

FOIA MARKER

This is not a textual record. This is used as an administrative marker by the William J. Clinton Presidential Library Staff.

Collection/Record Group: Clinton Presidential Records
Subgroup/Office of Origin: Council on Environmental Quality
Series/Staff Member: Kathleen (Katie) McGinty
Subseries:

OA/ID Number: 2901
FolderID:

Folder Title:
Appropriations - Commerce, State, Justice and Judiciary [2]]

Stack:	Row:	Section:	Shelf:	Position:
S	61	6	1	3

Clinton Presidential Records Digital Records Marker

This is not a presidential record. This is used as an administrative marker by the William J. Clinton Presidential Library Staff.

This marker identifies the place of a publication.

Publications have not been scanned in their entirety for the purpose of digitization. To see the full publication please search online or visit the Clinton Presidential Library's Research Room.

Calendar No. 557

102D CONGRESS
2D SESSION**S. 3026****[Report No. 102-331]**

Making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 1993, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JULY 23, 1992

Mr. HOLLINGS, from the Committee on Appropriations, reported the following original bill; which was read twice and placed on the calendar

A BILL

Making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 1993, and for other purposes.

- 1 *Be it enacted by the Senate and House of Representa-*
- 2 *tives of the United States of America in Congress assembled,*
- 3 That the following sums are appropriated, out of any
- 4 money in the Treasury not otherwise appropriated, for the
- 5 Departments of Commerce, Justice, and State, the Judici-

Commerce

Hrg: 2pm Feb 18 H-310
Part 1-A budget Marine Mammal Comm
Hrg: 10am Mar 24 H-310
Rep. Neal Smith testimony of John Knauss NOAA
Hrg: 10am Apr 9 S-146
Sen. E. Hollings budget of NOAA
Mark Up: July 23 2360 Rayburn
HR 5678 H Rept. 102-709 H Res 530
S 3026 S Rept. 102-331 HA 775-81
HJT Res 553 (9/24) Conf. Rept. 102-918
Conference committee completed
work Friday Sept. 25 PL 102-395

State - Bureau of Oceans?
Justice - Enviro Crimes

Commerce - NOAA

Sen. Subcom. 4-7277 S146
House subcom. 5-~~7277~~ H ~~7277~~
3351

Approps

- Commerce
- State
- Justice
- Judiciary

fisheries subcommittee Chair-
ry Studds (D-Mass.), was
by problems experienced by
in Massachusetts Bay who fre-
ul up waste and have suffered
injury or damage to their equip-
a subcommittee aide.

oucester, Mass., fisherman suf-
plete disability after hauling up
s of toxic chemicals in his fish-
according to a subcommittee
the barrels ruptured, spilling the
all over the deck of the fishing
cause the fisherman could no
rk, his boat was repossessed.

Chairwoman of the Gloucester
n's Wives Association, Mrs.
an Fillippo, is to testify before
g on this and other harm suf-
fishermen. The hearing is being
Studds' subcommittee and the
phy subcommittee, chaired by
his M. Hertel (D-Mich.).

Studds' bill is designed to give these
and others harmed by illegal
mping an additional weapon to
st the dumpers in recovering
the subcommittee memo said.
those suffering harm may seek
under common law, but no fed-
dy exists. The Studds bill would
tional deterrent to illegal ocean
the memo said.

ddition, the Studds bill would
gal dumpers liable for the cost of
f the waste.

bill would amend Title I of the
rotection Research and Sanctu-
, better known as the Ocean
Act (PL 92-532). This law re-
eral permits for ocean dumping
bits dumping of medical waste,
udge, industrial and other waste.
ctors of the law are subject to
p to \$50,000, or \$125,000 for
waste.

r Studds' bill, violators would
to damages of up to \$1,200 per
of the vessel from which the
occurred.

hearing comes on the heels of
ssage Feb. 4 of a bill (HR 3749,
2-423) to reauthorize the Ocean
Act. The bill awaits Senate ac-

esses: Other witnesses sched-

uled to appear are Mark Sickles, execu-
tive director of the National Association
of Dredging Contractors; Robert H.
Wayland III, director of the Environmen-
tal Protection Agency Office of Wetlands,
Oceans and Watersheds; Tom Campbell,
general counsel for the National Oceanic
and Atmospheric Administration; Anne
D. Aylward, maritime director of the
Massachusetts Port Authority and chair-
woman of the American Association of
Port Authorities; and Betsy Schraeder,
director of the marine debris information
office, Center for Marine Conservation.

When: The hearing is scheduled for
10 a.m. Thursday, Feb. 20, in 1334
Longworth.

House Merchant Marine contacts:
Karen Steuer, majority, x63533; Deborah
Dawson, majority, x63504; Lisa Pittman,
minority, x63552. — *Steve Cook*

Appropriations

Hearings set on money bills

House Appropriations panels this
week will kick off hearings on environ-
mental, energy and natural resource pro-
grams in President Bush's fiscal 1993
budget request.

Energy and water: The energy
and water subcommittee plans a trio of
hearings this week on the U.S. Army
Corps of Engineers budget request. The
hearings are set for 10 a.m. Tuesday,
Wednesday and Thursday, Feb. 18-20, in
2362 Rayburn.

Nancy Dorn, assistant secretary of
the Army for civil works, and Lt. Gen.
Henry J. Hatch, chief of engineers, will
present an overview of the corps' budget
request at the Tuesday session.

