

Half of the tax relief would go to couples who are not affected by any marriage penalty at all—and overall the bill is still fatally flawed. It seems clear that the Republican leadership has decided to insist on trying to force the President to veto this bill, on a timetable based on their national nominating convention.

I greatly regret that the Republican leaders have decided to insist on confrontation with the President instead of seeking a workable compromise that would lead to a bill that the President could sign into law.

The President has said that he will veto this conference report, and I expect that to occur. I hope that after that veto members on both sides of the aisle will work to develop a bill that will appropriately address the real problem of the "marriage penalty" and that can be signed into law this year.

#### INTRODUCTION OF H.R. 4922, THE TMDL REGULATORY ACCOUNT- ABILITY ACT OF 2000

**HON. SHERWOOD L. BOEHLERT**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Monday, July 24, 2000*

Mr. BOEHLERT. Mr. Speaker, I am very pleased to be an original cosponsor of H.R. 4922, The TMDL Regulatory Accountability Act of 2000.

TMDL stands for "Total Maximum Daily Loads." TMDLs are useful tools provided by the Clean Water Act to bring water bodies into compliance with water quality standards. I support the Clean Water Act's TMDL program. I am pleased that EPA, States, and Congress are finally turning their attention to this program and are providing more resources for States to move ahead and develop and implement TMDLs under existing regulations.

However, like many, I have concerns about EPA's proposed changes to the TMDL program. I have expressed my concerns about these proposed changes, and the process used by EPA to make these changes, at hearings, in letters and phone calls to EPA Administrator Browner and the Director of OMB, Jacob Lew, and in public statements.

I have not been alone in expressing concerns. Many Members of Congress, the National Governor's Association and individual governors, the Association of State and Interstate Water Pollution Control Administrators and individual state agencies, EarthJustice Legal Defense Fund, Friends of the Earth, the Conservation Law Foundation, California Association of Sewerage Agencies, the National Federation of Independent Business, the U.S. Chamber of Commerce, the American Forest and Paper Association, the American Farm Bureau Federation, PACE International Union, and the United Brotherhood of Carpenters and Joiners of America all have expressed serious concerns about EPA's proposals.

I find it significant that the National Governors' Association, the State Water Pollution Control Administrators, EarthJustice Legal Defense Fund, Friends of the Earth, and the Conservation Law Foundation all share the view that EPA's new TMDL regulations will actually hinder progress in improving water quality and will slow down implementation of the TMDL program.

These State organizations and environmental organizations have different reasons for holding this view.

On July 6, 2000, NGA wrote to President Clinton that—

"The TMDL rules have the potential to cause major financial burdens on our state environmental agencies and severe economic impacts on our states."

"The restrictive language of the regulation will virtually eliminate the flexibility of states to offer opportunities to reduce overall pollution between waterbodies."

"The 'one-size-fits-all' approach proposed by the regulations will inevitably fail, resulting in mountains of paperwork and no appreciable improvement in water quality."

The Association of State and Interstate Water Pollution Control Administrators wrote to Administrator Browner that—

"It is the view of the majority of the state water quality program managers responsible for the day to day implementation of the clean water programs, that this set of rules is technically, scientifically and fiscally unworkable."

On May 19, 2000, six environmental organizations wrote to Administrator Browner that—

"Due to the problems we outline below, we are asking you to withdraw the current version of the proposed rule, which is so fundamentally flawed that it would weaken the existing TMDL program. In addition, we are concerned that if the Administration attempts to finalize this rule, the overwhelming opposition it faces in Congress could result in a weakening of the Clean Water Act itself."

"Our organizations have many objections to the August 23 proposal, the most serious of which include the unjustifiably long timeline of up to 15 years to states to prepare TMDLs, the lack of requirements for EPA to step in and do the job if states fail to submit TMDLs or miss other regulatory deadlines, the omission of deadlines for meeting water quality standards, and the overall unenforceability of the new program."

Of the six groups that signed the May 19 letter, three (Friends of the Earth, EarthJustice Legal Defense Fund, and the Conservation Law Foundation) continue to oppose the TMDL rule.

The state organizations and environmental organizations I quoted from have very different views on how to improve the TMDL program. However, they all share the goal of improving the TMDL program so that it is a more effective tool for improving water quality. Given this shared goal, I believe that we should be able to develop program improvements that can be embraced by both the National Governors' Association and environmental groups. And, given the difficulties in addressing nonpoint source pollution, it is critical to have the support and cooperation of the nonpoint source community. Rushing a regulation through that threatens lawsuits and withholding funds to achieve compliance will not result in improved water quality. It will only undermine public support for Clean Water Act programs.

