr. Speaker, I was inadvertently delayed Monday evening, October 30, 1995, during the consideration of House Resolution 247, expressing the concern of the House about the possible deployment of American troops in Bosnia. Had I been present, I would have voted ''yes'' on rollcall No. 745 in support of this resolution.

APPOINTMENT OF CONFEREES ON H.R. 2099, DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 1996

Mr. LEWIS of California. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 2099) making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 1996, and for other purposes, with the Senate amendments thereto, disagree to the Senate amendments, and agree to the conference asked by the Senate.

The SPEAKER pro tempore (Mr. EWING). Is there objection to the request of the gentleman from California?

There was no objection.

MOTION TO INSTRUCT OFFERED BY MR. STOKES

Mr. STOKES. Mr. Speaker, I offer a motion to instruct.

The Clerk read as follows:

Mr. STOKES moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the bill, H.R. 2099, be instructed to agree to the amendment of the Senate numbered 66 insofar as it strikes 17 provisions limiting the use of funds appropriated to the Environmental Protection Agency.

The SPEAKER pro tempore. The gentleman from Ohio [Mr. STOKES] will be recognized for 30 minutes, and the gentleman from California [Mr. LEWIS] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Ohio [Mr. STOKES].

Mr. STOKES. Mr. Speaker, I yield 10 minutes of my time to the gentleman from New York [Mr. BOEHLERT], and I ask unanimous consent that he be permitted to control that time.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

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

Mr. Speaker, nearly 3 months ago, on July 28, 1995, this body voted to strip the VA–HUD appropriations bill of nearly 20 legislative riders. These riders were added by the Republican leadership for the sole purpose of reversing this Nation's progress toward clean streams, lakes, clean air, safe drinking water, and other national environmental goals.

Like many other provisions the majority party has adopted this year, there were no hearings on the legislative riders, no negotiations with the minority, and no public give or take. Instead, these riders showed up in the chairman's mark of this bill at the time of the subcommittee markup.

Mr. Speaker, we now know plenty about these riders. We know the secrecy that surrounds them was designed by the proponents for a very good reason. They knew that when the public learned of the unprecedented rollbacks in environmental protection, of the special interest deals, of the complete disregard for public health, they would be furious. Now, because of the debate and vote last July, the people did learn of the surprises in the fine print of this bill, and they are furious. They are furious because this bill rolls back and cuts back and sweetheart special interest deals simply go too far.

These riders go too far when they totally stop any and all development or implementation of water quality standards for the Great Lakes, which supply drinking water for 23 million Americans.

These riders to too far when they totally stop any development of new emission standards for industrial water pollution, thus allowing pharmaceutical manufacturers, the pulp and paper industry, and metal producers, to continue to pour millions of pounds of toxic pollutants into the Nation's waterways.

These riders go too far when they repeal this Nation's wetlands protections, thus allowing developers to destroy thousands of acres of marshes and streams that would be protected even under the radical revisions to the Clean Water Act that the Republicans passed earlier this session.

These riders go too far in prohibiting EPA from doing anything to keep radon and arsenic out of the Nation's drinking water.

These riders go too far in saying to EPA, ''Don't you dare ask industry to disclose more about their use and release of toxic chemicals to local health officials,'' to local fire departments, to citizens who live in the shadows of polluting smokestacks.

These riders go too far in carving out special interest exemptions and protections for oil refineries and hazardous-waste-burning cement kilns.

Mr. Speaker, now we have a third chance, once and for all, to rid this bill of these poisonous riders on this bill which President Clinton has described as the Polluters Protection Act. My motion at the table instructs the conferees to agree with the Senate amendments deleting the House riders.

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

Mr. LEWIS of California. Mr. Speaker, I yield myself such time as I may consume to ask a question of my colleague, the gentleman from Ohio [Mr. STOKES], the ranking member.

Mr. Speaker, the gentleman from Ohio [Mr. STOKES] points with some alarm to a series of riders that are connected with EPA and riders that would impact the way they exercise their regulatory authority and sometimes, in my judgment, go beyond their regulatory authority.

As I understand the gentleman's motion, it would essentially instruct us to remove all of those riders, and that would be the position of the House as we go to conference; is that correct?

Mr. STOKES. If the gentleman would yield, my chairman is absolutely correct. My motion would strike all 17 of these riders from the bill.

Mr. LEWIS of California. That would mean that if a Member of the body, for example, is very concerned with the way EPA is implementing inspection and maintenance of vehicle programs connected with clean air across the country, that we would be unable to address the way we do address that question in these riders. In other words, we would not be able to move forward with a rider that would essentially limit the way EPA is exercising that questionable authority; is that correct?

Mr. STOKES. If the gentleman would yield further, I want to be able to respond accurately to him.

As my distinguished chairman of the subcommittee knows, there is a Senate rider that bars centralized testing, using language previously adopted when we were in conference previously on the rescissions bill.

That language, as my chairman knows, states as follows: That the House-Senate conferees on the rescission bill adopted straightforward language barring EPA from mandating centralized testing or applying any automatic discounts or alternatives adopted by States. Similar language is in the Senate version of H.R. 2099, the bill which we are on here on the floor today.

Mr. LEWIS of California. Mr. Speaker, the point I would make is that I do know there is a rider like that on the Senate side sponsored by the Senate. But my colleague is striking all the language that we would have and essentially saying I should not be taking action and moving forward relative to inspection and maintenance and other items.

Under those circumstances, Members should know that if the House votes with the ranking member, I intend to go to the conference and fully express the role of the House, and actions on inspection and maintenance will have to be opposed. Indeed, it could undermine the House position and the House concern regarding that matter. The same point applies to any number of other riders.

Really, my point here, Mr. Speaker, is that to have the House suggest that we go to conference with the Senate and strike all of this consideration when there is another option available is highly questionable policy, and I think it deserves the attention of the House.

Mr. Speaker, it is very important for our colleagues to know that there is a great deal of interest in a number of these riders. We will be dissuaded from acting in connection with them. Later in the day, we will have an opportunity, perhaps, to consider another approach, which would instruct our conferees to go to the conference and to consider each and every one of these riders separately and individually and consider them based upon their impact on the economy, upon jobs, upon the environment. That could only occur if, at the end of this discussion, we essentially procedurally open the door to allow us to consider that alternative. So we are going to be urging my colleagues to vote no on the previous question to allow that process to go forward.

It is not fair for us to tie the hands of the Members in connection with these very important regulatory areas, and the motion by my colleague would specifically do that. We would not be able to represent Members well regarding these issues in conference if this motion passes.

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

Mr. BOEHLERT. Mr. Speaker, I yield 1 minute to the gentleman from New Jersey [Mr. SAXTON].

Mr. SAXTON. Mr. Speaker, these riders are a terrible idea. The riders dramatically change, in a very damaging way, laws which have been subject to the legislative process, were fully and extensively debated and gained the support of Members from both sides of the aisle.

We have a legislative process through which we amend existing law. It involves committees and subcommittees where Members have devoted much of their careers to understanding complicated important issues and to knowing how to deal with them.

In this case, the Committee on Appropriations decided to authorize, or better, to deauthorize in this appropriations bill certain established laws. This is a bad idea.

Let me demonstrate why by asking four questions:

Do Members really want to stop enforcement of wetlands protection?

Do Members really want to stop enforcement of permits on raw sewage overflow?

Do Members really want to stop enforcement of programs addressing stormwater runoff?

□ 1115

Do Members really want to stop implementation of the Great Lakes initiative? These only deal with the Clean Water Act. There are 15 other issues that are of equal importance.

I urge a ''yes'' vote on the Stokes-Boehlert amendment.

Mr. STOKES. Mr. Speaker, I yield myself 30 seconds.

I think it is important for me to respond to the statement made by the distinguished chairman of the subcommittee. I think the Members should know and understand that Amendment 81, which I made reference to, is in the Senate bill, and there is no reason why in conference, notwithstanding any action taken here, if the Stokes motion wins, we can still agree to that motion in conference. There is no reason why, as conferees, we cannot.

What every State should understand is that no State faces a loss of Federal highway funds if they do not adopt a decentralized or test-only inspection program. That Members should understand.

Mr. Speaker, I yield 3 minutes to the distinguished minority whip, the gentleman from Michigan [Mr. BONIOR].

Mr. BONIOR. Mr. Speaker, of all the words that appear in the Contract With America, the word ''environment'' never appears once.

They never told us they were going to repeal the Clean Water Act.

They never told us that they were going to sell off public lands, make it easier to pollute the Great Lakes, or cut funds we need to keep our drinking water safe. But over the past 10

months, Gingrich Republicans have trashed the environment at every single turn. It is not just what they have tried to do, but how they've tried to do it.

They knew they could not pass a bill to allow oil drilling in the Alaskan wilderness. So they snuck a provision into the reconciliation bill that allows drilling in Alaska.

They knew they could not just repeal the Clean Water Act. So we have a bill before us today that uses legislative riders to gut the Clean Water Act in 17 different ways.

This is environmental destruction by stealth, pure and simple.

Now does anybody really think it is a good idea to let arsenic in our drinking water?

Does anybody really think it is a good idea to exempt industrial plants from water pollution control? Read the fine print—that is exactly what these riders do.

All over America, local communities need help with sewage problems. This bill freezes all new wastewater treatment projects dead in their tracks.

All over America, local communities are trying to make their drinking water safe. This bill makes it impossible for safe drinking water permits to be enforced.

This bill may be a bonanza for polluters but it is going to damage our environment, poison our water, and hurt local communities all over America.

For more than two decades, this country has had a bipartisan commitment to protecting our environment. Any way you look at it, this bill rolls back 25 years of progress on clean water.

The VA–HUD bill is a disaster from the word go. The least we can do is instruct conferees to get rid of these destructive riders once and for all.

I urge my colleagues: Vote ''yes'' on the previous question, vote ''yes'' on the motion to instruct, and help keep our environment clean.

Mr. BOEHLERT. Mr. Speaker, I yield 1 minute to the gentlewoman from Maryland [Mrs. MORELLA].

(Mrs. MORELLA asked and was given permission to revise and extend her remarks.)

Mrs. MORELLA. Mr. Speaker, I urge my colleagues, in their zeal for reform, to refrain from the wholesale repeal of fundamental environmental safeguards. Repeal is exactly what we are being asked to do in voting for a funding bill that has 17 legislative riders attached to it.

