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THE WHITE HOUSE

WASHINGTON

August 13, 1993

MEMORANDUM FOR THE PRESIDENT

FROM: KATIE MCGINTY

CC: THOMAS MCLARTY

SUBJECT: OEP WEEKLY REPORT

CLIMATE CHANGE

We have about seven weeks before announcing the Climate Change Action plan. We are reaching internal closure on most issues, and we are preparing to conduct Congressional and Interest Group outreach to gain support for the plan. Although the plan does rely heavily on market-driven voluntary programs, there are some tough and controversial elements. Moreover, the voluntary initiatives overlap and reinforce each other and we anticipate that they will be effective at reducing emissions and cost-effective because they operate with market forces.

MAIN ELEMENTS OF THE PLAN AND CURRENT OUTSTANDING ISSUES:

1. **Programmatic Initiatives.** These are primarily extensions of the EPA Green Lights model of technical assistance in commercial buildings, industrial technology (especially industrial motors) residential finance, and methane recovery technology. These are widely supported in the business and environmental communities. While some disputes remain over their effectiveness (i.e. how many tons of emission reductions they will deliver), we have modeled them very conservatively.

2. **Utility Emission Reduction Commitments.** DOE has been negotiating with the utility industry. They have solicited letters of intent to ultimately sign agreements with DOE to either return emissions to 1990 levels by 2000 or nearly so (alternative performance measure). The utilities want to do this for several reasons: 1) to get ahead of this issue so that future legislation will not hurt them 2) to gain flexibility in emission reduction measures 3) to give impetus for joint implementation projects (overseas investment that reduce CO_2) which they see as opportunity and 4) good PR. While these commitments are not legally binding, this kind of relationship is a historic leap for an industry historically slow to respond to change. These commitments will also get the utilities to become big boosters (clients, really) of the programmatic initiatives. Thus, the combination of utility commitments and voluntary programs are more likely to deliver than either one alone.

2

3. **Sinks.** Although not agreed to yet by the CCMG or the President, a near consensus is forming to include forestry and recycling activities in the plan. They are very cost-effective carbon reduction (sequestration) options and can help avoid costly mandates that would entail significant political pain. The business community and moderates on the Hill support inclusion of sinks, and the environmental community is split (some groups think that think its acceptable, but most believe that we should concentrate on emission sources).

4. **HFCs.** These are rapidly growing greenhouse gases that are substitutes for ozone-depleting substances (but are not controlled under the Montreal Protocol). Including them in the baseline makes stabilization harder, even after counting EPA control measures, but the environmental, scientific, and international communities will go berserk if they are not included. While we haven't reached closure in the CCMG, HFCs are likely to be included. This will offset some of the environmentalist concerns about sinks.

5. **Joint Implementation.** The CCMG is struggling with this very controversial issue of using overseas projects (forest protection and energy sector projects) to "count" toward meeting the domestic greenhouse gas emission goal. Most enviros are very suspicious of this, but the business community and most of the Hill are very supportive. International discussion on JI will occur in Geneva next week. U.S. negotiators are going to support the concept and argue that strict rules should apply. Our best guess is that a limited pilot program will be part of the plan, either federally led or through the utility voluntary commitment program.

6. **Tough Measures.** We are struggling with how to deal with tough measures (CAFE, federal power marketing reforms, auto insurance reforms that would increase gasoline prices, expansive tax credits for biomass power generation, etc.) There is some sentiment to mention them a section on adapting the plan to future conditions (what we'll do if the plan does not appear to be working). However, mere mention of these options could be politically troublesome.

7. **Parking Reform.** A surprise consensus option has emerged that would "cash-out" the current tax deduction for employer paid parking. This would require the employer providing the benefit to offer the employee an equivalent cash benefit if they want to take it. Since the cash benefit is taxable income, the Treasury would gain about $800 million per year, and many people would take public transit or carpool in order to gain the income. This is the main policy in the transportation sector, and would more than pay for the federal outlays for the other program elements.

We expect the plan to get a "B" from environmental groups (who are beginning to understand the political constraints facing the administration) and an A- from business. Properly handled (media and Hill) this plan could be a significant victory for the President -- showing how progressive business and government can tackle a significant problem.

<u>NAFTA</u>

OEP is participating as a key member of the interagency group working on the border authority, the environmental side agreement and overall NAFTA strategy. OEP will be leading the charge in arming our allies in the environmental community with information on the how the side agreement will protect the environment, including cooperation to improve environmental laws, effective dispute settlement and public participation.

INTERAGENCY WETLANDS WORKING GROUP

OEP chaired a deputies meeting on Tuesday, August 10 to review the recommendations of the Interagency Working Group on Wetlands Policy. No major concerns or questions were raised at the meeting. Written agency comments on the working group's policy paper have suggested editorial changes, but endorsed the recommendations. There is a consensus that we have assembled a balanced package that will protect wetland resources, while proposing much-needed reforms in the administration of the program. OEP will incorporate final agency comments over the weekend. Katie McGinty will provide a memo to the President on Monday, August 16. We have tentatively scheduled the release of the policy paper on Tuesday, August 24.

DIRECTOR'S MEETINGS

PAST WEEK

8/10 Meeting between OMB, OSTP and OEP staff on flood recovery; wetlands restoration versus levees

8/10 Ralph Nader and Roy Neel; meeting on the Recycling Executive Order

8/10 Interagency meeting regarding CERCLA reauthorization

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8/19 Carol Rasco and Secretary Espy; meeting to discuss USDA's environmental activities

8/21 Speech to the Peace Corps Environmental Education Workshop in Cuenca, Ecuador

THE WHITE HOUSE

WASHINGTON

August 27, 1993

MEMORANDUM FOR THE PRESIDENT

FROM: KATIE MCGINTY

CC: THOMAS MCLARTY

SUBJECT: OEP WEEKLY REPORT

CLIMATE CHANGE

DOE analysis continued this week with OEP guidance. OEP commissioned a legal analysis by Department of Justice (including EPA, DOE, and DOT counsel) of preemption issues pertaining to CAFE regulation and state "feebate" programs.

WETLANDS

The White House announced the wetlands policy on August 25, and general press reaction was positive. Especially positive was the reaction from the Hill, where the Senate Environment and Public Works committee announced support for the package, as did Sen. Breaux, a long time critic of wetlands regulations. Some environmental groups and development interests were critical, but the majority reaction was that the policy was an appropriate middle ground for a contentious issue. Of note however, is the lawsuit filed by mining and real estate interests in response to the rule issued this week as part of the package that expands the scope of regulated activity in wetlands. The lawsuit charges that the Administration does not have the power to expand regulatory oversight under the Clean Water Act.

PESTICIDES

The Administration has nearly reached closure on its pesticide reform package. It will be announced at a congressional briefing early next week, and formally introduced at a hearing of Rep. Waxman's subcommittee on Sept. 9. Sec. Espy, Administrator Browner and Commissioner Kessler plan to meet with key constituencies on the Hill to convince them to support our compromise package. Though environmental groups have opposed loosening the Delaney clause, our message will continue to be that the package as a whole contributes to a safer food supply and especially promotes safer foods for children.

GORE-CHERNOMYRDIN COMMISSION

In preparation for the meeting of the Gore-Chernomyrdin Commission on September 1-2, OEP and the NSC's environmental office have worked together to assure that the US program of assistance for Russian energy development is environmentally sound. This means emphasizing not only proposals to open new oil and gas fields, but also high-payoff opportunities to increase the output and efficiency of existing oil and gas fields and the existing distribution and processing network. It also means emphasizing opportunities for profitable investment in end-use energy efficiency. By curbing energy waste (especially gas flaring and pipeline leakage) and efficiently reducing energy demand, our assistance can help lower Russian greenhouse gas emissions. We have also worked to assure that appropriate emphasis is placed on shutting down the most dangerous Russian nuclear reactors, in addition to making immediate safety improvements.

DIRECTOR'S MEETINGS

PAST WEEK

8/23-8/27	Speech and particiation in the Peace Corps Environmental Education Workshop, meetings with local government officials, oil and mining industry representatives, and non-governmental organizations, and environmental site visits in Ecuador
8/29-9/8	Vacation

THE WHITE HOUSE

WASHINGTON

August 13, 1993

MEMORANDUM FOR THE PRESIDENT

FROM: KATIE MCGINTY

CC: THOMAS MCLARTY

SUBJECT: OEP WEEKLY REPORT

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8/21 Speech to the Peace Corps Environmental Education Workshop in Cuenca, Ecuador

THE WHITE HOUSE

WASHINGTON

August 20, 1993

MEMORANDUM FOR THE PRESIDENT

FROM: KATIE MCGINTY

CC: THOMAS MCLARTY

SUBJECT: OEP WEEKLY REPORT

CLIMATE CHANGE

Analysis of options and preliminary package continued this week. Several Interagency Analysis Team meetings were held at DOE to review modeling of economic impact and emission reductions. The Vice President was briefed on progress and outstanding issues in plan development. The Climate Change Mitigation Group held discussions with the State Department negotiators who went to Geneva for the Eighth Session of the International Negotiating Committee. The negotiators intend to lead discussion on joint implementation issues.

FEDERAL FLEET CONVERSION TASK FORCE

OEP reviewed final Interim Draft Report and submitted comments to the task force.

ECOSYSTEM MANAGEMENT INITIATIVE/NATIONAL PERFORMANCE REVIEW

OEP met with staff from the National Performance Review and OMB to discuss the NPR call for an interagency Ecosystem Management Initiative. We anticipate creating an interagency task force to 1) prepare an Executive Order directing Federal agencies to employ ecosystem management principles and 2) oversee ecosystem management demonstration projects.

FOREST CONFERENCE FOLLOW-UP

Northwest Forest Resources Council (an industry group) filed a legal challenge to the Forest Ecosystem Management Assessment Team report on the grounds that it violated the Federal Advisory Committee Act (FACA). Justice Department and White House Counsel are trying to have the case dismissed primarily on the grounds that the team no longer exists.

WETLANDS POLICY

We submitted the wetlands policy package developed by the Interagency Working Group on Federal Wetlands Policy to you for approval. If you approve the recommendations, we will announce this package next week. The package is a comprehensive reform of wetlands policy which we believe will make the process more fair and efficient, while still protecting wetlands.

PESTICIDES

The draft pesticide policy developed by OEP, DPC, USDA, EPA, and FDA was shopped around to various interest groups last week. Reactions were generally favorable from environmentalists and grower groups. All interested groups noted the need for high level attention to this issue to move the package forward because the polarization of all sides involved. There are still a few outstanding issues to resolve on pesticide recordkeeping, citizen suits to enforce pesticide laws, and the role of benefits in setting health standards for pesticide residues on food before the policy is released at a hearing on 8/9.

ENVIRONMENTAL JUSTICE

The draft environmental justice Executive Order leaked last week and was printed in the BNA Journal. Comments from citizens groups and civil rights groups have been strongly favorable. The Order is still awaiting final review by the agencies before being vetted by OMB. We anticipate it will be ready for your signature in mid-September. We are also still planning your meeting with leaders of the environmental justice movement. The draft agenda for the meeting includes discussions of how minority communities adversely affected by pollution can participate in community empowerment initiatives and create jobs in cleanup efforts at polluted sites.

NAFTA

OEP followed-up on the completion of the environmental side agreement with a full-court press of outreach to the NGOs. In order to arm our allies in the environmental movement that want to convince their members of the benefits of the side agreement, OEP developed a "road map" for senior OEP management and the VPOTUS to use in phone calls to the relevant NGOs. The response from the environmental community was mixed but included significant support from some key players. It is hoped that even more converts will be made once the text itself is available for release.

DIRECTOR'S MEETINGS

PAST WEEK

8/17 Meeting with Secretary O'Leary regarding clean cars and related issues

8/17 Secretary Espy and White House staff; meeting on flood recovery

8/18 Briefing for NEC and OMB staff on the Recycling Executive Order

8/18 Briefing for the Vice President on the Global Climate Change Action Plan

8/18 Meeting with the Vice President on his environmental education initiative

8/18 Meeting with the American Forest Products Association on the EPA Air and Water Rule

8/19 Chaired Flood Working Group; continued development of environmental flood relief program

8/23 Speech and participation in the Peace Corps Environmental Education Workshop, meetings with local government officials, oil and mining industry representatives, and non-government environmental organizations, and environmental site visits in Ecuador

THE WHITE HOUSE

WASHINGTON

August 6, 1993

MEMORANDUM FOR THE PRESIDENT

FROM: KATIE MCGINTY

CC: THOMAS MCLARTY

SUBJECT: OEP WEEKLY REPORT

CLIMATE CHANGE

The Climate Change Mitigation Group (CCMG) met on Tuesday August 3 and Thursday August 5 to reach closure on initial base option package, get clarification on several options in base package, commission additional analytical work on some additional transportation options, and to discuss the issue of joint implementation. The CCMG recommended pushing the deadline back to the end of September, and the President agreed. The CCMG is now focusing on joint implementation in order to provide the State Department a negotiating position in the upcoming International Negotiating Committee meeting in Geneva in mid-August.

FOREST MANAGEMENT

To hold timber sales this fall, the Administration worked with environmental plaintiffs in the Northwest who had previously been seeking injunctions on timber harvests to identify certain Forest Service timber sales which are currently under injunction that we believe could be sold without environmental damage. We hope to identify up to 200 million board feet initially (before Congress returns in September) and additional volumes later. In exchange for their cooperation, the Administration agreed not to seek "sufficiency" language insulating the plan from citizen challenge as long as this process continues.

ECOSYSTEM MANAGEMENT/NATIONAL PERFORMANCE REVIEW

OEP chaired an interagency meeting to develop an Ecosystem Management Initiative for FY95 in conjunction with the National Performance Review and OMB. Natural resource management agencies as well as more traditional development agencies are enthusiastic about the initiative.

INTERAGENCY WORKING GROUP ON FEDERAL WETLANDS POLICY

OEP has been chairing an interagency group on wetlands policy since early June, in anticipation of Congressional reauthorization of the Clean Water Act. The working group has reached consensus on all major wetlands policy issues. Two meetings have been held at the assistant secretary level to review the group's recommendations. A Deputies meeting has been scheduled for August 10 to continue the internal policy review. The group's recommended policy positions preserve the core of the Federal wetlands regulatory program, but include meaningful and much-needed reforms to make the program more efficient, responsive, flexible, and fair. Due to the need to comply with a court deadline for one piece of the package, we are tentatively scheduled to release the package on August 25.

DIRECTOR'S MEETINGS

PAST WEEK

8/2 Meeting with Senator Daschle regarding ethanol

8/3 NEC Deputies meeting regarding trade negotiations on NAFTA

THIS MONTH

8/9 Meeting regarding Endangered Species Act reauthorization with the Interior Department

8/9 Briefings on Climate Change negotiations in Geneva

8/10 Interagency meeting regarding CERCLA reauthorization

8/10 Chairing NEC deputies meeting on federal wetlands policy

8/11 NEC Deputies meeting regarding mega-strategy on NAFTA

8/12 Speech to the United States Catholic Conference in Denver, Colorado

8/21 Speech to the Peace Corps Environmental Education Workshop in Cuenca, Ecuador

THE WHITE HOUSE

WASHINGTON

July 30, 1993

MEMORANDUM FOR THE PRESIDENT

FROM: **KATIE MCGINTY**

CC: **THOMAS MCLARTY**

SUBJECT: **OEP WEEKLY REPORT**

ENVIRONMENTAL JUSTICE

The OEP held an interagency meeting this week on our draft environmental justice executive order which was attended by virtually every executive and independent federal agency. Every agency expressed support for the general principles and directions of the order as drafted, and several offered suggestions for improved public involvement and further development of a White House Working Group to follow agency progress on environmental justice. Agencies expressed great enthusiasm for the Order and willingness to place a high priority on implementation of its goals. The order will go to OMB next week for formal vetting.

CLIMATE CHANGE

The Climate Change Mitigation Group (CCMG) met on Tuesday July 27 to evaluate policy options and to discuss additional options required to close the remaining emission gap. The baseline increase between 1990 and 2000 in the main greenhouse gases (carbon dioxide, methane, and nitrous oxide) is roughly 100 million metric tons of carbon equivalent. We have identified cost-effective policies in the energy sector that achieve roughly 70 MMT of reductions from 2000 baseline levels (including a 7¢ gasoline tax). Additional options in methane and other gases give about 25 MMT. We have identified six remaining issues that require resolution in order for the CCMG to report to deputies and principals:

o **Final closure on existing package of options**. The options identified thus provide about 70 MMT of emissions reductions. These are basically consensus options from the CCMG perspective. They are largely administrative, and focus on expansion of voluntary efforts, some regulatory reform and guidance. The budget implications are being analyzed; one large revenue raiser is in the current package (a parking subsidy cash-out option that would generate roughly $1 billion/year). The total additional outlay from other policies are likely to be below this level, making the package budget neutral.

- **Structure and scoring of voluntary agreements with utilities.** DOE has been negotiating with about 30 utilities interested in signing voluntary agreements with the Administration to return greenhouse gas emissions to 1990 levels by 2000 (or alternative performance based measure in high growth areas). On Friday, July 30, representatives from all 125 investor owned utilities are meeting in Washington to collectively deliberate on such agreements. The currently discussed "compact" includes the option of using sink enhancement and joint implementation to meet the voluntary goal. We have not determined whether or how to "score" these agreements for emission reductions (they would largely reinforce our programmatic initiatives). If the program becomes large enough (i.e. most big utilities join) we could score some MMT beyond current package, but the treatment of sinks and joint implementation would require consideration. A large response could also elevate this program to the level of Presidential event involving the utilities when the Plan is released.

- **Consideration of additional options.** Concern has been expressed by several members that the package is heavy on cost-effective voluntary programs that may not deliver the expected emission reductions, and that we will need additional options to credibly reach the goal and or cover the addition of HFCs into the baseline (see below). These members are recommending additional options for analysis, such as reforms of federal power pricing.

- **The role of sinks.** The role of forest planting and protection in meeting the President's commitment has not been fully resolved. Conformity to the Framework Convention on Climate Change is being analyzed from a legal perspective.

- **HFCs as part of baseline/commitment.** HFCs are substitutes for the CFCs that are being phased out. While HFCs do not destroy ozone, they are powerful greenhouse gases. Even if controls are established for HFCs, they could add roughly 10 – 15 MMT to the amount of required reductions. The CCMG has not decided whether to add this greenhouse gas to the baseline and what additional policies would be needed to cover the addition.

- **Role of international joint implementation.** Projects that the U.S. or private firms could undertake in other countries could reduce global emissions very cost-effectively. However, there is no agreed-upon accounting mechanisms to verify the exact level of emission reductions. The CCMG has not decided how or whether to "score" these efforts, and we are consulting with State Department to develop negotiating position in the International Negotiating Committee meeting in Geneva in mid-August, where the Convention parties are going to begin to discuss the issue.

The CCMG will meet on August 3 to address these issues. A follow-up meeting on August 5 may be required for additional consideration. We intend to convene a deputies-level meeting the following week.

DIRECTOR'S MEETINGS

PAST WEEK

7/26 Representatives Don Edwards and Norman Mineta; meeting regarding wetlands

7/27 Interviewed candidates for the President's Council on Sustainable Development Executive Director position

7/28 Ambassador Yerxa and NSC staff; continued dialogue regarding NAFTA

7/28 Meeting with the President of the National Park Foundation, Alan Rubin, to discuss future developments of the Foundation

7/28 Chaired an interagency meeting on the draft executive order for Environmental Justice

7/29 Meeting with Canada's Ambassador for the Environment, Arthur Campeau, to discuss environmental issues of mutual interest

7/30 Meeting with White House and agency staff regarding environmental aid to Haiti

7/30 Leon Fuerth; briefings involving environmental aid to Haiti

7/30 NGO Briefings on Bolivia

7/30 AFL CIO representatives; meeting regarding chlorine free paper as part of the recycling executive order.

THIS MONTH

8/4 Delegation to Bolivia to promote environmental programs

8/11 Speech to the United States Catholic Conference in Denver, Colorado

8/21 Speech to the Peace Corps Environmental Education Workshop in Cuenca, Ecuador

DRAFT

FEDERAL AGENCY PRINCIPLES

Introduction: The (Federal Agency) is committed to promoting and supporting equitable environmental protection regardless of race, ethnicity, economic status, or community. Environmental Equity means that no segment of the population should bear a disproportionate share of the consequences of environmental pollution. At its core, Environmental Equity connotes fairness in ensuring adequate protection of public health and the environment and fairness in implementing statutory mandates so that benefits and risk reduction are conferred in equal measure to all citizens.

In accordance with the (Federal Agency's) mission, personnel shall consider questions of equity in all activities including regulatory activities, data management, enforcement, contracts and grants, communications, education and outreach and employment. In addition, programs will systematically evaluate ongoing efforts to ensure an appropriate, continuing focus on Environmental Equity, and will implement procedures to address issues of Environmental Equity.

Regulatory Activities: The (Federal Agency) policy is to fully cooperate with EPA's statutory authority and practical influence to protect public health and the environment in a manner that openly addresses Environmental Equity. The (Federal Agency) programs will incorporate Environmental Equity into all aspects of work with local, state, tribal and federal agencies and will encourage interagency cooperation with respect to such issues.

Data Management: The (Federal Agency) will ensure that programs have access to data, information management systems, and analytical support necessary to successfully identify, evaluate, and resolve Environmental Equity issues. Our goal is to provide access to and ensure use of relevant data and information management systems that are routinely developed by this agency to assess and address Environmental Equity.

Enforcement: The (Federal Agency) will cooperate with EPA's enforcement priorities and strategies that incorporate considerations of Environmental Equity. The (Federal Agency) will cooperate with EPA Regional program office's encouragement of the regulated community to address Environmental Equity in the settlement of enforcement cases.

Communications: The (Federal Agency) will improve and expand its communications effort by endeavoring to keep citizens, especially those in low income and people of color communities, abreast of emerging environmental policy. The (Federal Agency) recognizes the sensitivity and concern that issues such as risk assessment, risk management, and risk communication present to racial minorities and low income communities. Towards this end, the (Federal Agency) will seek to enhance its communications and outreach activities by encouraging participation by low income and people of color communities in those activities.

Contracts, Cooperative Agreements and Grants: The (Federal Agency) will routinely promote and support Environmental Equity through contracts, cooperative agreements and grants. Routine consideration of Environmental Equity through contract, cooperative agreement and grant policies and procedures will significantly increase our opportunities to promote Environmental Equity outreach to recipients.

Education and Outreach: The (Federal Agency) policy is to assist EPA in fostering a heightened awareness of Environmental Equity issues, both within the (Federal Agency), and among those most threatened by environmental risks. The (Federal Agency) will promote increased communication of Environmental Equity issues in a manner that has a measurable impact on affected communities, provide general environmental education to targeted populations and assist EPA in developing and implementing diversity training.

Employment: The (Federal agency) policy is to recruit, hire, promote, train, and transfer individuals of diverse backgrounds within all levels of the (Federal Agency). Such a policy facilitates decision making that reflects the broadest range of experience and understanding.

Review Mechanism: The (Federal Agency Head) shall ensure that Environmental Equity issues and goals are being met through a yearly review process that includes evaluation of activities deemed necessary by the (Agency Head). The (appropriate offices) shall serve at the pleasure of the (Agency Head) as the appropriate vehicle for ensuring that Environmental Equity issues and goals are addressed in a timely and effective manner.

Agency Head

PRELIMINARY STAFF/WORKING DRAFT

FEDERAL GOVERNMENT SECTOR ENVIRONMENTAL EQUITY STRATEGY

OUTLINE

NOTE: Implementation of Federal strategy will require full co-operation and support of all Federal agencies.

Rationale for strategy: Crucial opportunity for government to provide leadership in addressing environmental equity issues.

<u>Government as manufacturer and generator:</u>

Objective: To eliminate practices that result in disproportionate impact on poor and people of color communities.

Target: By a specified date, detailed environmental equity plan prepared by each Federal agency for its internal use. Review and comment by EPA.

Initiatives: All agencies - consider community demographics and health status in assessing releases and prioritization of cleanup and compliance. Establish equitable mechanisms to address relocation and personal injury issues.

<u>Government as policy maker/regulator:</u>

Objective: To utilize all available tools to ensure that programs, policies and regulations of Federal agencies incorporate equity concepts and approaches in their environmental components.

Target: By a specified date, environmental equity policy statements and interagency agreements reflecting incorporation of equity in existing and future environmental decision-making.

Initiatives: All agencies - identify and implement opportunities to provide equal environmental protection to disproportionately impacted populations. Issue agency policy statement addressing equity in all environmental activities.

-over-

The government as enforcer:

Objective: To provide equal protection for all communities.

Target: By a specified date, incorporate equity considerations in federal agency/facility enforcement actions and settlement agreements. Assure that Environmental Impact Statements (EISs) adequately address environmental equity concerns.

Initiatives: All agencies - review statutory authorities for opportunities to prevent inequities in areas subject to enforcement actions. Review and revise permit, grant, monitoring and enforcement procedures to address high concentrations of pollutants in racial minority and low-income communities. Develop strategies to assure that environmental requirements are met in all communities.

Contact: Sherry Milan (202) 260-9807.

Please Circulate to Staff

Environmental Equity Update Memo

To: EPA Staff

From: Dr. Clarice E. Gaylord, Director
Office of Environmental Equity

With the arrival of summer, we in the Office of Environmental Equity (OE2) have been feeling the Washington heat wave since the office was made official in November, 1992. There has been much activity on environmental justice from the White House, Administrator Carol Browner's office and Congress. On Earth Day, President Clinton issued a statement on environmental justice, directing EPA and the Department of Justice to begin an interagency review of federal, state and local regulations and enforcement efforts that affect high risk communities. Likewise, the White House is in the process of drafting an Environmental Justice Executive Order to focus on environmental equity concerns throughout the federal agencies.

Earlier this year, Senator Paul David Wellstone (D-MN) proposed a provision to the EPA Cabinet bill to create an Office of Environmental Justice with broad oversight responsibilities. In addition, sometime this summer Congressman John Conyers Jr. (D-MI) may introduce a similar provision in the House bill. Recently, Congressman John Lewis (D-OH) and Senator Max Baucus (D-MT) reintroduced **The Environmental Justice Act** which had been previously introduced in the 102nd session by then Senator Albert Gore.