EPA has failed to demonstrate leadership on this issue. As a result, EPA's new TMDL regulations, signed by Administrator Browner on July 11, do not have public support. In fact, aside from some in the environmental community, EPA can point to only two or three states and one organization representing the regulated community—the Association of Metropolitan Sewerage Agencies—that support the final rule. And even with in AMSA there is not agreement. The California Association of Sewerage Agencies, representing 95 California

municipal sewerage agencies, shares the view held by most organizations representing point sources—that "the administration's apparent decision to rush to publication of an important rule will only promote litigation and years of delays in responding to actual threats to our nation's lakes, rivers and coastal waters."

I am not suggesting that all persons must agree with regulations, but EPA has made no attempt to engage in the public discourse that must take place to unite stakeholders behind the common goal of improving water quality, despite numerous requests from stakeholders asking EPA to allow additional public comment and seeking additional information from EPA on the impacts of the new TMDL regulations.

Fortunately, EPA's new TMDL regulations will not become effective until fiscal year 2002 and we have the opportunity for additional comment and analysis that many stakeholders and many members of Congress had asked EPA to undertake before finalizing its new TMDL rule.

First, we need to engage the public on this issue. EPA dismissed the criticism of its new TMDL rule as "misunderstanding" of EPA's intent. The final rule and EPA's preamble explaining intent were published in the Federal Register on July 13, 2000.

H.R. 4922 requires EPA to solicit and respond to public comment on EPA's changes to the TMDL program.

Second, we need to understand the scope of the problem. In her July 11, 2000 press release announcing the signing of the new TMDL regulations, Administrator Browner states that "40 percent of America's waters are still too polluted." However, EPA's estimate of the costs of developing and implementing TMDLs is based on 20,000 impaired waterbodies—representing only 10 percent of the Nation's waters. What is the scope of the problem? 40 percent impairment or 10 percent? The General Accounting Office pointed out in a recent report that only 6 states have sufficient data to identify the scope of water quality impairments in the State. As a result, neither EPA nor the public knows the actual scope of the water quality problem.

H.R. 4922 requires EPA to come up with a plan to fill these data gaps, and create a budget for implementing that plan.

Third, we need an understanding of what methods should be used to address these matters. Too often, EPA's new TMDL regulations simply assume away difficult water quality problems. For example, the new regulations consider the sun a source of pollution—heat—but do not explain how to go about regulating the sun, stating that: "What needs to be done to mitigate heat load from solar input will be addressed by a State, Territory, or authorized Tribe when it establishes the TMDL." The final rule similarly has no answers for how to address pollution from atmospheric deposition, or legacy pollution.

H.R. 4922 includes a study by the National Academy of Sciences to improve our ability to identify sources of pollution and allocate loadings among them.

Fourth, we need an understanding of what kind of sacrifices the public must make to solve our remaining water quality problems, and the benefits that will be achieved if we dedicate resources to this effort. Again, EPA has failed to provide this information. EPA estimates that the total cost of the TMDL rule will be less than \$23 million a year. EPA did not

provide any estimate of the benefits of the rule. However, as the General Accounting Office pointed out in another recent report, EPA's cost estimate assumes that States already have all the data they need to develop TMDLs, an assumption that has no basis in reality. In addition, EPA fails to inform the public of the costs to the regulated community from implementation of the rule, including costs to small businesses and small farming or forestry operations. Instead, EPA would have the public believe that improving water quality is all gain and no pain. I am very concerned about a backlash against Clean Water Act programs when EPA tries to implement the new regulation and the cost is more than the public is prepared to pay.

H.R. 4922 requires EPA to conduct a complete analysis of the costs and benefits of its TMDL rule in a manner that addresses the Comptroller General's criticisms of the EPA's earlier cost estimate. In addition, H.R. 4922 requires EPA to quantify the effects of the rules on small entities, including small businesses, small organizations, and small governmental organizations.

H.R. 4922 does not affect EPA's existing TMDL program. I strongly encourage States to proceed with TMDL development and implementation under existing regulations as expeditiously as possible. Fortunately, the House-passed VAHUD appropriations bill provides significant new resources for States to do so.

H.R. 4922 also does not affect EPA's new TMDL regulations. However, after considering the additional public input and additional information developed under this legislation, I hope that EPA will conclude that its new TMDL regulations should be changed before they become effective in fiscal year 2002.

#### PAYING TRIBUTE TO THE ULSTER UNITED TRAVEL SOCCER CLUB

#### HON. MAURICE D. HINCHEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Monday, July 24, 2000*

Mr. HINCHEY. Mr. Speaker, I rise today to recognize an exciting event between the Ulster County, New York United Travel Soccer Club and the Shrewsbury House Soccer Club of England.

