

**LEGISLATIVE SUMMARY FOR:****February 28, 2000**

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**LAST WEEK:**

**SENATE APPROPRIATIONS BRIEFING** - On Tuesday, February 22, 2000, an NRCS briefing group led by Deputy Chief for Programs, Tom Weber, and Acting Budget Director Dana York, provided a briefing for Senate Appropriations Committee staff about the NRCS Budget request for FY '2001. NRCS staff highlighted the major points in the budget, and went through explanatory documentation on the proposed budget increases. Senate staff asked questions regarding specific accounts, and about the status of agency activities.

**SENATE TMDL HEARING** - On Wednesday, February 23, the Senate Agriculture, Nutrition and Forestry Committee (Chairman Lugar, R-IN), held a hearing on Total Maximum Daily Load. Chairman Richard Lugar began the hearing with an opening statement followed by testimony from Senator Craig Thomas, R-WY. The Committee heard testimony from Dan Glickman, Secretary for Agriculture, Carol Browner, Administrator for the Environmental Protection Agency and a panel of non-federal witnesses including Paul Johnson, Director, Iowa Department of Natural Resources and Former Chief of the Natural Resources Conservation Service.

Chairman Lugar said in his opening statement that many in the agriculture and forestry community have concerns about how these proposed regulations will affect their businesses as well as their involvement in ongoing watershed restoration. He said that the states are concerned that the proposed regulations represent a major significant shift away from historic voluntary and collaborative efforts toward watershed-based approaches. He went on to say that collaborative watershed strategies are the basis for voluntary, incentive-based solutions to control nonpoint source pollution. Senator Lugar indicated that the Congressional Research Service, in a legal memo prepared for the Agriculture Committee, had stated that it does not appear that EPA has legal authority to regulate nonpoint sources under the Clean Water Act and EPA appeared to concede this point at a House hearing on February 15. He said that the 1996 Farm Bill was one of the most environmentally responsive and responsible farm bills in our Nation's history. He stated that it included the Environmental Quality Incentives Program (EQIP), (a program he authored along with Senator Leahy.) Chairman Lugar said that it is a highly

successful program that is targeted by states to environmentally sensitive areas and that EQIP provides producers with the flexibility needed to address nonpoint source problems.

Senator Craig Thomas, R-WY, testified that it was the responsibility of Congress to ensure that the Action Plan did not become a mechanism for agencies to overstep their statutory authority since the Clean Water Act leaves nonpoint sources largely unregulated. He said that EPA's actions seek to bypass Congress. Senator Thomas said he was disappointed to see the USDA abandoning its position on the proposed rule. He also stated that voluntary incentive activities, such as those provided by NRCS, must be emphasized rather than regulations. He also said the NRCS functions in a facilitatory role with producers by providing on the ground technical assistance. He commented that the agency (NRCS) had formed true partnerships with producers to resolve water impairment problems but the EPA believes improved water quality is best achieved through regulation.

Dan Glickman, Secretary of Agriculture, said in his testimony that USDA shares EPA's commitment to cleaning the waters of the United States and building on successes reducing water pollution over the past several decades. He said that by using many of the conservation tools that Congress and the Department wrote in the 1985, 1990 and 1996 Farm Bills, much had been accomplished. The Secretary pointed out how the Conservation Reserve Program has been effective in reducing erosion on highly erodible lands. He commented that the Wetlands Reserve Program (WRP) and the Environmental Quality Incentive Program (EQIP) have benefitted thousands of farmers and ranchers and helped them to improve the productivity of their operations through improved conservation. Mr. Glickman stated that the Conservation Reserve Enhancement Program (CREP) is playing an important role in protecting the waters of the Chesapeake Bay, salmon habitat in Oregon and Washington, and drinking water supplies for New York City. He said the President's FY 2001 budget request includes \$1.3 billion above currently authorized levels to bolster our agriculture conservation programs. The Secretary stated that a letter signed on October 22, 1999 did not receive proper review at the Department. He said that he felt it did not set the right tone, and inappropriately questioned EPA's legal authority. He did state, however, that USDA had concerns about the proposed TMDL program. Among several items, the Secretary said that the TMDL rule should recognize the best management practices of America's farmers and ranchers; second, the rule should be more clearly constructed and should minimize adverse effects on agriculture and silviculture operations; and third, it should allow for reasonable time frames for planning and implementation.

