

106TH CONGRESS  
1ST SESSION

# H. R. 525

To provide for the defense of the environment, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 3, 1999

Mr. WAXMAN (for himself, Mr. GEPHARDT, Mr. GEORGE MILLER of California, Mrs. LOWEY, Mr. MARKEY, Mr. DEFazio, Mr. FARR of California, Mr. OLVER, Ms. DEGETTE, Mr. SERRANO, Mr. MEEHAN, Ms. WOOLSEY, Ms. WATERS, Mr. WEXLER, Mr. SHERMAN, Mr. ACKERMAN, Mr. NADLER, Mrs. MEEK of Florida, Mr. FRANK of Massachusetts, Mr. FILNER, Mr. ANDREWS, Mr. DELAHUNT, Mr. HINCHEY, Mr. BARRETT of Wisconsin, Mrs. CHRISTIAN-CHRISTENSEN, Mrs. TAUSCHER, Ms. PELOSI, Mr. RUSH, Ms. RIVERS, Mr. PAYNE, Mrs. MALONEY of New York, Mr. LEWIS of Georgia, Ms. NORTON, Mr. SANDERS, Mr. BERMAN, Mr. FATTAH, Mr. CUMMINGS, Mr. DIXON, Ms. BROWN of Florida, Mr. PASCRELL, Mr. GEJDENSON, Ms. DELAURO, Mr. EVANS, Ms. ROYBAL-ALLARD, Ms. LOFGREN, Mr. MCGOVERN, Ms. ESHOO, Mr. BLUMENAUER, Mr. KUCINICH, Ms. LEE, Mr. FORD, Mr. OWENS, Mr. RANGEL, Mr. TOWNS, Mr. STARK, Mr. FROST, Mr. PALLONE, Mr. VENTO, Mr. TIERNEY, Mr. BONIOR, Mr. KENNEDY of Rhode Island, Ms. STABENOW, Mr. BROWN of Ohio, Mr. CONYERS, Mrs. CAPPS, Mr. CROWLEY, Mr. BROWN of California, Mr. MATSUI, Ms. SCHAKOWSKY, Mr. GUTIERREZ, Mr. MOORE, Ms. KILPATRICK, Mr. JACKSON of Illinois, Mr. BORSKI, Mr. FALEOMAVAEGA, Ms. HOOLEY of Oregon, Mr. MORAN of Virginia, Mr. MARTINEZ, Mr. CLAY, Mr. DAVIS of Illinois, Mr. BECERRA, Mr. OBEY, Mr. ALLEN, and Mr. GREEN of Texas) introduced the following bill; which was referred to the Committee on Rules, and in addition to the Committee on Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

# A BILL

To provide for the defense of the environment, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Defense of the Envi-  
5 ronment Act of 1999”.

6 **SEC. 2. FINDINGS AND PURPOSE.**

7 (a) FINDINGS.—Congress finds that provisions that  
8 reduce protection of the environment have been included  
9 in legislation without adequate consideration and an op-  
10 portunity for Members to vote on the provisions.

11 (b) PURPOSE.—The purposes of this Act are to—

12 (1) require Members of Congress to vote in the  
13 House of Representatives and the Senate on provi-  
14 sions included in legislation that reduce protection of  
15 the environment; and

16 (2) require the Office of Management and  
17 Budget to ensure that each department or agency  
18 makes available to Congress and the public informa-  
19 tion to assist in assessing whether provisions in-  
20 cluded in legislation would reduce protection of the  
21 environment.

1 **SEC. 3. APPLICABLE PROVISIONS.**

2 (a) IN GENERAL.—This Act shall apply to any provi-  
3 sion in a bill, joint resolution, amendment, or conference  
4 report before Congress that reduces protection of the envi-  
5 ronment.

6 (b) PROVISIONS REDUCING PROTECTION.—A provi-  
7 sion shall be considered to reduce protection of the envi-  
8 ronment if the provision meets the criteria of one or more  
9 of the following paragraphs:

10 (1) DEFENSE OF CLEAN AIR AND WATER.—The  
11 provision may allow increased pollution of ambient  
12 air, indoor air, surface water, ground water, the  
13 oceans, or other terrestrial or aquatic resources.

14 (2) DEFENSE OF NATIONAL PARKS AND PUBLIC  
15 LANDS.—The provision may—

16 (A) cause adverse impacts on the environ-  
17 mental quality of national parks or other public  
18 lands, including the effect of decreasing the  
19 quantity or quality of outdoor educational or  
20 recreational opportunities on such lands; or

21 (B) diminish protection of species that  
22 may be endangered.

23 (3) DEFENSE OF CHILDREN’S ENVIRONMENTAL  
24 HEALTH.—The provision may increase children’s ex-  
25 posure to environmental contaminants and other en-  
26 vironmental risks.

1       (c) OTHER PROVISIONS.—A provision shall also be  
2 considered to reduce protection of the environment if the  
3 provision may have the effect of shielding any violators  
4 of environmental laws from penalties or limiting judicial  
5 review of agency action under the authority of any envi-  
6 ronmental law.

7       (d) BASELINE FOR EFFECTS.—The baseline for de-  
8 termining the effects of a provision described in subsection  
9 (b) or (c) shall be the circumstances that would exist if  
10 the provision were not enacted.

11 **SEC. 4. DUTIES OF CONGRESSIONAL COMMITTEES.**

12       (a) IN GENERAL.—When a committee of the House  
13 of Representatives or Senate or a committee of conference  
14 reports a bill or joint resolution of public character that  
15 includes any provision that reduces protection of the envi-  
16 ronment, the report of the committee accompanying the  
17 bill or joint resolution (or the statement of managers ac-  
18 companying the conference report) shall contain each of  
19 the following:

- 20           (1) An identification and description of any  
21 provision in the bill or joint resolution or conference  
22 report that reduces protection of the environment.
- 23           (2) A qualitative and, if practicable, a quan-  
24 titative assessment of the extent of the reduction in  
25 protection of the environment.