EPA Administrator Browner announced in an early April "All Hands" meeting that environmental equity was among her top four agency priorities. Ms. Browner also formed an EPA National Performance Review Team (NPRT) on Environmental Justice to complement Vice President Gore's NPRT on the same issue. The focus of these teams is to encourage creative thinking and major paradigm shifts in the Agency's current environmental justice policies and practices.

The heightened attention has been at the regional and state level as well. Regions 1, 3, 4, 6, 8 and 9 issued environmental equity policy statements, created equity offices and workgroups and announced equity strategies. New York, California and South Carolina introduced environmental justice bills. Texas, Louisiana and Kentucky have announced environmental justice task forces, programs and workgroups.

This also seems to be the year for reviews. Senator John Glenn (D-OH) requested that the General Accounting Office (GAO) study environmental equity activities at EPA, focusing on methods for characterizing demographics around polluting sites and techniques for data collection and application. This GAO study started in December 1992, and is currently ongoing. The U.S. Civil Rights Commission also decided to conduct evaluations of EPA's use or non-use of Title VI to help disadvantaged communities of color. Efforts are underway to devise strategies to enforce Title VI as part of the solution to environmental inequities in high risk communities.

INSIDE

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OE2 Study Groups: The Office of Environmental Equity Study groups assist the OE2 staff and the Agency in pinpointing the key environmental equity issues. The contacts are:

Study Groups	Contact	Phone
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OFFICE OF ENVIRONMENTAL EQUITY ACTIVITIES: The Office of Environmental Equity (OE2) is responsible for a host of functions. The office acts as a clearinghouse, oversees projects and provides a forum for discussion of equity issues. The office also works with Regional and program offices to design and implement equity strategies. Below is a list of some current undertakings.

EQUITY LEADERS MEET WITH ADMINISTRATOR BROWNER: The Office of Environmental Equity held a National Justice/Equity Leaders Meeting with Administrator Carol Browner on Tuesday, May 25, 1993. Over thirty leaders met with Ms. Browner and other top Agency officials to discuss the Agency's programs, activities and policies relating to the environmental protection of people of color and low-income communities. Participants requested that Ms. Browner; 1) discuss with President Clinton the idea of holding an Environmental Justice Summit with the Nation's Environmental Justice Leaders, 2) support the Tribal Capacity initiatives, 3) create a Federal Environmental Justice Advisory Committee, 4) require EPA Assistant Administrators and Regional Administrators to make periodic visits to environmental justice sites, 5) provide an opportunity for Environmental Justice Leaders to have input into AA and RA appointments and 6) provide future opportunities for the group to meet with the Administrator and other top Agency officials.

EPA EQUITY COORDINATORS MEETING: The Office of Environmental Equity held its first National Environmental Equity Coordinators meeting on May 24, 1993. The meeting brought in representatives from each Region and each program office in Headquarters. The meeting focused on the coordination of the Agency's environmental equity program, developments of new environmental equity initiatives and ways to incorporate environmental equity in the Agency's operations.

INTERAGENCY ENVIRONMENTAL EQUITY TASK FORCE: The Office of Environmental Equity established the Federal Interagency Environmental Equity Task Force to provide for coordination of the federal government's environmental equity programs. The first Task Force meeting was held April 22, 1993, where over twenty-five federal agencies and departments were in attendance. The Task Force agreed to hold quarterly meetings. The next meeting is scheduled for July 14, 1993.

MOU BETWEEN EPA, HUD, COMMERCE, AND DC GOVERNMENT: On May 7, 1993, EPA signed a Memorandum of Understanding with the Department of Housing and Urban Development (HUD), the Department of Commerce, and the Government of the District of Columbia to provide economic development opportunities for underemployed residents of public housing. The program focuses on training, skills development and small business opportunities in lead paint abatement and remediation of housing units in the city.

MORGAN STATE UNIVERSITY AND ENVIRONMENTAL CAREERS ORGANIZATION SUMMER INTERN PROGRAM: For the 3rd year, undergraduate students from Morgan State University will receive training experience at EPA facilities. This summer over forty-five students applied for the EPA program; twenty-three EPA projects were received and matched with students pursuing degrees in engineering, computer science, physics, biology, chemistry, business and finance.

EPA initiated a cooperative agreement with the Environmental Careers Organization (ECO) to help the Agency attract and select summer interns to work for federal, state, local and tribal government environmental agencies. Students throughout the nation's Historically Black Colleges and Universities, Hispanic Association of Colleges and Universities and Tribal Colleges were selected to train in environmental protection fields such as hazardous waste management, air quality, water quality, environmental equity, pollution prevention and solid waste. EPA is sponsoring over one hundred internships this summer. Funding was provided by the Office of Environmental Equity, the Office of Research and Development and other EPA offices.

ENVIRONMENTAL SCIENCE AND MANAGEMENT FELLOWS: The Environmental Science and Management Fellows (ESMF) is a highly focused program of academic study and professional experience dedicated to increasing the number of women and people of color in the environmental field. This program consists of a two year graduate program at Tufts University, followed by a 12 month mentorship assignment with a senior official at EPA. The program concludes with a summer of full-time academic study at Tufts and upon completion the fellow receives a Masters of Science degree in Environmental Science Management.

PRESIDENT CLINTON DIRECTS EPA AND DOJ TO REVIEW ENVIRONMENTAL JUSTICE ISSUES: In an April 22nd Earth Day address, President Clinton directed EPA and the Department of Justice (DOJ) to begin an interagency review of federal, state and local regulations and enforcement activities that affect high risk communities. Since the directive, EPA has initiated three projects with DOJ including: 1) using databases to identify and evaluate low income and communities of color; 2) identify ongoing litigation in which environmental enforcement goals can be implemented and 3) provide outreach, conciliation and mediation to high risk communities.

EPA AWARDED FOR PARTNERSHIP WITH LOCAL JUNIOR HIGH SCHOOL: Under the coordination of Office of Environmental Equity, EPA received an Outstanding Partnership Award presented by the District of Columbia Public Schools. EPA was selected from among three hundred and seventy-five partnerships. The Agency was recognized for its environmental programs with the Bertie Backus Junior High School.

AGENCY INITIATIVES: The key to our success in achieving risk reduction for all communities is the Agency's internal changes in the way it does business. The following activities are examples of efforts to increase awareness of environmental equity and institutionalize it into our Agency's culture.

ENVIRONMENTAL EQUITY AND UST PROGRAM: The Office of Solid Waste and Emergency Response and the Office of Underground Storage Tanks (OUST) have available for distribution outreach materials to EPA regional offices and to State underground storage tank (UST) programs on environmental equity issues pertaining to UST's. OUST is developing a fact sheet on UST's and environmental equity which will be routinely included with a series of informational fact sheets for distribution to EPA and State UST program contacts.
(Debbie Rutherford, 703-308-8864)

REGION 2

- **Environmental Equity and UST Program:** Region 2's Environmental Equity Workgroup held its first meeting on March 2, 1993, attended by representatives from each division and the Acting Regional Administrator, William Muszynski. The Workgroup will undertake the following: 1) define the principles of environmental equity and how they might affect regional activities; 2) raise regional awareness of environmental equity issues; 3) identify and recommend cross-divisional environmental equity efforts; 4) offer constructive comment and insight into both ongoing and potential environmental equity projects; 5) serve as a sounding board, clearing house and commentator on Headquarter's policies affecting environmental equity; 6) advise senior staff on methods for including environmental equity considerations in program planning activities; 7) with support from the External Programs Division, establish a continuing dialogue with representatives of high risk, people of color and low-income communities within Region 2 and 8) meet, at least semi-annually, with the Regional Administrator, Deputy Regional Administrator and division directors to report on the progress of implementing environmental equity in Region 2. (Conrad Simon, 212-264-2301)

REGION 3

- **Office of Environmental Equity:** Region 3 has created an Office of Environmental Equity housed within the Office of the Deputy Regional Administrator. The office is charged with defining and assessing equity-related issues throughout the Region. Dominique Lueckenhoff will serve as the office chief. Bill Matuszeski, Director of the Chesapeake Bay Program Office, will head a senior staff Environmental Equity Advisory Council which will advise the Regional Administrator and Deputy Administrator on policy issues. Betty Inge will manage staff education and training, coordinate outreach activities with Minority Academic Institutions and manage overall administrative support to this effort. (Dominique Lueckenhoff, 215-597-6529)

- **Environmental Equity Awareness Series:** Region 3's Environmental Equity Office, in conjunction with the Region's Special Emphasis Programs, has developed an "Environmental Equity Awareness Series". The series will include sessions on various environmental equity topics which will be facilitated by experts in the areas of environmental equity/justice as well as Regional program managers and staff. The series will be an important component for thinking about practical ways to incorporate equity into environmental policy decisions in Region 3. (Betty Inge, 215-597-8924)

REGION 4

- **Office of Environmental Justice:** Region 4 has established an Office of Environmental Justice located within the Office of the Deputy Administrator. Vivian Malone-Jones, formerly the Equal Opportunity Officer, is the new Director. The office will ensure that national and regional initiatives, laws and regulations do not disproportionately impact, in an adverse manner, people of color and/or low-income communities. (Vivian Malone-Jones, 404-347-4294)

REGION 5

- **Environmental Justice Steering Committee:** Region 5 held its first Environmental Justice Steering Committee meeting on January 20, 1993. The committee has been established to oversee and coordinate regional efforts, to track progress, and to develop and implement policy. Key committee issues are; 1) the development of a policy for Region 5, 2) examination of Regional responses to siting issues (e.g., what existing regulatory tools could be more effectively utilized) and 3) determination of how best to involve state and local governments in addressing geographically specific concerns. (Bill Sanders, 312-353-8808)

REGION 6

- **Environmental Equity Included in Enforcement Strategy:** Region 6's annual multi-media enforcement and inspection targeting strategy and procedures were modified to include an environmental equity component. The factors that will be weighted equally in the annual targeting process include: 1) environmental equity; 2) human health risk; 3) historically significant non-compliance with the environmental statutes; 4) current EPA enforcement program input; 5) State input and 6) current national, regional and program specific enforcement initiatives. (Mike Michaud, 214-655-6491)

- **Environmental Equity Included in Lead Inspector Training:** Region 6 has permanently added a presentation on environmental equity to the agenda for their semi-annual Basic Inspector Training Course which is required of all lead inspectors. (Bob Reeves, 214-655-8364)

REGION 9

- **Environmental Equity Charter and Coordinator:** Based on Region 9's Environmental Equity Quality Action Team recommendations, the Senior Management Team adopted and issued an Environmental Equity Charter. The Charter sets forth goals, an Environmental Equity Framework for action, an implementation program and establishes a full time environmental equity coordinator position. This Charter will serve as a foundation as the Region explores particular problems and finds opportunities to prevent and/or redress inequitable risk burdens in Region 9 communities. The Region has selected a full time Environmental Equity Coordinator. Lori Lewis, previously from RCRA, will devote all her time to focusing on environmental equity concerns in the Region. (Lori Lewis, 415-744-1561)

PROGRAMS/PROJECTS: Several Program, Regional, State and local offices are supporting environmental equity projects which can be integrated into their operations. The following are some examples.

STATES' ENVIRONMENTAL JUSTICE LEGISLATION: New York, South Carolina and California have drafted legislation to address environmental justice concerns. Each bill has a different focus and approach to environmental justice initiatives. To obtain current drafts of these bills, the Office of Environmental Equity (OE2) recommends contacting the appropriate State legislative branches or OE2 at 202-260-6357.

ORD RISK ASSESSMENT METHOD IMPACTING FISH CONSUMPTION ADVISORIES: The Office of Research and Development (ORD) has developed a risk assessment method to estimate site-specific fish consumption advisories that account for all contaminants. The technical problem of determining how much fish people eat is addressed in a mathematical model making it unnecessary to do extensive surveying of people in order to derive the advisories. This method has undergone extensive review by EPA scientists and is being field tested in Regions 4 and 5. The Office of Water is considering using this method for establishing baselines in their fish consumption advisory program. (Michael Dowson, 513-569-7533)

REGION 4

- **Environmental Targeting:** Region 4 continues to use its health risk target assessment equation to help the Region direct environmental resources and enforcement efforts toward potential environmental equity spots. Region 4 is currently looking at over 300 chemicals in the TRI data base. (Carolyn White, 404-347-2316)

- **Public Partnership:** Region 4's partnership with Clark Atlanta University is working to increase the environmental awareness of local citizens, identify appropriate training for grassroot community organizations and increase the effectiveness of EPA's communication with such organizations. (Carolyn White, 404-347-2316)

- **Louisiana Environmental Health Studies:** The Louisiana Environmental Health Studies is a series of joint and individual projects that are funded by federal grants from the Environmental Protection Agency (EPA) and the Agency of Toxic Substances and Disease Registry (ATSDR) and awarded to the Louisiana Department of Environmental Quality (LDEQ) and the Louisiana Department of Health and Hospitals (LDHH). As part of this initiative, LDEQ and LDHH targeted a low income parish, Ascension, as the pilot parish to jointly screen environmental data and health effects information for relevant correlations. LDEQ and LDHH plan to continue screening the other parishes on the Mississippi River corridor for similar correlations after the project period ends for the Louisiana Environmental Health Studies on September 30, 1994. (Evelyn Daniels, 214-655-7543)

REGION 6

- **Radon Grants for Tribes:** Region 6 has targeted two American Indian Tribes for federal assistance through the Radon Grant program in efforts to reduce levels of radon in reservation buildings. The All Indian Pueblo Council in New Mexico and the Cherokee Nation in Oklahoma were awarded grant funds to implement a Radon Program in FY 93. The Region is also negotiating with the Chickasaw Nation in Oklahoma for a Radon Project in FY 93. (Evelyn Daniels, 214-655-7543)

- **Wastewater Treatment for Colonias:** Region 6 has awarded three grants to the states of Texas and New Mexico totalling $60,650,000. The State of Texas has received a grant for $50,000,000 to provide wastewater treatment facilities to address public health concerns in communities along the U.S./Mexico border, known as "colonias". New Mexico has received an EPA grant for $10,000,000 to provide construction assistance for wastewater collection and treatment facilities for colonias within 62 miles of the border in that State. New Mexico has also received a grant for $650,000 to construct a model wastewater treatment facility utilizing constructed wetland technology. This technology appears well-suited for treatment systems for the colonias because of its low cost, low operation, low maintenance and low energy consumption when compared to conventional mechanical systems. (Oscar Cabra, 214-655-7110)

REGION 9

- **Imperial Irrigation District:** Region 9's Drinking Water and Ground Water Protection Branch has taken action against the Imperial Irrigation District for violation of drinking water standards. The Region issued an emergency order on December 22, 1992, which found an imminent and substantial endangerment to human health in this largely latino community. The District has been delivering untreated drinking water, contaminated by fecal coliform, to at least 6,000 persons in the suburban and rural areas of the District. As a result of the emergency order, the District mailed warnings in English and in Spanish to all customers, identified households that do not receive bottled water, explained the necessary precautions and offered bottled water to a limited number of customers. The District must also submit a compliance plan, Canal Management Plan and cease all new canal connections to any new homes in the county.

  EPA has answered numerous press and public inquiries and held a public meeting on February 4, 1993, which was attended by about 800 people. The Clinica de Salud Del Pueblo, a hispanic public health clinic, distributed English and Spanish announcements for the meeting and told the Region it was seeking a grant for an examination of its patients' records to determine a relationship between the water and the waterborne disease diagnosed by the clinic. (Jon Merkle, 415-744-1844)

- **Migrant Labor Camps' Investigation Update:** This summer EPA will be contacting 20 counties in the Region to determine the final outcome of its joint enforcement project with the California Department of Health Services, which regulates migrant camps as public water systems. EPA will take the necessary next steps in monitoring and making sure these camps comply with the Safe Drinking Water Act requirements.
  (Jon Merkle, 415-744-1844)

COMMUNICATION, OUTREACH, AND CONFERENCES: Informing and empowering communities so they can participate in the decision-making process is central to our outreach theme. The following activities demonstrate ways Offices and Regions are getting out into communities, conveying messages and listening to concerns of the citizens they serve.

OSWER TEACH THE TEACHER INSTITUTE: The Office of Solid Waste and Emergency Response (OSWER) is holding a Teach the Teacher Institute at Morgan State University in Baltimore, Maryland. The objective of the program is to train several teachers from high schools located in communities that have one or more Superfund or other hazardous/toxic waste site(s). During the two week training period, approximately forty teachers will engage in lecture and discussion sessions with national and regional EPA specialists and will take field trips to hazardous sites in the area. In addition to environmental justice, topics to be addressed will include hazardous and municipal solid waste (RCRA), Superfund (CERCLA) and Community Right-to-Know. Participating teachers will be able to take back what they learn about these programs to their classrooms and communities. The institute will be held in July of 1993. (Marjorie Bucholtz, 202-260-4610)

OSWER EQUITY WORKFORCE PROJECT: Office of Solid Waste and Emergency Response (OSWER) is sponsoring a workforce project with the goal of developing a representative workforce for environmental cleanups. The Cuyahoga Community College, in Ohio, has been awarded a grant to develop programs and activities to train community residents in environmental cleanup activities with particular focus on training and recruiting people of color. (Marjorie Bucholtz, 202-260-4610)

ENVIRONMENTAL JUSTICE RESEARCH NEEDS PLANNING COMMITTEE: EPA, in conjunction with the National Institutes of Environmental Health Sciences (NIEHS) and the Agency for Toxic Substances Disease Registry (ATSDR), will hold a planning committee meeting with environmental justice leaders on July 29 & 30, 1993, at the National Argonne Laboratory in Chicago, Illinois. The meeting is to plan the scientific follow-up session to the initial August, 1992, meeting held in the Research Triangle Park, North Carolina, and to enhance outside community involvement in the research symposium. (Warren Banks, 202-260-4728)

REGION 5

- **Program Outreach:** Region 5 is currently conducting educational outreach in American Indian communities to teach residents about radon and its effects. The Office of Superfund has been performing public outreach efforts by initiating early community involvement of site assessment phases through multi-media communication. (Bill Sanders, 312-353-3808)

REGION 6

- **Environmental Equity Conference Planning Committee:** The Planning Committee and the Core Planning Group met on April 27, 1993. The Planning Committee consists of representatives from Federal, Tribal, State and local governments, national environmental groups, academic institutions, grassroots organizations, and industry/business. The Core Group consists of representatives from the University of El Paso, Southern University, Xavier University, Southwest Network of Environmental and Economic Justice, Southern Organizing Project and EPA. Region 6 division directors provided an overview of each Regional program and distributed a draft of the Region 6 Policy Statement on Environmental Equity. The Planning Committee decided to re-visit the plan of having a Regional Environmental Equity Conference in FY 93. The Planning Committee and the Core Group agreed to discuss this issue and other planning committee issues by teleconference in the near future. (Don Jones, 214-655-6568)

- **Hazardous Materials Training for Minority Communities:** Hazardous Materials Training in communities of color, is scheduled throughout the year for first responders to hazardous materials accidents. This training provides effective management of hazardous accidents to prevent harm to human lives and the environment. During this fiscal year, courses were offered in the five states of Region 6, including bilingual training in the lower US/Mexico border areas and on American Indian lands in New Mexico and Oklahoma. (Rosemary Henderson, 214-655-2293)

REGION 9

- **Bi-lingual Information Made Available:** Hazardous Waste Management Division's Office of Community Relations is providing the communities of Alviso and Tucson, Arizona and Richmond, California with fact sheets in English and in Spanish. Community Relations Coordinators with bilingual skills attend various community group meetings to provide translation. On occasion, coordinators also serve as translators to Hispanic communities for such outreach tasks as making telephone calls to homes whose primary language is Spanish.

  At the Westminster site (Gray Trucking) translations are made for the local Vietnamese speaking community. Signs are being posted in three languages (English, Spanish and Vietnamese) to keep people out of restricted areas. An 800 number has been set up to answer community concerns in Vietnamese.

  A series of fact sheets, providing general information on the RCRA program, including permitting and hazardous waste management, are available to the public in English and in Spanish. The Small Quantity Generator handbook is being translated into Spanish; other languages are also being considered.

  A bilingual Pollution Prevention Manual is being designed in consultation with Region 6 and the Pollution Prevention Border Team. The Division receptionist maintains a log of the approximately 20 Spanish speaking Division employees so that they can be called upon when assistance is needed. (Dianna Young, 415- 744-2178)

ANALYSIS: Some analytical programs can incorporate an environmental equity component simply by disaggregating data by ethnicity and income. Some offices have modified their analyses to include environmental equity, others have created analyses for the sole purpose of examining environmental equity concerns. How the Agency analyzes risk with regard to people of color and low-income communities will be central to developing our risk reduction strategies. Numerous analyses are underway, below is just a partial list.

LANDVIEW PROJECT: The Chemical Emergency Preparedness Program Office (CEPPO) has developed a new software tool called LandView. Adapted from CAMEO's (Computer-Aided Management of Emergency Operations) mapping software, LandView directly accesses the Census Bureau's 1990 population and housing data. Users can generate maps of selected geographical areas. Once the maps are generated and the Census blocks are identified, users can display detailed statistical information for those areas. This technology can assist the EPA in determining the distribution of environmental exposures and risks. LandView is available to all Agency offices through a CD-ROM computer system. CEPPO will be working with EPA offices to apprise them of LandView's potential applicability for environmental equity. (Peter Gattuso, 202-260-4064)

OSWER PILOT ANALYSIS OF RCRA CORRECTIVE ACTION: A pilot analysis will be conducted on six to eight RCRA facilities selected from a random sample of facilities currently being examined as part of the RCRA corrective action rulemaking. The Office of Solid Waste and Emergency Response (OSWER) is reviewing analytical approaches and presentations used in other equity studies to determine which approach is appropriate. An attempt will be made to assess whether it is possible to link human health risk modeling results with demographic characteristics of populations near pilot facilities. (Mark Ralston, 202-260-4317)

OSWER SUPERFUND DEMOGRAPHIC ANALYSIS: The Office of Solid Waste and Emergency Response (OSWER) has determined boundaries for 1,200 Superfund sites and verified their location coordinates. This information has been distributed to the regional geographic information system (GIS) teams. Demographic research will be conducted on a subset of approximately 250 NPL sites. Analysis will be done on the minority population percentage, duration of the remedial processes and selection, complexity and size of the site, type of contamination and number of potentially responsible parties. (Ann Bonner, 703-603-8873)

ANALYSIS OF ENVIRONMENTAL EQUITY IN RCRA ENFORCEMENT: In view of resource and data constraints, this analysis has been modified since the December *Environmental Equity Update*. The cost of verifying facility location and characterizing the communities around those facilities is prohibitive. Therefore, the Office of Waste Programs Enforcement (OWPE) will use the Office of Solid Waste's characterization of communities from 1990 Census data surrounding thirty-five commercial toxic storage disposals (TSD's) as the facilities for examination. OWPE has compiled enforcement response data and begun a preliminary analysis on this data. Due to the small study size, data quality concerns and resource constraints, OWPE will supplement the statistical analysis with case studies. The project will be used to assist OWPE in identifying possible policy modifications to promote environmental equity. (Troy Hartley, 202-260-9869)

REGION 5

- **Comprehensive Community Study:** Office of Pollution Prevention and Toxic Substances in Region 5 has awarded a grant to the Indiana Department of Public Health (IDPH) for a comprehensive study of lead, cadmium, and PCB's in the environment and blood of residents in the East St. Louis area. IDPH will also be exploring environmental justice issues using existing databases (ERNS, RCRIS, CERCLIS, TRI, etc.) and demographic data from the 1990 census on CAMEO. (Bill Sanders, 312-353-3808)

REGION 9

- **RCRA Program Enforcement:** Region 9 is conducting an analysis of RCRA administrative orders issued over the past four years to determine if patterns of inequity exist. Specifically, the proposed penalties against facilities in communities of color are being compared with those in white communities. Based upon this pilot analysis, similar assessments may be recommended for other enforcement programs. In addition, the Region is working with the State of California and the County of Contra Costa to target RCRA inspections at facilities located within the residential areas of Richmond, California where a number of hazardous waste handlers are in fairly close proximity to residential homes. Other urban/mixed use areas, such as Barrio Logan in San Diego, California, are being considered for targeted inspections later in FY 93 or in FY 94, depending on the success of the Richmond efforts. (Jeff Zelikson, 415-744-1730)

OFFICE OF ENVIRONMENTAL EQUITY STUDY GROUPS: The environmental equity problems that face our nation are as diverse as our people. As a result the Office of Environmental Equity (OE2) has formed the following EPA study groups to investigate issues specific to these groups of people; Hispanic American, American Indian, Asian and Pacific American, and African American. These study groups are meeting to develop issue/discussion papers. Much of the efforts center on investigating current Agency activities and identifying the diverse environmental equity issues. To find out more about these study groups contact the OE2 at 202-260-6357.

INTERNATIONAL EQUITY: The Office of Environmental Equity is looking for individuals who would like to serve on an International Equity Study Group. This Study Group will research and study international environmental equity issues and concerns. All interested EPA employees should contact Elizabeth Bell or Mustafa Ali at 202-260-6357.

ASIAN AND PACIFIC AMERICAN STUDY GROUP ISSUE PAPER: The Asian and Pacific American Study Group was the first group to complete its issue paper. The paper has been provided in its entirety, beginning on the following page.

ENVIRONMENTAL JUSTICE ISSUES OF ASIAN AND PACIFIC AMERICANS

Introduction

Equity and justice, in the American tradition, are important goals of government. We have come to expect equity in education, job opportunities, legal representation, and environmental protection. In the last decade, academic and community groups have brought attention to environmental injustices in ethnic communities, especially the African-American, Latino, and Native American communities. However, environmental injustices faced by the Asian/Pacific American communities have not been fully recognized or understood.

The term "Asian/Pacific Americans" (APA's) encompasses a diverse group of over 26 nationalities, including Chinese, Filipinos, Hawaiians, Laotians, Hmong, Vietnamese and others, classified together even though they differ in culture, socioeconomic status, and language (U.S. Commission on Civil Rights, 1992). While APA's comprised only 2.9% of the total U.S. population in 1990, they are the fastest growing racial group in the country. Currently, 7.3 million APA's live in the U.S. with a predicted population of 10 million people before the year 2000 (1990 U.S. Census).