Whole sections of the Clean Water Act, the Clean Air Act, and the Safe Drinking Water Act are rendered meaningless by these riders. For example, one rider completely halts EPA enforcement of wetlands protection. We cannot afford the widespread destruction of the Nation's remaining wetlands that would occur if this rider is signed into law. As documented in the National Research Council's report—a report done at the request of Congress—wetlands provide an indispensable natural filtration system and habitat essential to commercial and recreational fishing supplies. My State for one cannot afford the economic devastation that would occur from further pollution to its waterways, particularly the Chesapeake Bay.

This is just 1 of the 17 riders to the EPA bill. Others block implementation of tap water standards for arsenic and radon in our drinking water supplies; prohibit further cleanup of Superfund sites after the end of the year; carve out special exemptions for petroleum refineries from critical air toxic standards; and shield polluters who admit (but do not necessarily correct) their wrongdoing.

These changes undercut the foundation of environmental protection that both Republicans and Democrats have worked hard to build over the past 25 years. We should not be making such changes in an appropriations bill, with no hearings and little debate.

Let us instead make any revisions in the appropriate authorizing committees where Members are working hard to review and improve various environmental laws. All of the riders in this bill are inappropriate. While some of them concern important issues that should be addressed, none of them should be attached to this bill.

I urge a ''yes'' vote on the Obey-Stokes motion and a ''yes'' vote on the previous question.

Mr. LEWIS of California. Mr. Speaker, I yield 3 minutes to the distinguished majority whip, the gentleman from Texas [Mr. DELAY].

Mr. DELAY. Mr. Speaker, my friends, the distinguished minority whip represents a party that used to be the only thing to fear is fear itself; now, all they have to offer is fear itself.

I rise in very, very strong opposition to this motion to instruct. Do not be fooled. . . .

And what do they do? They prevent——

Mr. OBEY. Mr. Speaker, I demand the gentleman's words be taken down. The gentleman's words go to the motives of the sponsor of this amendment. They are outrageous. They ought to be withdrawn.

The SPEAKER pro tempore (Mr. EWING). The Clerk will report the words.

Mr. DELAY. Mr. Speaker, I ask unanimous consent to withdraw the offending words.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

Mr. OBEY. I will not object if the gentleman understands that I raised the objection because what he essentially said is that the sponsors of the amendment were not interested in a clean environment, they were interested in spreading misleading words on the floor of the House. That is my objection. If he is willing to withdraw that, I have no objection to their being withdrawn.

The SPEAKER pro tempore. Without objection, the words are withdrawn.

There was no objection.

The SPEAKER pro tempore. The gentleman from Texas [Mr. DELAY] may proceed in order.

PARLIAMENTARY INQUIRY

Mr. DELAY. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. DELAY. Mr. Speaker, do I get to start over with my time?

The SPEAKER pro tempore. Time was not taken away from the gentleman. The gentleman may start over.

Mr. DELAY. Mr. Speaker, maybe I mischaracterized personally the authors of this motion. Let me restate it this way: Those on the outside of this Chamber that support this motion are not interested in good environmental policy or public health. They are interested in the status quo, in regulatory excess, and in spreading misleading and distorted information on what these environmental riders do.

And what do they do? They prevent the EPA from going beyond its statutory authority so we do not have unelected, overzealous bureaucrats implementing their own agendas at the expense of our environment and the American public. They require EPA to use the most up-to-date data when making regulatory decisions.

Do the opponents of the riders believe the EPA should be allowed to develop a refinery MACT rule, using data that is 15 years old when data exists from 1993? Is that protecting the public health?

They direct EPA to use real world data instead of bureaucratic computer models based on faulty assumptions. EPA is trying to force our constituents into centralized emissions testing, claiming this system works the best, but just a few weeks ago, 12 cars rigged to fail passed by a Colorado centralized testing facility. Is that effective environmental policy? None of these riders change present law, not one. Not one of these riders repeal present law.

Chanting right along with the effort to scare and mislead the public on what this Congress is doing, our Vice President accused this Congress of prohibiting the EPA from taking arsenic out of drinking water. But who is asking for a delay in the rulemaking? In a letter dated this February, the EPA stated it has decided to seek to delay rulemaking on the arsenic regulations in order to conduct further research.

Needless to say, the Vice President's office later said he misspoke.

Mr. Speaker, these riders are about common sense, sound science and flexibility. They are about making sure that we get real benefits out of our regulatory requirements, so that the burden we have placed on Americans and on our businesses makes sense, and for those who claim that this appropriations bill is no place for these legislative riders, get real. Every bill is the

right place to deal with government fraud, abuse of process and misspent resources.

Vote ''no'' on the previous question.

Mr. STOKES. Mr. Speaker, I yield 2 minutes to the gentleman from Wisconsin [Mr. OBEY], the ranking minority member of the full Committee on Appropriations.

Mr. OBEY. Mr. Speaker, 1 month into the fiscal year, only 8 percent of the appropriations in the budget are done for the fiscal year. At that rate, it will take an entire year to finish 100 percent of the appropriation items.

Eighty-five percent of the appropriated dollars in the budget, in defense, in labor, HEW, in the EPA appropriation bill, are all tied up in very large measure because of extraneous legislative language added to what is supposed to be budget bills.

In this bill before us today, these 17 riders would, among other things, exempt oil refineries from air toxic standards under the Clean Air Act. They would allow 1 million tons of hazardous waste from cement kilns to be exempted from air toxic requirements. They would stop enforcement of the law with respect to the dumping of raw sewage into our rivers. They would stop enforcement of the arsenic standards.

These 17 rules, in my view, are a lobbyist's dream, and I would simply suggest that the idea that we ought to try to consider each of them separately on an appropriation bill, simply the effect of that gives lobbyists 17 different opportunities to pick off enough people on this floor to win 1 or 2 or 3 of those items, because of special sectional pressures.

In my view, these do not belong in a budget bill. We ought to deal with budget issues clean.

I want to say one other item, or I want to make one other point. I want to say to my Republican friends on this side of the aisle, we have not made a single bit of environmental progress through the years without bipartisan cooperation because the two parties.

□ 1130

Do not let that cooperation stop now. Do not walk away from the tradition of Teddy Roosevelt. The Republican Party and the Democratic Party jointly have fine bipartisan traditions of moving environmental protections forward. Let us keep those traditions moving forward today by supporting the Stokes motion.

Mr. LEWIS of California. Mr. Speaker, I yield 1 minute to the gentleman from Michigan [Mr. KNOLLENBERG].

Mr. KNOLLENBERG. Mr. Speaker, I rise in strong opposition to the Stokes motion to instruct.

Mr. Speaker, if you listened only to the supporters of the motion, you would think its defeat will result in the wholesale environmental destruction of our lands, waterways, and air quality.

Folks, this is nothing more than good, old-fashioned scare tactics, dressed up in a pretty green wrapper.

It's not the environment that's at stake here—it is the power of the House.

Every Member knows that many of these riders will never make it out of conference—and those that do survive will represent sound, environmentally neutral policy.

But every Member also needs to know that these riders represent bargaining power for the House.

The riders are leverage we can use to achieve meaningful spending cuts—protect important veterans programs—and pare back some of the other body's ill-advised housing language.

Yes, this may well be the feel-good environmental vote of the year, but I ask you: is it really worth it to sell out the House conferees for a press release?

Mr. Speaker, we need to stick together as a team on this one. We need to reject the easy vote, and cast the right vote.

Defeat the previous question—vote for the substitute motion.

Mr. BOEHLERT. Mr. Speaker, I yield to 1 minute to the gentlewoman from New Jersey [Mrs. ROUKEMA].

(Mrs. ROUKEMA asked and was given permission to revise and extend her remarks.)

Mrs. ROUKEMA. Mr. Speaker, I rise in strong support of the Stokes motion.

This is the third time that we have voted on these riders. First during the Committee of the Whole, Members voted 212 to 206 to delete these special interest provisions. Not satisfied with that result, a separate vote in the House was demanded and by a vote of 210 to 210 the provisions were retained. Lets put this issue to bed once and for all today, by sending a strong message to the members of the House and Senate conference that the appropriations process is no place to make environmental policy.

The Appropriations Committee should not have included the legislative language regarding EPA in its HUD–VA bill. These issues must be left to the authorizing committees, who have the responsibility to devise environmental protection policy under the standing rules of the House.

In addition to my strong opposition to this process, I strongly disagree with the underlying policy objectives of these legislative riders.

In years gone by the Republican Party has been a leader in environmental protection. In fact, it was President Nixon who created the EPA in the first place.

And the American people have come to agree overwhelmingly. They want a healthy environment for the children and their grandchildren.

Despite that fact, the VA–HUD appropriations bill includes an unprecedented number of legislative riders which will severely restrict or eviscerate the ability of the Environmental Protection Agency to implement key provisions of environmental laws such as the Clean Air Act, the Federal Water Pollution Control Act, and the Federal Food, Drug and Cosmetic Act. Many of these riders have been included in the bill even though there have been no hearings, little public discussion, and no congressional debate on the issues. This is a terrible way to make law and creates enormous uncertainty for businesses trying to plan the future and make appropriate investments.

These ill-advised riders would wreak havoc with public health and safety. They are penny wise and pound foolish and go for beyond reforms. They gut legislations. Listen to this extreme legislation: Stopping enforcement of existing programs addressing storm runoff, wetlands protection, and raw sewage overflow, as my colleague Mr. SAXTON has outlined; prohibiting EPA from issuing a tap water standard for arsenic—a known carcinogen—radon, and other radionucleides; threatening communities right-to-know about toxic emissions; prohibiting action to avoid childhood lead poisoning; and allowing cement kilns to burn hazardous waste without regard to environmental and health effects.

And these are just some of the 17 objectionable riders that have been included in this bill. Have we lost our senses?

These provisions will drastically reshape or nullify the key laws protecting water and air quality. They represent a serious threat to the hard-fought, but well-deserved, progress that we have made in cleaning up our environment in the last 25 years. In New Jersey alone, many of these riders would prevent or delay progress in solving some of our highest priority problems.

