

for the administration and enforcement of these federal environmental laws. The states that have been delegated primacy have demonstrated to the EPA that they have adopted laws, regulations, and policies at least as stringent as federal standards. These individual states are best able to administer and enforce environmental laws for the benefit of all citizens of the United States.

Accordingly, the EPA and the states have bilaterally developed policy agreements over the past twenty-five years that reflect the roles of the states and the EPA. These agreements also recognize the primary responsibility for enforcement action resides with the individual states, with EPA taking enforcement action principally where an individual state requests assistance, or is unwilling or unable to take timely and appropriate enforcement action.

However, inconsistent with these policy agreements, the EPA has levied fines and penalties against regulated entities in cases where the state previously took appropriate action consistent with the agreements to bring such entities into compliance. For example, Colorado statutes give authority to the appropriate state agencies for the administration and enforcement of state and federal environmental laws, but the EPA continues to enforce federal environmental laws despite the state's primacy and has acted in areas of violations where the state has already acted.

The EPA has been unwilling to recognize the importance of Colorado's ability to develop methods for the state to meet the standards established by the EPA and federal environmental laws while recognizing state and local concerns unique to Colorado. Mr. Speaker, a cooperative effort between the states and the EPA is clearly essential to ensure such consistency, while making certain to consider state and local concerns.

The EPA has been hesitant to recognize that economic incentives and rewarding compliance are acceptable alternatives to acting only after violations have occurred.

Currently, the EPA's enforcement practices and policies result in detailed oversight, and overfiling of state actions causing a weakening of the states' ability to take effective compliance actions and resolve environmental issues. The EPA's redundant enforcement policy and actions have adversely impacted its working relationships with Colorado and many western states.

In response to the EPA, the Western Governors' Association has adopted "Principles for Environmental Protection of the West," which encourages collaboration and polarization between the EPA and the states, and further encourages the replacement of the EPA's command-and-control structure with economic incentives encouraging results and environmental decisions that weigh costs against benefits in taking actions.

Mr. Speaker, Congress must require the EPA to recognize the states have the requisite authority, expertise, experience, and resources to administer delegated federal environmental programs. The EPA should afford states flexibility and deference in the administration and enforcement of delegated federal environmental programs.

EPA enforcers should also refrain from over-filing against recognized violators when a

state has negotiated a compliance action in accordance with its approved EPA management systems so that compliance action achieves compliance with applicable requirements. The EPA should allow states the ability to develop plans for achieving national environmental standards established by the EPA which are tailored to meet local conditions and priorities.

Moreover, the EPA should enter into memoranda of understanding with individual states outlining performance, firm joint goals, and measures to ensure compliance with federal environmental laws while recognizing states that having achieved primacy in environmental programs have the right to direct compliance actions.

Further, Mr. Speaker, I call upon Congress to direct the EPA to develop policies and practices which recognize successful environmental policy and implementation are best achieved through balanced, open, inclusive approaches where the public and private stakeholders work together to formulate locally-based solutions to environmental issues. In addition, threats of enforcement action to coerce compliance with specific technology or processes often do not result in environmental protection but rather encourage delay and litigation, and are disincentives to technological innovation, increasing animosity between government, industry and the public, and raising the cost of environment protection.

Finally, effective management of environmental compliance is dependent upon the EPA shifting its focus from threats of enforcement action to one of compliance and the use of all available technologies, tools, and actions of the individual states.

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#### AMERICAN EMBASSY SECURITY ACT OF 1999

SPEECH OF

**HON. ROBIN HAYES**

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Monday, July 19, 1999*

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 2415) to enhance security of United States missions and personnel overseas, to authorize appropriations for the Department of State for fiscal year 2000, and for other purposes.

Mr. HAYES. Mr. Chairman, there have long been concerns regarding the funding of the United Nations Population Fund and its family planning practices around the world. From 1986 to 1992, UNFPA received no United States funds because of its presence in China, where coercive population practices have been reported. In 1993, this administration let these family planning practices off the hook and funding was restored. Until the UNFPA provides concrete assurances that it was not engaged in, or does not provide funding for, abortions or coercive family planning programs. I can not support this additional funding to the UNFPA.

Intense pressure to meet family planning targets set by the Chinese government has resulted in documented instances of officials

using coercion, including forced abortion and sterilization, to meet government population goals.

The family practices employed by the Chinese government are alarming. Poll after poll reveals that a significant portion of Americans believe abortion is morally wrong, and even more Americans would agree that federal tax dollars should not be used to fund abortions. This loophole in funding must be closed for the safety of unsuspecting mothers who are given little choice.

I am adamantly opposed to any commitment of federal funds for the purpose of abortion services in the United States or abroad. I also oppose the deceptive actions of the United Nations family planning agencies that use their UN funding to pay the electric bill while diverting "private funds" to pay for their forceful family planning practices. How can I go back to my district and tell my constituents I don't have the resources to help protect our neighborhoods or for after school programs for our students, because we have to sent our federal dollars to the United Nations to perform abortions?

I cannot support funding for the United Nations Population Fund until there are assurances and documented evidence that United States federal funds do not fund abortions half way around the world. I ask my colleagues to support the Smith-Barcia Amendment and to vote no on the Campbell-Gilman amendment.

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HONORING DAVID ANDERSON

**HON. LOIS CAPPS**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, July 20, 1999*

Mrs. CAPPS. Mr. Speaker, today I rise to bring to the attention of my colleagues a friend and a leader who was recently honored by the Land Trust of Santa Barbara County for years of outstanding commitment to our environment—David Anderson. David has dedicated himself to the preservation of land in Santa Barbara County and the Central Coast.

David Anderson is the co-founder and past President of the Land Trust. He has been intimately involved in almost every conservation effort the Trust has worked on in the last fifteen years. David has been a constant source of support to community groups, property owners and government agencies in Santa Barbara county where the preservation of land was at stake. Because of his efforts and leadership, open space has been preserved on the Gaviota Coast, coastal bluffs have been preserved near Point Sal, the Great Oak Preserve in the Santa Ynez Valley was established, and grasslands near Lompoc have been conserved. These are but a few examples of the land that David and the Trust have secured for today and in perpetuity.

David has also greatly contributed to other community organizations. He has served as Past President and is currently the Co-Executive Director of the Santa Barbara Museum of Natural History, he has been a Board member of the Nature Conservancy, and President of Get Oil Out. In addition, he has been the Past Chairman of the County Air Pollution Hearing