The lack of information about and services targeting this rapidly growing group is therefore a significant gap. Part of the reason APA's have been neglected is the "model minority" myth, which assumes APA's are successful and alike in culture, language, and needs. This myth has led the majority of Americans to believe that APA's do not suffer from any kind of racial discrimination (Wall Street Journal/NBC News National Poll, 1991). Other possible explanations for neglect of the APA population are: recent immigrants' lack of political knowledge (Over half of APA's living in the U.S. were born in another country and APA's have constituted over 40% of all immigrants to the U.S. since the mid-1970's [U.S. Commission on Civil Rights, 1992].); poor political representation; and cultural diversity within the group which hinders political organization. Furthermore, in the environmental field, APA's may be represented in technical areas, but few have leadership or policy-making roles (HQ EPA Asian Pacific American Community Draft Position Paper, 1991).

This growing population needs special attention. As discussed below, culture-specific practices differentiate APA communities from one another and from other minority groups such that broad-sweeping generalizations about people of color are neither appropriate nor correct. Furthermore, generic environmental programs or education campaigns may be ineffective at protecting APA's.

Purpose & Scope of Work

This position paper was prepared by members of the EPA Asian/Pacific American Environmental Equity Study Group, which was established to identify issues, perspectives, and channels of communication specific to APA's for EPA's Office of Environmental Equity. The purpose of this paper is to build awareness and to provide the impetus for research, outreach, and resource allocation.

While the Study Group has found limited literature on APA-specific environmental problems, this paper presents an initial list of health, ecological, and economic risks that APA's face. These risks are either due to their living conditions, dietary intake, and cultural practices or due to EPA's inability to serve this community effectively. The paper concentrates on issues falling under EPA's jurisdiction but includes other major issues, such as occupational hazards and military dumping, that could be addressed through EPA's interagency cooperation on environmental justice.

The issues are organized by the level and type of environmental exposure: **community risks, living conditions, working conditions, and economic survival.** Unfortunately, due to lack of information on exposure, prevalence of practices, and the public's awareness of these problems, the authors cannot prioritize these issues in order of prevalence of the problem, significance of health risk, or degree of community concern. Informal data collection indicates that these issues have been raised at community levels across the country and that EPA may have a role in reducing these environmental risks. This compilation is by no means complete, and we invite additional input, feedback, and ideas from community and EPA members.

Barriers to Environmental Protection

EPA cannot serve the public equitably until it understands the various barriers in communication and access faced by communities of color. APA-specific barriers include inadequate access to EPA and environmental knowledge, the "model minority" myth, and the diversity and dispersion of APA populations.

Inadequate Access: Language and Cultural Barriers - Information on environmental risks and environmental services may not reach APA's because of language barriers and lack of outreach by government and industry. Effective outreach should include translation of environmental education or compliance literature and signs into the primary language of the population we wish to protect. APA's may also have inadequate access to culturally and linguistically useful medical and legal services (Tessie Guillermo, Executive Director, Asian American Health Forum, 1993). Some APA's distrust government because of fear of deportation or past experiences in their home country. APA's may not attribute health problems to environmental hazards (Versha Kumar, 1992) or may need modified culturally appropriate services. (For example, some Chinese object to drawing blood for lead tests, where the "finger prick" method should be an acceptable alternative [Fanny Chin, 1993].)

"Model Minority Myth" - The stereotype of APA's as educated, economically comfortable, and compliant citizens overlooks the socioeconomic and cultural differences within the APA group. While statistics show that APA's, on average, are more educated and have higher paying jobs, many APA's face the same racism and poverty as other people of color. For example, according to the 1980 census, Hmongs and Laotians have a median family income 26% of the national average. The unemployment rates in these groups are 20.0% and 15.3%, respectively. Poverty rates for the Vietnamese, Laotian, Cambodian, and Hmong were 33.5%, 67.2%, 46.9%, and 65.5%, respectively (U.S. Commission on Civil Rights, 1992). This stereotype allows the general public to ignore APAs' various problems and to "divide and conquer" within multicultural coalitions (U.S. Commission on Civil Rights, 1992). With respect to environmental protection, APAs may be represented in technical areas, but they rarely have leadership or policy-making roles (HQ EPA Asian Pacific American Community Draft Position Paper, 1991).

Diversity and Dispersion - APAs have a wide diversity in language, culture, socioeconomic status, and immigration status (U.S. Commission on Civil Rights, 1992), which makes it difficult for EPA to target APAs as a group for special consideration in risk assessments and other implementation of environmental protection policies (Teung Chin, 1993). APAs also do not have well-developed political advocacy organizations for environmental protection (even less so than other people of color groups), due partly to diversity and geographic dispersion (Dean Toji, 1992). While there are smaller APA settlements scattered throughout the U.S., larger communities of APAs have settled in cities including Boston, New York, Chicago, San Francisco, and Seattle. It may be useful for EPA to target these APA communities geographically and socio-economically because of the environmental hazards associated with inner city poverty.

Environmental Problems Facing APA Communities

Community Pollution

Lead Poisoning - APAs living in urban areas may be exposed to unhealthy levels of lead stemming both from lead in their homes (discussed in detail later) and from airborne lead caused by construction or redevelopment in their communities. Current renovation of the Manhattan bridge in New York City is releasing lead paint into the schoolyard of the Chinatown elementary school (Fanny Chin, 1993). Soil contaminated with lead may affect APAs disproportionately in that some APAs cultivate gardens for subsistence. In 1987, a Laotian family, unable to read the English warning signs, placed their garden in an abandoned factory designated as a Superfund site. As a result, the children had blood lead levels of 25 ug/dl two times higher than the acceptable level (Pam Tau Lee, 1992). Rural APAs are at risk for lead ingestion if they are dependent on groundwater as a source of drinking water and the groundwater is contaminated with lead.

Hawaii - Over-development by tourism and the military threaten the human health of Hawaiians and erode Hawaii's unique ecosystem, on which Hawaiians depend. Pesticides are poisoning the groundwater, sewage and gill-netting are killing the fish. Of particular concern are the Native Hawaiians, indigenous people whose culture and religion are earth-dependent. Like American Indians, their lands and culture were severely impacted by the influx of people and modern civilization. Unlike American Indians, however, Native Hawaiians have not had legal sovereignty over any lands since Hawaiian statehood was imposed in 1959. Native Hawaiians are usually excluded from the policy and project decision-making processes. As a result, geothermal development threatens to destroy Native Hawaiian holy ground and prevents them from practicing their religion properly (Mililani Trask, 1992).

The state of Hawaii is conducting a comparative risk project to identify and rank environmental problems facing the state: "A Community Based Environmental Risk Ranking: Rural and Hawaiian Quality of Life." Risk assessment information is being used to rate Hawaii's environmental problems on the basis of threats to human health, environment, economic welfare, and quality of life.

U.S. Military Pollution in Pacific Islands - Because of their "strategic location," the Pacific Islands have been exploited by several different countries for many decades. The U.S. military has used the Pacific Islands (including Polynesia, Micronesia, and Melanesia) to test weapons and dump toxic wastes (Jane Dibblin, 1988). Claiming national security, the Department of Defense refuses to publicly disclose data and other information about the extent of contamination in overseas installations and clean-up sites, especially when the activities involve warfare and weaponry radiation and toxicity. The indigenous people of the affected islands often are not allowed to participate in the scoping process of these activities impacting their communities, and then are unwillingly exposed to extremely dangerous health hazards. Due to their distance from the continental U.S. and relatively small populations, the plight of these people is not widely recognized. Under new statutes (e.g. Clean Air Act Amendments and the Federal Facilities Compliance Act) EPA could take a much stronger lead in protecting all populations, but especially these, from radiation (Alex Varela, 1992).

Marshall Islands - The Pacific Concerns Resource Center called the testing of nuclear weaponry on the Marshall Islands in the 1946 a "premeditated act of environmental terrorism." (C. Kijang and Kin, Lim Poo, 1992) The inhabitants were not moved out until 1968, 23 tests later. By 1975, the returnees had low levels of plutonium in their urine, and by 1977, 11 times that level of radiation in their bodies. The islanders relied heavily on imported foods to survive. In 1978, these people were evacuated again (John May, 1990). U.S. nuclear testing in 1954 exposed residents of neighboring atolls Rongelap (100 miles away) and Utirik (300 miles away) to radiation, but the residents were not evacuated until 3 days later, after suffering from radiation exposure, which caused nausea, burns, skin eruptions, bowel disorders, headaches, numbness, hair loss, and fatigue. Today, the Rongalapese and nearby islanders suffer from high rates of malignant thyroid cancer and leukemia, and large percentages of severely deformed births. Some of those who consumed food grown on the island have 20 to 60 times the normal levels of radioactive strontium and cesium (Seth Schulman, pp. 105 - 109).

Guam - At the U.S. Naval base on Guam, concentrations of PCB's as high as 5,000 parts per million have been found -- over a million times in excess of the EPA's permissible concentrations (Shulman, p. 142). A 1987 GAO report cites dozens of environmental violations on U.S. military bases (half the area) in Guam. For example, "workers and military personnel at eight separate facilities on the island's Andersen Air Force Base have dumped toxic chemicals into the ground and into storm drains, contaminating Guam's principal aquifer -the source of drinking water for the majority of the island's population (Shulman, p. 110)." The Air Force tried to cover up the problem by diluting the contaminated water in the wells with cleaner water added from another source (Shulman, p. 15). The base is now on the EPA's National Priority List of Superfund sites.

Johnston Atoll - Johnson Atoll has been used as the site for atmospheric tests of two hydrogen bombs in the 1950's, storage of thousands of World War II chemical weapons starting in 1971, and burning of thousands more weapons brought from the U.S. Army military base closing in Germany in 1990. The U. S. Army incinerated 600 rockets, which included 58,000 rockets filled with toxic nerve agents on Johnson Atoll despite discoveries in 1990 of hundreds of technical and procedural deficiencies (C. Kijang and Lim Poo Kim, 1992). According to retired Army Colonel James Knipp, the Army choose the cheaper incineration over the more environmental safe option of chemical neutralization (Kijang and Kin, 1992).

Living Conditions

In and around their homes, APAs face a special set of environmental health hazards, including increased exposure to lead, higher consumption of fish that may be contaminated with pollutants, and exposure to a variety of toxins due to specific religious or health practices. EPA should consider the special conditions of APAs to target its risk assessment, rule development, and outreach and education.

Lead Poisoning - APAs are sometimes exposed to excessive amounts of lead in the air, soil, and water because of high concentrations of APAs in urban areas. Many APAs live in older homes with lead-based paints, which increases their exposure to airborne lead. For example, in San Francisco's Chinatown, where most of the immigrant Asian community lives, 74% of housing was built before 1950 and used lead paint (Terry Ow-Wing, 1992). A study showed that Hmong children living in inner-city housing, compared to those living in public housing, were 26 times as likely to experience lead poisoning. Exterior peeling paint was the probable cause (Marilyn O'Brien).

Urban Poverty - Even though many of the early discussions of environmental injustice focused on problems in rural areas, people living in urban areas face some of the most severe environmental hazards. Most inner city APA communities have high population density, proximity to traffic, poor sanitation, vermin, garbage, unsanitary alley-ways, and other environmental hazards associated with inner cities. San Francisco Chinatown is one of the most densely populated neighborhoods in the U.S, with 228 persons/acre, 7.2 times higher than the city average (Terry Ow-Wing, 1992). Risk assessments for APAs in urban areas should therefore take into account sources of toxins and other health risks.

Fish Consumption - Some APAs ingest more contaminated fish than other ethnic groups. According to Pam Tau Lee, "In San Francisco Bay, mercury poisoning has reached dangerous levels. An organization called the Southbay Anglers for Environmental Rights surveyed 300 local Korean, Vietnamese, Filipino, and Latino fishermen with limited English reading skills. They found that most were unaware that striped bass, croakers, perch, shark, and sturgeon could contain chemical pollution and could cause long-term illness. The Southbay Anglers are advocating multilingual warning signs, and fish and game handbooks translated into other languages (Pam Tau Lee, 1993)." In the Pacific Northwest, some APAs gather and eat shellfish, seaweed, and other forms of aquatic life that may be contaminated. Government agencies have done nothing to protect APAs (Rosanne Lorenzana, 1992). Many Vietnamese immigrants rely on fishing for subsistence in Louisiana's Cancer Alley, Texas, and the San Francisco Bay Area. Japanese-Americans consume fish in greater quantities than the U.S. average, so water pollution regulations to protect the average population may not be adequate (Cathy Verhoff, 1992). While EPA sets tolerance levels of toxins in commercially sold fish, these level do not account for APAs' greater exposure through greater consumption. Furthermore, while the Food and Drug Administration enforces tolerance levels, FDA does not protect subsistence fishermen.

Traditional Household Products - APAs may have higher background exposures to lead and other toxins through traditional ceramic tableware, home remedies, and cosmetics. Popular Eastern ceramics are often coated with a glaze containing lead and sometimes leach lead if not properly fired (Lisa Hong, 1992). Southeast Asian families sometimes apply Surma, a finely ground grey or black powder, to the conjunctivae of infants, children, and sometimes mothers, for cosmetic purposes and to "strengthen the eyes" (Peter Simon, M.D. MPH., Amy Zimmerman, MPH, RD, William O'Connor, MPA, and Chay Vang, 1989). Mercury and arsenic are also found in traditional Asian herbs and medicines. Certain Asian religious ceremonies involved practices exposing children and adults to mercury vapors, which can cause serious and permanent nerve and kidney damage (USCPSC). EPA should assess and communicate these risks in the exposed populations. While some of these home remedies and cultural practices cannot be regulated, EPA should be aware of their existence and hence background exposures for the purposes of risk assessment.

Working Conditions

Immigrant workers in the agriculture and electronics industries face serious workplace environmental hazards such as exposure to solvents and pesticides. Recent immigrants may not have access to information about the health effects of toxic substances, safer alternatives, and their legal rights. EPA can alert OSHA to potential violations and can publish information about health effects and about recommended safety practices in the workplace in the languages widely used by workers in the affected populations.

Industrial Exposure: Many immigrants rely on hazardous industrial jobs for their livelihood. For example, APAs constitute 43% of Silicon Valley electronics workers in assembly and operative jobs (Young-Im Yoo, 1992). In the San Francisco Bay Area, 53% of all textile and apparel workers are Asian women and 28% are Asian men. They work with environmentally unsafe chemical dyes with poor ventilation, leading to headaches, nosebleeds, vaginal bleeding, cancer, etc. (Jack Chin, 1991). The Laotian family living next to a Superfund site (see Community Pollution section above) also had men in the family with blood lead levels greater than 50 micrograms per deciliter, dangerous levels by today's standards. It was found that the men were not only exposed to lead at home, but were also exposed at the auto radiator repair shop where they worked. Lead fumes are produced when workers solder radiators, and lead dust is created when radiators are cleaned (Pam Tau Lee, 1993).

Agriculture: While Spanish-speaking farmworkers receive insufficient information about pesticide hazards, APA farmworkers, in California mainly Cambodian and Vietnamese refugees, receive no information at all (Pam Tau Lee, 1993). EPA's work to protect farmworkers should be extended to APAs where appropriate.

Economic Survival

APAs face many difficulties pursuing their economic livelihoods because of language barriers, discrimination, etc. Environmental hazards may threaten access to economic survival, but when environmental regulations are insensitively applied, they could disproportionately exacerbate these conditions. EPA should consider these economic risks in its policy development.

Small Businesses: Workers in small businesses are exposed to environmental hazards, but environmental regulation can be costly for small businesses, thereby harming small businesses twice. For example, air pollution regulations in Southern California have been expected to eliminate 628,000 jobs in small businesses and over 60,000 jobs in dry cleaners alone (Marcia Harris, 1993). In fact, Dow Chemical Company has organized Korean dry cleaner owners in Los Angeles to protest Proposition 65, a California law that requires them to post notices that they use perchloroethylene, a carcinogen (Dean Toji, 1992). EPA needs to work with these small businesses to offer pollution prevention alternatives and other creative solutions. Latino businesses in Los Angeles have reported that they had difficulty attaining loans from a state program to protect small businesses from environmental regulations (Economic Impact Conference: The 1989 South Coast Air Quality Management Plan and its Effect on Latino Residents of the Los Angeles Basin, 1990). Many dry cleaners could achieve compliance through simple housekeeping, but 60% of dry cleaner owners are Korean and 80% of workers are "Hispanic," so language barriers limit information dissemination. U.S. EPA, Region IX, is funding development of Korean videos to help small dry cleaners reduce their toxic chemical use (Marcia Harris, 1992).

Fishing: Two-fifths of Southeast Asian refugees (Laotian, Hmong, and Vietnamese) relied on farming and fishing for their livelihood in their home country. In particular, most of the Hmong and half of the Cambodian refugees come from rural areas (Ngoan Le, 1993). Language barriers and lack of skills make finding new occupations in this country difficult. Environmental protection laws can be applied in ways that inequitably harm these fishers. EPA can work with these communities to devise creative ways to protect both the environment and their livelihood.

San Francisco Bay Area: Environmental protection laws banned gill nets, a traditional Vietnamese fishing method, in areas close to shore, forcing Vietnamese to use large boats to travel farther from shore. However, in 1989, the U.S. Coast Guard suddenly began selectively enforcing the Jones Act, banning non-citizens from operating fishing vessels over 5 tons (New York Times, 1990).

Gulf coast: Laws to protect endangered turtles in the Gulf Coast threatened the livelihood of Southeast Asian refugee shrimp fishers. Government environmental agencies failed to communicate effectively with these fishers, leading to a long, contentious process, missing an opportunity to develop environmental protection practices in ways that preserved the livelihoods of the fishers (Chris Campany, 1993).

General Recommendations

We support the recommendations made by the EPA Environmental Equity Workgroup in their report "Reducing Risks for All Communities," and we look forward to seeing their implementation. To ensure that APAs are not forgotten in this process, we make the following preliminary general suggestions on how their implementation can better serve APA communities. The APA Study Group will continue to refine its recommendations and welcomes any contributions to this process.

Conduct Comprehensive Assessment - Since information about APA environmental health and impact of environmental policies on APAs is scattered and undocumented, EPA should conduct a comprehensive study. The Agency can conduct the research either in-house or through a grant to an APA community service agency or APA minority academic institution (MAI) to gather existing information and recommend areas for new research. EPA could also conduct a national workshop to convene experts from APA community groups and APA local-level service providers to share and compile existing information, APA community concerns, local solutions.

Incorporate APAs into EPA Risk Assessment - EPA needs to begin collecting data on APAs as a specific minority group and not categorize APAs simply as "non-white" or "other." EPA needs to raise its awareness of culturally specific practices and dietary habits that give APAs different background levels of exposures to certain toxins or carcinogens. APAs should participate in EPA's risk-mapping and risk-ranking projects. In fact, Region I is currently cooperating with community groups to make their GIS mapping more comprehensive (James Younger, 1993). APA cultural values of ecological and economic risks should be included in analysis (e.g. the importance of ceremonial grounds in the Hawaiian islands to indigenous populations). Target high risk populations, by activity or specific risk (e.g. lead exposure) and by geographic location (e.g. urban and other areas with concentrated APA populations). EPA uses "most vulnerable individuals" for calculating acceptable risks and threshold amounts; APAs' activities may make this group a candidate for the most vulnerable individual in certain cases (e.g. fish consumption).

Expand Outreach and Training - EPA should work closely with cities and states with large populations of APAs. EPA can target technical and financial assistance to community groups or other grant applicants that serve or have special relations with APA communities. EPA needs to improve its outreach in environmental education and training to enable community members to recognize their risks, interpret environmental data, and reduce their risk themselves. For the APA communities, EPA should translate health literature and public participation notices into commonly used languages for distribution in APA areas. EPA should hold community forums in places convenient to and frequented by APAs and in languages spoken by APA populations at risk. For example, EPA could start a pilot project on lead poisoning, fish consumption, and dry cleaning to help educate APA communities about their risks and cooperate with them to reduce these risks. Making technical assistance grants more user-friendly for APAs would improve their access to EPA assistance. EPA can support minority academic institutions (MAI's) with large APA student populations to increase awareness of environmental concerns and diversify the workforce in both the public and private environmental sector.

This issues paper was prepared by members of the EPA Asian/Pacific American Study Group on Environmental Justice. We conduct research, plan educational events, and serve as a resource for the Office of Environmental Equity on APA issues. WE WELCOME ALL COMMENTS AND CONTRIBUTIONS TO OUR ISSUE PAPER AND OTHER WORK. PLEASE CONTACT KAIA KITAGAWA AT (202) 260-5324.

AGENDA

FEDERAL AGENCY ENVIRONMENTAL JUSTICE MEETING

JULY 14, 1993

1:00 o Welcome/Introductions -

Tad McCall, Acting Deputy Director for Federal Facilities Enforcement and
Ed Hanley, Deputy Assistant Administrator for Administration and Resources Management

o Videotape - Bob Knox, Deputy Director, Office of Environmental Equity

o Message from the EPA Administrator - Kathy Aterno, Chief of Staff, EPA

o Report on draft Environmental Justice Executive Order - White House Staff

o Federal agency reports on internal justice projects - Agency Representatives

o April 22 meeting follow-up - Sherry Milan/Bob Knox/ Agency Representatives

- Comments on draft federal agency principles
- Comments on draft federal sector strategy outline
- Update on Joint EPA/federal agency justice projects

3:30 o Next Steps/Options

4:00 o Closing

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ENVIRONMENTAL AND ENERGY STUDY CONFERENCE

WEEKLY BULLETIN

HIGHLIGHTS

Week of June 14, 1993

Fuels tax faces crucial test

The ability of President Clinton to get some form of an energy tax through Congress reaches a critical juncture this week as the Senate Finance Committee prepares to vote on a five-year deficit-reduction plan. Clinton's proposal for a broad-based energy tax based on the heat content of fuels — the so-called Btu tax narrowly adopted by the House — was declared dead last week as pivotal Democrats on the Senate Finance Committee refused to budge from their opposition. At press time, Senate Democrats and the White House were weighing the possibility of substituting a new transportation fuels tax for the Btu tax (page B13).

In related action, the Senate Energy Committee plans to wrap up its work on the deficit-reduction package this week, and Senate Agriculture is expected to hold its reconciliation markup as well (B8, B1).

Energy spending bill advances, interior markup set

The House Appropriations Committee is likely Friday to mark up the fiscal 1994 spending bill covering the bulk of the Energy Department's programs and two water development agencies — the Army Corps of Engineers and the Bureau of Reclamation. In addition, several appropriations subcommittees plan this week to act on bills under their jurisdiction, including measures funding the departments of Interior and Agriculture, as well as a bill that includes money for the Commerce Department's National Oceanic and Atmospheric Administration. Appropriators are seeking to get all 13 annual spending bills through the House before Congress adjourns for its weeklong July 4 recess (B10).

Senate clean water debate begins

Efforts in the Senate to revise the Clean Water Act begin this week as the chairman and the ranking Republican member of the Senate Environment Committee introduce a comprehensive reauthorization bill and hearings get under way. Environment Committee Chairman Max Baucus and Sen. John H. Chafee are shooting for Tuesday to unveil their proposal for updating the federal law controlling pollution of the nation's rivers, lakes and estuaries, aides say. The following day, the subcommittee on clean water, fisheries and wildlife will hold its first hearing in preparation for marking up a clean water bill. Environmental Protection Agency chief Carol M. Browner and a panel of scientists are slated to testify (B15).

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WEEKLY BULLETIN

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Executive Committee, 102nd Congress

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Senate: John H. Chafee (R-R.I.), Christopher J. Dodd (D-Conn.), Al Gore (D-Tenn.), Patrick Leahy (D-Vt.), John McCain (R-Ariz.), Bob Packwood (R-Ore.) and Claiborne Pell (D-R.I.).

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ON THE FLOOR

IN THE SENATE

Appropriations

☐ Action likely on FY '93 supplemental spending bill; wastewater funding stripped by Senate panel A1

Confirmations

☐ Floor action possible on three Energy Department nominations, including designee for No. 2 spot A2

Public lands/forests

☐ Utah checkerboard trade, Spring Mountain recreation area, Colorado land exchange bills possible A1, A2, A3

☐ Bill possible late this week to reinstate timber export ban struck down by court A3

IN THE HOUSE

Appropriations

☐ Fiscal 1994 foreign aid bill on House calandar A4

Forests

☐ Bill to reinstate timber export ban struck down by court scheduled for Monday suspension calendar A5

Global environment

☐ Fiscal 1994 foreign aid authorization slated for action Tuesday and Wednesday A6

IN COMMITTEE

ENERGY

Appropriations
- ❑ DOE Secretary O'Leary to testify before Byrd panel B10
- ❑ House full committee to mark up energy and water spending bill B10

Budget
- ❑ Senate Energy wraps up budget reconciliation B8
- ❑ Tax bill goes to Senate Finance B13

Confirmations
- ❑ Senate panel likely to recommend confirmation of three high-ranking DOE officials, including No. 2 official B2

Fossil fuels
- ❑ Bill to require cancellation of offshore oil leases in Alaska's Bristol Bay to be examined B3

Research
- ❑ House science panel continues to delve into technology transfer between federal labs and private industry B1

Taxes
- ❑ Senate Finance looks at energy tax B13

ENVIRONMENT

Appropriations
- ❑ Environmentalists and other public witnesses to testify before Leahy panel on fiscal 1994 foreign aid budget B10

Environmental policy
- ❑ Senate Governmental Affairs to look at EPA contract management B9

Hazardous substances
- ❑ Senate Environment panel holds hearing on bill to encourage voluntary cleanups B4

Water pollution
- ❑ Senate Environment schedules first hearing on Clean Water Act reauthorization B15

NATURAL RESOURCES

Appropriations
- ❑ House markups set on money bills B10

Budget
- ❑ Senate Agriculture considers soil conservation budget B1

Confirmations
- ❑ Frampton vote again on Senate Energy short list B15

Fisheries
- ❑ House panel holds third Magnuson Act hearing B14

Forests
- ❑ Jemez recreation area proposal on Bumpers' schedule for hearing B16
- ❑ Clear Creek trade may be marked up by House Natural Resources B18

Mining and minerals
- ❑ Bill to protect Lechuguilla Cave from mineral development scheduled for Senate hearing B16

Parks and public lands
- ❑ Bumpers panel plans two days of hearings on miscellaneous parks and public lands bills B16
- ❑ Natural Resources may mark up Big Thicket, Hot Springs and Clear Creek bills B18

Soil conservation
- ❑ Budget reconciliation bill addresses farm wetlands B1

Trails
- ❑ Studies proposed for El Camino Real (the Royal Road) in New Mexico and Texas B16

Wilderness
- ❑ Vento sets markup for Colorado wilderness proposal B9
- ❑ Babbitt to testify at House hearing on California desert proposals B6

San Juan, N.M., proposal gets hearing in Bumpers panel B16

Wildlife
Studds panel plans hearing on effectiveness of habitat conservation plans B5

Indian Affairs panel hears views on draft legislation to enhance Indian fish and wildlife B3

Bill establishing conservation area for Snake River Birds of Prey scheduled for Senate hearing B16

In the Senate

Appropriations

Making supplemental appropriations for fiscal 1993 — HR 2118

Floor action: Likely to begin late Tuesday or Wednesday.