For those that want to reform the regulations and the laws, let's go through the normal authorizing process. The quality of our water, air, and food is far too important to decide in this type of piecemeal approach. Moving too quickly on something as important as the environment is the best way to make mistakes—mistakes that could be devastating to the health and safety of the public.

Finally, my colleagues, this summer I received a letter from my grandson Jimmy Kuhns' kindergarten class expressing their support for the Clean Water Act, and I quote, ''Dirty water can hurt you too, Congresswoman.''

Out of the mouths of babes. Those 5 year olds were writing to me, but speaking to all of us, my colleagues. Health and safety first. Remember—dirty water and environmental poisons can hurt you, too.

Support the Stokes motion to instruct.

Mr. LEWIS of California. Mr. Chairman, I yield 2½ minutes to the gentleman from Pennsylvania [Mr. GEKAS].

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

Mr. GEKAS. Mr. Speaker, ''I hate clean air. I do not want to breathe clean air. I want the dirtiest possible air possible for me and my household and my constituents.''

That is what the supporters of this motion want people to believe about our position on these riders. You know that is absolutely untenable. I voted for the Clean Air Act. I want clean air for my people and for myself and for my household, and I voted for it. But I did not vote for the EPA, in trying to enforce the Clean Air Act, to arbitrarily, with a strong right arm, unheeding to the popular will or to even common sense, to mandate certain procedures on auto emissions testing that are going to be costly to the individual automobile owner, costly to the citizens of the States that are affected, and ineffective in what they are trying to do, and that is to purify the air.

If I am convinced that is true, that the EPA is going about it in the wrong business, should I not do something about it as a representative of my people?

I resent any implication that I am against clean air. I am for the EPA doing their job properly. They have taken steps to mandate 16 States, to put them under sanctions, California being one, Delaware, the District of Columbia, Georgia, Illinois, Louisiana, Maryland, Massachusetts, New Jersey, New Mexico, New York, Pennsylvania, Rhode Island, Vermont, Virginia, and Washington, and I think Texas has been added to that list, mandatory types of centralized testing or sanctions will be visited upon those States.

That is arbitrary, in view of the fact that the standards that they want to employ are obsolete and have been proved in independent testing not to work on the purity of the air. Therefore, we are saying in this rider, no repeal, no destruction of the EPA, no harboring of ill against any of the administration people in the EPA; but, rather, hold back. Look what you are doing. We say pause and allow a new grade of testing to occur at your own hands, if you want, in which we will take sampling of the air for the next period of time until we can develop together, with you, EPA, a standard that everybody can live with and accept with confidence. That is what this rider is about.

Mr. Speaker, I do not know about lead poisoning and all of these other fear things that have been posed on the floor. But I do know that I want to support that one rider at least on auto emissions.

Mr. BOEHLERT. Mr. Speaker, I yield myself 30 seconds, because I feel compelled to respond immediately to my colleague from Pennsylvania.

Mr. Speaker, I want to point out that no State faces sanctions for failure to implement centralized inspection and maintenance programs. I want to provide for the RECORD a copy of an October 30 letter from the Administrator of the Environmental Protection Agency, Ms. Browner, which states those States face a loss of Federal highway funds if they do not adopt a centralized or test-only inspection program.

Further, let me point out, one does not have to be a Democrat. Just as Governor Pete Wilson of California, Christine Todd Wittman of New Jersey, two Republicans, they worked it out.

Mr. Speaker, the letter referred to follows:

U.S. ENVIRONMENTAL PROTECTION AGENCY,
Washington, DC, October 30, 1995.

Hon. NEWT GINGRICH, *Speaker of the House, U.S. House of Representatives, Washington, DC.*

DEAR MR. SPEAKER: I am writing to correct information in a recently distributed ''Dear Colleague'' letter about the Clean Air Act's motor vehicle emissions inspection program. Unlike the claims of the ''Dear Colleague'' letter, no state faces a loss of federal highway funds if they do not adopt a centralized or test-only inspection program.

First it is important to note that inspection and maintenance programs are one of the most cost-effective ways to control urban smog and protect public health. These programs provide significant protections of public health and the environment which is why Congress required them as part of the Clean Air Act Amendments of 1990.

EPA's inspection and maintenance regulations provide states with a great deal of flexibility to design automobile emissions testing programs that make economic and environmental sense for their citizens. States can, and have, chosen programs where the emissions tests are done at service stations and auto dealerships. Also, states that have had test-only programs for many years are choosing to continue them because they work. All but two states have submitted complete inspection and maintenance plans and are under to threat of sanctions. The remaining two states have failed to submit any plan at all.

States have a wide range of choices in program design, but scientific data from over 15 years of inspection programs in states around the country shows that some programs lower auto emissions more effectively than others. Contrary to the letter's contention, this conclusion is not based on theoretical models, but on actual tailpipe tests of thousands of vehicles in the field. I am sure you would agree that the most sensible approach is to use real world data from each state and base credit on the actual performance of the local programs—that is the approach that EPA is taking.

I hope that the House of Representatives will consider this accurate information before it votes on the riders in the VA–HUD–Independent Agencies Appropriation bill—not the mistakes propounded by those who would weaken important public health protections.

Sincerely,

CAROL M. BROWNER.

Mr. STOKES. Mr. Speaker, I yield myself 30 seconds, just to also reply to the gentleman from Pennsylvania [Mr. GEKAS].

Mr. Speaker, only 2 of the 16 States listed are under a sanctions threat, that in Pennsylvania and Vermont, for failure to submit plans, not for failure to implement centralized. So the statements are inaccurate.

Mr. Speaker, I yield 1 minute to the gentleman from New Jersey [Mr. PALLONE].

Mr. PALLONE. Mr. Speaker, these riders were wrong back in July when a majority of the House voted against them, and they are still very wrong today. I heard the gentleman from Texas [Mr. DELAY] say earlier the riders do not change the current law; but in fact they do. They would severely cripple the enforcement and implementation of the laws that are the very backbone of our environmental protection. What good is having good environmental laws on the books if you cannot enforce them? That is basically what this bill does with the riders. It says you cannot enforce the existing law.

By allowing the riders to remain in the bill, we are also once again creating an unlevel playing field in terms of the environmental standards states are being required to uphold. The message to the States is wait it out. If enough of us hold out, the standards will eventually come down or be removed altogether.

We must remember that pollution recognizes no State boundaries. Unless all States are held up to the same standards , then States that are not in compliance are putting a larger burden on the States that making an effort to preserve our natural resources for future generations.

Mr. Speaker, I ask the Congress not to make enforcement a moving target, and to support this motion to instruct.

Mr. LEWIS of California. Mr. Speaker, I yield 1 minute to the gentleman from New York [Mr. WALSH], a member of the committee.

Mr. WALSH. Mr. Speaker, I rise in opposition to the motion and urge that we support the gentleman from California, Chairman LEWIS, on this important issue. These riders can and should be dealt with one by one. I think the chairman needs to have that discretion. There may be some that are good, there may be some that are bad, but I think he needs that discretion.

Let me just talk about a couple of these riders. One, on the Delaney clause, everybody in this room knows that the Delaney clause is unenforceable. EPA even sued because they knew they could not enforce this law. Let us get it off the books.

The second one, regarding testing, small towns all over New York State have to test for arsenic that does not occur naturally within 1,000 miles of those towns, but they are forced to test for those heavy metals because the EPA has a nationwide policy. It is very expensive for the towns to do that testing.

Let us get this burdensome regulation cleared up as quickly as possible. This bill is the only vehicle we have.

Mr. BOEHLERT. Mr. Speaker, I yield myself 30 seconds to respond to my colleague from New York.

Mr. Speaker, there is a matter of principle here, and I would like to point this out to my colleagues: For 40 years, the Republicans have been in the minority. For 40 years we have been

bitterly complaining about the heavy-handedness of the then Democrat majority legislating in an appropriations bill without the benefit of full and open hearings.

Mr. Speaker, I will tell my colleagues this: A number of these riders are meritorious in terms of their objective. They should go through the full and open public hearing process, and not be put in appropriations bills without the benefit of full and open and public hearings.

Mr. STOKES. Mr. Speaker, I yield 1 minute to the gentleman from Pennsylvania [Mr. BORSKI].

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

Mr. BORSKI. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, I support this motion to instruct the conferees on H.R. 2099 to drop these riders which will cripple our program to protect our air and water.

I know there is special concern in Pennsylvania that the loss of the rider on centralized emission testing may open the State to the possibility of highway funding sanctions.

EPA Administrator Carol Browner is committed to solving the centralized testing problem in Pennsylvania, as she has in every other State, including California and New Jersey.

No State has been sanctioned and there is no reason to believe that Pennsylvania will lose highway funds simply because the law allows sanctions. It does not require sanctions and it is unlikely that any penalty will be imposed while EPA and the State are making a good-faith effort to develop an alternative system.

The issue before us, however, is that the overall impact of these 17 riders would be so devastating to our efforts to protect our air and water that they should be struck from the bill.

These 17 riders don't make the practical, commonsense reforms that will improve the implementation of the environmental programs while protecting our Nation's air and water.

The riders are a sledge hammer that will bring our environmental programs to a screeching halt.

These environmental riders will mean dirtier water for all Americans.

The riders simply say stop protecting the air and water that are so important to the health of the American people.

The rider on stormwater discharges would halt efforts to control acid and metal runoff pollution from abandoned mines, the number one source of water pollution in the State of Pennsylvania.

We are likely to see more threats of contamination to drinking water sources and lower water quality.

With these riders, pollution would continue to pour into the Nation's waters. There is special danger for the beaches and fishing areas that are located near the older urban areas of the Northeast.

The riders would allow millions of pounds of toxic chemicals to pour into our Nation's waters.

These riders are a backdoor method of gutting the Clean Water Act when we should be working to make Government enforce the protections that are already on the books.

The American people want us to continue the cleanup of our rivers, lakes, and streams.

The riders give the American people the last thing they want: less cleanup of air and water pollution.

These 17 riders will do serious harm to the Clean Water Act Program. They are a special deal for special interests at the expense of the health of the American taxpayer.

I urge support of the motion offered by the gentleman from Ohio.

Mr. LEWIS of California. Mr. Speaker, I yield 3 minutes to the gentleman from Texas [Mr. BARTON].

(Mr. BARTON of Texas asked and was given permission to revise and extend his remarks.)