On August 30th and 31st, the two Soccer Clubs will compete against each other in the Cantine Field Sports Complex in my hometown of Saugerties, New York. The matches will promote a greater understanding between the players and continue the great tradition of cooperation between the United States and England.

The players from England will be staying with families in Saugerties, which will serve as an educational experience for the players and citizens of Saugerties. Indeed, as our world becomes increasingly connected, it is critically important that we provide opportunities for our

children to interact with different cultures. The athletic contests will help facilitate an exchange of ideas and I am pleased to welcome the Shrewsbury House Soccer Club to Ulster County.

The Ulster United Travel Soccer Club is an important resource for the young people of my district. Indeed, the club promotes teamwork, sportsmanship, positive thinking and physical fitness. In addition, the Club is a member of the Northern Catskill Youth Association (NCYA) and participates in tournaments throughout the Northeast. I applaud the Ulster United Travel Soccer Club for its steadfast commitment to our young people.

Mr. Speaker, I am delighted to salute the Ulster United Travel Soccer Club and the Shrewsbury House Soccer Club for arranging this unique international competition.

#### INTRODUCTION OF THE COMMUNITY RENEWAL AND NEW MARKETS ACT

#### HON. J.C. WATTS, JR.

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

*Monday, July 24, 2000*

Mr. WATTS of Oklahoma. Mr. Speaker, across America, the signs of prosperity are brightly lit. The economic boom that is the hallmark of the '90's can be seen in towering construction cranes, packed shopping malls, and flourishing businesses in every region of the nation. As the 21st Century opens, America's free market principles are triumphant, and the world is captivated by the American economic success story.

Given this bountiful setting, it is valid to ask why JIM TALENT, DANNY DAVIS and I joined together last year to re-introduce something called "The American Community Renewal Act." In view of our booming national prosperity, the need for economic renewal may seem to many to be irrelevant at best, or needless at worst.

To answer that question, we might first look back to a dramatic moment from an earlier period of prolonged American prosperity.

The year was 1968 and, like today, Americans were building new homes, buying new products, creating new businesses, and generally enjoying an unprecedented prosperity. The national economic atmosphere was heady and exuberant.

But on May 21st of that year, millions of Americans sat before their television sets and were shocked by a report from the respected newsman Charles Kuralt entitled "Hunger in America." That program exposed an unseen hunger and malnutrition that marked the lives of millions of Americans. The nation was shocked into action, and ending hunger in America became a critical national goal.

One editorial writer at that time, commenting on the documentary, noted: "The contrast of a rich country harboring pockets of the most

primitive want was its own editorial on the social contradiction of an affluent nation."

Now it is over thirty years later, and there is a new social contradiction—a new unseen hunger in the midst of a prosperous America. It is a hunger for opportunity and it comes from America's poorest communities. It comes from the aging, struggling communities which most Americans have never seen—neighborhoods that have been bypassed by the national economic success story.

These are the communities that cannot attract the businesses and industry which bring the jobs which bring the opportunities that lead to the American dream.

These are the neighborhoods where vacant properties become home to crack users who destroy the sense of safety and security that a community needs to grow and prosper.

These are the neighborhoods where a long and expensive public transit ride is the only way to get to the new jobs in prosperous suburbs.

These are the neighborhoods where venture capital just doesn't venture.

Despite the strongest economic growth in this nation's history, too many people living in America's poorest neighborhoods are still being left behind.

Today you can do something about that.

The Community Renewal and New Markets Act that we are introducing today is the product of five years of hard work and extensive travel to find out what works from the people on the ground who are working every day to revive these neighborhoods.

This legislation establishes a new model that merges new ideas about venture capital, regulatory reform, drug and alcohol rehabilitation, housing and homeownership, commercial revitalization and tax incentives.

Hopefully, our efforts will bring America's attention into the most forgotten corners of America. I am hopeful we can give these troubled communities the tools they need to recover and to prosper.

Though we cannot promise success to every man, woman and child in America, we should be able to promise each of them the opportunity for success. This country is too great and too wealthy to allow even one of our children to grow up without that opportunity.

This is the essence of the social contract that we, as Americans, hold with one another. We are working to achieve this goal—to make good on this social contract—through passage of this important legislation.

In 1968 America's "social contradiction" was an unseen hunger for food in a nation that feeds the world. In the year 2000 that "social contradiction" is an unseen hunger for opportunity in a nation that represents unbridled opportunity to the rest of the world.

It is time to end that contradiction and bring the nurturing promise of opportunity home to all Americans. The Community Renewal and New Markets Act is an important step in that direction.