This $1.9 billion supplemental funding bill includes funding to meet the unforeseen expenses of several agencies, plus remnants of President Clinton's economic stimulus bill, which was defeated in April by a Republican filibuster in the Senate.

At its June 8 markup, the Senate Appropriations Committee took two separate supplemental spending bills passed May 26 by the House — one for unexpected agency expenses (HR 2118) and the other for job-creating programs (HR 2244) — and combined them into a single measure.

The bill approved by the Senate panel would provide additional money in FY 1993 for U.S. military operations in Somalia, cost-of-living adjustments for veterans, a $200 million boost for the Labor Department's summer jobs program for youths, and extra funding for localities to hire additional police officers.

However, the Senate panel declined to include additional money for low-interest state loans to help communities finance construction of wastewater treatment plants, as authorized under the Clean Water Act (PL 100-4). The $931.5 million House-passed jobs bill includes $290 million for sewage treatment loans. Clinton's original stimulus package (HR 1335) would have provided $845 million for wastewater plants, and the president subsequently requested $400 million in his scaled-down jobs bill.

Supporters of the Environmental Protection Agency's wastewater treatment assistance program are concerned it will be cut next year and are looking to provide supplemental spending this year to help make up the difference.

Under the Clean Water Act, EPA provides grants to state-established funds used to make low-interest loans to localities for sewage treatment construction and other water pollution control projects. The Clinton administration requested $1.2 billion for the state loan funds in its fiscal 1994 budget, substantially less than the roughly $2 billion appropriated in recent years.

Senate and House aides have said it will be extremely difficult this year to supplement Clinton's wastewater budget. The House Appropriations subcommittee with jurisdiction over EPA approved a fiscal 1994 spending bill May 27 that would provide $1.25 billion for the state loan funds.

Partly because the Senate Appropriations Committee declined to provide the extra money for wastewater, its supplemental spending bill does not include a controversial House provision to cut $100 million from EPA's superfund hazardous waste cleanup program to help pay for the sewage treatment spending.

The cost of both the House and Senate Appropriations Committee bills would be offset by cuts in current-year funding for other programs. Republican opposition to Clinton's original stimulus bill centered on the fact that it would not have been paid for with cuts in other programs.

While the status of additional fiscal 1993 money for EPA's clean water programs is in doubt, the Senate panel did agree to House provisions that would boost spending on rural water pollution control needs.

Like the House bill, the Senate Appropriations bill would provide $35 million to the Agriculture Department for sewage treatment and waste disposal grants to hard-pressed rural communities. Also like the House bill, the Senate panel's measure would provide USDA with an extra $250 million to make loans to rural localities for construction and repair of water and waste disposal systems.

There was no word at press time on environment-related amendments to HR 2118. Given the time-sensitive nature of the jobs programs, the House-Senate conference on the bill may begin late this week if the Senate can finish work on the measure Wednesday. S. Rpt. 103-54. — *Steve Daniels*

Forests/public lands

Utah Schools and Lands Improvement Act — S 184

Floor action: Possible this week.

This legislation, approved May 19 by the Senate Energy Committee, is designed to simplify the complex land ownership pattern in Utah. It would trade lands among the state, the federal government and two Indian tribes, consolidating the holdings of all four.

Background: Because of the way the federal government granted lands to the Western states, small blocks of state land are frequently surrounded by larger tracts of federal property. These "inholdings" create a management problem for both the state and federal land agencies.

Utah's inholdings total 3.5 million acres, many of them scattered throughout the Navajo and Goshute Indian reservations, several national forests, and inside Arches and Capitol Reef national parks, Glen Canyon National Recreation Area, and Dinosaur National Monument.

S 184 and a House companion (HR 677) would acquire for the federal government and Indian reservations nearly 184,000 acres of Utah's inholdings and an additional 22,776 acres of subsurface mineral rights.

All of the state's inholdings in various national parks — approximately 68,400 acres plus an additional 12,796 acres of minerals estate — would be turned over to the federal government.

In addition, the government would gain 76,000 acres of state land lying within national forests.

The Navajo reservation would gain 38,500 acres of land plus

9,500 acres of mineral interests. The legislation also would acquire 980 acres for the Goshute reservation plus 480 acres of mineral rights for the tribe.

In exchange, the state would be allowed to select any combination of federal land tracts or royalty revenues offered under the legislation, up to the assessed value of the land received by the federal government.

The legislation specifies seven federal holdings — lands and mineral rights — from which the state could choose.

Royalty revenues from federal mineral leasing could make up no more than half the value of the lands the state trades away, payable to the state in increments of up to $12.5 million a year.

For example, if the state lands traded to the federal government were valued at $100 million, the state could opt to receive $50 million — $12.5 million over four years — in royalty revenue. (For more on the royalties issue, see May 6 *Weekly Bulletin*, p. B6.)

The Senate Energy subcommittee on public lands held a hearing on the bill May 4.

A House Natural Resources subcommittee held a hearing on HR 677 May 3. Similar legislation (HR 5118, H. Rpt. 102-945, S. Rpt. 102-437) passed both chambers last year, but Congress adjourned before differences between the two versions were ironed out.

Amendment: Sponsors intended for this year's legislation to be identical to a version of the measure that cleared the Senate last Oct. 7, and HR 677 is identical to that bill.

But on April 20, Sen. Orrin G. Hatch (R-Utah) announced that in the process of cleaning up S 184 for introduction, the legislative counsel's office had inadvertently made a number of changes to substantive provisions of the bill. Those changes resulted in a measure that was not acceptable to the parties involved in the negotiations.

At Hatch's request, the Energy Committee May 19 approved a substitute amendment that would make the bill identical to HR 677 and to the version that passed the Senate last October. Report not filed at press time. — *LD*

Forests

To establish the Spring Mountains National Recreation Area in Nevada — HR 63

Floor action: Possible this week.

This House-passed bill to create a national recreation area in the Spring Mountains of Nevada cleared the Senate Energy Committee May 26 without substantive amendments.

Sponsors say the measure (HR 63, H. Rpt. 102-59) is intended to protect the area's unique plant and wildlife populations, and preserve its recreational values, from the threat of encroaching development in the Las Vegas Valley.

The bill, which passed the House April 20, would establish a 316,000-acre Spring Mountains National Recreation Area in the Toiyabe National Forest in Nevada. The recreation area would include the 11,918-foot Charleston Peak, the third-highest mountain in Nevada.

A companion measure in the Senate (S 172) is co-sponsored by Nevada's two senators, Harry Reid (D) and Richard H. Bryan (D).

The Spring Mountains area supports 48 plant species found nowhere else in the world, according to a House Natural Resources Committee memo. Other native inhabitants include golden eagles, Palmers chipmunks, bighorn sheep and the federally protected desert tortoise and Lahontan cutthroat trout.

The proposed recreation area is minutes away from downtown Las Vegas, and the area provides a "unique natural realm and recreational resources that are threatened by rapid growth in the Las Vegas Valley," according to Rep. James H. Bilbray (D-Nev.), who introduced the House bill Jan. 5.

The bill would prohibit new mining claims in the area and require that logging be compatible with the purposes of the recreation area. Grazing would be allowed to continue.

Approximately 300 mining claims already have been staked in the area, and nine grazing allotments currently exist there.

The Senate subcommittee on public lands held a hearing on the bill May 6. Report not filed at press time. — *LD*

Confirmations

Nominations of William H. White to be deputy energy secretary, William J. Taylor to be assistant energy secretary for congressional, intergovernmental and international affairs and Archer L. Durham to become assistant energy secretary for human resources and administration

Floor action: Possible this week.

Senate floor action on President Clinton's nominations for the second-in-command at the Department of Energy and two other high-ranking DOE officials may occur this week following votes by the Senate Energy Committee.

The committee held a hearing on the nominations June 8 and is expected to vote on all three either Tuesday or Wednesday of this week. None is expected to face opposition, a majority aide said.

William H. White, a Houston attorney who chaired the unsuccessful special election campaign of Sen. Bob Krueger (D-Texas), has been tapped by Clinton to become deputy energy secretary.

Another Houston-based lawyer, William J. Taylor, who served as a former chief of staff to the late Rep. Mickey Leland of Texas, has been nominated to the post of assistant energy secretary for congressional, intergovernmental and international affairs. This new position combines responsibility for international energy policy with the function of overseeing liaison between DOE, Congress, the states and local governments.

In addition, retired Air Force Maj. Gen. Archer L. Durham has been named to become assistant energy secretary for human resources and administration. (For more on nominees, see separate B-section story in this issue.) — *LH*

Forests/public lands

To provide for a land exchange between the secretary of agriculture and Eagle and Pitkin counties in Colorado — S 341

Floor action: Possible this week.

This bill would direct the U.S. Forest Service to trade 132 acres of national forest land to two Colorado counties in exchange for about 1,300 acres of patented mining claims left abandoned in the state.

The bill was approved May 19 by the Senate Energy Committee, with an amendment that would allow the Forest Service to skip a formal appraisal of the lands involved in the exchange.

The exchange would give Eagle and Pitkin counties — better known as the locations of the Aspen and Vail ski resorts — land to build new county facilities, including an administration building, a landfill and some public recreation facilities. Steep prices for land around the resorts have left the two counties unable to buy property on which to place needed public facilities.

In exchange, the Forest Service would receive title to numerous abandoned mining claims, which the counties have accumulated over the years. The claims occupy former federal lands that were once patented, or sold into private ownership.

They are now "inholdings" within the White River, Gunnison and Arapaho national forests, including 670 acres that lie inside several wilderness areas.

The bill was introduced Feb. 4 by Colorado Sens. Ben Nighthorse Campbell (D) and Hank Brown (R). The public lands subcommittee held a hearing on the bill Feb. 25. (For more, see June 22, 1992, *Weekly Bulletin*, p. B9.)

Similar legislation (HR 1182, H. Rpt. 102-398) came close to clearing the 102nd Congress but died in the crush of business before adjournment in October. Report not filed at press time. — *Leslie Ann Duncan*

Forests

Forest Resources Conservation and Shortage Relief Amendments Act of 1993 — HR 2343

Floor action: Possible this week under unanimous consent.

This legislation, introduced June 8 by Rep. Jolene Unsoeld (D-Wash.), would reinstate a ban on exports of timber logged on state-owned lands in the West, altering a 1990 law to comply with a federal appeals court ruling that struck down the ban earlier this month.

The bill, which was approved June 10 by the House Foreign Affairs Committee, is scheduled for House floor action Monday under suspension of the rules. Two other House committees with jurisdiction were expected to agree to forgo additional markup of the legislation for the sake of quick action.

The bill was sped to the floor by supporters, including House Speaker Thomas S. Foley (D-Wash.), who want to ensure that 750 million board feet of timber currently under contract and awaiting harvest in Washington state goes to domestic lumber mills.

Unless Congress acts soon, those logs could be placed on the export market once they are cut, reducing an already strained supply of timber in Washington and jeopardizing jobs in the state's wood products industry.

Assuming the bill clears the House, the measure would move to the Senate, where supporters want it "held at the desk" for final passage. Unanimous consent would be required for this legislative short-cut, which would bypass a markup by the House Banking Committee.

The Banking Committee has jurisdiction over the legislation in the Senate.

An aide to Sen. Patty Murray (D-Wash.), who introduced identical legislation in the Senate (S 1084), said arrangements were being made to clear Unsoeld's bill for action on the Senate floor within a day or two its arrival from the House.

Senate passage of the House bill would send the legislation to the White House for the president's signature. (For details of the bill and background, see separate story in House floor section of this issue.) Report not filed. — *SG*

In the House

Appropriations

Making appropriations for foreign operations, export financing, and related programs for fiscal 1994 and making supplemental appropriations for fiscal 1993 — HR 2295

Floor action: Scheduled for Tuesday or the later in the week, subject to a rule.

This bill would provide $13 billion for foreign aid programs in fiscal year 1994, including contributions to the United Nations Environment Program, the World Bank's global environment facility and other international environmental initiatives.

The measure also includes a $1.6 billion supplemental appropriation for fiscal year 1993.

In its draft report accompanying the bill, the Appropriations Committee says, "no relationship is more important to the long-term security of the United States than the strategic relationship with Russia."

Accordingly, the committee is recommending the United States provide Russia and other republics of the former Soviet Union with assistance totaling $2.5 billion.

Some of these funds would be used to fund environmental programs, including efforts to improve nuclear reactor safety, provide technical environmental and energy assistance and establish an import program to allow the former republics to purchase U.S. environmental technology.

Foreign aid reform: This year's appropriation cycle marks a dramatic shift in the direction and structure of the foreign aid program.

The fiscal 1994 appropriations bill has been stripped of the familiar earmarks setting strict funding levels for individual countries and specific activities. It also lacks the extensive policy provisions included in appropriations bills of recent years.

Instead, the bill sets spending levels for several general areas, or foreign aid "accounts," leaving it up to the congressional authorizing committees to decide exactly how the money should be spent and how much leeway the administration should have in spending it.

The draft committee report says this new approach is intended to help "re-establish an orderly appropriation and authorization process."

"Under this bill, the new administration would be given maximum flexibility to deal with world problems. The authorizing committee would be restored to its rightful role in defining foreign policy, and the appropriations committee would be returned to its proper role in allocating resources on the basis of that policy."

The report language refers to indications from the White House that Clinton wants to re-evaluate and reorganize U.S. foreign assistance programs, including efforts to promote environmentally sound economic growth in developing countries. The administration currently is preparing a report, initiated by Deputy Secretary of State Clifford Wharton, aimed at reforming U.S. foreign assistance.

The committee's report also recognizes the determination of Rep. Lee H. Hamilton (D-Ind.), the new chairman of the House Foreign Affairs Committee, to send the president a foreign aid authorization bill this year.

The legislation produced by Hamilton's committee, also scheduled for House floor action this week, is seen by some as the best chance Congress has had to approve a foreign aid reauthorization since it was last done in 1985 (see separate A-section story in this issue).

Bilateral assistance: Although HR 2295 does not set earmarks for specific foreign aid activities, the committee's report contains numerous recommendations as to how the administration should spend the money.

Spending for many environment-related programs under HR 2295 would be maintained at fiscal 1993 levels, but the Appropriations Committee is recommending a $42 million increase in funding for population programs.

Specifically, $392 million of the funds allocated to the development assistance account would be spent on population programs in fiscal 1994. The committee recommends an additional $36 million for the U.N. Family Planning Agency and $78 million for population and family planning efforts in Africa.

The report notes that rapid human population growth undermines some of the primary objectives of U.S. foreign assistance, namely the improvement of economic, social, health and environmental conditions abroad. Population pressures also exacerbate problems such as deforestation, loss of biological resources and overworked farm land.

Additional spending recommendations made in the report include:

- $30 million for the World Bank-administered global environment facility.
- $22 million for the United Nations Environment Program.
- $15 million to help developing nations defray the costs of phasing out the use of ozone-depleting chemicals.
- $20 million for renewable energy projects to encourage developing countries to pursue environmentally sound energy facilities.
- $20 million to conserve biological diversity.
- $7 million to protect the African elephant.
- $55 million to help key developing nations combat the threat of global warming.

The report also encourages the establishment of conservation trust funds in developing countries as a means of providing a long-term, reliable source of funding for conservation projects.

Development banks: The report contains several specific recommendations for improving the environmental performance of the World Bank and other multilateral development banks.

According to the report, many environmental groups in the past year have called for creation of an "independent appeals commission" empowered to investigate complaints of environmental and human rights abuses resulting from bank-funded development projects. Others have suggested that a bank "ombudsman" be appointed to investigate complaints, publicize his findings and offer advice on how to correct bank procedures.

The House committee's report urges the treasury secretary, who coordinates U.S. participation in the banks, to incorporate these and other suggestions into a plan for a establishing some form of systematic bank oversight.

The committee also wants the treasury secretary to encourage the banks to establish "public reading rooms" at their headquarters and in key member countries so that environmental impact assessments and other materials related to bank-funded projects can be made more accessible to the public. This recommendation is meant to reinforce a provision of a 1989 House Banking bill (PL 101-240) requiring that U.S. directors of the development banks be provided with environmental impact assessments of projects under consideration for bank support.

In addition, the committee notes there has been especially slow progress in implementing environmental reviews within the banks' private-sector lending facilities, such as the International Finance Corp., which offer development assistance to the private sector rather than to foreign governments. (For background on multilateral development banks and U.S. foreign assistance, see June 7 *Weekly Bulletin*, p. B5.) Report not filed at press time. — *DR*

Forests

Forest Resources Conservation and Shortage Relief Amendments Act of 1993 — HR 2343

Floor action: Scheduled for Monday under suspension of the rules. A recorded vote, if ordered, will be postponed until after consideration of all suspensions.

This bill, introduced June 8 by Rep. Jolene Unsoeld (D-Wash.), would reinstate a ban on exports of timber logged on state-owned lands in the West, altering a 1990 law to comply with a federal appeals court ruling that struck down the ban earlier this month.

The bill was sped to the floor by supporters, including House Speaker Thomas S. Foley (D-Wash.), who want to ensure that 750 million board feet of timber currently under contract and awaiting harvest in Washington state goes to domestic lumber mills.

Unless Congress acts soon, those logs could be placed on the export market once they are cut, reducing an already strained supply of timber in Washington and jeopardizing jobs in the state's wood products industry.

The bill was approved on voice vote by the House Foreign Affairs Committee June 10, and was expected to bypass two other committees with jurisdiction — Natural Resources and Agriculture — to go directly to the House floor, aides said.

If cleared by the House early this week, the measure is expected to go directly to the Senate floor, where sponsors would seek unanimous consent to pass the bill and send it to the White House, according to an aide to Sen. Patty Murray (D-Wash.), the chief sponsor of an identical Senate bill (S 1084).

However, like the Natural Resources and Agriculture committees in the House, the Senate Banking Committee would have to consent to forgoing a markup.

The legislation has the support of the entire House delegation from Washington state and Oregon, and is co-sponsored by all four senators from those two states.

Export ban: The ban on exports of unprocessed timber harvested from state-owned forest lands in the West was signed into law in August 1990 by then-President Bush as part of the Forest Resources Conservation and Shortage Relief Act (a section of the Customs and Trade Act of 1990, PL 101-382).

But in a ruling earlier this month, the 9th U.S. Circuit Court of Appeals struck down as unconstitutional provisions of the law requiring governors to write the regulations that carry out the ban. Specifically, the appeals court held that the states could not be directly compelled by Congress to enact and enforce a federal regulatory program.

To overcome this problem, Unsoeld's bill would make it the responsibility of the U.S. Commerce Department to issue regulations implementing the ban, but each state would have the option of administering and enforcing its own program, subject to approval of the Commerce Department.

An aide to the House Foreign Affairs Committee said the assumption is that the Commerce Department would approve the programs already adopted by Washington state and Oregon.

The measure would be retroactive to June 1, 1993, the date of the appeals court ruling, ensuring that the state ban would continue uninterrupted, an aide to Unsoeld said.

Under Washington state's logging contracts for the 750 million board feet awaiting harvest, the contract holders can pay a premium and sell those logs overseas if the export ban is no longer in force when the timber is cut, aides to Unsoeld and Murray said.

"We don't want to open up an export window," Unsoeld's aide said.

Background: The appeals court ruling did not affect other export restrictions under the 1990 forest resources act. In addition to the prohibition on exports of logs from state lands, the statute made permanent a year-to-year ban Congress had imposed since 1973 on exports of timber logged on national forests and other federal lands, except in Alaska.

There are no outright restrictions on exports of logs harvested from private lands, as some lawmakers in the Northwest have advocated. But the 1990 act placed new limits on the practice known as "substitution," in which timber companies can acquire federal timber — either directly or through a third party — to run through their lumber mills in place of private logs they sell to foreign buyers.

In addition, the president retains authority to suspend state log export restrictions if they conflict with any U.S. trade agreements. The president also can lift state export limits after 1997 if he finds they no longer meet the purposes of the act or the nation's economic interests.

The law was designed in large part to save thousands of jobs in the Northwest that otherwise would be lost to foreign lumber mills, particularly in Japan, that outbid domestic companies for American timber. In Washington state alone, the law was credited by the governor's office in 1992 with saving 6,100 jobs, Unsoeld's aide said.

This has offset some of the unemployment created in the Northwest as a result of logging restrictions to protect the northern spotted owl, which was declared a threatened species in the summer of 1990.

Environmentalists have said the owl itself would benefit from the curtailment of a lucrative overseas market that had encouraged greater commercial logging of old-growth forests that serve as the bird's principal habitat. Report not filed. — *Steve Gorman*

Global environment

International Relations Act of 1993 — HR 2333

Floor action: Scheduled for Tuesday and Wednesday, subject to a rule. In related action this week, the House also is expected to take up the fiscal 1994 foreign aid appropriation bill (HR 2295, see separate A-section story in this issue).

HR 2333, introduced June 8 by House Foreign Affairs Chairman Lee H. Hamilton (D-Ind.), would formally authorize funding for the State Department and for U.S. foreign assistance programs in fiscal 1994, including many environmental and energy programs.

If Hamilton and his Senate counterparts are successful this year in sending the bill to the White House, it would mark the first time in about eight years that Congress has formally approved a reauthorization measure for foreign aid.

Congress has not been able to pass a foreign aid reauthorization since 1985, due in large part to the reluctance of members to vote in favor of spending U.S. tax dollars overseas.

But an aide to the House Foreign Affairs Committee has said Hamilton hopes that by trying a new strategy this year, Congress can finally put a bill on the president's desk.

Unlike foreign aid authorization bills of recent years that contain hundreds of pages of policy directives, the bill approved by the Foreign Affairs Committee June 8 is much smaller, with very little in the way of new legislative language. This approach is designed to avert some of the concerns lawmakers would have about approving a more far-reaching proposal, a committee aide said.

Report language: Accordingly, Hamilton's committee was expected to incorporate detailed environmental recommendations into the report accompanying the bill.

A copy of the draft report was not available as of press time Friday, but a committee aide said the report would address a wide range of issues, including the need for improved monitoring of international environmental agreements, implementation of commitments made by the United States and other nations last June at the U.N.-sponsored "Earth summit" in Rio de Janeiro, and the need for reform of the World Bank-administered global environment facility.

The report also is expected to recommend that the Agency for International Development increase the number of staff with environmental and energy expertise, and that both AID and the State Department consider establishing a centralized mechanism for funding environmental and energy activities.

Although the bill is not expected to contain earmarks for environmental activities, the committee report is expected to include a recommendation that the United States contribute $25 million in fiscal 1994 to the United Nations Environment Program, a Foreign Affairs staffer said. Report not filed at press time. — *DR*

Research

Industry ties to DOE labs eyed

A House Science subcommittee this week will hold its third in a series of hearings reviewing legislation that would establish a new policy framework to guide the Energy Department's research laboratories into the next decade.

The bill (HR 1432), introduced March 23 by full committee Chairman George E. Brown Jr. (D-Calif.) and several other Science Committee members, would alter the missions of some DOE labs and institute fundamental changes in lab administration.

At its hearing this week, Rep. Marilyn Lloyd's (D-Tenn.) energy subcommittee is expected to continue to focus on the transfer of technology from federal laboratories to private industry, an aide said. The subcommittee held a hearing on the same subject June 10. The opening hearing in the series was held May 18.

Various representatives from private businesses and academic institutions will offer testimony this week on their experiences in conducting joint research with federal laboratories and in sharing information on technological innovations, the subcommittee staffer said.

Background: DOE operates a network of 30 major laboratories, most of them managed by private contractors. Together, they conduct more than $6.5 billion in research and development annually and provide jobs for more than 56,000 personnel, including 23,000 researchers.

The network is made up of 10 multiprogram labs, 11 single-program labs — including three dedicated to designing nuclear weapons — and nine smaller labs.

Over the years, various laboratories have expanded their research efforts to encompass a broad range of science, engineering and technology. However, the labs' primary mission continues to center on basic research in weapons production and energy systems.

With the demise of the Cold War, a number of lawmakers and researchers are calling for the national labs to redefine their role to focus on industrial competitiveness rather than national defense.

Legislation: Brown's bill, called the Department of Energy Laboratory Technology Act, or DELTA, would require each DOE lab to devote a majority of its research to eight prescribed mission areas.

These broadly defined missions are: energy production and use; basic research in energy-related science and technology; nuclear science for national security; nonproliferation of nuclear weapons; hazardous and radioactive waste disposal; environmental technology; cooperative research to increase the nation's economic competitiveness; and improvement in science, math and engineering education.

Under certain circumstances, a lab would be permitted to pursue research in areas outside those outlined in the bill.

DELTA would require the energy secretary to report annually to Congress on each lab's activities. The report would include a specific mission statement for each laboratory, a general assessment of the lab's progress toward achieving that mission and a plan for the lab to transfer technology under development to private industry.

Also under the bill, the energy secretary would be required to submit to Congress by March 31, 1994, a plan to consolidate nuclear weapons activities at the three weapons labs and to convert one or more of the labs to civilian research.

Other key provisions would alter the administration of DOE laboratories, streamline the process for private firms to enter into cooperative research and development agreements with the labs, and attempt to establish a government-wide system for evaluating all 600 labs and research centers owned by the federal government. (For more on the bill, see May 17 *Weekly Bulletin*, p. B4.)

On May 26, the Senate Energy Committee approved a less sweeping DOE labs bill introduced by the panel's chairman, Sen. J. Bennett Johnston (D-La.). His measure is designed primarily to increase cooperative research efforts between DOE labs and private industry.

To date, DOE has entered into 350 cooperative research and development agreements, or CRADAs, with private firms, totaling more than $600 million. Industry has footed 60 percent of these bills.

Witnesses: A witness list was not available at press time.

When: The hearing is scheduled for 1:30 p.m. Thursday, June 17, in 2318 Rayburn.