Mr. BARTON of Texas. Mr. Speaker, those speaking in favor of the Stokes motion to instruct conferees seem to believe that the appropriations process is not the proper forum for discussing environmental priorities. As chairman of the Oversight Subcommittee of the House Commerce Committee, I can assure you that many of the important issues covered by these riders were the subject of extensive hearings and review before our subcommittee and many others. Through coordination of effort between the appropriations and authorizers, we were able to craft positions that advance the cause of regulatory reform in this Nation while maintaining our strong commitment to protecting the environment.

The appropriations riders have been subject to harsh, unyielding, and unfair disinformation campaign by environmental organizations that often devote 10 times the resources to political advocacy than their business opponents. Let me address a few of the more shrill criticisms I have heard:

The language dealing with combustion of hazardous waste as an alternative fuel in cement kilns does not reduce the regulation of that activity. On the contrary, these cement kilns are already highly regulated and EPA region 7 stated this month that the regulations are more comprehensive than those currently in place for commercial incinerators. The riders merely force EPA to follow the letter of the law and process we established under the Clean Air Act, the Resource Conservation and Recovery Act, and the Administrative Procedure Act. EPA has nothing to fear from the law.

I would also point out for the record the recent statement of Barry McBee, the head of the Texas Natural Resource Conservation Commission—our State's EPA—regarding the use of waste fuels in the cement kilns in my district. Chairman McBee noted that the kilns in Midlothian had been subject to ''the most extensive monitoring operation'' ever undertaken by the TNRCC. The result: ''Because our research was so thorough, the TNRCC is confident that the emissions from these plants present no discernible long-term of short-term health threat.'' Mr. Speaker, this study was based upon several thousand air and soil samples testing for hundreds of contaminants. That is the kind of sound science the riders are based upon!

The language dealing with title V operating permits allows the States to move forward with their programs without the heavy hand of Federal regulation stifling innovation or creating confusion among members of the regulated community.

The language dealing with the clean air standards for refiners forces EPA to consider the most up-to-date information. Before my subcommittee, EPA frequently expressed the desire to embrace sound science and the best data. Supporting the refining appropriations provision is an opportunity for EPA to demonstrate their actual commitment to this principle.

But Mr. Speaker, we have reviewed the substance of these riders time and again. The point is that we should let our conferees be conferees. They should be able to negotiate in good faith with the Senate and to produce the best bill possible under the circumstances. Simplistically treating all the riders the same does no one any good.

Please vote against the Stokes motion to instruct.

RESPONSE TO ADMINISTRATOR BROWNER'S LETTER TO SPEAKER GINGRICH

1. ''No state faces a loss of federal highway funds if they do not adopt a centralized or test-only inspection program.''

I/M State Implementation Plans were due this year. Because many states were in turmoil over I/M, EPA decided that they would require a two step process in approving a I/M state program. First, a determination of completeness, and second a determination of whether the plan was satisfactory. The completeness showing has a very low threshold (one State commented that the plan need only pass the laugh test). To my knowledge, every state has submitted I/M plans that have been determined complete. Therefore, there are no sanction clocks currently running.

EPA has not made determinations as to whether state I/M plans are sufficient. In fact, EPA could determine at any moment that a States program is not sufficient. After this finding, sanctions would automatically kick in after 18 months, however, if the Administrator determines the State has acted in bad faith, EPA could apply the sanctions immediately.

As an example of EPA's bad faith on this issue please see attachment 1. This is a fax from Gene Tierney of EPA to the State lobbyist, of Envirotest, the centralized testing contractor for that state, stating that if a Pennsylvania Senate amendment adopting decentralized testing was passed, EPA would disapprove their State Implementation Plan and Pennsylvania would lose its highway funds. The fax was circulated by the Envirotest lobbyist in an attempt to kill the amendment. The Amendment ultimately passed anyway.

2. ''Inspection and maintenance programs are one of the most cost effective ways to control urban smog'' . . .

We do not disagree with this, although their is scant evidence that a command and control I/M program will be more effective than allowing States, as laboratories, to find more effective ways to operate I/M programs, such as the adoption of remote sensing.

3. ''EPA's inspection and maintenance regulations provide States with a great deal of

flexibility to design automobile emissions testing programs'' . . .

That is not what states are telling Congress. In a hearing before the Oversight and Investigations Subcommittee of the House Commerce Committee, republican and democratic state representatives complained about the lack of flexibility.

Here are some quotes from their testimony:

Mr. Mike Evans (R–28th), Georgia State Representative:

For over a year now we have been hearing about EPA's new flexibility. It seems that recently there have been small advances in the direction, due in large part to the November elections and EPA's hopes that they can preempt Congress from revisiting the Clean Air Act. However, EPA's assertion that they have been more flexible is simply not so. We have not seen it in Georgia, and I do not believe other states have seen it either. The only thing we have heard from EPA is sanctions, sanctions, sanctions. It has been EPA's way or the highway, I mean no highway—as— in —no highway transportation funds.''

State Governor Gerald LaValle of Pennsylvania a democrat stated that when he attempted to offer an amendment changing the State of Pennsylvania's program from centralized to decentralized:

''. . . EPA's response at that time was that no changes in EPA policy would be forthcoming and that any move by Pennsylvania to delay or alter its program would be met by sanctions. In other words, Mr. Chairman, there were no options.''

4. ''Also, States that have had test-only programs for many years are choosing to continue them because they work''

States that have had centralized programs do not keep them because they work, but because EPA gives the States 100 percent credits for operating such a system.

States that have attempted to go to centralized testing in the last several years have been nearly run out of town by motorists. Programs started in Maine are now on hold, as well as Maryland. Pennsylvania which had contracted to go centralized has now announced it will go decentralized plan, and Texas has backed away from its centralized testing plan as well.

5. ''. . . scientific data over the last 15 years of inspection programs in States around the country shows that some programs in States around the country lower auto emissions more effectively than others.''

That may be true, but it does apparently depend on whether the program is centralized or decentralized.

For instance a RAND report in October 1994 finds ''[i]n terms of program effectiveness, our research finds no empirical evidence to require the separation of test and repair.'' (centralized)

A February 1995 report that the California Inspection and Maintenance Review Committee concluded ''[w]hether an I/M program is centralized or decentralized has not been an important factor in determining historical I/M program effectiveness.''

Other studies call into question whether EPA has the evidence needed to support a 50 percent discount for decentralized programs. The General Accounting Office before the Oversight and Investigations Subcommittee in 1992 that while some of the audit and tampering data EPA refers to shows ''test-and-repair is less effective, it does not provide quantifiable support for the 50 percent reduction.''

6. ''Contrary to the letters contention, this conclusion is not based on theoretical models but not on tailpipe tests of thousands of vehicles in the field.''

The fact is that EPA has never been able to prove enhanced centralized testing achieves the emission reductions they claim.

When asked by Senator Faircloth if the centralized I/M240 achieves its own performance standard, EPA responded ''There are two IM240 programs currently in operation. Both have been operating for less than a year and, hence, are too new to have had a complete evaluation.''

In other words EPA does not have this proof.

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Mr. STOKES. Mr. Speaker, I yield 1 minute to the distinguished gentlewoman from New York [Mrs. LOWEY].

(Mrs. LOWEY asked and was given permission to revise and extend her remarks).

Mrs. LOWEY. Mr. Speaker, I rise in very strong support of the Stokes motion and I want to commend my colleagues on the other side of the aisle who are courageously speaking out against this outrageous assault on public health and the environment.

This bill's 33 percent cut in the EPA's budget is bad enough, but loading it with an array of legislative riders requested by industrial polluters and other special interests that will prevent the EPA from doing its job is an outrage. And shame on those who would sacrifice public health and environmental stewardship to the highest bidder. Shame on those individuals. The vast majority of all of their constituents, all of our constituents, regardless of whether they are Democrat or Republican, want clean air, clean water, and food free of deadly pesticides, and they recognize that the Government has a role in ensuring these most basic guarantees. This bill rejects all that.

Mr. Speaker, where I come from in New York these riders will allow more sewage in Long Island Sound, more contamination of the New York City watershed, more pollution in our air, and more risk from pesticides in our food.

To the supporters of these riders, take note: The American people are watching. They have had enough of your assaults on health and environmental safeguards.

Let us make sure we pass the Stokes motion.

Mr. BOEHLERT. Mr. Speaker, I yield 1 minute to the gentleman from Maryland [Mr. GILCHREST], another of the many Republican leaders sensitive to the environment.

Mr. GILCHREST. Mr. Speaker, I thank the gentleman from New York for yielding me time.

I want to make a comment, Mr. Speaker, on the gentleman from Texas. I think he made the argument for a yes vote on the previous question because he is dealing with these issues in a committee. There is a tremendous amount of confusion, really, if we think about it, on both sides of the aisle, among most of the Members, as to exactly what does the repeal of the enforcement provisions for these 17 riders do. What exactly happens if we zero out enforcement.

Well, we do not all exactly know. We have fears and we have reservations. There is ambiguity here and there is certainly confusion here. So I think the most intelligent thing to do as a result of that confusion is vote yes on the previous question, let us move forward with these hearings so that we have some understanding about what is going on.

What we are virtually doing here is changing the Clean Water Act. We are. Do we want to do that without hearings? We are virtually changing the Clean Water Act and do we want to do that without hearings? I do not think so. Vote yes on the previous question.

Mr. BOEHLERT. May I ask, Mr. Speaker, how much time is remaining?

The SPEAKER pro tempore. The gentleman from New York [Mr. BOEHLERT] has 5 minutes, the gentleman from Ohio [Mr. STOKES] has 8½ minutes, and the gentleman from California [Mr. LEWIS] has 14 minutes remaining.

Mr. LEWIS of California. Mr. Speaker, I yield 2 minutes to the gentleman from Florida [Mr. MICA].

Mr. MICA. Mr. Speaker, I thank the gentleman for yielding me time and I wanted to address this issue. I served on the committee that oversaw EPA and tried to bring some common sense in my first 2 years in this body to the mass of regulations that are pumped out by EPA and other Federal regulatory agencies.

This debate is really all about bringing power and central control here in Washington, and that is what all the last election was about. People are rebelling about this. It is about how many people we have in EPA. In the last 10, 12 years we have gone from 11,000 to 18,000 Federal employees in EPA; 8,000 of them are here in the city of Washington regulating and mandating.

