

Mr. DEFAZIO. Mr. Speaker, the President gave a stunning speech the other day and talked about corporate responsibility. This is the new face of corporate responsibility, the chief law enforcement officer of the Securities and Exchange Commission. His name is Harvey Pitt. He is a former lobbyist for securities firms and accounting firms, and as a lobbyist, he opposed all reforms and tightening of regulations.

He was not there at the President's speech and some would say, well, the President's trying to kind of hide this guy because he is an embarrassment. Well, no, despite the fact that some of us think there is a crisis in corporate ethics and the meltdown and the bankruptcies and the pension losses and the tanking of the stock market and all the basic outright thievery that was going on, he was at the beach on vacation, but it really does not matter much because Harvey Pitt is so conflicted he cannot vote as the chief law enforcement officer of the Securities and Exchange Commission.

They were recently undertaking an enforcement action against an accounting firm. There were three commissioners present. They heard the evidence of the staff. It was compelling. They wanted to prosecute that firm, but Mr. Pitt had to say, oh, excuse me, they are my former clients, I represent them, I cannot vote. The other woman commissioner there said, gee, actually, I represented them, too; I cannot vote. So there was one commissioner left who could vote, a Clinton appointee, who did not have a conflict of interest. He voted to prosecute them, but then they appealed to an administrative law judge and said, hey, you cannot convict us with one vote, and in fact, the administrative law judge said you are right.

So here we have the new push for corporate accountability and responsibility, and we have a Securities and Exchange Commission that cannot prosecute anybody because two of the three sitting members named by President Bush are so conflicted because these are their former clients and their future clients when they leave their so-called public service they cannot vote.

So this is wonderful. We can talk about getting tough, but nobody is going to be prosecuted, fined or go to jail. It is a very interesting sort of turn of events.

Mr. Pitt has had and said some pretty interesting things. Here is his philosophy as the chief law enforcement officer of the Securities and Exchange Commission. In general, Mr. Pitt said in November, My preferred approach to any regulatory issue is one in which the government's participation is as limited as reasonably possible.

Well, he is at the beach and he cannot vote so I guess he is following his own provisos here.

Then we have his other famous statement when he was first sworn in. He went up to his buddies on Wall Street, had lunch, had a great time, lot of

champagne and stuff. They are celebrating his becoming their regulator because they knew they would not have to worry much, and he said and promised, "a kinder and gentler place for accountants." The crooks could come to Harvey, share lunch, and it would be a kinder and gentler SEC.

If my colleagues saw the President's speech, there was this wonderful backdrop. Corporate responsibility, it said time and time and time again so one would not miss the message, even though, of course, the President was not advocating anything new or anything stringent or anything that might really jeopardize any of his corporate friends and contributors. Actually, what most people in the public do not know is actually that was the punishment. There was already very stiff punishment levied on those Wall Street tycoons. They had had to write 1,000 times on the wall "corporate responsibility" before the President's speech. That was their punishment, and that is about the only punishment they are going to get out of this administration.

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

(Mr. FOLEY addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

RESTRICTION ON OCEAN DUMPING OFF NEW JERSEY COAST

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

Mr. PALLONE. Mr. Speaker, I just wanted to mention that I just introduced H.R. 5092 along with my cosponsors, the gentleman from New Jersey (Mr. ANDREWS) and the gentleman from New Jersey (Mr. HOLT), and the purpose of this legislation is to put in place as a matter of law a restriction on ocean dumping off the coast of New Jersey, actually at a site about 6 miles off the coast of my hometown in the 6th Congressional District, where several years ago myself and the two senators from New Jersey, Mr. TORRICELLI played a major role in this as well, worked out an agreement with the Federal Environmental Protection Agency that ocean dumping of toxic dredge materials would cease being dumped at this site called the mud dump site off the Jersey shore and that henceforth the site would be closed and the only thing that could be placed there would be clean fill material in order to remediate the site and serve as a cap for the toxic dredge materials that had been dumped there for so many years.

I was very disappointed last week when the EPA announced they were going to allow dredging once again of toxic materials from the Earl Naval Weapons Depot in my district in Leonardo, New Jersey, to be dumped at

this site, contrary to this agreement that had been worked out. The agreement specifically said that nothing could be used as remediation material and dumped at the mud dump site that exceeded what was called a standard or guideline of 113 parts per billion in terms of PCBs.

We know that PCBs are very damaging to human health, particularly when they get into the marine life, and they ultimately pass up through the food chain, and we had all agreed pursuant to this understanding several years ago that this standard or guideline of 113 would be the standard for any kind of materials that would have to be placed at the mud dump site.

Unfortunately, last week the EPA decided to give a waiver so that the Navy at Earl could dump materials that exceeded the 113 at the site, and yesterday, pursuant to a court action that was taken by U.S. Gypsum Company, the Federal court in New York ruled that because the EPA had not properly promulgated the 113 standard, that it could not be applied any more for ocean dumping, and now there is some concern about whether U.S. Gypsum and other companies would be able to dump again off the coast of New Jersey.

So this legislation is necessary in order to guarantee that ocean dumping does not continue. Myself, the two Senators from New Jersey and other Members of Congress have called upon the administrator of the EPA, Mrs. Whitman, our former governor, to put the 113 standard into regulation as a matter of law, and hopefully she will do that, but at the same time, in order to back that up, I think it is necessary for us to introduce legislation in the House that would accomplish the same goal, and that is what this legislation would attempt to do.

Mr. Speaker, I do not have to tell my colleagues how important it is that we not continue to dump any kind of toxic material off the coast of New Jersey or anywhere else in the country. New Jersey's number one industry is tourism, and particularly now in July, after the July 4 holiday, there are so many people using the beaches, coming down to the Jersey Shore, both from New Jersey as well as New York and the State of Pennsylvania and even other States. If people do not feel or do not have the guarantee that the ocean water will be clean, obviously they are not going to swim and they should not swim.

The issue of ocean dumping does not just affect bathers. It affects marine life. It affects people who eat fish. It affects so many things along the coast of New Jersey and around the country, and I think it really is imperative that we stick to this standard of 113 parts per billion to make sure that human health is safeguarded and that we do not go back into the trend that we had so many years ago of continuing to dump everything in the ocean with the theory that somehow nobody would know about it and it would not make a difference.