House Science contacts: Rose Ritts, majority, x58056; Harlan Watson, minority, x59816. —*Lucy Harvey*

Budget

Budget action likely on wetlands

The Senate Agriculture Committee is likely this week to approve House-passed legislation that would scale back programs that pay farmers to keep highly erodible land and wetlands out of crop production but would provide a more certain funding mechanism for both, aides to the panel said.

The proposed changes in the conservation reserve and wetlands reserve programs, projected to save $469 million over five years, were included in the budget reconciliation bill that narrowly cleared the House May 27 (HR 2264, H. Rpt. 103-111).

The reconciliation bill — so named because it is designed to reconcile existing revenue and spending law with deficit-reduction targets in the budget resolution Congress passed in March — is expected to go to the Senate floor before the July 4 recess.

The budget resolution calls for total deficit reduction of nearly $500 million through fiscal 1998 and gives 12 Senate authorizing committees, including Agriculture, until June 18 to craft legislation that would produce roughly $343 billion of the total. The remainder would come from cuts made through the appropriations process.

At press time, no reconciliation markup had been formally scheduled by the Senate Agriculture Committee, but the panel must act by Friday to meet its deadline.

When the committee does meet, it is expected to approve the same Agriculture Department budget measures that were adopted by the House, including legislation to restructure the conservation reserve and wetlands reserve programs, aides said.

The House bill would curtail enrollments in both programs. Under the CRP, the Agriculture Department pays farmers not to plant crops for 10 years on land considered highly vulnerable to erosion. Likewise, the WRP pays farmers to take converted wetlands out of production on a permanent or long-term basis.

Under the House reconciliation bill, enrollment in the conservation reserve would be limited to 38 million acres through 1995. The limit in current law is 45 million acres, with 36.5 million acres currently enrolled.

Due to lack of funding, the department has barely begun to implement the wetlands reserve program. The 1990 farm bill (PL 101-624) requires the department to enroll 1 million acres in the program by the end of 1995. However, Congress appropriated money for the program only in 1992, and just 49,887 acres have been signed up.

The House budget bill would reduce the minimum signup requirement for the wetlands reserve to 330,000 acres through 1995 and to 975,000 acres through the year 2000.

The Congressional Budget Office has estimated that the reduction in authorized and required enrollment levels for these two programs would yield savings of $469 million over the next five years.

Although the ultimate size of the wetlands reserve would be reduced under the House bill, the WRP would be converted into a "mandatory" program, with funding coming from the Commodity Credit Corp., rather than continuing to compete with other discretionary programs in the Agriculture Department's budget.

The Clinton administration has proposed spending $1.76 billion on the CRP in fiscal year 1994, up $177 million over the current year. For the wetlands reserve, the administration has requested $370 million in fiscal 1994.

When: The committee had not scheduled a reconciliation markup at press time but is likely to meet early this week, a staffer said.

Senate Agriculture contacts: Patrick Westhoff, majority, x45207; Andrew Landis, minority, x40012. — *SC*

Confirmations

Nominees proceed through Senate

The Senate Energy Committee is expected to vote this week on President Clinton's choice to fill the No. 2 post at the Department of Energy and his nominees for two other high-ranking DOE positions. None of the nominations is regarded as controversial, a committee aide said.

William H. White, a Houston attorney who chaired the unsuccessful special election campaign of Sen. Bob Krueger (D-Texas), has been tapped by Clinton to become deputy energy secretary.

Another Houston-based lawyer, William J. Taylor, who served as a former chief of staff to the late Rep. Mickey Leland of Texas, has been nominated to the post of assistant energy secretary for congressional, intergovernmental and international affairs. This new position combines responsibility for international energy policy with the function of overseeing liaison between DOE, Congress, the states and local governments.

In addition, retired Air Force Maj. Gen. Archer L. Durham has been named to become assistant energy secretary for human resources and administration.

The committee is expected to recommend Senate confirmation of all three men.

White: The deputy secretary nominee is a founding member and partner of Susman Godfrey, a commercial litigation law firm in Houston. Since 1979, White has represented individuals and small businesses in the areas of finance, oil and gas, and antitrust law. He also has represented energy-related businesses in disputes involving gas purchase agreements, construction of nuclear facilities and marketing of conservation devices.

In 1981, he taught antitrust and constitutional law as an associate professor at the University of Texas School of Law. While still in college in 1975, he served as a legislative assistant for energy issues to Krueger, then a member of the House.

In addition to chairing the unsuccessful Krueger Senate campaign, White served as a national finance co-chair for Clinton For President and has served as a managing trustee of the Democratic National Committee. According to a biographical summary supplied to the Energy Committee, White has been a policy adviser to many politicians on energy and other issues but has never served as a lobbyist before any government or official.

Taylor: After serving as chief of staff and legal counsel for Leland, Taylor joined the Houston law firm Hutcheson & Grundy in 1989. He practices administrative, business and labor law, specializing in negotiating and structuring corporate transactions. Taylor sits on the boards of East Texas State University, the Houston Housing Finance Corp., the Center for the Retarded Inc., and the National Association for the Advancement of Colored People.

Durham: As a veteran of 36 years in the Air Force in a variety of operational, staff and command positions, Durham would bring considerable experience to the office of human resources at DOE. Highlights of his career include serving as commander-general of Andrews Air Force Base in Maryland; wing commander at both Dover Air Force Base in Delaware and Kirtland Air Force Base in New Mexico; and base commander of McGuire Air Force Base in New Jersey.

While commanding major military installations, Durham directed a military, civilian and contractor workforce of more than 18,000 personnel with an operating budget exceeding $230 million.

When: According to a majority staff aide, the committee is expected to vote on the nominations Tuesday, June 15, after it completes consideration of several budget reconciliation proposals. The committee is also scheduled to vote on one Interior Department nominee. (See separate stories in this issue.) That meeting is scheduled to start at 9:30 a.m in 366 Dirksen. If the committee does not finish its work on these agenda items, the business meeting will spill over to Wednesday, June 16, at the same time and place.

Senate Energy contacts: Becky Murphy, majority, x47562; Carol Craft, minority, x47153. —*Lucy Harvey*

Wildlife

Panel examines Indian wildlife

The Senate Indian Affairs Committee plans this week to hear testimony from representatives of several Indian tribes on draft legislation designed to improve the management and protection of fish and wildlife on Indian reservations.

Copies of the draft bill were sent in April to tribal leaders whose comments at the hearing will be used to reshape the legislation, which Chairman Daniel K. Inouye (D-Hawaii) may formally introduce later this year.

Officials from several tribes voiced their needs and concerns on the issue at an oversight hearing Feb. 18 before the House Natural Resources subcommittee on native American affairs.

Although reservations have generally stepped up efforts in recent years to improve their own fish and wildlife resources, they remain largely excluded from the kind of assistance the federal government provides states for such purposes.

Tribal officials who testified before the House subcommittee in February decried this situation as unfair, saying reservations are in desperate need of greater federal support.

Because reservations are not treated as states, the only federal authority to help manage Indian fish and wildlife is derived from annual appropriations to the Interior Department's Bureau of Indian Affairs.

The interior appropriations act for fiscal 1993 (PL 102-381) provided $35 million to BIA for fish and wildlife assistance to Indian reservations. Much of the funding was earmarked to protect tribes from the loss of, or infringement on, their fishing rights as established under separate laws or treaties. However, a House aide said the amount of money appropriated for Indian fish and wildlife assistance does not meet the needs of Indian reservations as a whole.

In many cases, efforts of some tribes to manage their fish and wildlife have gone without BIA assistance altogether because there is no law establishing uniform guidelines for this aid, a bureau official said. Inouye's proposal would formally authorize such a program for the first time, providing a clear congressional mandate for fish and wildlife assistance to Indian reservations.

BIA provides fish and wildlife assistance to reservations by contracting with tribes to provide them with agency experts, a BIA official said. Currently, five BIA wildlife biologists are serving as consultants to various tribes.

Key provisions: To enhance tribal management of fish and wildlife resources, the draft legislation would direct the interior secretary to review the quality and needs of existing Indian fish and wildlife programs.

Under the proposal, the department would officially establish an Indian fish hatchery program to produce and distribute fish to meet the resource needs of each tribe. In addition, the draft bill would establish a conservation enforcement branch within BIA to enforce federal and Indian conservation laws and investigate violations.

Another financial limitation faced by Indian reservations is they do not share in revenues from state-collected excise taxes on fishing and hunting equipment, which are earmarked for fish and wildlife enhancement, said Gloria Notah, wildlife manager for the Navajo Nation and a witness at the February hearing.

The Navajo reservation, located primarily in Arizona, has experienced increasing industrial development in recent years, and tribal officials are concerned they are unable to adequately evaluate the impact of this growth on fish and wildlife habitat, Notah said in a telephone interview.

She added that due to a lack of funding, her tribe has had difficulty recruiting and retaining qualified Native Americans to work in this field. Notah suggested that additional money could be used to pay for education and training programs.

To address this problem, the draft bill would provide one-year of tuition assistance — or repay one year's worth of debt on a student loan — for every year a native American college student or graduate devotes to serving Indian reservations as a fish and wildlife specialist.

BIA will have no official position on the legislation until it is introduced, but the agency supports the intent of the proposal, agency officials said.

Witnesses: Representatives of several Indian tribes have been invited to testify. A complete witness list was not available at press time.

When: The hearing will be held over two days, beginning at 9:30 a.m. Tuesday, June 15, and resuming at the end of the committee's 9:30 a.m. business meeting the following day. Both sessions will be held in 485 Russell.

Indian Affairs contact: John Bushman, x42251. — *Rich Hayes*

Oceans/fossil fuels

Panel eyes Alaska oil lease buybacks

A House Merchant Marine panel Tuesday will review legislation that would require the Interior Department to cancel and buy back 23 existing leases to drill for oil and natural gas in the commercially valuable fishing grounds of Bristol Bay, Alaska.

Since 1990, Congress has prohibited oil companies that hold drilling rights in Bristol Bay from developing their leases through provisions inserted in the Interior Department's annual appropriations act. Environmentalists, commercial fishermen, state officials and others have opposed oil and gas drilling in the area in recent years, and there have been congressional attempts to cancel the leases, most notably in the deliberations leading up to enactment of the 1992 Energy Policy Act (PL 102-486).

But language that would have canceled leases in Bristol Bay and elsewhere, along with other provisions pertaining to offshore oil and gas issues, was dropped from the energy bill during conference negotiations late last year.

Bristol Bay is considered one of the world's most productive fishing grounds. The bay's fisheries, including five species of salmon, king crab, Pacific cod and other groundfish, are worth more than $1 billion annually and support more than 10,000 jobs in the area. In addition, Bristol Bay is home to a wide array of marine mammals, including migrating whales and walruses. Sea lions, fur seals, harbor seals and many species of seabirds also inhabit the bay's coastal area.

Rep. Don Young (R-Alaska), ranking GOP member of the Merchant Marine subcommittee on fisheries management, introduced a bill (HR 705) Jan. 27 that would direct the Interior Department to buy back the 23 leases. The department would be allowed to compensate current lease holders through alternative means, such as forgiving royalties they owe on offshore or onshore leases in other parts of the country.

The measure also would prohibit the department from conducting any new leasing activity in Bristol Bay until the year 2002.

Finally, the bill would change the Outer Continental Shelf Lands Act (PL 95-372 as amended) to reduce from five years to two years the amount of time that a lease must be suspended before it finally can be canceled.

Under the OCS Lands Act, the Interior Department's Minerals Management Service auctions off oil and gas drilling rights to tracts of undersea acreage located on the federally controlled outer continental shelf, which generally begins 3 miles from the coast and extends to 200 miles offshore. Ocean waters within 3 miles of shore generally are under state control.

Since the early 1980s, when the Reagan administration embarked on an aggressive policy of opening up new offshore areas to oil and gas production, the issue has been highly controversial. Over the years, Congress has imposed increasing restrictions on OCS leasing and drilling through moratoria provisions in the annual interior appropriations bill.

Under current law, federally controlled waters off the Atlantic and Pacific coasts, as well as in Bristol Bay and off the Florida coast, are off-limits to new oil and gas development. The congressional moratoria have effectively confined the vast bulk of offshore energy production to the central and western Gulf of Mexico.

Environmental groups, along with many state and local officials, have pressed the federal government in recent years to cancel existing leases off the Florida Keys and the North Carolina coast, as well as in Bristol Bay. While the leases have not been canceled, Congress repeatedly has barred the companies holding those drilling rights from beginning production on them.

In addition, Interior Secretary Bruce Babbitt has said he favors continuing the current leasing moratoria and drilling prohibitions until the Clinton administration can formulate a comprehensive policy on offshore energy production.

Frustrated by the congressional moratoria, 12 oil companies holding leases in the three areas last year sued the federal government, demanding compensation for what they paid for the drilling rights plus interest, as well as other damages.

Depending on how quickly the lawsuits are dispensed with, Young's bill may be overtaken by events.

Still, subcommittee members likely will want to hear suggestions on how the government can avoid getting into future offshore leasing controversies. Witnesses also may be asked to suggest where the cash-strapped federal government can find the money to compensate the Alaska, North Carolina and Florida lease holders.

The industry, represented by the National Ocean Industries Association, will testify that Congress should "finally take responsibility for its actions and provide a fair compensation formula for the Alaska, North Carolina and Florida leases, while recognizing that they have been effectively canceled," according to testimony submitted in advance.

The Bristol Bay Buyback Coalition, a group representing local environmental groups, commercial fishermen, state and local officials, and others, will speak in support of the bill.

Subcommittee Chairman Solomon P. Ortiz (D-Texas) has not determined yet whether the panel will mark up the measure, an aide said.

Witnesses: Scheduled to testify are Carolita Kallaur, acting director of the Minerals Management Service; Carl Rosier, commissioner of Alaska's Department of Fish and Game; Robert B. Stewart, president of the National Ocean Industries Association; and Dan Albrecht, coordinator of the Bristol Bay Buyback Coalition.

When: The hearing is scheduled to begin at 10 a.m. Tuesday, June 15, in 1334 Longworth.

House Merchant Marine contacts: Robert Wharton, majority, x62460; Dave Whaley, minority, x63540. — *Steve Daniels*

Hazardous substances

Aid sought for waste cleanups

The Senate Environment subcommittee on superfund will hold a hearing Thursday on legislation that would establish a program of federal grants and loans to encourage the voluntary cleanup of toxic waste sites that have very low levels of contamination.

The bill (S 773), introduced April 3 by subcommittee chairman Frank R. Lautenberg (D-N.J.), is intended to expedite the redevelopment of these properties in order to take advantage of their potential economic value. Generally, such sites pose relatively little hazard to public health and are not covered under the superfund hazardous waste site cleanup program.

Even when the owners of these properties are willing to clean up the contamination, remedial action is often stalled because lenders and developers are reluctant to become involved due to fear of potential liability, according to an aide to Lautenberg.

The senator estimates that there are more than 100,000 such sites around the country.

Under the legislation, states would be able to apply for federal seed grants of $200,000 to $500,000 to establish voluntary cleanup programs. Several states have already established such programs on their own.

"In my state alone, a $3 million investment by the state in its voluntary cleanup program has, in just 18 months, already generated several thousand jobs and hundreds of millions of dollars of economic development," Lautenberg said in a statement accompanying introduction of his bill.

In addition, local governments could apply for federal grants of up to $100,000 for the purpose of identifying and assessing those sites that would require a minimal cleanup effort — typically costing $1 million or less — and would therefore be eligible for further assistance under the program.

Finally, the legislation establishes a revolving loan fund that would provide low-interest federal loans to owners or potential purchasers of contaminated properties, including local governments, to clean up low-level contamination. The funding would be provided on the basis of financial need, and only if funding cannot be obtained from another source. The loans would provide up to 75 percent of the total cost of the cleanup, or $750,000, whichever was less.

The bill also includes a provision requiring reimbursement of the full cost incurred by the federal government for the loan if the borrower's profit from sale or redevelopment of the property is 10 percent or more.

The bill would authorize appropriations of $45 million for all three types of assistance in fiscal 1994, and $37.5 million annually over the following three years.

Witnesses: A complete witness list was not available at press time, but those expected to testify include Bob Sussman, deputy administrator of the Environmental Protection Agency. In addition, a representative of the New Jersey Department of Environmental Protection and Energy will discuss the state's current program. Local governments will be asked to testify on their need for funding to identify potential voluntary cleanup sites.

The subcommittee also hopes to hear from lenders, developers, the U.S. Chamber of Commerce and environmentalists.

When: The hearing is scheduled for 10 a.m. Thursday, June 17, in 406 Dirksen.

Senate Environment contacts: Leonard Shen, majority, x46226; Claudia McMurray, minority, x45761. — *Erin McNeill*

Wildlife

Habitat plans: do they work?

Interior Secretary Bruce Babbitt's recent successes in devising innovative ways to protect the rare California gnatcatcher and the red cockaded woodpecker have brought national attention to one of the lesser-known strategies for wildlife preservation — habitat conservation plans.

On Wednesday, the House Merchant Marine subcommittee on the environment and natural resources will hold a hearing on HCPs, which are intended to protect rare species while allowing limited development to go forward. The hearing will focus on whether the conservation plans have provided adequate protection to species while reducing conflicts with economic activity — in other words, do they work?

The hearing comes as the panel, chaired by full committee Chairman Gerry E. Studds (D-Mass.), prepares to act on proposals to reauthorize and amend the nation's chief wildlife protection statute, the Endangered Species Act (PL 93-205 as amended).

(For history and provisions of the act and details on the statutory authority for HCPs, see May 24 *Weekly Bulletin*, p. B10.)

Gnatcatcher: Babbitt has said repeatedly that he wants to redirect federal wildlife protection efforts away from the current species-by-species approach toward a more comprehensive strategy for conserving the ecosystems they inhabit. HCPs play an important role in this strategy, according to Babbitt and other Interior Department officials.

The formal listing of the gnatcatcher as a threatened species in March is expected to provide the final impetus for an HCP being drafted by California landowners, real estate developers, environmentalists, and state and local officials. In the meantime, developers have agreed not to build on 141,000 acres, some of which contains the coastal sage scrub on which the gnatcatcher depends.

If the effort is successful, it should enable developers and environmentalists to avoid further, costly legal battles over protection of the gnatcatcher or any other coastal sage scrub species that might become imperiled. In fact, Babbitt and others hope that protection of the ecosystem may avert future listings of other species there.

HCPs: The provision allowing the federal government to approve habitat conservation plans was added to the Endangered Species Act in a package of amendments in 1982.

Under the 1982 act, HCPs must include provisions for what steps will be taken to minimize and mitigate negative impacts on listed species and how those steps will be funded. The plans also must explain what alternative actions were considered and why those alternatives were not chosen.

Since the 1982 amendments, the U.S. Fish and Wildlife Service has approved 26 habitat conservation plans, 21 of which are in effect in California. Another 90 plans are under development, about half of which are for California species.

The Commerce Department's National Marine Fisheries Service, which is responsible for protecting marine species under the act, has not issued any HCPs.

A Studds bill (HR 2043) to reauthorize the Endangered Species Act would make it easier for the two agencies to develop habitat plans for species that are candidates for listing under the act. The bill would require the agencies' species recovery plans, where possible, to identify opportunities in which HCPs could be used.

Some environmentalists are wary of HCPs, worrying they may permit too much risk to the species involved.

According to Michael Bean of the Environmental Defense Fund, habitat conservation plans have great potential to contribute to wildlife conservation but will only work if the public perceives the government as willing to enforce the Endangered Species Act.

Bean said he has heard of numerous instances in which the act is simply being ignored on private lands, and said that as long as developers believe they can get away with neglecting the law, they will have no incentive to participate in HCPs.

Further, in order to use HCPs effectively, the wildlife agencies will need to develop expertise in land use planning, public and private financing and other skills that biologists often lack, Bean said.

Other critics, such as Bob Szabo of the National Endangered Species Act Reform Coalition — representing farmers, local governments, water districts, electric cooperatives and builders — regard the current HCP process as too rigid and too costly.

Szabo's coalition prefers a more flexible approach it calls a "cooperative management agreement," which would be permitted under another Endangered Species Act reauthorization bill (HR 1490) introduced March 25 by Rep. W.J. (Billy) Tauzin (D-La.).

As an example of a cooperative management agreement, Szabo cited Babbitt's recent agreement with the Georgia-Pacific Corp., one of the nation's largest lumber companies. Georgia-Pacific owns 4 million acres of land in the southeastern pine forests where the federally protected red cockaded woodpecker lives.

According to Szabo, the lumber company refused to sign an HCP. Instead, Georgia-Pacific agreed to sign a nonbinding memorandum of agreement with the Fish and Wildlife Service outlining measures the company will take to meet the terms of the Endangered Species Act while logging its lands in Arkansas, Louisiana, South Carolina and Mississippi.

Under the agreement, Georgia-Pacific agreed to leave at least 10 acres of trees around each of the more than 100 known woodpecker colonies on its property, and to limit logging on another 100 acres of foraging territory for each colony. Other protective measures will result in reduced logging on a total of more than 50,000 acres of the company's land.

In return, Fish and Wildlife Service approval of the lumber company's management plans for its lands means that Georgia-Pacific can proceed with certainty to use its lands and timber without worrying about violating the Endangered Species Act.

Section 7: Some critics of habitat conservation plans would prefer that private parties be allowed to use the consultation process required for federal agency actions that affect listed species.

Section 7 of the Endangered Species Act requires all federal agencies to protect species listed as threatened or endangered. To comply, the agencies must consult with the wildlife agencies, which issue "biological opinions" about the impact a proposed action would have on listed species.

This consultation procedure is one of the most controversial aspects of the act because the two wildlife agencies may require changes in, or forbid altogether, any proposed action that would jeopardize the continued existence of listed species or destroy or adversely modify critical habitat.

Nevertheless, some consider the consultation process quicker and easier than developing an HCP.

Tauzin's bill would also allow private parties to participate in consultations with federal agencies if they are affected by the process. Further, the bill would also allow private parties to use the section 7 consultation process for their own actions, even if another agency is not involved.

This provision would be the "kiss of death" for HCPs because it would give land owners an easy way to opt out of the planning process, according to EDF's Michael Bean.

"Every landowner smart enough to hire a lawyer" will opt into section 7, Bean said.

Witnesses: Scheduled to testify are Michael Spear of the Fish and Wildlife Service; John Sawhill of the Nature Conservancy; Ed Sauls of the National Association of Homebuilders; EDF's Michael Bean; Gregory Taylor of the Metropolitan Water District of Southern California; and Walter Jarck of Georgia-Pacific.

When: The hearing will begin at 10 a.m. Wednesday, June 16, in 1334 Longworth.

House Merchant Marine contacts: Gina DeFerrari, majority, x63533; Tom Melius, minority, x63520. — *Leslie Ann Duncan*

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Wilderness

Babbitt to discuss California desert

Interior Secretary Bruce Babbitt will appear Tuesday before the House Natural Resources subcommittee on public lands to deliver the Clinton administration's position on controversial legislation to set aside approximately 8 million acres of federally protected wilderness in the California desert.

The subcommittee, chaired by Rep. Bruce F. Vento (D-Minn.), will be looking at a bill (HR 518) introduced Jan. 21 by Rep. Richard H. Lehman (D-Calif.). Lehman's bill is nearly identical to a bill that passed the House in 1991 (HR 2929, H. Rpt. 102-283). Among the original cosponsors are Vento and Natural Resources Committee Chairman George Miller (D-Calif.).

Babbitt gave his general support to a Senate companion measure (S 21) in testimony before the Senate Energy Committee's public lands panel April 27.

Politics: The administration's support marks a significant turnabout in the executive branch's position on the "California Desert Protection Act," which has been the subject of intense debate for the past several years.

Earlier versions of the bill were vehemently opposed by the Bush administration, miners, ranchers, off-road vehicle enthusiasts, and the four House members — all Republicans — who represent California's desert region.

Those earlier bills also were opposed by former Sen. Pete Wilson (R-Calif.), who subsequently became governor, and the man Wilson appointed to fill his Senate seat, John Seymour (R). Wilson and Seymour played key roles in preventing Senate consideration of the bills as members of the Senate Energy Committee, which has jurisdiction over wilderness legislation.

As the 102nd Congress drew to a close, the House-passed bill died in the Senate after Seymour repeatedly blocked action by the Energy Committee.

But the results of the November 1992 election radically altered the dynamics of the debate. The election ushered in a new administration that supports huge wilderness designations in the desert. Furthermore, Seymour was unseated by Democrat Dianne Feinstein, who made introduction of the desert protection bill one of her first priorities on reaching Capitol Hill.

Like their House counterparts, Feinstein and Sen. Barbara Boxer (D-Calif.) introduced their desert protection bill Jan. 21. Boxer was elected to succeed retired Sen. Alan Cranston (D), past sponsor of the desert protection measure. Thirty-three other senators have signed on as co-sponsors of the bill this year. HR 518 now has 68 co-sponsors.

The unity of the state's Senate delegation, and the support of the Clinton administration, greatly improve prospects for the legislation. The Senate generally has refused to approve wilderness bills without the support of both senators of the state affected.

Nevertheless, the bill faces continued opposition from a formidable coalition including Wilson, commodity groups, ORV riders, some local communities, and their allies in Congress.

Background: Desert covers the southeastern quarter of California, about 25 million acres in all. It is home to giant sand dunes, extinct volcanoes, the world's largest Joshua tree forest and 760 species of wildlife, including the endangered desert tortoise and bighorn sheep. The desert also supports the homesteads of about 30 ranchers, active and potential mines, and Fort Irwin, the Army's national tank training center. Much of the land is owned by the Interior Department's Bureau of Land Management.

In 1976, Congress designated 12.1 million acres of BLM land as the California Desert Conservation Area and directed the agency to study the area for wilderness potential. In addition, BLM was directed to provide for the "protection and administration of the public lands in the California desert within the framework of a program of multiple use and sustained yield and the maintenance of environmental quality."

In July 1991, the Bush administration formally recommended that Congress create 2.3 million acres of wilderness on BLM land and release 4.8 million acres for non-wilderness uses, such as mining, ranching and motorized recreation.

House bill: HR 518 would set aside 4.1 million acres of BLM land in 73 wilderness areas, putting those lands off-limits to mining and motorized recreation. Grazing would be allowed to continue in those areas.