These riders sent a message and that message needs to be heard. And if we were not listening, we did not get the message here. The other body cut EPA 20 percent. This body recommended 30 percent cuts. Why? Because of the regulations. These riders each address an abuse by these agencies and this Congress who have not gotten the message.

Cement kilns. If we want to look at cement kiln regulations, we were on our way until we found out the President's biggest contributor had a big investment in cement kiln regulation. It is not these riders, it is the politics that is stopping this process. And until we stop regulating and mandating from this city in an arbitrary and unreasonable fashion, without common sense, we will see these riders come back and more appeals for less regulation in this city that wants to maintain that power and that oppression on the States and local governments and the citizens of this country.

Mr. STOKES. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Connecticut [Mrs. KENNELLY].

(Mrs. KENNELLY asked and was given permission to revise and extend her remarks.)

Mrs. KENNELLY. Mr. Speaker, I rise in favor of the motion to instruct.

Mr. STOKES. Mr. Speaker, I yield 1 minute to the gentleman from California [Mr. WAXMAN].

Mr. WAXMAN. Mr. Speaker, I strongly support this motion to instruct. This is one of the worst pieces of environmental legislation I have ever seen. It slashes the EPA overall operational budget by one-third and its environmental enforcement by one-half. What this will mean is that EPA will not have the ability to implement and enforce the law. But it does not stop there. It is loaded with riders that are a radical attack on our environmental laws.

Mr. Speaker, this is not the way to pass environmental legislation. In 1990 we passed the Clean Air Act where 400 Members supported it and President Bush signed it. We worked through long hearings. We tried to reach a consensus. If we need to fix a problem in that Clean Air Act, let us fix it. Let us deal with an inspection and maintenance problem.

There was a grain elevator problem that the gentleman from Iowa [Mr. NUSSLE] and I worked together to resolve. Let us work together in a bipartisan and genuine way, otherwise we will get awful policy or gridlock. I support the motion to instruct.

Mr. LEWIS of California. Mr. Speaker, I yield myself such time as I may consume to say that I could not help but recall, as I listened to my colleague from California, Mr. WAXMAN, speak that he and I have worked for years in California in the clean air field. As he knows, I was very much involved in the politics as well as the policy dealing with clean air in California when we were in the State legislature together.

Clearly, one of the most important things that has happened in my lifetime in public affairs is the fact that in the late 1970's the public discovered the word ''environment.'' We did not know much about this whole subject area before that point. Indeed, many of us expressed great concern about what was happening in the environment, including our air, and involved ourselves in changing the policy in positive ways within our State.

But, Mr. Speaker, over time, there is little question in the mind's eye of most Americans that one way or another Uncle Sam has gone much too far with burdensome regulations that do little to actually improve the environment. Indeed, a concern about the environment led to the creation of the EPA. The EPA is now an agency of over 18,000 employees and those employees seem to spend most of their time creating regulations on top of regulations. This has become so overwhelming that now in the West, people are talking about the war on the West, where regulatory efforts are undermining our economies and impacting jobs.

Mr. Speaker, these regulations are impacting people's ability to make sense out of their economy or their economic circumstance in the name of protecting the environment. Indeed, we have gone far too far.

Mr. Speaker, I have no additional requests for time, and I reserve the balance of my time.

The SPEAKER pro tempore. The gentleman from Ohio [Mr. STOKES] has the right to close.

Mr. STOKES. Mr. Speaker, I yield 1 minute 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, this is the most important and closely watched environmental vote of the year. The old bipartisan coalition that protected the environment over the years is slowly coming back today and today it should make the difference. Moderate Republicans deserve credit for bucking their leadership.

The 17 riders that roll back environmental protections for streams, lakes, soil, air, food, and drinking water constitute the most devastating attack on the environment since Earth Day in 1970. When we combine that with cuts in EPA's budget, 32 percent overall, and 50 percent for enforcement, we can count on the most important environmental vote of the year.

Mr. Speaker, protecting the environment should not be a Republican or Democratic issue. It should be an American issue, and today we should make a start in reversing that trend.

Mr. BOEHLERT. Mr. Speaker, I yield myself 2 minutes.

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

Mr. BOEHLERT. Mr. Speaker, it is astounding we are even having this debate. The facts seem so clear. The rules of the House clearly discourage legislating in appropriations bills, and for good reason. Because we do not set policy in a committee that does not have full and open hearings on the subject matter. We want that to be in the authorizing process. The public clearly opposes the rollback of environmental protections. The supporters of these 17 riders are expecting us to blithely ignore these two essential facts.

Has any Member of this body received a letter from an individual, not a special interest, but an individual pleading to push through environmental changes with no time for adequate debate and with no regard for standard procedure? I doubt it. Has any Member of this body received a letter from an individual, not from a special interest, but an individual pleading to be exposed to lead or arsenic or pleading for Congress to exonerate polluters or any of the other goals these riders would accomplish? I doubt it.

The public does not support these riders which are a motley collection of some good ideas being pushed in the wrong context, good ideas being moved forward with the wrong language, and just plain bad ideas. None of them belongs in an appropriation.

The chairman, the very distinguished chairman of the Committee on Appropriations, constantly reminds us of the fact that we should not be legislating in an appropriations measure. The substitute that will be offered does nothing to allay the public's fears and support for it will be scored as an antienvironment vote.

The substitute allows the conferees to do anything they want on the riders. What kind of instruction is that? They say to the conferees, go forth and be good citizens. That is their job. We want to be specific.

Now, Mr. Speaker, this will be one of the key votes of this Congress and it is going to come on a procedural question. Vote ''yes'' on the previous question. Vote ''yes'' on the motion to instruct the conferees. Vote to protect the air we breathe, the water we drink and the food we eat. Vote for the American people.

Mr. LEWIS of California. Mr. Speaker, I yield 3 minutes to the gentleman from Louisiana [Mr. LIVINGSTON], the chairman of the Committee on Appropriations.

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

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Mr. LIVINGSTON. Mr. Speaker, I appreciate the remarks of the gentleman from New York pointing out my own admonition that we might be better off in the appropriations process had we not bridged the gap with so many authorization riders.

The fact is, he is absolutely right. We have slowed down the process to a significant degree. Had I had my druthers, we probably would have addressed all of these meaningful, substantive issues in the authorization process. But there is so much to be done, so much to be done after 40 years of constant, steadfast movement toward increased regulation and centralized government that, frankly, the appropriations bills are the only bills in town that are available to address this situation.

Our membership is anxious to change the course of America; and if we cannot change it on the appropriations bills, frankly, we cannot change it at all under the current circumstances with the political environment we have. So this is an opportunity to address many of the issues that have arisen in this bill.

The riders that we are talking about deal with the environment, which as the gentleman from New York admits, some are good, some are bad, are important to everyone who has sponsored them.

The issues should be addressed. If they are swept aside, if the previous question is adopted, they will not be considered; and it may be another year, 2 years, 5 years before they are addressed.

The fact is, I come from Louisiana; and we have many areas in my district and all throughout the State of Louisiana that have been declared wetlands. Some of those are valuable, meaningful estuaries that provide breeding grounds for all sorts of wildlife and fish. They have to be protected and, frankly, we are not doing enough overtly to protect them. Others have been declared wetlands that are surrounded by urban areas and levees, borders and other high ground that are simply declared wetlands because they are damp or because they have certain vegetation that, under current interpretation, says that they are wetlands.

I believe very strongly that the interpretation from Washington has been misguided, it has been too broad, and it has dictated what is a wetland or what is not a wetland in Louisiana without any foresight, without any knowledge, without any understanding of the real wetlands in Louisiana. As a result, I would like to see some of these regulations released.

I do not think that it is too much to ask that we not simply say all of these riders should come off with this vote, that we send these issues to the conference. It will not be over. Some of the riders will be abolished. Some of them will be simply ignored or eliminated. But some that are really worthwhile and meaningful will be retained by the conferees.

Give the conferees the flexibility to determine the good from the bad, to make a decision, and vote no on the previous question so that we do not simply say everything, all of the riders, are bad for the future of America. They are needed. Some of them are needed, and the only way we can get to them is to vote ''no'' on the previous question.

Mr. BOEHLERT. Mr. Speaker, I yield myself 15 seconds to respond to the distinguished chairman of the Committee on Appropriations.

Mr. Speaker, the last time I checked since November 8, 1994, the Republicans have the majority in the House. We chair every single committee. We chair every single subcommittee. We can move with dispatch through the authorizing process which permits full, open and public hearings.

Mr. STOKES. Mr. Speaker, I yield 1 minute to the gentleman from Minnesota [Mr. OBERSTAR].

Mr. OBERSTAR. Mr. Speaker, I rise in strong support of the Stokes-Boehlert motion to instruct conferees.

The restrictions and riders in this legislation would allow backdoor repeal of protection from raw sewage overflows, would reduce protection of wetlands, would stop many State clean water programs in the tracks. That is now what the American people want or expect.

Every Member who voted to rid this bill of the riders has put himself or herself on record as opposed to backdoor, closed-door, back-room efforts to roll back environmental protection.

The vote to delete the riders was reversed at a time when many Members were absent, many of the Members who would have voted to keep the bill clean of those riders, and even then the reversal came only on a tie vote. So if you voted right last time, you need to vote right this time, and this time let us do what is right for the American people, what is right for the environment, what is right for future generations. Let us vote to rid this bill of the waivers, loopholes, and rollbacks that are included in these riders.

Mr. BOEHLERT. Mr. Speaker, I yield 1 minute to the gentleman from Delaware [Mr. CASTLE], another Republican leader in the environmental movement and former Governor of Delaware.

Mr. LEWIS of California. Mr. Speaker, I yield an additional 1 minute to the gentleman from Delaware.

The SPEAKER pro tempore (Mr. EWING). The gentleman from Delaware is recognized for 2 minutes.

Mr. CASTLE. Mr. Speaker, I thank the gentlemen for yielding me the time.

Mr. Speaker, I strongly oppose the inclusion of the 17 legislative riders contained in the VA–HUD appropriations bill. I have looked at this from the perspective of my own State, and I think if you magnify that by 435, because my State is, after all, a congressional district, you get some idea of the problems in this bill and with these riders.