Carol Browner, Administrator for the Environmental Protection Agency, said in her testimony that the clean water programs that EPA and the States implement, ranging from financing assistance for sewage treatment facilities, to permits for dischargers, to technical assistance to control pollution from nonpoint sources, are all intended to reduce water pollution. She said in 1996, EPA determined that there was a need for a comprehensive evaluation of the TMDL program. Ms. Browner mentioned in August 1997, EPA issued two policy memoranda providing guidance for State lists and



**HEARING ON ENDANGERED SPECIES ACT** – The House Resources Committee (Chairman Young, R-AK) will hold a hearing on H.R. 3160, a bill that would reauthorize and amend the Endangered Species Act.

Mar. 1                                      11:00 a.m.                                      1324 Longworth Bldg.

**SENATE CROP INSURANCE MARKUP** – The Senate Agriculture, Nutrition and Forestry (Chairman Lugar, R-Ind.) Committee will hold a markup of Crop Insurance legislation. In addition, the Committee will consider a resolution approving the Bexar, Medina, Atascosa, watershed project in south Texas.

Mar. 2                                      10:30 a.m.                                      328-A Russell Bldg.

**NATURAL RESOURCES CONSERVATION SERVICE APPROPRIATIONS** - The Agriculture, Rural Development, Food and Drug Administration and Related Agencies Subcommittee (Chairman Skeen, R-N.M.) of the House Appropriations Committee will hold hearings on fiscal 2001 appropriations for the Natural Resources Conservation Service.

Mar. 2                                      10:00 a.m.                                      2362A Rayburn Bldg.

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#### **LOOKING AHEAD:**

**WATER CONTROL PROJECTS** - The Water Resources and Environment Subcommittee (Chairman Boehlert, R-NY) of the House Transportation and Infrastructure Committee will hold a hearing on proposed Army Corps of Engineers waterway improvements and flood control projects.

Mar. 8                                      9:30 a.m.                                      2167 Rayburn Bldg.

**FARM POLICY FIELD HEARINGS** – House Agriculture Committee Chairman, Larry Combest (R-TX) and Ranking Member Charlie Stenholm (D-TX) have announced the schedule of farm policy hearings in 10 cities in regions from March through May, encouraging producers to submit detailed proposals for agriculture policy. Although each hearing may last for up to four hours, full discussion of producers' plans and Committee Members' questions will limit the number of witnesses who can testify at the hearings. Producers may be invited to offer testimony as a witness, or if not selected, producers may either submit specific views for the record, or e-mail informal comments to the Committee. To be considered as a potential witness at the hearing, producers should include information about their agricultural experience and their farming operations. The Committee will select witnesses who are qualified to provide specific testimony about federal farm policy, and answer questions posed by Agriculture Committee Members about policy alternatives.

The schedule of the Farm Policy Field Hearings are as follows:

**Monday, March 6  
Lubbock, Texas**

Civic Center  
9:00 a.m. Central Time

**Friday, March 17  
Memphis, Tennessee**

Agricenter International  
10:00 a.m. Central Time

**Saturday, March 18  
Auburn, Alabama**

Auburn Univ. Hotel &  
Conference Center  
10:00 a.m. Central Time

**Monday, March 27  
Raleigh, North Carolina**

North Carolina State Univ.  
McKimmon Center Area 1  
9:00 a.m. Eastern Time

**Saturday, April 1  
West Chester, Ohio**

Lakota East High School  
10:00 a.m. Eastern Time

**Monday, April 3  
Kutztown, Pennsylvania**

Kutztown University  
9:00 a.m. Eastern Time

**Monday, May 1  
Sacramento, California**

Heidrick Ag History Center  
(Woodland, California)  
8:30 a.m. Pacific Time

**Tuesday, May 2  
Sioux Falls, South Dakota**

Augustana College  
8:30 a.m. Central Time

**Friday, May 12  
Boise, Idaho**

City Council Building  
10:00 a.m. Mountain Time

**Saturday, May 13  
Peoria, Illinois**

Peoria Civic Center  
8:30 a.m. Central Time

Those who are interested in testifying at the field hearings in March for Lubbock, Memphis or Auburn, must send a letter addressed to the Chief Clerk, c/o House Committee on Agriculture at 1301 Longworth Building, Washington, D.C., 20515. If contacted to testify for the hearing, producers are required under the Rules of the House of Representatives to file an affidavit disclosing the amount and source of each federal contract or grant they receive (disclosure of farm payments or USDA loans is not required). A brief biography of the witness must also be included. Also, those witnesses will need to provide 100 copies of their testimony in advance. Producers who are unable to testify at a field hearing may instead submit written testimony for the official record by May 20, 2000, but must include their name, address, phone number and 10 copies of their testimony in their letter to the Agriculture Committee's Chief Clerk.

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