Another 3 million acres of BLM land would be transferred to the National Park Service. This transfer would expand the Death Valley and Joshua Tree national monuments (from 2 million acres to 3.3 million acres and from 560,000 acres to 794,000 acres, respectively), and both monuments would be upgraded to national parks.

The East Mojave national scenic area — currently under BLM management — would become a 1.49-million-acre national monument. The boundary lines of the monument would encompass 31,000 acres occupied by a Viceroy mining claim in the area.

In the three parks units together, slightly more than 4 million acres would be formally designated as wilderness. Some of those areas in the Joshua Tree and Death Valley parks have been managed as wilderness by the Park Service for more than a decade.

Grazing in the new park areas would be phased out over 25 years.

Senate bill: S 21 would create 3.9 million acres of wilderness in 74 areas on BLM land.

The House and Senate bills are similar in their treatment of park areas, except for proposals dealing with the East Mojave. The Senate bill would create a 1.46-million-acre national park, rather than a 1.49-million-acre national monument, and the unit would exclude the Viceroy mining claim.

Neither HR 518 nor S 21 includes language passed on the House floor last year that would have allowed hunting in the East Mojave park unit. Hunting is sometimes allowed in national monuments and other park units, but is rarely permitted in national parks.

Common provisions: Both HR 518 and S 21 also would create the 2,040-acre Desert Lily Sanctuary, to be managed by BLM, and would transfer 20,500 acres of BLM land to the state of California to be added to Red Rock Canyon State Park.

In addition, the bills would create an 11,200-acre "wilderness study area" in the White Mountains, which would receive much of the protection accorded to formally designated wilderness until the ultimate fate of the area is decided by Congress. The law governing BLM requires the agency to maintain the wilderness study areas so as to protect their potential as wilderness, but — unlike the law protecting national forest WSAs — does not prohibit mineral leasing.

Furthermore, the bills would provide a mechanism allowing the federal government to exchange lands it owns elsewhere in the desert for 260,000 acres owned by the California State Lands Commission and managed for the benefit of retired California teachers, as well as for 360,000 acres owned by Catellus Development Corp. Those lands are currently "inholdings" entirely surrounded by areas that would be designated as wilderness under the bill. The exchanges would give the teachers and Catellus land that they could develop economically.

Military lands: For jurisdictional reasons, HR 518 leaves out language contained in the Senate bill that would renew the authority of the Navy and the Marine Corps to use 1.3 million acres of land in the desert and to continue to use established flight paths for training maneuvers.

The House added the language to the bill on the floor in the last Congress, and Vento has introduced the same legislation as a free-standing bill (HR 880), which also is on the hearing agenda for Tuesday. (For more on military withdrawals, see Nov. 4, 1991, *Weekly Bulletin*, p. B2.)

Witnesses: At press time, a complete witness list was unavailable. In addition to Babbitt, expected witnesses include members of the California congressional delegation, Defense Department officials and representatives of the California Desert Protection League (a conservation group); the California Desert Coalition (representing opponents of the bill); the California Cattlemen's Association; the National Rifle Association; the National Parks and Conservation Association; the Sierra Club; off-road vehicle groups, and the California mining industry.

When: The hearing will begin at 10 a.m Tuesday, June 15, in 1324 Longworth.

House Natural Resources contacts: Stan Sloss, majority, x67736; Kurt Christensen, minority, x62311. — *Leslie Ann Duncan*

Budget

Senate panel may revisit nuclear fund

The Senate Energy Committee agreed last week to give "off-budget" status to the Nuclear Waste Fund, a special account established in 1982 to finance the development of a repository for high-level radioactive waste, but the panel may reconsider the proposal this week.

The waste fund proposal, advanced by Chairman J. Bennett Johnston (D-La.), was one of several measures his panel adopted as part of a five-year, $1 billion deficit-reduction package that will be folded into an omnibus budget reconciliation bill later this week by the Senate Budget Committee.

The committee's package also includes measures that would increase revenue collections from recreation, mining and mineral development on federal lands.

The reconciliation bill — so named because it is designed to reconcile existing revenue and spending law with deficit-reduction targets in the budget resolution Congress passed in March — is expected to go to the Senate floor in the next few weeks.

The budget resolution called for total deficit reduction of nearly $500 billion over the next five years, and directed a dozen Senate authorizing committees to craft legislation that would produce roughly $343 billion of the total. The rest will come from spending cuts exacted through the appropriations process.

The 12 Senate committees, including Senate Energy, are required to complete their budget reconciliation work by June 18. The Budget Committee will then package the measures into a single bill for floor action.

Waste fund: Under Johnston's proposal, expenditures from the Nuclear Waste Fund would no longer be counted against discretionary spending caps imposed under the 1990 Budget Enforcement Act (PL 101-508), but they would be subject to annual appropriations. In addition, the fees collected for the waste fund from electric utilities that operate nuclear power plants would be indexed to inflation.

The Congressional Budget Office has projected that inflation indexing would increase revenue collections by $18.3 million in fiscal 1994 and by a total of $264 million over the next five years. The nuclear waste fee currently brings in about $600 million a year.

Johnston argued that his proposal was necessary to ensure adequate funding of a program vital to public safety — development of the nation's first permanent underground repository for spent reactor fuel and other high-level radioactive waste. That project is currently focused on a series of geologic studies at Yucca Mountain, Nev., to determine whether the desert site, which lies just 100 miles northwest of Las Vegas, is suitable to house such a facility.

Johnston said the project, which already is running far behind schedule, faces further setbacks if it continues to compete with other programs for increasingly scarce funds under ever-tightening spending caps.

Two members of the committee, Sens. Paul Wellstone (D-Minn.) and Bill Bradley (D-N.J.), voted against the proposal at a reconciliation markup June 9. Wellstone argued that the committee should abide by a General Accounting Office recommendation that any changes in the Nuclear Waste Fund await a thorough review of the troubled program by DOE and independent analysts.

In addition, Wellstone said the committee need not include the waste fund measure in its reconciliation package because the panel could meet its deficit-reduction target without it.

Wellstone has asked for more time to consider Johnston's measure, and the chairman left open the possibility of revisiting the issue at a business meeting scheduled for Tuesday of this week. Wellstone may offer an amendment to Johnston's proposal to require an independent review of the waste repository program, as recommended by GAO, an aide to the Minnesota senator said.

The committee also is expected to consider an amendment by Sens. Pete V. Domenici (R-N.M.) and Larry E. Craig (R-Idaho) to impose a new fee structure for commercial transmission facilities on federal lands.

Natural resources: The nuclear waste proposal was tacked on to a set of measures that would yield an estimated $740 million in deficit reduction over the next five years, most of that by increasing revenue collections from recreation and mineral development on federal lands.

The Energy Committee's package bears some resemblance to a corresponding set of measures approved by the House May 27 as part of its budget reconciliation bill (HR 2264, H. Rpt. 103-111), but there are some key differences.

The Senate panel left out House-passed proposals to impose a new surcharge on irrigation water supplied by federal water projects in the Western states, or to increase fees charged for commercial rights-of-way through national parks.

The two versions have some features in common. Both would:

- permanently establish an annual holding fee and one-time location fee for "hard-rock" mining claims staked on federal lands, with waivers of the holding fee available for small mining operations if certain conditions are met. But the House bill would give the Interior Department greater discretion in deciding whether or not to grant a waiver.
- permanently require Western states to assume 25 percent of the cost of collecting royalties and other revenues from mineral production on federal lands. But

the Senate committee package would cap each state's cost contribution at an amount equal to half the overall revenue generated by federal mineral leasing within that state.

• increase revenue collections at national parks and other recreation areas managed by the federal government, including more fees for camping facilities and new fees for tour buses. The Senate committee and the House diverged on a number of specifics here.

When: The business meeting will begin at 9:30 a.m. Tuesday, June 15, in 366 Dirksen, and may continue the following day if action is not completed. In addition to tying up loose ends on reconciliation, the committee is scheduled to act on three DOE nominees and the nomination of George Frampton to be an assistant interior secretary. (See separate stories in this issue.)

Senate Energy contacts: (budget) Sam Fowler, x47571; (recreation) David Brooks, x47934; (mining) Lisa Vehmas, x47555; (nuclear) Mary Louise Wagner, x47570, majority. Gary Ellsworth, minority, x47141. — *Steve Gorman*

Environmental policy

EPA contracting to be scrutinized

The Senate Governmental Affairs Committee is scheduled to hold a hearing this week to get an update on contract management at the Environmental Protection Agency.

The hearing will focus on a series of reports issued over the past nine months by EPA's inspector general describing contract abuses at EPA laboratories, according to a committee staffer. The latest report will be released at the hearing.

Concerns about management and oversight of contractors working for the agency have been the focus of several congressional hearings this year. Lawmakers also have been exploring contracting problems at the Department of Energy.

EPA contracts with private companies to perform a wide range of services, including data management, policy development and hazardous waste cleanup. According to the agency's inspector general, EPA had 637 active contracts worth about $3 billion as of Sept. 30, 1992.

In a December 1992 report, the General Accounting Office faulted EPA for approving contractors' spending plans without adequately reviewing them, routinely paying bills without checking them, and failing to thoroughly audit contractors' records. GAO found that in many cases, EPA left such financial oversight tasks to the contractors themselves.

These problems have gained increasing attention on Capitol Hill in recent months. Legislation the Senate passed in May to elevate EPA to Cabinet status (S 171, S. Rpt. 103-38, S. Rpt. 103-39) would require government employees, rather than private contractors, to perform financial oversight functions. Similar legislation is expected to be included in EPA-to-Cabinet legislation taking shape in the House.

In March, EPA Administrator Carol M. Browner told the House Energy subcommittee on oversight she was "appalled" by the contractor abuses and lax financial controls she found upon taking the helm of the agency.

Sen. Frank R. Lautenberg (D-N.J.), chairman of the Senate Environment subcommittee on superfund, held a hearing June 10 focusing on a GAO report released this month finding that administrative costs for certain types of superfund contracts were exceptionally high.

EPA Inspector General John C. Martin told the superfund subcommittee in a prepared statement that the agency has already taken steps to address this specific problem, but, "unfortunately our audits continue to find weaknesses in current activities at EPA, and this shows me that the battle for good management of the agency's resources is far from over."

Martin said that an indifferent attitude on the part of senior EPA officials toward contract management increases the agency's vulnerability to fraud and waste. Browner recently announced a new approach to ensure that EPA managers at the senior level take more direct responsibility for contractors.

At the hearing, Lautenberg announced that he intends to introduce legislation to tighten contracting and fiscal management rules for EPA.

Witnesses: Testifying at the hearing will be Lautenberg, Martin and Browner.

When: The hearing is scheduled for 9:30 a.m. Thursday, June 17, in 342 Dirksen.

Senate Governmental Affairs contacts: Mark Goldstein, majority, x44751; Paul Kerkhoven, minority, x42441. — *Erin McNeill*

Wilderness

Colo. wilderness set for markup

A House Natural Resources subcommittee Thursday will mark up legislation that would permanently bar development on approximately 600,000 acres of federal land in Colorado by designating that land as part of the national wilderness preservation system.

A last-minute compromise on Colorado wilderness came very close to clearing the 102nd Congress as the session neared an end in October 1992. But the House had adjourned for the year by the time the Senate approved the deal, and the legislation died.

Colorado already has 2.6 million acres of federally protected wilderness that was set aside by Congress in 1976 and 1980.

Legislation: The same bill that passed the Senate in the waning hours of the last Congress was reintroduced Jan. 26 in the House by Colorado Reps. David E. Skaggs (D), Scott McInnis (R) and Patricia Schroeder (D), and in the Senate by Colorado Sens. Hank Brown (R) and Ben Nighthorse Campbell (D).

Like last year's compromise, the new legislation (HR 631, S 206) would designate wilderness areas on lands owned by the U.S. Forest Service and the Bureau of Land Management.

Both bills would set aside 611,730 acres of wilderness and place an additional 154,940 acres of federal land under protective management regimes that generally are less restrictive than wilderness designations. Three of the special management areas — totaling 99,440 acres — would be managed essentially as wilderness.

A second House bill was introduced Jan. 5 by all four House Republicans from Colorado — Reps. Joel Hefley, Wayne Allard, Dan Schaefer and McInnis. This bill (HR 195) would create 648,600 acres of wilderness and two special management areas covering 50,700 acres. HR 195 is identical to a version of the bill that passed the Senate earlier last year.

Hearings on S 206 were held in the Senate Energy public lands subcommittee on Feb. 25. The Senate Energy Committee is expected to delay markup of S 206 until the House has completed action on the issue, aides to Brown and Campbell said.

Water rights: HR 631 — which the House subcommittee will use as a markup vehicle — and HR 195 differ on the issue of water rights for the various wilderness areas under consideration. Water is a perennially sticky issue in the West, and the failure to reach agreements on that language has been largely responsible for stalling various Colorado wilderness bills for more than a decade.

HR 631 and S 206 are silent on the question of whether a federal water right for wilderness exists but would forbid any effort to assert such a right either in court or in administrative proceedings.

Still, those bills would provide the federal government with another way to protect the water resources of the wilderness areas by prohibiting the development of new water projects or the expansion of existing structures within all the areas protected by the bill.

In contrast, HR 195 explicitly states that there would be no implied or express reservation of water for wilderness areas created under the bill. The bill also would direct the federal government to claim whatever water was needed to nourish the wilderness through state water courts. (For more on water rights and specific designations proposed in the legislation, see Feb. 22 *Weekly Bulletin*, p. B2.)

Amendments: The subcommittee staff is drafting more than 60 amendments that are largely technical in nature, according to aides. The amendments will be based on suggestions offered by BLM, the Forest Service and others, an aide said.

The administration supports HR 631.

At press time, the only likely amendment that might be regarded as substantive is a proposal by Skaggs — at the request of former Colo. Sen. Timothy E. Wirth — to change the name of a proposed 33,060-acre wilderness area in the bill. To honor Wirth for his efforts to complete wilderness legislation for the state, Skaggs had proposed naming the area the "Wren and Tim Wirth Wilderness Area."

But wilderness areas traditionally are not named for people still alive, and Wirth has asked that the area be named for the distinctive geological feature that dominates it — Fossil Ridge.

No other amendments had surfaced at press time.

When: The hearing will begin at 10 a.m. Thursday, June 17, in 1324 Longworth.

House Natural Resources contacts: Stan Sloss, majority, x67736; Allen Freemyer, minority, x62311. — *LD*

Appropriations

House markups set for spending bills

The House Appropriations Committee is likely Friday to mark up the fiscal 1994 spending bill covering the bulk of Energy Department programs and two water development agencies — the Army Corps of Engineers and the Bureau of Reclamation.

In addition, several appropriations subcommittees plan this week to act on bills under their jurisdiction, including measures funding the departments of Interior and Agriculture, as well as a bill that includes money for the Commerce Department's National Oceanic and Atmospheric Administration.

The subcommittees are working to meet full committee Chairman William H. Natcher's (D-Ky.) goal of getting all 13 annual appropriations bills for fiscal 1994 through the House before Congress is scheduled to adjourn for its weeklong July 4 recess.

The stage for appropriations action this year was set when Natcher's committee formally decided May 24 how much of the discretionary spending authority available for fiscal 1994 would be allocated to each of his 13 subcommittees.

As in the past three years, appropriators must work within the confines of gradually tightening spending caps imposed under the Budget Enforcement Act of 1990 (PL 101-508).

Energy and water: The full committee markup of the energy and water bill is tentatively scheduled for Friday, with floor action expected the following week.

Working from an allocation of $22 billion in budget authority, about 2 percent less than Clinton requested but slightly more than current spending, Rep. Tom Bevill's (D-Ala.) energy and water subcommittee marked up the bill behind closed doors June 10. Few details are available about the bill because staff have been instructed not to disclose information on the measure until markup by the full committee, when the bill and draft committee report are expected to be released.

According to press accounts, the appropriations bill will not include funding for construction of new energy and water development projects. However, the subcommittee reportedly includes $620 million for the superconducting supercollider, a high-energy physics project under construction in Texas. That would mark an increase of more than $100 million over current spending on the controversial atom smasher.

Opponents of the supercollider have vowed to try again year to kill funding for the project, which the House voted to terminate last year. Fiscal 1993 funding for the super collider was restored in conference.

One of the few items likely to see a major increase in the energy and water bill this year is the effort to clean up and control environmental contamination at DOE's network of nuclear weapons laboratories and manufacturing plants.

Clinton's budget marks the first time in history that proposed spending for environmental restoration and waste management at these facilities has outweighed the funding requested to produce the weapons themselves. Topping $6.46 billion, the cleanup and waste management request represents a 17 percent boost over current spending.

A major candidate for the budget axe this coming year is DOE's research and development account for nuclear energy, which would be slashed nearly in half under Clinton's budget, eliminating all but one of several programs designed to develop a new generation of advanced commercial reactors.

But even the advanced-reactor program recommended for continued funding under the administration's request has been targeted for elimination by a coalition of lawmakers, environmentalists, taxpayer groups and arms control advocates.

Known as the actinide recycling program, the project is aimed at developing a commercial reactor capable of running on spent nuclear fuel and bomb-grade plutonium recovered from idle nuclear weapons.

Legislators from Illinois and Idaho, where the research is presently being conducted, have lobbied administration officials to support continuation of the actinide research. But Rep. Sam Coppersmith (D-Ariz.) has collected signatures from 72 House members on a letter to the Appropriations Committee requesting that the project be killed.

Clinton's budget also would shift more spending to programs aimed at promoting energy efficiency and renewable power sources, such as solar, wind and biomass energy.

Funding for energy efficiency research, renewable energy research and conservation assistance would each jump more than 30 percent, exceeding $1 billion for the first time since former President Jimmy Carter's final budget in fiscal 1981.

Many of these increases are for programs newly authorized last year under the Energy Policy Act of 1992 (PL 102-486), a sweeping law designed to curb the nation's dependence on foreign oil.

Clinton's budget proposal also would provide roughly level funding for the two water development agencies covered by Bevill's panel — the Army Corps of Engineers and the Interior Department's Bureau of Reclamation.

The corps would receive $3.64 billion under Clinton's budget, down 1 percent from current spending but enough for the civil works agency to begin construction of nine new water projects.

The president's $824 million request for the Bureau of Reclamation, up slightly from fiscal 1993, follows a three-year trend of decreased funding for construction, while spending for operation and maintenance of existing water projects would continue to rise. The bureau operates dams and other facilities that supply water and generate hydropower in 17 Western states.

Interior: Rep. Sidney R. Yates' (D-Ill.) interior subcommittee plans to meet Tuesday morning to mark up its bill.

The panel has an allocation of $13.74 billion in budget authority to work with this year, $198 million less than the administration request of $13.93 billion but significantly more than last year's appropriation of $12.58 billion.

However, funding constraints for programs covered under the bill are tighter than would appear at first glance because several money-raising provisions employed by the subcommittee to offset its shrinking allocations in recent years are not available this year, an aide said.

Specifically, the subcommittee will not have at its disposal provisions in the fiscal 1993 interior appropriations act (PL 102-381) requiring holders of "hard-rock" mining claims on federal lands to pay an annual $100 holding fee and Western states to share in the administrative costs of collecting revenues from federal oil, natural gas and coal leases on federal lands. The two revenue raisers have been removed from the annual appropriations process because they are included in the omnibus budget reconciliation bill (HR 2264, H. Rpt. 103-111) passed May 27 by the House. The reconciliation bill would extend both measures permanently.

The bulk of the money in the annual interior spending bill goes to the Interior Department and the Agriculture Department's U.S. Forest Service, which together manage natural resources on the more than 660 million acres of federal lands. The remainder goes to energy conservation and fossil fuel programs administered by the Energy Department, as well as a host of cultural and artistic programs, such as the National Endowment for the Arts.

Departing from funding patterns of recent years, Clinton proposed directing more money at national park improvements and wildlife protection while cutting money for land acquisitions by a third. But one subcommittee aide said that spending constraints might make it difficult to provide the sharp increases sought by Clinton.

Details were unavailable on how the subcommittee would divvy up its allocation. But, as in past years, the panel will have to wrestle with several controversial public lands issues.

Specifically, the panel will have to decide whether to include language that would suspend the controversial practice of selling federal lands to the holders of hard-rock mining claims for as little as $2.50 an acre under the General Mining Law of 1872.

In addition, Rep. Ralph Regula (Ohio), ranking Republican on the panel, is expected to push for an increase in the fee charged to ranchers who graze their stock on the federal range — a highly controversial issue that has led to floor fights in recent years.

Another familiar issue the subcommittee will deal with is the leasing of federally owned tracts of the sea floor for offshore oil and gas production. As it has the last two years, the subcommittee will include language that would place a total of about 462 million acres of the outer continental shelf off limits to new oil and gas development, an aide said.

The moratoria would cover federal waters off the entire Atlantic coast, most of the Pacific coast and the Gulf of Mexico coast off Florida, as well as in Bristol Bay, Alaska. Essentially, the moratoria would allow for new leasing only in the central and western Gulf of Mexico and in waters off most of Alaska.

Other recurring conflicts the committee may discuss include "below-cost" timber sales — logging contracts that generate less money for the government than they cost to administer — and Forest Service procedures for allowing citizens to challenge agency actions.

Subcommittee aides say the panel

hopes to avoid taking any action on the seemingly intractable controversy in the Pacific Northwest. In Oregon, Washington and northern California, efforts to protect the threatened northern spotted owl — and the dwindling "old-growth" forests on which the owl and other rare species depend — have substantially reduced logging in federal forests, resulting in the loss of thousands of jobs. (For more on the public lands issues confronting the interior subcommittee, see June 7 *Weekly Bulletin*, p. B8.)

Agriculture: The subcommittee on agriculture, chaired by Rep. Richard J. Durbin (D-Ill.), is likely to mark up a draft appropriations bill Monday, aides to the panel said.

Details of the draft were unavailable at press time, but the subcommittee is expected to endorse funding of the wetlands reserve program, which pays farmers to take converted wetlands out of production, the aides said. Congress did not fund the program for fiscal 1993.

The omnibus budget reconciliation bill would reduce the minimum signup requirement for the wetlands reserve from 1 million acres to 330,000 acres through 1995, but it would provide a guaranteed source of funding through the Commodity and Credit Corporation. (For more details, see separate story in this issue.)

Aides said the subcommittee likely would approve funding for the wetlands reserve, but would reject the formula in the reconciliation bill. The administration is seeking $370 million for the program.

The administration also is seeking $2.56 billion for soil conservation and related programs in fiscal 1994, an increase of nearly $300 million from current spending.

A detailed comparison of Clinton's fiscal 1994 budget proposal with fiscal 1993 funding levels is difficult because much of the budget now administered by the Soil Conservation Service and Agricultural Stabilization and Conservation Service would be subsumed under salaries and expenses Clinton requested for a proposed new Farm Services Agency.

Under Clinton's proposal, this new agency would be formed by merging the SCS and the ASCS with three other Agriculture Department agencies.

The administration says the merger would save $59 million in administrative costs in fiscal 1994 and $723 million over four years. But in the absence of a formal, detailed proposal, the subcommittee will proceed with its appropriation on the basis of current law and use current-year levels as a guide for setting spending levels for the two soil conservation agencies, aides to the subcommittee said.

The Agriculture Department's budget office could not provide a breakdown showing how much of the salaries and expenses requested was devoted to conservation programs alone.

Commerce: Rep. Neal Smith's (D-Iowa) subcommittee on commerce, justice, state and judiciary, which has jurisdiction over the National Oceanic and Atmospheric Administration's budget, is expected to mark up its bill this week, but action had not been scheduled at press time.

Clinton's fiscal 1994 budget would give NOAA, a Commerce Department agency, a spending boost of 12 percent, but the increase generally would not benefit NOAA agencies responsible for ocean research and management programs.

Much of the $1.92 billion in budget authority requested for NOAA would go for big-ticket items such as modernization of the nation's weather system and the construction of new satellites.

For ocean programs — administered by NOAA's National Ocean Service, Office of Oceanic and Atmospheric Research, and National Marine Fisheries Service — the Clinton budget request is somewhat similar to recent Bush administration budgets. The three agencies would receive a total of $587 million in fiscal 1994, a slight decrease from last year.

The ocean service, marine fisheries service, and the oceanic and atmospheric research office manage NOAA's so-called "wet" programs, which include fisheries and marine mammal conservation, ocean and Great Lakes research and grants to states for management of their coastal areas. NOAA's so-called "dry" programs are administered by agencies such as the National Weather Service and the National Environmental Satellite, Data and Information Service.

When: The full committee markup of the energy and water bill is tentatively set for Friday, June 18, at a time and place to be announced.

The interior subcommittee markup is scheduled for 10 a.m. Tuesday, June 15, in B-308 Rayburn.

The agriculture panel markup will immediately follow the full committee markup of the bill for the Treasury Department. The Treasury markup will begin at 1 p.m., Monday, June 14, in 2362-A Rayburn.

The commerce subcommittee markup had not been scheduled at press time.

House Appropriations contacts: (Energy) Hunter Spillan, majority, x53421; Michelle Mrdeza, minority, x53481. (Interior) Neal Sigmon, majority, x53081; Deborah Weatherly, minority, x53481. (Agriculture) Tim Sanders, majority, x52638; Bill Warfield, minority, x53481. (NOAA) John Osthaus, majority, x53351; Elizabeth Dawson, minority, x53481.

In the Senate: Three Senate Appropriations panels this week will hold hearings to examine the fiscal year 1994 funding needs for energy and natural resource programs under their jurisdiction.

Sen. Robert C. Byrd's (D-W.Va.) interior subcommittee plans this week to hear from Energy Secretary Hazel O'Leary. The Energy Department's conservation and fossil fuels research and development programs are funded through the annual interior appropriations bill. The hearing will begin at 10 a.m. Tuesday, June 15, in S-128 of the Capitol.

Also Tuesday, Sen. Patrick J. Leahy's (D-Vt.) foreign operations subcommittee will hear testimony from environmentalists and other public witnesses. That hearing is scheduled for 10 a.m. in 138 Dirksen.

Finally this week, the Senate Appropriations panel on commerce, justice, state and the judiciary, chaired by Sen. Ernest F. Hollings (D-S.C.), will hear Wednesday, June 16, from D. James Baker, the newly confirmed chief of the Commerce Department's National Oceanic and Atmospheric Administration. The hearing will begin at 10 a.m. in S-146 of the Capitol. — *Staff*

Budget/taxes

Senate grapples with energy tax

The ability of President Clinton to get some form of an energy tax through Congress faces a critical test this week as the Senate Finance Committee prepares to vote on Clinton's five-year deficit-reduction plan.