For example, in clean water, we would lose $1.8 million to treat wastewater pollution, and this means that we would have raw sewage potentially pour into our local waters reaching our beaches, and we depend upon the tourism industry, from the outdated treatment systems at 38 locations around Delaware. It would also affect recreational and commercial fishing.

We are going to have next Monday a celebration of a cleanup of a Superfund site in the State of Delaware. We would not be able to start a new one next year if these riders pass.

We have a problem with an oil refinery. We tried to work with them. But this rider would halt efforts to protect the health of communities living near that refinery in Delaware which emitted more than 100,000 pounds of toxic air in 1993, obviously affecting, potentially, the health of a lot of people in the State of Delaware. These riders essentially prevent a lot of things from happening in the environmental area that should go ahead.

Every American should be concerned by the fact that these riders will specifically benefit certain special interests. In fact, there are winners in this, clear winners, the cement kiln industry, the oil industry, the paper and pulp industries, and there are losers. The losers, as far as I can ascertain, are practically everybody else in America, individuals and some corporations. These riders undermine laws that prevent harmful exposure to lead, arsenic, and other toxins and can literally affect the quality of our air and our water.

The bottom line is that, as written, these are not reasonable reforms but special breaks to a few industries. The antienvironmental riders are bad policy, bad politics and bad for the health and safety of the American people, and they should be dropped from this bill.

If the riders are allowed, the bill will be an environmental disaster and a special-interest bonanza. I would encourage all of us to vote ''yes'' on the previous question to support the Stokes motion to instruct.

Mr. LEWIS of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, let me mention one more time, these riders have been described incorrectly in many a fora. In the case that my colleague just mentioned regarding clean water programs, the problem with those programs is they have not been reauthorized. Those who controlled the committees in the past Congresses have failed to reauthorize them, so we are kind of in a bind and there is a need to have mechanisms for moving forward. In part, we are attempting to affect EPA in this connection by way of these riders.

Mr. STOKES. Mr. Speaker, I yield 1 minute to the gentleman from Illinois [Mr. DURBIN].

Mr. DURBIN. Mr. Speaker, let me tell Members what this debate is all about. It is about this glass of drinking water and others like it across America. When you pour a glass of drinking water for your children, you can be confident that it is safe for them to drink it. The confidence, of course, is based on sensible government monitoring and regulation.

This appropriation bill has 17 different environmental protection laws repealed without 1 day of hearing, 17 different protections for American families so that there is not arsenic in this water, benzene, dioxin, lead, and known carcinogens.

Why in the world would some of the extreme Republicans, unlike the gentleman from New York [Mr. BOEHLERT], want to repeal this protection? Because the special interests demand it. They are in the corridors of this Congress right now watching this debate. They want to see this bill go through. They want these provisions that protect our families repealed, because they can make more money.

What is more important? If this Government cannot protect the water that we drink, then we have lost our soul.

Mr. LEWIS of California. Mr. Speaker, I yield 1 minute to the gentleman from Florida [Mr. MICA] to respond to those outrageous comments.

Mr. MICA. Mr. Speaker, let me tell Members about this water and this debate. Under this water, the citizens died and got sick in Milwaukee under our current rules and great regulations. Under this water, you could not drink the water in Washington for several days under the current rules and regulations. That is what this debate is about.

This debate is about the inflexibility, because this Congress mandates 53 water contaminants, that you must look at, because this Congress is unreasonable, because this Congress in every one of its environmental programs has gone off the deep end.

There is no one on this side who does not want to have clean water and clean air. They spend billions of dollars on Superfund. Eighty-five percent of the money goes to attorneys' fees and studies. And what do we get? We do not get the sites cleaned up. We are forced to drink crummy water.

Most of these Members who are telling you about the special interests, that is a lot of baloney. The special interest is the people of this country who are paying the taxes and should have clean water and fresh air to drink and to breathe.

Mr. BOEHLERT. Mr. Speaker, I yield myself the balance of my time.

The SPEAKER pro tempore. The gentleman from New York is recognized for 1¾ minutes.

Mr. BOEHLERT. Mr. Speaker, I want to thank the distinguished gentleman from Florida for pointing this out. This water is very important and precious to all Americans.

I would suggest to you that in December 1993, when 104 people in Milwaukee died because cryptosporidium was in the water supply, it was not because the Government was doing too much. It was because the Government was doing too little to protect the American people.

Ladies and gentlemen, I can count, and I know what elections are about. Let me tell you what the last election was about. The American people were sending us a very clear message. They want smaller government, less costly government, less intrusive government, and yet more efficient government.

I have yet to find the first American who wanted to vote to dismantle the Government. I have yet to find the first American who does not agree that we need regulations to control toxic emissions from oil refineries. I have yet to find the first American who does not agree that we need regulations controlling arsenic in our drinking water. I have yet to find the first American who does not agree that it poses a very serious public health problem if we cannot regulate sewer overflow into America's streets. The American public is watching this debate very clearly.

The Republicans are getting very high marks in dealing with issues involving our economy. Quite frankly, our score cared is getting low marks with respect to the manner in which we deal with the environment.

Ladies and gentlemen, this is not a Republican versus a Democrat issue. You have witnessed Republican after Republican coming before us to say vote ''yes'' on the previous question, vote ''yes'' on the instructions to the conferees to protect the air we breathe, the water was drink, and the food we eat.

We did not inherit the earth from our ancestors. We are borrowing from our children, and we have to give an accounting of our stewardship. Today is the day to do it.

Mr. STOKES. Mr. Speaker, I yield 1 minute to the gentleman from Michigan [Mr. LEVIN].

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

□ 1215

Here is the October 5 headline from the Washington Post: ''Experts are at a loss how to stem toxic flow into Great Lakes.'' Tucked into this bill is a provision that would gut the Great Lakes Water Quality Initiative.

The GLI is a product of 9 years, 9 years of work to reduce the flow of toxic chemicals being dumped into the Great Lakes.

Look, I do not want to leave it to the conferees to bargain away the future of the Great Lakes. There is a plea here, leave it to the conferees. No, do not leave the Great Lakes at the mercy of those who want to continue to dump mercury, lead, and dioxin into our Great Lakes.

Support the Stokes motion and strip these 17 antienvironmental riders from this bill.

Mr. STOKES. Mr. Speaker, I yield 1 minute to the gentlewoman from Connecticut [Ms. DELAURO).

Ms. DELAURO. Mr. Speaker, these EPA riders restrict or eliminate the ability to set environmental standards and enforce regulations that are designed to protect the public health. The riders prohibit regulations controlling the amount of arsenic and radon in our drinking water, prevent the reduction of toxic air pollutants from hazardous waste incinerators, restrict citizens' right to know about the toxic substances that are released in their communities, and limit the reduction of toxic air pollutants from oil refineries.

In fact, in my district in Connecticut, in the third district, this would allow for the influx of raw sewage into the Long Island Sound.

The American people need to know that the public interest is being sold to the highest bidder here in the people's House. These riders are a direct result of the political culture that allows the pollution lobby undue influence to ramrod special interest legislation through this House. This is an auction.

Reject the appeals of the special interest pollution lobbyists and vote for the Stokes-Boehlert motion to instruct.

Mr. LEWIS of California. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, I yield myself this time by way of essentially saying to my colleagues, and also to the public that might be listening, that it is very important to note that opposition to this effort on our part to eliminate these riders has been carried to the extreme in many a forum, and to suggest that those who are against striking the riders are obviously somehow against the entire environment, illustrated by the last several speakers who have referred to arsenic in drinking water and radon in drinking water.

Mr. Speaker, it is very important that the House know, that the people know that across the country there are trace elements in drinking water everywhere of this kind. What the EPA is proposing, they are proposing regulations that are so extreme in their form to control harmless traces, harmless traces, that it is going to escalate the cost of drinking water in districts across the country. Water districts responsible for drinking water across the country are calling for our effort to impact the EPA's work in this field.

It is very, very important that we know that the EPA is at fault here, not our effort to include these regulations.

Mr. STOKES. Mr. Speaker, I yield 1 minute to the gentleman from New York [Mr. HINCHEY].

Mr. HINCHEY. Mr. Speaker, this vote today is probably the most important environmental vote that will be taken in the 104th Congress.

The riders in the bill that the gentleman from Ohio [Mr. STOKES] is trying to strike would prohibit the EPA from regulating or setting standards for a number of different sources of toxic contamination of air and water.

Safe drinking water in America can no longer be taken for granted. EPA is under court order to set standards for arsenic and radon in drinking water. Both are known carcinogens.

The bill would prohibit EPA from complying with these court orders, thus subjecting millions of Americans to carcinogenic substances in their drinking water, not tracer elements, but elements of sufficient quantity to cause cancer.

The number of people subjected would be 35 million for arsenic, 45 million for radon, exposed to these carcinogenic chemicals. This comes on the heels of recent scientific findings that exposure of children to hazardous chemicals can be much more dangerous for them than previously thought, because they are smaller, obviously; nevertheless they consume the same quantity of water.

Let us protect our children. Let us protect the health of Americans. Let us defeat these riders. Let us pass the Stokes amendment.

Mr. STOKES. Mr. Speaker, may I inquire as to what the time situation is now with reference to each side?

The SPEAKER pro tempore (Mr. EWING). The gentleman from Ohio [Mr. STOKES] has 1½ minutes, and the gentleman from California [Mr. LEWIS] has 3½ minutes. The time of the gentleman from New York [Mr. BOEHLERT] has expired.

Mr. STOKES. Mr. Speaker, do I understand I have the right to close?

The SPEAKER pro tempore. The gentleman is correct.

Mr. LEWIS of California. Mr. Speaker, I yield myself the remainder of my time.

Mr. Speaker, it is with no small amount of discomfort that I rise on the floor and oppose so very strongly the motion by my ranking member, the gentleman from Ohio [Mr. STOKES]. Indeed, if we had had the opportunity to discuss what these riders were about before he decided to go forward with this motion, I think we might have relieved the House of all of this debate time. Clearly, a thorough discussion of the excesses of EPA might have made a difference in the decision to go forward with this notion.

Mr. Speaker, I want my colleagues to know that this Member and the Members who are joining me in opposition to the motion offered by the gentleman from Ohio [Mr. STOKES] are not Members who are opposed to strengthening the quality of our environment. We are committed to making sure that we are doing all that is necessary to assure clean air and clean water across the country. Indeed, one of the better things that has happened in the whole processes of public affairs was the fact that a couple of decades ago we began really working to improve the environment.