1           (3) A description of the actions, if any, taken  
2       by the committee to avoid the reduction in protec-  
3       tion of the environment.

4           (4) Any statement received under section 5.

5   **SEC. 5. DUTIES OF THE COMPTROLLER GENERAL.**

6       (a) STATEMENT.—For each bill or joint resolution of  
7   a public character reported by any committee of the House  
8   of Representatives or the Senate, and for each report by  
9   a committee of conference, the Comptroller General of the  
10  United States, upon a request of the committee or a ma-  
11  jority of the members of the minority party or majority  
12  party of the committee, shall, prior to the filing of the  
13  report, prepare and submit to the committee a statement  
14  assessing the extent to which the provisions of the bill,  
15  joint resolution, or conference report reduce protection of  
16  the environment.

17       (b) ASSISTANCE TO COMMITTEES AND STUDIES.—At  
18  the request of any committee of the Senate or the House  
19  of Representatives, the Comptroller General shall, to the  
20  extent practicable, consult with and assist such committee  
21  in assessing the extent to which the provisions of a bill,  
22  joint resolution, or conference report reduce the protection  
23  of the environment.

1 **SEC. 6. DUTIES OF OFFICE OF MANAGEMENT OF BUDGET.**

2 (a) IN GENERAL.—The Director of the Office of  
3 Management and Budget shall ensure that each depart-  
4 ment or agency of the United States—

5 (1) collects and catalogs available information  
6 that would assist in assessing whether any provision  
7 in a bill, joint resolution, amendment, or conference  
8 report before Congress would reduce protection of  
9 the environment;

10 (2) coordinates, organizes and facilitates the  
11 availability of such information for use by Congress;  
12 and

13 (3) ensures that such information is readily  
14 available to the Comptroller General for purposes of  
15 fulfilling duties under section 5 of this Act or for  
16 other purposes.

17 (b) PUBLIC AVAILABILITY.—The Director of the Of-  
18 fice of Management and Budget shall ensure that each  
19 department or agency of the United States makes infor-  
20 mation collected and cataloged pursuant to subsection (a)  
21 readily available to the public.

22 **SEC. 7. LEGISLATION SUBJECT TO POINT OF ORDER.**

23 (a) IN GENERAL.—It shall not be in order in the  
24 House of Representatives or the Senate to consider any  
25 bill, joint resolution, or conference report that is reported

1 by a committee unless the committee has complied with  
2 section 4.

3 (b) PROCEDURE IN THE HOUSE OF REPRESENTA-  
4 TIVES.—It shall not be in order in the House of Rep-  
5 resentatives to consider a rule or order that waives the  
6 application of subsection (a).

7 **SEC. 8. DEBATE ON PROVISIONS REDUCING PROTECTION.**

8 (a) AMENDMENT OF HOUSE RULES.—Clause 6(c) of  
9 rule XIII of the Rules of the House of Representatives  
10 is amended by striking the period at the end of subpara-  
11 graph (2) and inserting a semicolon and by adding at the  
12 end thereof:

13 “(3) a rule or order that would prevent a motion to  
14 strike from any bill, joint resolution, or amendment a pro-  
15 vision that reduces protection of the environment (within  
16 the meaning of section 3 of the Defense of the Environ-  
17 ment Act of 1999).”.

18 (b) VOTE IN SENATE.—Notwithstanding the adop-  
19 tion of any rule or motion to limit or close debate it shall  
20 always be in order, as question of high privilege in the  
21 Senate, to move to strike from any bill, joint resolution,  
22 amendment, or conference report any provision that re-  
23 duces protection of the environment (within the meaning  
24 of section 3 of the Defense of the Environment Act of  
25 1999). Such motion shall take precedence over a motion

1 for the previous question on such bill, joint resolution,  
2 amendment, or conference report, and it shall be in order  
3 to debate any such motion for 40 minutes, one-half of such  
4 time shall be given to debate in favor of, and one-half of  
5 such times in opposition to, such motion.

6 (c) CONFERENCE REPORTS AND SENATE AMEND-  
7 MENTS.—Clause 10 of Rules XXII of the Rules of the  
8 House of Representatives is amended as follows:

9 (1) In subparagraph (1) of paragraph (a), in  
10 paragraph (b), and in subparagraph (2) of para-  
11 graph (d) after “nongermane matter” insert “or  
12 matter reducing the protection of the environment”.

13 (2) Before the period at the end of subpara-  
14 graph (2) of paragraph (a), insert “or asserting that  
15 such proposition contains any provision that reduces  
16 protection of the environment (within the meaning of  
17 section 3 of the Defense of the Environment Act of  
18 1999)”.

19 (3) In paragraph (e) after “nongermane mat-  
20 ter” insert “or matter reducing the protection of the  
21 environment”.

22 (d) EXERCISE OF RULEMAKING POWERS.—The pro-  
23 visions of this section and sections 4 and 7 are enacted  
24 by Congress—



1           (1) as an exercise of the rulemaking power of  
2           the House of Representatives and the Senate, re-  
3           spectively, and as such they shall be considered as  
4           part of the rules of such House, respectively, and  
5           such rules shall supersede other rules only to the ex-  
6           tent that they are inconsistent therewith; and

7           (2) with full recognition of the constitutional  
8           right of either House to change such rules (so far  
9           as relating to such House) at any time, in the same  
10          manner, and to the same extent as in the case of  
11          any other rule of each House.

12 **SEC. 9. EFFECTIVE DATE.**

13          This Act shall take effect on the date of enactment.

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