Clinton's proposal for a broad-based energy tax based on the heat content of fuels — the so-called Btu tax narrowly adopted by the House — was declared dead last week as pivotal Democrats on the Senate Finance Committee refused to budge from their opposition.

At press time, the White House and Senate Democrats were continuing efforts to reach a compromise, but it appeared increasingly likely that the energy tax would take the form of a new levy on transportation fuels.

However, advocates of a transportation fuels tax, led by Sen. John B. Breaux (D-La.), have run into strong opposition themselves.

The energy tax is one of the chief stumbling blocks facing lawmakers as they struggle to fashion a fiscal 1994 budget reconciliation bill, so named because it is designed to reconcile existing revenue and spending law with deficit-reduction targets set by the budget resolution passed by Congress in March.

Senate leaders are aiming to get the reconciliation bill to the Senate floor before the scheduled July 4 recess.

The budget resolution (H. Con. Res. 64) called on Congress to reduce the federal deficit by nearly $500 million through fiscal 1998 and gave 12 Senate authorizing committees, including Finance, until June 18 to craft legislation that would produce roughly $343 billion of the total. The rest of the savings would come from cuts made through the annual appropriations process.

The House May 27 approved a budget reconciliation bill (HR 2264, H. Rpt. 103-111) that includes a revised version of Clinton's proposed tax on the heat content of fuels, as measured in British thermal units, or Btu. A Btu is the amount of heat required to raise the temperature of one pound of water one degree Fahrenheit.

As passed by the House, the tax would be phased in over three years beginning in July 1994 and would raise an estimated $72 billion over the next five years. But before reluctantly embracing the Btu levy, House members carved out numerous exemptions for various energy sources and fuel uses in an effort to gain broader support for the proposal.

Nevertheless, the Btu tax has continued to meet with stiff opposition from Republicans and conservative Democrats in both chambers, and from many groups representing energy and manufacturing industries.

In addition, lawmakers from parts of the country served by barge traffic on the Mississippi River and its tributaries have raised strong objections to provisions in the House bill that would increase the fuel tax on inland waterway vessels by 50 cents per gallon.

The most crucial choke point for Clinton's efforts to salvage some kind of an energy tax is on the Senate Finance Committee, where Democrats hold a thin 11-9 majority over Republicans.

Breaux and two other Democrats on the committee — Sens. David Boren (D-Okla.) and Kent Conrad (D-N.D.) — have expressed strong reservations about the Btu tax, with Boren flatly insisting he will not support it. The tax bill needs the support of all 11 Democrats on Senate Finance to win committee approval because all nine Republicans are certain to vote against it.

Failure to secure the crucial Democratic swing votes on the Finance Committee led the Clinton administration June 8 to back away from the Btu tax, with Treasury Secretary Lloyd Bentsen characterizing the proposal as "dead."

The following day, Breaux proposed an alternative plan that would replace the Btu tax with a 7.3-cent-per-gallon transportation fuels tax. Breaux estimated that his levy, which would be imposed on gasoline, aviation fuel, and diesel fuel used in trucking, railroads and shipping, would raise $40 billion over five years.

Under Breaux's proposal, the inland barge fuel tax would go up by 7.3 cents a gallon, in line with all other transportation fuels.

To make up the $32 billion revenue difference between his proposed transportation fuels tax and a Btu tax, the Breaux plan would impose deeper cuts in Medicare than those adopted by the House.

The White House June 9 signaled its approval of a similar proposal advanced by the Senate Democratic leadership, which would raise $50 billion over five years by imposing Breaux's transportation fuel tax, combined with a tax on electricity.

However, House Democrats, angered over risking the wrath of their constituents by voting for the president's Btu tax only to see him drop it in the Senate, condemned the new proposal. Transportation industry representatives and senior citizens groups also criticized the proposal, and the administration appeared June 10 to be backing off on its initial support.

In a sign of division within the administration, *The Washington Post* June 11 reported that Transportation Secretary Federico Pena had called the transportation tax "unfair" to the aviation and trucking industries, which he said are already struggling under the burden of existing fuel taxes.

Bentsen and White House officials were reported to have criticized Pena and said that he was not speaking for the administration.

In addition, Finance Committee Democrats Max Baucus (Mont.), Donald W. Riegle Jr. (Mich.) and John D. Rockefeller IV (W.Va.) expressed unhappiness with Breaux's proposal. Baucus said it would fall heavily on sparsely populated states, such as Montana, whose residents contend with long driving distances. Rockefeller said he would oppose making senior citizens shoulder more of the burden of deficit reduction.

Senate Majority Leader George J. Mitchell (D-Maine) and Finance Committee Chairman Daniel Patrick Moynihan (D-N.Y.) have said that if the committee cannot forge an agreement, they would bypass the panel and take the bill straight to the Senate floor.

However, a Republican committee

staffer said that the Democrats can be expected to reach an agreement in order to be able to claim victory for the president.

After committee Democrats met June 11, Mitchell was reported saying he was more confident than ever that the committee would come up with a package that the Senate would pass. (For more on the Btu tax adopted by the House, see May 18 *Special Report* "Revised energy tax proposal heads to House floor in budget bill.")

When: At press time, the Finance Committee had not scheduled a markup, but must produce a reconciliation package by June 18 to meet the deadline under the congressional budget resolution.

Senate Finance contacts: Patricia McClanahan, majority, x44515; Mark Prater, minority, x45315. —*Steve Cook*

Fisheries

House panel holds 3rd fishery hearing

The House Merchant Marine subcommittee on fisheries management will take testimony from state officials this week as it continues its series of hearings in preparation for revising the chief law regulating commercial and recreational fishing in federal ocean waters.

The hearing scheduled for Wednesday will be the panel's third on the Magnuson Fishery Conservation and Management Act (PL 94-265 as amended). The law was last reauthorized and extensively amended in 1990 (PL 101-627). The current authorization is scheduled to expire Sept. 30.

The panel plans to hold at least one more hearing later this summer to hear from the Clinton administration's newly confirmed administrator of the National Oceanic and Atmospheric Administration.

The law was enacted in 1976 in response to perceptions that foreign fishing fleets were depleting fish stocks off American shores. The act asserted exclusive U.S.authority to regulate the fishing activities of both foreign and domestic fleets in waters within 200 miles of the U.S. coastline, an area now known as the "exclusive economic zone," or EEZ.

While the law has succeeded in boosting the domestic industry by drastically curtailing foreign fishing in the EEZ, concerns have been raised in recent years that American fishermen are depleting the resource every bit as much as foreign boats once did.

The act places primary responsibility for managing marine fisheries with eight regional fishery management councils, made up of state and federal officials, along with representatives of commercial and recreational fishing interests and other groups. The councils develop management plans that, among other things, allocate harvesting rights among user groups for certain fish stocks in their regions. These plans are then subject to approval of the Commerce Department's National Marine Fisheries Service.

Environmental groups are urging Congress to change the law to give greater weight to conservation concerns. They say the act should be amended to explicitly define fishery depletion levels that would constitute evidence of "overfishing."

Some groups also have made various suggestions for improving the conservation of healthy fish populations and rebuilding overfished species. For instance, there is support in some quarters for restrictions on commercial access to overharvested species, such as limiting the number of permits issued to fishing boats or allocating individual harvest quotas that could be traded or sold on the open market.

Traditionally, however, commercial fishermen have opposed these limited-access proposals, fearing they either would be ineffective or would drive "the small fisherman" out of business.

Environmentalists and others also say that representation on some of the regional fishery councils does not sufficiently balance the interests of all those affected by council decisions. Some have accused council members of conflicts of interest, saying that some members participate in allocation decisions that could directly benefit them.

Recent events: The Senate Commerce Committee held a hearing last week to review the federal financial assistance programs that currently are available to commercial fishermen. The hearing, presided over by Sen. John F. Kerry (D-Mass.), concentrated on how Congress might tailor these programs to help fishermen whose livelihoods are threatened when the depletion of valuable fish stocks require drastic conservation measures.

The issue came to the fore last week after the National Marine Fisheries Service issued a rule prohibiting fishermen in a 500-square-mile area of the Georges Bank fishing grounds off Massachusetts from harvesting certain groundfish stocks during the month of June. The rule was issued June 3, two days after the season had opened and boats already had left for sea.

More than 300 outraged fishermen, forced by the U.S. Coast Guard to return to shore, protested the action June 7 in Boston. They were met by Kerry, who also harshly criticized the Marine Fisheries Service.

Douglas K. Hall, the new deputy administrator of the National Oceanic and Atmospheric Administration, NMFS' parent agency, said at the Senate Commerce hearing there was no excuse for the timing of the rule and the lack of consultation before it was issued.

But Hall defended the rule itself, saying the population of cod, haddock and other valuable groundfish are at emergency levels. The fishery had been closed for the spawning season, which runs from February through May, and NMFS saw the need to continue the prohibition through June because the groundfish are congregated in the 500-square-mile area, making them easy pickings for fishermen, Hall said.

The New England Fishery Management Council has been working with NMFS and two local environmental groups, under a court-ordered consent decree, to develop a long-term plan to rebuild the groundfish stocks.

Fishermen in New England are not the only ones upset with NMFS. In April, members of Congress from the Pacific Northwest expressed dismay when the marine fisheries service rejected the recommendations of the Pacific Fishery Management Council and issued a 1993 allocation plan for Pacific whiting that was interpreted as favoring at-sea factory trawlers over local commercial fishermen, who must take their catch to onshore processors.

Three weeks later, NMFS responded to these concerns by issuing an emergency rule closing the whiting fishery to factory trawlers, thereby ensuring that onshore processing plants would have access to 30 percent of the 1993 whiting quota.

Witnesses: Scheduled to testify are state fishery management officials from Massachusetts, New York state, New Jersey, Georgia, Louisiana, Texas, California, Washington state and Alaska.

When: The hearing is scheduled for 2 p.m. Wednesday, June 16, in 1334 Longworth.

House Merchant Marine contacts: Jim Mathews, majority, x63514; Rod Moore, minority, x63520. — *Steve Daniels*

Confirmations

Frampton again up for Energy vote

The Senate Energy Committee this week has once again scheduled a vote on the nomination of former Wilderness Society President George T. Frampton Jr. to serve as assistant interior secretary for fish, wildlife and parks.

As president of The Wilderness Society, the job he held until his Feb. 23 nomination, Frampton was a frequent critic of actions taken by the Energy Committee, including approval of legislation to open the Arctic National Wildlife Refuge in Alaska to oil and gas drilling. ANWR drilling legislation has never cleared Congress.

The Senate Environment Committee voted May 25 to recommend that the Senate confirm Frampton's nomination.

Delay: The Frampton nomination has been on the Energy Committee's "short list" for action at its past three business meetings, but was put off each time at the request of various panel members.

Frampton's nomination was first scheduled for a vote May 19, but Sen. Frank H. Murkowski (R-Alaska) asked that the question be deferred until the following week.

On May 26, the vote was put off again after allegations surfaced that Frampton had improperly begun to conduct Interior Department business before the Senate had confirmed him. Frampton has been serving as a consultant to Interior Secretary Bruce Babbitt since his nomination, but is not authorized to conduct official department business.

At issue is a May 18 memo in which Frampton outlined tasks and goals for department staffers working to set up the National Biological Survey, a new agency proposed by Babbitt and modeled after the U.S. Geological Survey, to catalog the nation's animal and plant resources.

Some committee members on both sides of the aisle are concerned that Frampton overstepped his bounds as a nominee. Interior Department officials have defended the nominee, saying the memo constitutes advice, not an official action.

Energy Committee Chairman J. Bennett Johnston (D-La.) asked the department to turn over other documents relating to Frampton's work at Interior, and to provide an official explanation for the memo.

The committee received those documents late Friday, June 4, but several members said they were not prepared to vote on the nomination June 9 because they had not had time to review the materials. (For more on Frampton, see June 7 *Weekly Bulletin*, p. B14.)

When: According to a majority staff aide, the vote on Frampton is currently set for Tuesday, June 15, after the committee completes consideration of budget reconciliation proposals. The committee also is scheduled to vote on three Energy Department nominees. (See separate stories in this issue.) The meeting is scheduled to start at 9:30 a.m in 366 Dirksen. If the committee does not finish its work on these agenda items, the business meeting will spill over to Wednesday, June 16, at the same time and place.

Senate Energy contacts: Becky Murphy, majority, x47562; Carol Craft, minority, x47153. — *LD*

Water pollution

Senate panel holds first water hearing

Efforts in the Senate to revise the Clean Water Act begin this week as the chairman and the ranking Republican member of the Senate Environment Committee introduce a comprehensive reauthorization bill and hearings get under way.

Environment Committee Chairman Max Baucus (D-Mont.) and the ranking GOP member, Sen. John H. Chafee (R-R.I.), are shooting for Tuesday to unveil their proposal for updating the federal law controlling pollution of the nation's rivers, lakes and estuaries, committee aides said.

The following day, the Senate Environment subcommittee on clean water, fisheries and wildlife, chaired by Sen. Bob Graham (D-Fla.), will hold its first hearing in preparation for marking up a clean water bill. Environmental Protection Agency chief Carol M. Browner and a panel of scientists are slated to testify.

The House Public Works subcommittee on water resources and environment already has completed its series of clean water hearings and is in the process of drafting reauthorization legislation.

In the 102nd Congress, Baucus and Chafee introduced a comprehensive bill (S 1081) to reauthorize the water pollution law (PL 92-500 as amended). The committee held a series of hearings on the measure but never marked it up.

In the House last year, the Public Works Committee never even introduced a reauthorization vehicle, primarily because of controversy over proposals to overhaul the federal program regulating development of wetlands.

Baucus has pledged that his committee will approve a clean water bill this year.

Graham's subcommittee has scheduled seven hearings, which will take place on virtually every Wednesday between now and the August recess, an aide said. The panel plans to mark up the Baucus-Chafee bill in the early fall and hopes to have a bill ready for floor action by late fall, the staffer said.

Background: Reauthorization of the Clean Water Act, which last was extensively amended in 1987 (PL 100-4), is considered one of the highest environmental priorities of the 103rd Congress.

The law requires states, under guidance from EPA, to set limits on the amounts of specific pollutants that may be discharged into surface waters by municipal sewage treatment plants, factories and other industrial facilities. States then issue discharge permits to each facility based on these limits.

The act also authorizes federal funds to help states and localities pay for building sewage treatment works.

Other provisions require states to develop and carry out plans to control pollution from diffuse sources such as rainwater runoff and airborne contaminants that settle in waterways. EPA says this "non-point source pollution" accounts for more than half of the nation's remaining water quality problems.

In addition, the law authorizes the federal program to protect wetlands, which continues to provoke controversy among private landowners, developers and other advocates of property rights. Under section 404 of the act, a permit must be obtained from the Army Corps of Engineers for any land development that would result in the filling of wetlands. EPA and other agencies are consulted in this process, and EPA has the authority to veto corps decisions to issue permits.

Issues: The biggest issue surrounding the reauthorization is the future of federal funding assistance to states and localities.

Under the law, EPA provides grants to state-established funds used to make low-interest loans to localities, chiefly for construction of wastewater treatment plants, but also for other water pollution control projects. Authorization for EPA funding of these "state revolving loan funds" is set to expire next year, and there is agreement among Clinton administration officials and the committees of jurisdiction in the Congress that the grants need to continue.

The administration, however, has suggested changing the revolving loan program by giving the states and localities more flexibility in how the money is used. States would like more freedom, for instance, to make loans for projects to overhaul sewer systems carrying both stormwater and wastewater in the same pipes. These systems, often found in older cities, overflow during heavy rainstorms, dumping untreated sewage into neighboring surface waters.

The administration has not come out with a formal funding proposal yet, however, and it is unclear when — or if — it will do so. But, starting in fiscal 1995, the Clinton budget would continue to provide grants to the revolving loan funds at a level of $2 billion per year — roughly the amount Congress has appropriated annually for state wastewater treatment loans in recent years. The administration has requested $1.2 billion for the loan funds in fiscal 1994.

In addition, the administration wants to refocus the federal government's water pollution control efforts on managing entire watersheds rather than concentrating on limiting individual wastewater discharges.

Key lawmakers also have expressed interest in encouraging more of an "ecosystem-based" approach to pollution control, but there are many questions about what role Congress should play in accomplishing this objective.

There also is significant interest in strengthening EPA's non-point source pollution control program, which critics say has been underfunded and inconsistent. However, farmers, land developers and others are concerned that a beefed-up non-point program effectively could involve the federal government in local land-use decisions, traditionally the sole province of local government.

Finally, the wetlands controversy continues to cloud the entire Clean Water Act debate, and some aides worry it may end up scuttling reauthorization efforts as it did in the last Congress.

Witnesses: In addition to Browner, the subcommittee will hear from a panel of scientists who prepared a report in 1991 on the Clean Water Act in response to an EPA request.

When: The hearing is scheduled to begin at 9:30 a.m. Wednesday, June 16, in 406 Dirksen.

Senate Environment contacts: Bill Leary, majority, x43597; Jimmie Powell, minority, x42376. — *Steve Daniels*

Public lands/ forests/wildlife

Many lands bills set for hearing

Two days of hearings on numerous lands bills are scheduled this week before the Senate Energy Committee's parks and public lands panel, chaired by Sen. Dale Bumpers (D-Ark.).

On Wednesday, the subcommittee will hear testimony on several bills dealing with federal lands in New Mexico, as well as a proposal to study the El Camino Real trails in New Mexico and Texas, and a bill to protect the Cave Creek Canyon drainage area in Arizona.

On Thursday, the subcommittee will look at a bill to set aside nearly 500,000 acres along the Snake River in Idaho to protect birds of prey, and a bill to adjust the boundaries of Hot Springs National Park in Arkansas.

San Juan Basin: New Mexico Sens. Pete V. Domenici (R) and Jeff Bingaman (D) introduced a bill (S 313) Feb. 4 that would set aside 16,674 acres of public land in New Mexico's San Juan Basin as federally protected wilderness. The property belongs to the Bureau of Land Management, most of it recently acquired in an exchange with the Bureau of Indian Affairs, acting in trust for the Navajo tribe.

The new wilderness area would link two existing BLM wilderness areas, the Basti and De-Na-Zin areas, located in the northwestern corner of the state.

The region is dominated by scenic eroding badlands, and the newly consolidated wilderness — totaling 44,514 acres — would offer "a picturesque expanse with a wide variety of rich colors and landform," according to Domenici.

The bill also would establish a 2,770-acre Fossil Forest Research National Area on BLM land near Farmington. The petrified forest there is full of fossil stumps and logs, many with root systems still intact.

The area also boasts four major dinosaur bone quarries, and another quarry where 75-million-year-old mammal fossils have been found.

The bill would withdraw the area from most mining and mineral leasing, and would allow BLM to place strict restrictions on oil and gas development there. Grazing would not be permitted in the area, which would be managed for research — including excavation of fossils — and public education.

Jemez: This bill, passed by the House April 20 (HR 38, H. Rpt. 103-58), would create the 57,000-acre Jemez Mountains National Recreation Area in New Mexico's Santa Fe National Forest. (For more, see April 19 *Weekly Bulletin*, p. A2.)

A Senate companion bill (S 643) was introduced March 24 by Bingaman and Domenici.

An essentially identical bill (HR 2502) cleared the Senate Oct. 7 but failed to make it back to the House in time for final passage at the end of the 102nd Congress. An earlier version of HR 2502 was passed by the House Nov. 23, 1991.

Lechuguilla: Another New Mexico bill that recently cleared the House is also on the agenda. HR 843 (H. Rpt. 103-86), which passed the House May 11, would prohibit any oil and gas drilling or other mineral development that poses a threat to the nation's deepest known cave.

The entrance to Lechuguilla Cave lies inside the Carlsbad Caverns National Park in New Mexico, but its 60 miles of mapped passages extend beyond the park boundaries. Scientists believe that as much as 98 percent of the cave remains unexplored.

Although no mineral development is allowed in the park, BLM controls public access to the adjacent Dark Canyon and has been considering an oil and gas drilling proposal by the Yates Energy Co. (For more, see May 10 *Weekly Bulletin*, p. A2.)

On May 27, Bingaman and Domenici introduced a companion measure (S 1049).

Trails: The subcommittee also will look at bills that would direct the Interior Department to study two trail networks, both known as El Camino Real, for potential addition to the national trails system.

The national trails system, established under a 1968 law, is comprised of long-distance trails specially designated to provide the public with outdoor recreation, "and for the conservation and enjoyment of the nationally significant scenic, historic, natural or cultural qualities" of the areas crossed by the trails.

A bill introduced April 28 by Bingaman and Domenici (S 836) would direct the department to study El Camino Real de Tierra Adentro, or the Royal Road of the Interior Lands. The original trail runs along the Rio Grande from Taos Pueblo in northern New Mexico to what is now El Paso, Texas.

The trail, used by Indians for centuries before the arrival of the Spanish, became the main route for clergy, colonists, soldiers, and trade caravans. The Spaniards lengthened the trail, extending it from Santa Fe to Mexico City for a total of 1,800 miles.

A companion House bill (HR 1836) was introduced April 22 by Reps. Bill Richardson (D-N.M.) and Ronald D. Coleman (D-Texas).

A second Senate bill (S 983), introduced May 19 by full committee Chairman J. Bennett Johnston (D-La.) and departing Sen. Bob Krueger (D-Texas), would direct the department to study El Camino Real Para Los Texas.

According to Johnston, this route is more accurately described as a network of trails running from Mexico to Louisiana across Texas. These trails also were blazed by native Americans long before the coming of the Europeans.

This network of trails later was used by the Spanish (coming east from Mexico) and French (coming west from Louisiana) for exploration. The French incursions prompted the Spanish to use the trails to strengthen their hold over Texas.

A number of Catholic missions were established along the route — including the Alamo, Mission San Jose, and others in the San Antonio area — to convert Indian tribes such as the Apaches and Comanches. The Spaniards had a double purpose in establishing the missions: saving souls and preventing the tribes from becoming allied with the French, Johnston says.

The trails also were extensively used for commerce through the Civil War, and many segments of the trails have become parts of modern state and federal highways.

Companion legislation (HR 2160) was introduced in the House by Rep. Charles Wilson (D-Texas), also on May 19.

Cave Creek: The subcommittee also will hear from witnesses on a House-passed bill (HR 843, H. Rpt. 103-85) that would restrict mineral development within a 13,000-acre swath of the Coronado National Forest near Arizona's borders with Mexico and New Mexico. The bill is intended to protect the abundant and diverse populations of birds and other wildlife that flourish in the area, known as the Cave Creek Canyon Drainage.

The House passed the bill May 11. Last year, the House and Senate passed differing versions of the measure (HR 2790, H. Rpt. 102-334, S. Rpt. 102-341) but were unable to reconcile the two bills before adjourning. (For more, see May 10 *Weekly Bulletin*, p. A2.)

Birds of prey: On Thursday, the subcommittee will hold a hearing on a House-passed bill (HR 236, H. Rpt. 103-80) to permanently set aside nearly 500,000 acres of federal land in Idaho to protect the nesting area of hundreds of birds of prey.

The bill cleared the House May 11.

HR 236 would formally create a 482,640-acre national conservation area along the Snake River for the raptors. The area, located near Boise, is owned by the Bureau of Land Management.

The sheer basalt cliffs along the Snake River support the densest population of raptors known in North America. Between 600 and 700 pairs of birds nest there every year, including bald and golden eagles, peregrine and prairie falcons, kestrels, several species of hawks and owls, ravens and turkey vultures.

Since 1971, BLM has been setting aside ever larger tracts in an effort to protect the birds' hunting and hatching grounds. In 1980, then-Interior Secretary Cecil D. Andrus granted administrative protection to the area now under consideration for congressional designation. (For more, see May 10 *Weekly Bulletin*, p. A1.)

Hot Springs: Also on the Thursday agenda is S 752, introduced by Bumpers April 2. The bill would redraw the boundaries of this 4,837-acre park in western Arkansas to exclude 300 acres of non-federal land from the park.

A corresponding House bill (HR 1347) is expected to be marked up Wednesday by the House Natural Resources Committee. (For background, see separate story in this issue.)

Witnesses: At press time, a witness list was not available.

When: The hearing on the various New Mexico bills, and on the Cave Creek and El Camino Real trails measures, will begin at 2:30 p.m. Wednesday, June 16, in 366 Dirksen.

The hearing on Snake River birds of prey and Hot Springs bills is set for 2 p.m. Thursday, June 17, in the same room.

Senate Energy contacts: David Brooks, majority, x47934; Jim O'Toole, minority, x45161. — *LD*

Parks and public lands/forests

Lands bills to go to full committee

The House Natural Resources Committee is expected to mark up several public lands bills Wednesday, including a Senate-passed measure to expand the boundaries of Big Thicket National Preserve in Texas.

Other bills likely to see action are measures that would modify the boundaries of Hot Springs National Park in Arkansas and authorize a land exchange in Colorado.

A final agenda was not available at press time.

The subcommittee on national parks and public lands approved the Big Thicket and Hot Springs measures May 11. The Clear Creek, Colo., trade bill was adopted by the subcommittee May 6.

Big Thicket: This park near Beaumont, Texas, in the southeastern corner of the state, has been dubbed a "biological crossroads of North America" for its unusually diverse collection of native plants and animals. The 85,000-acre preserve is currently divided into 12 separate units. The proposed additions would help consolidate the preserve, which is administered by the National Park Service.

The committee will be working from a bill (S 80) introduced Jan. 21 by Sen. Phil Gramm (R-Texas) and approved by the Senate without amendment March 17 (S. Rpt. 103-9). Identical legislation passed the Senate Oct. 7, at the end of the 102nd Congress.

The bill would add a total of 10,766 acres in three units to the preserve — the 4,793-acre Village Creek Corridor, the 4,497-acre Big Sandy Corridor and the 1,476-acre Canyonlands unit.

The Natural Resources subcommittee approved S 80 without amendment, and an aide says no amendments are expected in full committee. (For more information, see June 7 *Weekly Bulletin*, p. B3.)

Hot Springs: This 4,837-acre park in western Arkansas features 47 thermal springs that attract visitors seeking relief from illness or injury.

HR 1347, introduced by Rep. Jay Dickey (R-Ark.), a committee member, would redraw the park boundaries to exclude 300 acres of non-federal land from the park. The land has been developed and is not necessary for park operations or for protecting the recharge zones of the thermal springs, Dickey said.