But in the meantime, the EPA's excesses have raised enough serious questions that it is time for those who really care about the environment to stand together and take action. I have communicated to the House that in the past much of my political work in public affairs involved concerns about clean air. In California I was the chairman of an air quality committee that dealt specifically with that problem that is impacting my district like no other district in the country.

That work led to the creation of the toughest air quality management district in the country. A district that itself has extended regulations that are, to say the least, very difficult regulations to meet. Nonetheless, their work is causing us to see serious progress in the direction of clean air.

There is no doubt that government has a role to play, but excessive regulation upon regulation is undermining the public support for environmental concerns.

Indeed, the credibility of this effort is threatened by these excesses. For that reason, our subcommittee and the full House have reviewed where the EPA has taken us in the past, and where they would take us in the future.

These riders on the EPA portion of my bill are designed to begin that point of rethinking the process and give a clear direction to the EPA that the Congress is more than concerned. We are absolutely insisting that they rethink where they have been regarding some of these regulations. The EPA is an agency that has grown like Topsy. Currently, the EPA is designed simply for regulatory purposes. This is not necessarily helpful to that effort of improving the environment. Because of this pattern, I urge my colleagues to do the following: First, recognize that the Stokes motion would strike all of these riders and impact very significantly our ability to begin this process of review. Second, at the end of this time, the previous question will be asked. At that point, when a vote is requested, a ''no'' vote will allow us to consider an alternative, another approach, that will cause our conferees to consider each of these riders separately and individually, measure how they impact the economy and, in turn, make recommendations of the full House to the conference.

I will be urging the Members at the time of the previous question to vote ''no'' on the previous question.

Mr. STOKES. Mr. Speaker, I yield such time as he may consume to the gentleman from Washington [Mr. DICKS].

Mr. DICKS. Mr. Speaker, I rise in strong support of the Stokes-Boehlert instruction and urge my colleagues do as well.

Mr. STOKES. Mr. Speaker, let me in closing stress my appreciation to the gentleman from New York [Mr. BOEHLERT] and to the other Members on the other side of the aisle who have supported the Stokes motion to instruct.

Mr. Speaker, the last time this issue was on the floor—the day my amendment to strike failed as a result of a tie vote—I said to the House that this is an issue that is not going away. I've been true to my word, ladies and gentleman; here it is again.

I also said to you on that occasion that, by virtue of that tie vote which meant that the motion lost, that I didn't lose—the American people lost. This is the third chance to protect the American people.

These riders are poisonous. They restrict or eliminate EPA's ability to set environmental standards or enforce regulations designed to protect public health. These riders prevent reduction of toxic air pollutants from hazardous waste incinerators, limit citizens' right to know about toxic substances released in their communities, and limit protection against toxic air pollutants from oil refineries.

This is a critical and visible vote. This is the environmental vote of the year. The right vote for the American people is ''yes'' on the previous question and ''yes'' to the Stokes motion to instruct.

Mr. PACKARD. Mr. Speaker, I rise to oppose the Stokes motion to instruct conferees on the fiscal year 1996 VA–HUD appropriations bill. These so-called riders are commonsense reforms to prevent Federal agencies from promulgating ineffective and expensive regulations and should therefore remain in the bill. Supporters of the motion to instruct argue that these riders will wreak havoc with public health and safety. However, nothing could be further from the truth.

One such rider will prohibit EPA from issuing regulations under the Delaney clause. My colleagues with farms in their districts are very familiar with this clause. This clause bans any additive in processed food that has been shown—in any amount—to cause cancer in humans or laboratory animals.

''What is wrong with that,'' you may ask. Well I will tell you—this clause was enacted in 1958 when technology allowed scientists to test for chemical traces in quantities of about one in a million. Current technology now allows us to test for these chemicals in quantities of about one in a quadrillion—a million billion, which means that one person could be harmed by the substance every 10,000 years or so.

Even EPA Administrator Carol Browner has called for a change in this law, but the EPA's strict interpretation of the Delaney clause means that it will continue to be an enormous drain on our agriculture economy.

It is ridiculous regulations such as these that put a stranglehold on our economy. I urge my colleagues to support commonsense regulatory reforms by opposing the Stokes motion to instruct.

Mrs. KENNELLY. Mr. Speaker, I rise in strong support of the motion to instruct conferees on the VA–HUD appropriations bill.

If we pass this bill with its 17 riders, we will make it easier for harmful pollutants to poison our air and water.

We will make it easier for pesticides and radon to threaten our constituents.

And we will make it easier for polluters to get off scot-free without paying for their accidents.

Worst of all, we will do so not through the appropriate legislative process, but with a congressional shell game. A must-pass funding bill is no place to attach unpopular and unnecessary special interest legislation. This bill leaves us with a Hobson's choice—either swallow these propolluting riders whole, or deny an array of agencies and programs the funding they need to operate.

We know these riders cannot survive in the cold, harsh light of day.

I urge my colleagues to support the motion to instruct conferees.

Mr. JONES. Mr. Speaker, I rise in opposition to the Stokes motion. However, I do so with one serious reservation.

Mr. Speaker, as you know, the 1996 VA–HUD appropriations bill has been controversial. It has been controversial because of significant spending cuts. But has also been controversial because of the riders that were included.

Mr. Speaker, I originally voted for these riders when first presented to the House because I believed—and continue to believe—that they represent one of the few approaches available to Congress to halt regulatory abuses by the Environmental Protection Agency.

Therefore I must oppose the motion to instruct the conferees to drop all of the riders.

However, Mr. Speaker, subsequent to those votes new scientific evidence has been brought to my attention which has caused me to alter my position on two of the riders. I have concluded that serious questions exist about the cement kiln method of disposal of high-level hazardous waste, and thus the riders which affect that industry.

In addition to scientific evidence, there have been recent televised news reports which detail shockingly high rates of mental and physical birth defects in the vicinity of cement kilns. These kilns have unacceptably high emission

levels of some of the most hazardous substances know.

The EPA has noted that cement kilns burning hazardous waste produce dust—a byproduct of burning hazardous waste—that contains 70 to 700 times more dioxins than kilns which do not burn hazardous waste.

According to the EPA, cement kilns are the second largest source of toxic mercury emissions. Annually over 2,400 newborns and infants will be exposed to, and subsequently poisoned by, mercury emissions from cement kilns.

The EPA points out that cement kilns are the third highest source of toxic and cancer-causing emissions right behind medical waste incinerators and municipal waste incinerators. None of the 24 hazardous waste burning cement kilns operates under final permits subject to public review, although EPA is beginning the process at some of the kilns.

Most citizens surrounding these plants do not even know that the kilns are burning the same hazardous wastes that commercial hazardous waste that commercial hazardous waste incinerators must manage under very restrictive conditions.

So, Mr. Speaker, while I must oppose the motion to instruct the conferees to disregard all of the riders, it is my hope that they will be made thoroughly aware of all of the scientific evidence in this matter—not just that of one side—and that they will drop the two riders pertaining to the cement kiln method of hazardous waste disposal.

Mr. DINGELL. Mr. Speaker, I rise in strong support of this motion to instruct the conferees.

As all of you who have served with me know, I was a strong critic of EPA long before it became fashionable. And even though I believe that poor judgment and overzealous regulation continue there—such as with the so-called combustion strategy—I cannot support the majority's efforts to make major changes in this Nation's environmental laws through legislative riders.

As all of you are aware, I have also long fought any attempts to have the Appropriation Committee engage in legislative actions. And today we are presented with a measure that contains a plethora of half-baked legislative amendments to the Clean Water Act, Clean Air Act, Safe Drinking Water Act, and our other environmental statutes. Nearly every one of these riders is poorly drafted and will lead to consequences well beyond the intentions of the proponents.

Why is this so? For the simple reason that in their haste to circumvent committee debate, to hide the interests that are behind the riders, to avoid the glare of the public spotlight, to shield these riders from the normal pulls and pushes of the legislative process, the proponents have created bad legislation.

By comparison, during consideration of the Clean Air Act Amendments of 1990, my committee heard testimony and solicited views from all sides—from the Bush administration and EPA, from Governors and mayors, from industry and unions, from environmental groups and ordinary citizens, and from Republicans and Democrats. Every word of that measure was exhaustively debated at subcommittee, at full committee, and on the floor of the House. As a result, I am proud to say that the measure had strong bipartisan support throughout every step of its journey through the House of Representatives, and, indeed, through the Senate and conference committee as well. Similar public debate and bipartisan participation marked passage of the Water Quality Act of 1987 and other environmental statutes.

But these riders have not undergone this kind of scrutiny. There has been no authorizing committee consideration of the environmental roll backs and special interest contentions. There has been no fair and full debate on the best way to implement any changes the majority may wish to make.

One additional point, Mr. Speaker. This motion to instruct will not cure what ails this bill.

Even if we pass this motion, this bill still slashes EPA's budget by one-third and cripples enforcement of the Nation's environmental laws through a targeted 50-percent cut in EPA's enforcement budget.

Even if we pass this motion, this bill will still stand as the worst assault on this Nation's duty to house its people since the new deal.

Even if we pass this motion, this bill will still shrink health services for this Nation's veterans. Indeed, according to Veterans Secretary Jesse Brown, the cuts mandated by the Republican budget plan will require 41 veterans hospitals to close their doors and will mean that more than 1 million veterans will be denied health care. The Republican plan will also force the elimination of roughly 60,000 health care positions and the cancellation of 40 construction projects.

Even if we pass this motion, my conscience will not allow me to vote for this bill.

However, the motion is a strong first step toward rehabilitation and I urge a "yes" vote.

Mr. STOKES. Mr. Speaker, I move the previous question on the motion to instruction.

