

deciding whether to issue a license and again upon relicensing. That review takes into account the inputs of state and federal agencies, Indian tribes, and the public. The review also carefully evaluates and addresses the potential environmental impacts of each proposed and existing project. Therefore, in the context of hydropower projects under the Commission's jurisdiction, there is no need for the additional, duplicative layer of regulation that the Clean Water Act now creates. This amendment eliminates the duplicative layer of federal regulation.

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CUTS IN NUCLEAR ARSENALS  
NEEDED

**HON. ELIZABETH FURSE**

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 9, 1995*

Ms. FURSE. Mr. Speaker, I would like to submit for the RECORD the letter I and 24 of my colleagues sent to President Clinton last Friday. In it, we urged him to propose beginning negotiations with Russia on a START III agreement, to further limit our two nations' massive nuclear weapons arsenals.

Depending on the outcome of this week's summit in Moscow, I will consider introducing a resolution similar to this letter. I believe these reductions are vital in order to achieve a safer world for all of us.

ELIZABETH FURSE,  
U.S. HOUSE OF REPRESENTATIVES,  
*May 5, 1995.*

Hon. WILLIAM J. CLINTON,  
*President of the United States of America,  
The White House, Washington, DC.*

DEAR MR. PRESIDENT: We wish you success in your upcoming summit with President Boris Yeltsin in Moscow.

The substantial improvement in relations between Russia and ourselves in this post-Cold War era offers a historic opportunity to secure further reductions in nuclear arms, thereby reducing the nuclear risk and cost for the United States, Russia and the world. As you know, at your September 1994 summit with President Yeltsin, you agreed that our two nations would discuss possibilities for further limits on our remaining nuclear forces, including further reductions. As you prepare for the summit, we urge you to prompt the United States Senate to complete START II approval of ratification. In Moscow, we urge you to encourage Russia also to ratify START II.

We believe that the United States should begin negotiations with Russia as quickly as possible on a START III agreement to achieve deeper cuts in our strategic nuclear arsenals. Such an agreement should require dismantling excess warheads and placing the resulting nuclear materials in storage under international or bilateral monitoring. We also encourage you to initiate negotiations with Russia to retire and dismantle all tactical nuclear weapons in our respective arsenals.

Additional measures toward nuclear disarmament enjoy broad support among the American public and are vital to reducing the threat of nuclear conflict. We hope you will include these practical steps in the summit agenda.

Sincerely,

Tom Barrett, Howard Berman, Sherrod Brown, Bob Clement, Peter DeFazio, Ron Dellums, Michael Doyle, Lane Evans, Elizabeth Furse, Sam Gejdenson, Maurice Hinchey, Zoe Lofgren, Ed Markey, David Minge, Connie Morella, Jim Oberstar, Major Owens, Frank Pallone, Nancy Pelosi, Martin Sabo, Pat Schroeder, Jose Serrano, Louise Slaughter, Pete Stark, Ron Wyden,

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AN AMENDMENT ADDRESSING HY-  
DROELECTRIC POWER GENERA-  
TION

**HON. SPENCER BACHUS**

OF ALABAMA

**HON. GREG LAUGHLIN**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 9, 1995*

Mr. BACHUS. Mr. Speaker, last year, the U.S. Supreme Court issued a decision commonly referred to as the Tacoma decision that has created friction, conflict, and unnecessary, duplicative regulation for the Nation's hydropower projects. Specifically, the Court has interpreted section 401 of the Clean Water Act so broadly as to supersede the Federal Energy Regulatory Commission's licensing authority over the projects under the Federal Power Act.

The Court's opinion allows State water quality agencies to set conditions directly on the operation of hydropower projects, not just the discharges they produce. Furthermore, these conditions are not limited to standards set under the act but can be based on independ-

ent State laws that may not have water quality as their objective. The Court also said that water quality agencies can evaluate whether a project is consistent with the agency's designated uses for the water body, not just narrative and numeric water quality criteria. Most troubling, the Court also said that the conditions can directly address stream flows, even for aesthetic, fish and wildlife, or recreation purposes.

The following amendment, which we plan to offer to H.R. 961, the Clean Water Act Amendments of 1995, would restore the Federal Energy Regulatory Commission's licensing authority by narrowing the reach of the Clean Water Act, in particular section 401, as to hydroelectric projects. The amendment would limit State water quality agencies to applying narrative and numeric water quality criteria to the project discharges. If an agency wants to go beyond those definitive criteria, then it would need to submit its recommendations to the Commission for consideration as part of the Commission's comprehensive licensing review of the projects. Under section 10(a) of the Federal Power Act, such recommendations would get serious consideration, along with the numerous other environmental, recreational, and other recommendations the Commission reviews for each project.

AMENDMENT TO H.R. 961, AS REPORTED  
OFFERED BY MR. BACHUS OF ALABAMA

Page 213, after line 5, insert the following:

**SEC. 507. FEDERAL POWER ACT PART I  
PROJECTS.**

Section 511(a) (33 U.S.C. 1371(a)) is amended by striking “, or (3)” and inserting the following: “; (3) applying to hydropower projects within the jurisdiction of the Federal Energy Regulatory Commission or its successors under the authority of part I of the Federal Power Act (16 U.S.C. 791 et seq.); except that water quality certification, unless waived or denied, shall be issued for such projects under section 401 and the water quality conditions in those certifications shall become conditions on project licenses and except that any water quality certification conditions or denial issued under section 401 shall be limited to consideration of narrative and numeric water quality criteria adopted in water quality standards under section 303 and such conditions shall not regulate, or such denial be based on, water use or water quantities; or (4)”.

Renumber subsequent sections of the bill and conform the table of contents of the bill accordingly.