

Congress of the United States

House of Representatives

Room 2105, Rayburn House Office Building

Washington, DC 20515

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July 20, 1995

**DON'T GET CORRECTIONS DAY OFF ON THE WRONG FOOT!**

Dear Colleague:

On Tuesday, July 25, the House may consider H.R. 1943, the San Diego Coastal Corrections Act of 1995, as the first bill for Corrections Day. This bill should not be considered on Corrections Day -- it cannot meet the definition of Corrections Legislation under the Speaker's own guidelines.

On July 13, 1995, the Speaker's Corrections Day Advisory Group issued a bi-partisan letter defining substantive and procedural requirements for bills to be considered under corrections procedure. H.R. 1943 does not pass the test and does not meet most of those requirements.

Substantive Requirements:

The bill does not "address rules, regulations, statutory laws or court decisions which impose a severe financial burden, are ambiguous, arbitrary, or ludicrous." EPA has already announced that San Diego will receive a waiver of secondary treatment requirements, thereby saving San Diego as much as \$1 billion. The permanent waiver in H.R. 1943 is intended to avoid permit reapplication costs, but most of those costs are due to monitoring requirements which this bill would not remove. There no longer is a severe financial burden here. San Diego is already getting its secondary waiver pursuant to legislation enacted last year.

The bill does not "aid the average family, small business, worker, or promote the well being of all." Without this bill, San Diego will be granted a waiver of secondary treatment with substantive and procedural protections for ocean water quality. Under H.R. 1943, the rights of the citizens of San Diego to participate in a meaningful and scientific review of the effects of the waiver will be extinguished.

Procedural Requirements:

The bill very well may not be "able to pass the full House" since the controversy surrounding this bill may well preclude a three-fifths vote.

The bill does not "have significant outside support." Only the City of San Diego supports the bill. EPA and a number of outside groups oppose it. Additionally, the sole Member of the San Diego delegation who sits on the Transportation and Infrastructure Committee was rejected in his effort to amend the bill to establish any minimum standards for wastewater treatment.

The bill does not "have bi-partisan support." Twenty-one of the twenty-four Democrats who voted on the bill in the Transportation and Infrastructure Committee voted against approval of the bill.

The bill does not "address an immediate need which cannot await re-authorization or technical corrections legislation." EPA has already stated that San Diego will get its waiver application approved without any further legislation. That was assured by the enactment of the Ocean Pollution Reduction Act in 1994. Any renewal of the waiver is at least 5 years away, hardly an immediate need.

If Corrections Day is intended to reflect common sense, one would expect the kickoff of Corrections Day to reflect common sense. It makes little sense to begin Corrections Day with a bill which does not meet the basic parameters of the Corrections Day process. If we must have Corrections Day, let's at least consider a bill which meets the definition. In particular, let's begin the new Corrections Day process with a bill which does not violate the stated purposes and guidelines for Corrections Day.

H.R. 1943 is yet another example of the Republican leadership establishing a set of rules, and then abandoning those rules when they become at all inconvenient.

The San Diego Coastal Corrections Act of 1995 should not be considered under Corrections Day procedures.

Sincerely yours,

signed

ROBERT A. BORSKI  
Ranking Democratic Member  
Subcommittee on Water

signed

NORMAN Y. MINETA  
Ranking Democratic Member  
Subcommittee on Water