The previous question was ordered.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. LEWIS of California. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 231, nays 195, not voting 6, as follows:

[Roll No 761]

YEAS—231

Abercrombie
Ackerman
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Bass
Becerra
Beilenson
Bentsen
Bereuter
Berman
Bevill
Bishop
Boehlert
Bonior
Borski
Boucher
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Cardin
Castle
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Costello
Coyne
DeFazio
DeLauro
Dellums
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Doggett
Doyle
Durbin
Edwards
Ehlers
Ehrlich
Engel
English
Ensign
Eshoo
Evans
Ewing
Farr
Fattah
Fawell
Fazio
Filner
Flake
Flanagan
Foglietta
Foley
Forbes
Ford
Fox
Frank (MA)
Franks (CT)
Franks (NJ)
Frost
Furse
Gallegly
Gejdenson
Gephardt
Gibbons
Gilchrest
Gilman
Gonzalez
Gordon
Goss
Green
Greenwood
Gunderson
Gutierrez
Hall (OH)
Hamilton
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Hoke
Holden
Horn
Houghton
Hoyer
Jackson-Lee
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kingston
Kleczka
Klink
Klug
LaFalce
LaHood
Lantos
LaTourette
Lazio
Leach
Levin
Lewis (GA)
Lipinski
LoBiondo
Lofgren
Longley
Lowey
Luther
Maloney
Manton
Markey
Martinez
Martini
Mascara
Matsui
McCarthy
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
Meyers
Mfume
Miller (CA)
Minge
Mink
Moakley
Moran
Morella
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Orton
Owens
Pallone
Pastor
Payne (NJ)
Pelosi
Peterson (FL)
Peterson (MN)
Pomeroy
Porter
Quinn
Rahall
Ramstad
Rangel
Reed
Regula
Richardson
Rivers
Roemer
Ros-Lehtinen
Rose
Roukema
Roybal-Allard
Rush
Sabo
Sanders
Sanford
Sawyer
Saxton
Schiff
Schroeder
Schumer
Scott
Serrano
Shaw
Shays
Skaggs
Skelton
Slaughter
Smith (NJ)
Spratt
Stark
Stokes
Studds
Stupak
Tanner
Taylor (MS)
Thompson
Thornton
Thurman
Torkildsen
Torres
Torricelli
Towns
Upton
Velazquez
Vento
Visclosky
Volkmer
Ward
Waters
Watt (NC)
Waxman
White
Williams
Wilson
Wise
Wolf
Woolsey
Wyden
Wynn
Yates
Young (FL)
Zimmer

NAYS—195

Allard
Archer
Armey
Bachus
Baker (CA)
Baker (LA)
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bateman
Bilbray
Bilirakis
Bliley
Blute
Boehner
Bonilla
Bono
Brewster
Browder
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Chabot
Chambliss
Chapman
Christensen
Chrysler
Clinger
Coble
Coburn
Collins (GA)
Combest
Condit
Cooley
Cox
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Danner
Davis
Deal
DeLay
Dickey
Dooley
Doolittle
Dornan
Dreier
Duncan
Dunn
Emerson
Everett
Fields (TX)
Fowler
Frelinghuysen
Frisa
Funderburk
Ganske
Gekas
Geren
Gillmor
Goodlatte
Goodling
Graham
Gutknecht
Hall (TX)
Hancock
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hostettler
Hunter
Hutchinson
Hyde
Inglis
Istook
Jacobs
Johnson, Sam
Jones
Kasich
Kim
King
Knollenberg
Kolbe
Largent
Latham
Laughlin
Lewis (CA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Livingston
Lucas
Manzullo
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Mica
Miller (FL)
Molinari
Mollohan
Montgomery
Moorhead
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Ortiz
Oxley
Packard
Parker
Paxon
Payne (VA)

Petri
Pickett
Pombo
Portman
Poshard
Pryce
Quillen
Radanovich
Riggs
Roberts
Rogers
Rohrabacher
Roth
Royce
Salmon
Scarborough
Schaefer
Seastrand
Sensenbrenner
Shadegg
Shuster
Sisisky
Skeen
Smith (MI)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stenholm
Stockman
Stump
Talent
Tate
Tauzin
Taylor (NC)
Tejeda
Thomas
Thornberry
Tiahrt
Traficant
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weller
Whitfield
Wicker
Young (AK)
Zeliff

NOT VOTING—6

Chenoweth
Conyers
de la Garza
Fields (LA)
Tucker
Weldon (PA)

☐ 1247

Messrs. BUNN of Oregon, ROBERTS, BURR, NUSSLE, CLINGER, BONO, and MCCOLLUM changed their vote from ''yea'' to ''nay.''

Messrs. THOMPSON, TAYLOR of Mississippi, MATSUI, and KINGSTON changed their vote from ''nay'' to ''yea.''

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. EWING). The question is on the motion to instruct offered by the gentleman from Ohio [Mr. STOKES].

The question was taken, and the Speaker pro tempore announced that the noes appeared to have it.

Mr. OBEY. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 227, nays 194, not voting 11, as follows:

[Roll No. 762]

YEAS—227

Abercrombie
Ackerman
Andrews
Baldacci
Barcia
Barrett (WI)
Bass
Becerra
Beilenson
Bentsen
Bereuter
Berman
Bevill
Bilbray
Bishop
Boehlert
Bonior
Borski
Boucher
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Cardin
Castle
Clay
Clayton
Clyburn
Coleman
Collins (IL)
Collins (MI)
Costello
Coyne
Cunningham
DeFazio
DeLauro
Dellums
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Doggett
Doyle
Durbin
Ehlers
Ehrlich
Engel
English
Ensign
Eshoo
Evans
Ewing
Farr
Fattah
Fawell
Fazio
Filner
Flake
Flanagan
Foglietta
Foley
Forbes
Ford
Fox
Frank (MA)
Franks (CT)
Franks (NJ)
Frost
Furse
Gallegly
Gejdenson
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goodling
Gordon
Goss
Green
Greenwood
Gunderson
Gutierrez
Hall (OH)
Hamilton
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Hoke
Holden
Horn
Houghton
Hoyer
Jackson-Lee
Jacobs
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kingston
Kleczka
Klink
Klug
LaFalce
LaHood
Lantos
LaTourette
Lazio
Leach
Levin
Lewis (GA)
Lipinski
LoBiondo
Lofgren
Longley
Lowey
Luther
Maloney
Manton
Markey
Martinez
Martini
Mascara
Matsui
McCarthy
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
Meyers
Mfume
Miller (CA)
Mink
Moakley
Moran
Morella
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Orton
Owens
Pallone
Pastor
Payne (NJ)
Pelosi
Peterson (FL)
Pomeroy
Porter
Pryce
Quinn
Rahall
Ramstad
Rangel
Reed
Regula
Richardson
Rivers
Ros-Lehtinen
Rose
Roukema
Roybal-Allard
Rush
Sabo
Sanders
Sanford
Sawyer
Saxton
Schiff
Schroeder
Schumer
Scott
Shaw
Shays
Skaggs
Slaughter
Smith (NJ)
Spratt
Stark
Stokes
Studds
Stupak
Tanner
Taylor (MS)
Thompson
Thornton
Thurman
Torkildsen
Torres
Torricelli
Towns
Upton
Vento
Visclosky
Ward
Waters
Watt (NC)
Waxman
White
Williams
Wilson
Wise
Wolf
Woolsey
Wyden
Wynn
Yates
Young (FL)
Zimmer

NAYS—194

Allard
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bateman
Bilirakis
Bliley
Blute
Boehner
Bonilla
Bono
Brewster
Browder
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Chabot
Chambliss
Chapman
Chenoweth
Christensen
Chrysler
Clinger
Coble
Coburn
Collins (GA)
Combest
Condit
Cooley
Cox
Cramer
Crane
Crapo
Cremeans
Cubin
Danner
Davis
Deal
DeLay
Dickey
Dooley
Doolittle
Dornan
Dreier
Dunn
Edwards
Emerson
Everett
Fields (TX)
Fowler
Frelinghuysen
Frisa
Funderburk
Ganske
Gekas
Geren
Goodlatte
Graham
Gutknecht
Hall (TX)
Hancock
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hostettler
Hutchinson
Hyde
Inglis
Istook
Johnson, Sam
Jones
Kasich
Kim
King
Knollenberg
Kolbe
Largent
Latham
Laughlin
Lewis (CA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Livingston
Lucas
Manzullo
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Mica
Miller (FL)
Minge
Molinari
Mollohan
Montgomery
Moorhead
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Ortiz
Oxley
Packard
Parker
Paxon
Payne (VA)
Peterson (MN)
Petri
Pickett
Pombo
Portman
Poshard
Quillen
Radanovich
Riggs
Roberts
Roemer
Rogers
Rohrabacher
Roth
Royce
Salmon
Scarborough
Schaefer
Seastrand
Sensenbrenner
Shadegg
Shuster
Sisisky
Skeen
Skelton
Smith (MI)
Smith (TX)
Solomon
Souder
Spence
Stearns
Stenholm
Stockman
Stump
Talent
Tate
Tauzin
Taylor (NC)
Tejeda
Thomas
Thornberry
Tiahrt
Traficant
Volkmer
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weller
Whitfield
Wicker
Young (AK)
Zeliff

NOT VOTING—11

Clement
Conyers
de la Garza
Duncan
Fields (LA)
Hunter
Serrano
Smith (WA)
Tucker
Velazquez
Weldon (PA)

☐ 1256

Mr. ROYCE and Mr. BROWNBACK changed their vote from ''yea'' to ''nay''.

Mr. FARR changed his vote from ''nay'' to ''yea''.

So the motion was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore. Without objection, the Chair appoints the following conferees: Mr. LEWIS of California, Mr. DELAY, Mrs. VUCANOVICH, and Messrs. WALSH, HOBSON, KNOLLENBERG, FRELINGHUYSEN, NEUMANN, LIVINGSTON, STOKES, MOLLOHAN, CHAPMAN, Ms. KAPTUR, and Mr. OBEY.

There was no objection.

PERSONAL EXPLANATION

Mr. CLEMENT. Mr. Speaker, I was unavoidably detained and missed casting my vote to eliminate the 17 riders on the Environmental Protection Agency. Had I been present, I would have voted ''yea'' on rollcall 762.

GENERAL LEAVE

Mr. LEWIS of California. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and that I may include tabular and extraneous material on the measure just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

THere was no objection.

DISTRICT OF COLUMBIA APPROPRIATIONS ACT, 1996

The SPEAKER pro tempore. Pursuant to House Resolution 252 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill H.R. 2546.

☐ 1257

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 2546) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1996, and for other purposes, with Mr. HASTINGS of Washington in the chair.