The bill also would place slightly less than 2 acres of federal land within the park boundaries. The land already is owned by the National Park Service.

A companion measure (S 752) was introduced April 2 by Sen. Dale Bumpers (D-Ark.), who chairs the Senate Energy subcommittee on parks and public lands. That bill is scheduled for a hearing this Thursday before Bumpers' panel (see separate story in this issue).

The House subcommittee approved HR 1347 without amendment, and no amendments are expected in full committee.

Clear Creek: This bill (HR 1134) would transfer 14,000 acres of Interior Department land to the U.S. Forest Service, the state of Colorado, the county of Clear Creek and two other local governments.

The bill was introduced Feb. 24 by Rep. David E. Skaggs (D-Colo.).

The Interior Department's Bureau of Land Management wants to dispose of the property as part of a management consolidation plan, according to Skaggs. The proposed distribution of the land is based on the recommendations of a working group of federal, state and local officials.

The BLM land would be divvied up as follows:

- 3,500 aces to the Arapaho National Forest.
- 1,300 acres to the state.
- 600 acres to Clear Creek County for recreational use, plus an additional 7,300 acres the county would receive once it develops a comprehensive land-use plan and formally agrees to some restrictions on the use of revenue the county may gain from sales of the land. Under the bill, proceeds from those land sales would have to be used for parks, open space preservation, historic preservation and education.
- 1,300 acres to the historic mining towns of Georgetown (800 acres) and Silver Plume (500 acres).

HR 1134 also would prohibit the staking of new hard-rock mining claims in any of the transferred land but would protect existing claims on lands the county would sell.

Amendments: The public lands subcommittee approved a package of amendments containing technical corrections and boundary and acreage adjustments at its May 6 markup.

A further amendment, tightening restrictions on the county's use of the proceeds from the sale of any of the land it receives, will be proposed in full committee, according to a majority aide.

When: The markup will begin at 9:45 a.m. Wednesday, June 16, in 1324 Longworth.

House Natural Resources contacts: Amy Holley (Hot Springs), Sandy Scott (Big Thicket) or Stan Sloss (Clear Creek), majority, x67736; Kurt Christensen, minority, x62311. — *LD*

STATUS OF MAJOR LEGISLATION

HOW TO USE THIS SECTION: Major bills are listed below alphabetically by subject. Each bill's current status is noted, followed by an index of key reports on each subject.

Appropriations

FY 1994 budget

Latest action: Deadline for Senate committees to mark up reconciliation bill is 6/18/93. House 5/27 approved Omnibus Budget Reconciliation Act of 1993 (HR 2264, H. Rpt. 103-111).

Stories in this issue.

House history: Before leaving office, President Bush sent his FY 1994 budget proposal to Congress 1/6/93. President Clinton released a broad budget blueprint entitled "A Vision of Change for America" on 2/17.

House Budget Committee approved budget resolution on 3/10.

House, by a vote of 243-183, passed FY 1994 budget resolution (H. Con Res. 64) on 3/18, incorporating Clinton's budget plan.

House approved 3/31 conference report on H. Con. Res. 64.

President Clinton sent a detailed budget proposal to Congress 4/8.

Senate history: Before leaving office, President Bush sent his FY 1994 budget proposal to Congress 1/6/93. President Clinton released a broad budget blueprint entitled "A Vision of Change for America" on 2/17.

Senate Budget Committee approved resolution 3/11.

Senate, by a vote of 54-45, passed its resolution (S. Con. Res. 18) on 3/25, setting stage for conference.

Senate approved conference report on FY 1994 budget resolution (H. Con. Res. 64) 4/1/93.

President Clinton sent a detailed budget proposal to Congress 4/8.

FY 1993 supplemental (stimulus package)

Latest action: HR 2118 expected to move to Senate floor this week.

Story in this issue.

House history: Various House Appropriations subcommittees approved portions of supplemental 2/24.

House Appropriations approved supplemental 3/9.

House, by a 235-190 vote, passed package (HR 1335, H. Rpt. 103-30) on 3/19.

House 4/21 cleared for the president's signature stripped-down bill with only money for unemployment benefits.

House Appropriations 5/24 approved new, stripped-down stimulus bill (HR 2244) with $200 million for wastewater treatment grants.

House 5/26 passed HR 2244 with an amendment increasing wastewater funding to $290 million.

Senate history: Senate Appropriations Committee approved package 3/23.

Bill taken up on Senate floor 3/25; Republicans filibuster, prevent final action heading into Easter recess.

At the insistence of Republicans, Senate 4/20 passed stripped-down version with money only for unemployment benefits.

Senate Appropriations Committee approved HR 2118 6/8 and included some items from House-passed jobs bill. Panel stripped wastewater spending from bill.

Agriculture

Latest action: Subcommittee markup of draft legislation is expected on 6/14.

Story in this issue.

House history:

House subcommittee hearings:

- 2/23/93 — FY 93 supplemental appropriations bill
- 2/24 — Agriculture secretary
- 3/11 — Alternative agriculture research
- 3/30 — Soil Conservation Service
- 3/31 — Agricultural Stabilization and Conservation Service

Senate history:

Senate subcommittee hearings:

- 4/27 — Agricultural Stabilization and Conservation Service, Soil Conservation Service

Commerce (NOAA)

Latest action: House subcommittee markup expected this week.

Story in this issue.

House history:

House subcommittee schedule:

- 2/23/93 — FY 93 supplemental appropriations bill
- 3/2 — Marine Mammal Commission
- 4/27 — National Oceanic and Atmospheric Administration

Senate history:

Senate subcommittee schedule:

- 6/16 — National Oceanic and Atmospheric Administration

Energy and water

Latest action: Full House committee markup tentatively scheduled for 6/18. Floor action is expected the following week.

Story in this issue.

House history:

House subcommittee schedule:

- 3/24/93 — Members of Congress, outside witnesses
- 3/25 — Members of Congress, outside witnesses
- 3/29 — Members of Congress, outside witnesses
- 3/30 — Members of Congress, outside witnesses
- 3/31 — Members of Congress, outside witnesses
- 4/1 — Members of Congress, outside witnesses
- 4/14 — Assistant secretary of the Army for civil works, chief of engineers and director of civil works
- 4/15 — Assistant secretary of the Army for civil works, chief of engineers and director of civil works
- 4/19 — Interior secretary, Bureau of Reclamation, river basin commissions
- 4/20 — Tennessee Valley Authority, Appalachian Regional Commission
- 4/21 — Nuclear Regulatory Commission, Federal Energy Regulatory Commission
- 4/22 — Energy secretary
- 4/26 — DOE: environment, safety and health; environmental restoration and waste management; general sciences; basic energy sciences; fusion; supporting technology
- 4/27 — DOE: solar and renewables; nuclear fission; uranium supply and enrichment activities; nuclear waste disposal fund
- 4/28 — DOE: atomic energy defense activities (closed)
- 4/29 — DOE: atomic energy defense activities (closed); power marketing administrations (open)
- 6/10 — Subcommittee markup (closed)

Senate history:
Senate subcommittee schedule:
- 3/29/93 — Members of Congress, outside witnesses
- 3/30 — Members of Congress, outside witnesses
- 3/31 — Members of Congress, outside witnesses

Foreign operations

Latest action: House floor action expected Tuesday or the balance of the week.

Stories in this issue.

House history: FY '94 foreign aid appropriation marked up by subcommittee 5/26/93.

House subcommittee schedule:
- 5/19— Agency for International Development
- 5/26— Subcommittee markup
- 6/10— Full committee markup

Senate history:
Senate subcommittee schedule:
- 5/25/93 — Agency for International Development
- 6/8/93 — State Dept. Counselor Tim Wirth
- 6/15/93 — Outside witnesses

Interior and related agencies

Latest action: House subcommittee markup scheduled on 6/15/93.

Story in this issue.

House history:
House subcommittee schedule:
- 2/3/93 — Energy Information Agency
- 2/23 — FY93 supplemental appropriations bill
- 3/9 — Minerals Management Service
- 3/16 — U.S. Geological Survey
- 3/24 — Natural resources-outside witnesses
- 3/25 — Natural resources-outside witnesses
- 3/30 — Energy programs-outside witnesses
- 4/20 — Bureau of Indian Affairs
- 4/21 — Fossil energy, strategic petroleum reserve, Naval petroleum reserves, clean coal
- 4/23 — Energy conservation
- 4/26 — Secretary of interior
- 4/27 — U.S. Forest Service
- 4/28 — U.S. Fish and Wildlife Service
- 4/29 — National Park Service
- 5/6 — Secretary of energy, Office of Surface Mining
- 5/7 — Bureau of Land Management
- 5/11 — Members of Congress
- 5/13 — Members of Congress

Senate history:
Senate subcommittee schedule:
- 5/6/93 — National Park Service
- 5/12 — Fossil energy, clean coal, energy conservation
- 5/19 — U.S. Fish and Wildlife Service
- 5/25 — Bureau of Land Management
- 5/26 — U.S. Forest Service
- 6/8 — Secretary of interior
- 6/15 — Secretary of energy

Labor-HHS

Latest action: Full committee markup expected week of 6/21.

House history:
House subcommittee schedule:
- 3/24/93 — National Institute of Environmental Health Sciences
- 6/8 — Subcommittee markup

VA-HUD and independent agencies

Latest action: Full committee markup expected 6/22.

House history:
House subcommittee schedule:
- 2/23/93 — FY 93 supplemental appropriations bill
- 4/20-21 — Environmental Protection Agency
- 4/27-28 — National Aeronautics and Space Administration
- 5/27— Subcommittee markup

Senate history:
Senate subcommittee schedule:
- 4/22 — Environmental Protection Agency
- 6/10 — National Aeronautics and Space Administration

Clean Water Act

Latest action: Senate Environment clean water subcommittee scheduled first hearing on Clean Water Act for 6/16/93. Sens. Baucus and Chafee likely to introduce comprehensive reauthorization bill 6/15.

Story in this issue.

House history: Rep. Edwards 1/5/93 introduced environmentalist-backed wetlands bill (HR 350).

House Merchant Marine subcommittee on environment held hearing on clean water funding on 2/18.

House Public Works water resources subcommittee held two hearings 2/23 and 2/24 on rural wastewater treatment needs.

Rep. Hayes 3/11 introduced wetlands bill (HR 1330) backed by landowners' groups.

House Public Works water resources and environment panel held reauthorization hearings on 3/31, 4/1, 4/21, 4/22 and 5/5. Panel wrapped up its series of hearings with sessions on 5/11 and 5/12.

Rep. Studds, chairman of Merchant Marine Committee, on 5/20 introduced bill (HR 2199) to impose taxes on pesticide and fertilizer manufacturers, industrial toxic dischargers and others to help pay for local water pollution control projects.

Rep. Mineta, chairman of Public Works Committee, introduced slightly altered version of Studds bill (HR 2255) to assert exclusive Public Works and Ways and Means jurisdiction over measure.

Senate history: Senate 5/4/93 passed amendment by Sen. Baucus to EPA-to-Cabinet bill requiring president to report to Congress on streamlining wetlands regulations for farmers.

EESC publications: Following is a partial list of EESC publications on the Clean Water Act:

- Outlook for 103rd Congress — 1/28/93 *Special Report*, "Outlook: environment, energy and natural resources in the 103rd Congress," p. 12.
- 2/24/93 *Special Report*, "Clinton's 'Vision of Change': environment, energy and natural resources in the 103rd Congress," p. 4.

Endangered species

Latest action: On 6/16/93, the environment and natural resources subcommittee of House Merchant Marine will hold a hearing on habitat conservation plans.

Story in this issue.

House history: On 3/18/93, Rep. Hansen introduced HR 1414 to amend the act to allow social and economic consequences to be considered in the listing of threatened or endangered species.

On 3/25, Reps. Tauzin and Fields introduced HR 1490 to reauthorize the act for five years, make various procedural amendments, and require that economic factors be given greater consideration in efforts to conserve species.

On 5/5, Rep. Smith (Ore.) introduced HR 1992 to amend the

Endangered Species Act to require that species are listed only on the basis of actual threats.

On 5/6, Rep. Studds introduced HR 2043 to reauthorize and amend the Endangered Species Act of 1973. The bill would encourage multispecies and ecosystem protection efforts, require greater recovery efforts with reduced social and economic impacts, create incentives for private landowners to conserve species, and improve cooperation with states.

On 5/20, Rep. Brewster introduced HR 2207, to require the secretary of the interior to protect hunting, fishing and trapping when enforcing the act and in other wildlife management activities.

On 5/27, the environment and natural resources subcommittee of House Merchant Marine held a hearing on the Endangered Species Act.

Senate history: On 1/21/93, Sen. Metzenbaum introduced S 74 to protect the standing of individuals and groups to sue to force the federal government to protect listed species.

On 5/6, Sens. Baucus and Chafee introduced S 931, a bill that is nearly identical to Rep. Studds HR 2043.

EESC publications: Following is a partial list of EESC publications on the Endangered Species Act:

- Outlook for 103rd Congress — 1/28/93 *Special Report,* "Outlook: environment, energy and natural resources in the 103rd Congress," p. 19.

Environmental policy

House history: Rep. Boehlert 1/5/93 introduced bill to elevate EPA to Cabinet (HR 109). Rep. Clinger 2/4 introduced HR 824, to accomplish same purpose.

Two House Government Operations subcommittees held a hearing 3/29 to prepare EPA-to-Cabinet legislation.

House Government Operations legislation subcommittee held a hearing 4/28 on environmental justice.

Government Operations subcommittees hold joint hearing 5/6 on EPA management.

Senate history: Sen. Glenn 1/21/93 introduced EPA-to-Cabinet bill (S 171). Sen. Roth 2/17 introduced S 380, similar to Clinger bill.

Senate Governmental Affairs Committee held hearing 2/18 on Glenn bill (S 171) to elevate Environmental Protection Agency to Cabinet level.

Glenn bill marked up and approved by committee with amendments 3/24.

Senate Environment Committee approved NEPA-related section 4/2.

Senate approved S 171 (S. Rpt. 103-38, 39) on 5/4 by 79-15 vote.

EESC publications: Following is a partial list of EESC publications on environmental policy:

- Outlook for 103rd Congress — 1/28/93 *Special Report,* "Outlook: environment, energy and natural resources in the 103rd Congress," p. 4.

Mining law reform

House history: Rep. Rahall 1/5/93 introduced mining law reform bill (HR 322).

President Clinton released preliminary budget plan 2/17 that proposed imposing a 12.5 percent royalty on proceeds from hard-rock minerals production.

House Natural Resources energy and mineral resources subcommittee held hearing 3/11 on HR 322.

Reps. Orton and Vucanovich 4/7 introduced industry-backed House companion (HR 1708) to S 775.

Senate history: Sen. Bumpers 1/28/93 introduced environmentalist-backed reform bill (S 257).

President Clinton released preliminary budget plan 2/17 that proposed imposing a 12.5 percent royalty on proceeds from hard-rock minerals production.

Senate Energy Committee held 3/16 hearing on S 257.

Sens. Craig, Wallop, Murkowski, Bennett, Burns, Hatch and Stevens 4/5 introduced industry-backed reform bill (S 775).

Senate Energy mineral resources panel held hearing 5/4 on proposals to institute hard-rock mineral royalties.

Senate Energy 5/6 approved Sen. Craig's bill (S 775) by unanimous consent under process designed by committee Chairman Johnston to wait for conference before undertaking real negotiations.

S 775 (S. Rpt. 103-45) passed 5/25 on Senate floor by unanimous consent.

EESC publications: Following is a partial list of EESC publications on mining law reform:

- Outlook for 103rd Congress — 1/28/93 *Special Report,* "Outlook: environment, energy and natural resources in the 103rd Congress," p. 5.

Pesticides

House history: Rep. Waxman 2/4/93 introduced House companion (HR 872) to Kennedy food safety bill. Rep. Lehman 4/1 introduced pesticide and food safety bill (HR 1627).

House Agriculture subcommittee on department operations held hearings on pesticide reregistration 6/8 and 6/10.

Senate history: Sen. Kennedy 2/4/93 introduced food safety bill (S 331) that would set uniform "negligible risk" standard to limit pesticide residues on food.

EESC publications: Following is a partial list of EESC publications on pesticide issues:

- Outlook for 103rd Congress — 1/28/93 *Special Report,* "Outlook: environment, energy and natural resources in the 103rd Congress," p. 9.

Safe Drinking Water

Latest action: House Energy approved HR 1701 to establish state revolving loan funds 4/27/93. House Public Works approved similar bill (HR 1865) 4/28. Bill may go to floor if jurisdictional dispute can be resolved.

House history: Reps. Waxman and Dingell introduced HR 1701 to establish state revolving loan funds on 4/5/93.

House Energy health and the environment subcommittee hearing held 4/19.

Health and the environment markup of HR 1701 held 4/21.

Energy committee markup of HR 1701 held 4/27.

Rep. Mineta introduced HR 1865 to establish state revolving loan funds on 4/27.

Public Works committee markup of HR 1865 held 4/28.

EESC publications: Following is a partial list of EESC publications on the Safe Drinking Water Act:

- Outlook for 103rd Congress — 1/28/93 *Special Report,* "Outlook: environment, energy and natural resources in the 103rd Congress," p. 8.

Superfund

House history: Rep. Smith (N.J.) 1/21/93 introduced municipal liability legislation (HR 540, HR 541).

Rep. Torricelli 2/4 introduced House companion (HR 870) to Lautenberg's municipal liability bill.

Senate history: Sen. Lautenberg 2/4/93 introduced bill (S 343) to limit cleanup liability of municipalities under superfund law.

EESC publications: Following is a partial list of EESC publications on superfund:

• Outlook for 103rd Congress — 1/28/93 *Special Report*, "Outlook: environment, energy and natural resources in the 103rd Congress," p. 10.

Taxes

Latest action: Senate Finance Committee expected to mark up budget reconciliation bill with energy tax week of 6/14/93.

Story in this issue.

House 5/27 approved proposed tax on energy as part of budget reconciliation (HR 2264).

House history: Rep. English 1/26/93 introduced an oil import fee bill (HR 600). Rep. Stark 2/3 introduced a bill to levy a new tax on the carbon content of fossil fuels (HR 804).

President Clinton proposed new tax on heat content, or Btu, of fossil fuels, nuclear energy and hydroelectric power in speech to Congress 2/17. He also proposed extending 2.5 cent-per-gallon gasoline tax set to expire in 1995.

House Ways and Means held hearings on proposal, 3/9, 3/10, 3/16, 3/17, 3/23, 3/31, 4/1.

Administration revised tax proposal 4/1.

Rep. Dan Rostenkowski (D-Ill.) introduced legislation (HR 1960) embodying Clinton tax proposal 5/4.

Ways and Means held preliminary markup 5/4, 5/5 and 5/6.

Ways and Means approved amended version of administration energy tax proposal 5/13.

House Budget Committee 5/20 reported Ways and Means-approved version of administration energy tax.

Senate history: Sen. Nickles 1/21/93 introduced a bill to impose an oil import fee (S 65). An oil import fee also was proposed 1/28 by Sen. Johnston (S 254).

President Clinton proposed new tax on heat content, or Btu, of fossil fuels in speech to Congress 2/17. He also proposed extending 2.5 cent-per-gallon gasoline tax set to expire in 1995.

The Senate Energy Committee held a hearing 2/24 to examine the Clinton proposal and put forward a value-added tax as an alternative.

Administration revised tax proposal 4/1.

Senate Finance Committee held hearings 4/20 and 4/22.

EESC publications: Following is a partial list of EESC publications on energy taxes:

• Outlook for 103rd Congress — 1/28/93 *Special Report*, "Outlook: environment, energy and natural resources in the 103rd Congress," p. 15.

• 2/24/93 *Special Report*, "Clinton's 'Vision of Change': environment, energy and natural resources in the 103rd Congress," p. 2.

• 4/14/93 *Special Report*, "President Clinton's fiscal 1994 budget proposal" p. 3.

Wilderness

Alaska: Bills to designate the 1.5-million-acre coastal plain of Alaska's Arctic National Wildlife Refuge as wilderness were introduced 1/5/93 by Rep. Lehman (HR 39) and 1/21 by Sen. Roth (S 39).

California: Bills to create more than 8 million acres of wilderness in the California desert were introduced 1/21/93 by Rep. Lehman (HR 518) and by Sen. Feinstein (S 21). On 2/4, Rep. Vento introduced HR 880, withdrawing certain lands in the desert for military use.

A Senate Energy subcommittee held hearings on the Senate bill 4/27 and 4/28.

The public lands subcommittee of House Natural Resources will hold a hearing 6/15 on HR 518 and HR 880.

Story in this issue.

Colorado: A bill to designate 648,600 acres of wilderness in national forest and BLM lands in Colorado was introduced 1/5/93 by Rep. Hefley (HR 195).

Bills to set aside 611,730 acres of wilderness in Colorado were introduced 1/26 by Rep. Skaggs (HR 631) and by Sen. Brown (S 206).

The Senate Energy Committee's public lands subcommittee held hearing on S 206 on 2/25.

The House Natural Resources Committee's public lands subcommittee held a hearing on HR 195 and HR 631 on 6/8. The subcommittee will markup HR 631 on 6/17.

Story in this issue.

New Mexico: A bill to designate 16,674 acres of wilderness in New Mexico was introduced 2/4/93 by Sen. Domenici (S 313). The public lands subcommittee of Senate Energy will hold a hearing 6/16 on S 313.

Story in this issue.

North Carolina: HR 924, creating 12,850 acres of wilderness in the Pisgah and Nantahala national forests, was introduced 2/17/93 by Rep. Ballenger.

Utah: HR 1500, creating 5.4 million acres of wilderness on BLM lands, was introduced 3/25/93 by Rep. Hinchey.

EESC publications: Following is a partial list of EESC publications on wilderness issues:

• Outlook for 103rd Congress — 1/28/93 *Special Report*, "Outlook: environment, energy and natural resources in the 103rd Congress," p. 16.

COMMITTEE CALENDAR

In the House

Monday

Appropriations:	**Agriculture mkup.** 1 p.m., 2362-A Rayburn	B10

Tuesday

Appropriations:	**FY '94 interior mkup.** 10 a.m., B-308 Rayburn	B10
Merchant Marine:	**Alaska OCS lease buybacks hg.** 10 a.m., 1334 Longworth	B3
Natural Resources:	**California desert hg.** 10 a.m., 1324 Longworth	B6

Wednesday

Merchant Marine:	**Habitat conservation hg.** 10 a.m., 1334 Longworth	B5
	Magnuson Act hg. 2 p.m., 1334 Longworth	B14
Natural Resources:	**Public lands bills mkup.** 9:45 a.m., 1324 Longworth	B18

Thursday

Natural Resources:	**Colorado wilderness mkup.** 10 a.m., 1324 Longworth	B9
Science:	**DOE labs hg.** 1:30 p.m., 2316 Rayburn	B1

Friday

Appropriations:	**FY' 94 energy and water mkup.** Tentative, time and place TBA	B10

In the Senate

Monday

No action

Tuesday

Appropriations:	**DOE budget hg.** 10 a.m., S-128 Capitol	B10
	Foreign aid budget hg. 10 a.m., 138 Dirksen	B10
Energy:	**Budget, DOE nominees mkup.** 9:30 a.m., 366 Dirksen	B2, B8
Indian Affairs:	**Fish and wildlife hg.** 9:30 a.m., 485 Russell	B3

Wednesday

Appropriations:	**NOAA budget hg.** 10 a.m., S-146 Capitol	B10
Energy:	**Full committee mkup.** 9:30 a.m., 366 Dirksen if necessary	B2, B8
	Public lands bills hg. 2:30 p.m., 366 Dirksen	B16
Environment:	**Clean Water Act hg.** 9:30 a.m., 406 Dirksen	B15
Indian Affairs:	**Fish and wildlife hg.** Follows 9:30 a.m. meeting, 485 Russell	B3

Thursday

Energy:	**Public lands bills hg.** 2 p.m., 366 Dirksen	B16
Environment:	**Voluntary cleanup hg.** 10 a.m., 406 Dirksen	B4
Govl Affairs:	**EPA contracts hg.** 9:30 a.m., 342 Dirksen	B9

Friday

No action

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THE WHITE HOUSE

WASHINGTON

September 3, 1993

MEMORANDUM FOR THE PRESIDENT

FROM: KATIE MCGINTY for KM

CC: THOMAS MCLARTY

SUBJECT: OEP WEEKLY REPORT

NAFTA

OEP recently picked up the ball on the need for funding for conservation projects (as distinct from funding for border pollution clean-up) in order to secure environmental NGO support for the NAFTA package. The "moderate" NGOs raised this issue in their May 4 letter as a key element for their support. Recent conversations reaffirmed that, while border clean-up is a higher priority, funding for conservation projects (e.g., biodiversity protection and law enforcement training regarding illegal wildlife trade) remains an important area in which they will need to convince their members of the benefits of the NAFTA package. At OEP's request, the NEC Deputies Committee will be reviewing different potential initiatives from throughout the government that could be tied together into a coherent conservation package.

CLIMATE CHANGE

The Climate Change Mitigation Group met on 9/2 to reach closure on two main issues: the inclusion of greenhouse gas sink enhancement projects in the mitigation program, and the inclusion of HFCs in the baseline and HFC reduction programs in the mitigation plan. Both were adopted by the full CCMG, meaning that sink enhancement programs (mainly forestry projects) will contribute to reduced CO_2 emissions, and that HFC emissions, while making the task of meeting the objective harder, should be included in our plan.

Budget and economic analysis continued this week. OEP has drafted a summary document of the plan, which we will complete when all issues are resolved. We expect closure on the complete package next week for Presidential review.

COUNCIL ON ENVIRONMENTAL QUALITY (CEQ)/EPA CABINET BILL

OEP staff met with Howard Paster, Jack Quinn, EPA staff and key Hill staffers to discuss options for ensuring that the EPA Cabinet Bill can proceed and that NEPA review functions (currently undertaken at CEQ) continue effectively and efficiently. A new draft proposal that would have CEQ exist with a small core staff to cover NEPA functions appears to have support from Studds and Dingell (Dingell has opposed NEPA functions being moved to EPA). Dingell has additional concerns about EPA Cabinet elevation, and we will continue to work with Hill staff to ensure that White House priorities are addressed in the legislation that is ultimately proposed in the House.