Regional corps officials will testify at
the Wednesday and Thursday hearings.
The Wednesday session will examine
water projects and issues associated with
the Ohio River, Southwestern, Missouri
River and North Pacific divisions. The
Thursday session will focus on the South
Atlantic, Lower Mississippi Valley, and
Pacific Ocean divisions.

Two more hearings on the corps bud-
get are planned for next week.

Commerce: The subcommittee on
commerce, justice, state and the judiciary
has scheduled a Tuesday hearing to re-
view the budget for the Marine Mammal
Commission. Scheduled to testify is com-
mission Chairman John E. Reynolds, III.

The hearing is set to begin at 2 p.m.
Feb. 18 in H-310 of the Capitol. The panel
first will hear from witnesses on the bud-
get for the Supreme Court before taking
testimony on the Marine Mammal Com-
mission.

Interior: The interior subcommittee
has set a hearing for Thursday to receive
testimony from outside witnesses on the
energy and mining programs funded by
the interior appropriations bill.

The agencies that administer these
programs include the Energy
Department's fossil fuels division and the
Interior Department's Office of Surface
Mining and Bureau of Mines.

The hearing will begin at 10 a.m.
Thursday, Feb. 20, in B-308 Rayburn. A
witness list was not available at press
time. — *JKC, SD*

Conservation

Panel examines federal energy use

The Senate Governmental Affairs
Committee this week will explore energy
use and conservation by the federal gov-
ernment, the largest single energy con-
sumer in the nation.

Originally scheduled to take place
last fall, the hearing was rescheduled for
Tuesday.

According to the latest figures avail-
able from the Energy Department, the
government spent nearly \$10 billion in
1990 to meet its energy needs, which
amounted to 1.9 quadrillion British ther-
mal units, or quads. That represents 2.3
percent of all the energy consumed in the
United States last year.

The hearing will focus in part on
energy conservation practices by the fed-
eral government, which must provide
lighting, heating and air conditioning for
an inventory of some 500,000 buildings
worldwide.

Federal agencies were required by

federal statute
tive to take ste-
ciency. But fe-
ers have even
veys called for

In propos-
egy last year,
executive orde-
ciency goals se-
All federal off-
facilities are r-
efficiency ove-
in 1995 and 20

Compreh-
currently unde-
ate includes s-
to improve en-
eral governme-
would require
develop new
codes that wo-
future federal
separate story

A numbe-
patterned afte-
energy conser-
102-138) app-
emmental Af-
Sen. John Gle-

A 1990 I-
eral energy m-
been under le-
ergy conserva-
prices, particu-

Panelists
are expected
energy effici-
ernment can-
the nation's
encourage fu-
vation technol-

Witnesses:
try, research
hicle makers
Arthur H Ros-
for building
Livermore I-
David Freeman
Sacramento I-

When:
9:30 a.m. T-
Dirksen.

Senate
tacts: Chris
majority, x4-
nority, x426

after several years in
stration requested more
that were greatly en-
s during the appropri-
st year, the president
llion for EPA, an in-
n 3 percent. Congress
riated \$6.7 billion, up
the previous year.

g for substantial in-
y areas, the fiscal 1993
liminating several EPA
jects, including a \$37
or loans and grants to
from schools. Congress
nistration proposals to
gram in fiscal 1992.

Members are upset that
posed cutting in half the
am that provides grants
water pollution caused
rmland, city streets and
s, a committee staffer
d that controlling such
e" pollution is a major
ut this is contradicted by
t, the aide said.

the superfund budget
ministration have been
Congress for the past
cal year 1993, the presi-
quest from the previous
perfund spending from
8 billion.

f the Senate Appropria-
(S. Rpt. 102-107) on the
making 1992 appropria-
aid that the agency has
of superfund expendi-
ration, enforcement and
ot directly related to the
ous waste sites.

riations Committee also
adequately monitoring
ar cleanup contracts.
stration reversed its ear-
wer construction grants
for a \$100 million in-
tion in fiscal 1993. In the
the president proposed
the program, only to be
gress.

me members have raised
\$470 million request for
projects in Boston, New
Angeles, San Diego, Se-

attle, Baltimore and along the U.S.-Mexi-
can border, the aide said. These members
want other areas to be able to compete for
this money.

Members also are concerned that the
president's regulatory moratorium is hin-
dering the effective enforcement of the
Clean Air Act, the aide said. Bush an-
nounced a 90-day moratorium on new
government regulations January 28 in his
State of the Union address.

Witnesses: Reilly is expected to be
accompanied by Assistant Administrator
F. Henry Habicht II and other EPA offi-
cials.

When: The hearing is scheduled for
10 a.m. Tuesday, March 24, in 406
Dirksen.

Senate Environment contacts:
Stephanie Clough, majority, x43211;
John Grzebien, minority, x48218. —
Steve Cook

Appropriations

Hearings set on money bills

Appropriations panels in both houses
this week continue hearings on environ-
mental, energy and natural resource pro-
grams in President Bush's fiscal 1993
budget request.

House: Several Appropriations
subcommittees in the House will meet.

• **Interior:** Rep. Sidney R. Yates' (D-
Ill.) subcommittee will hear from the sec-
retaries of interior and energy.

Interior Secretary Manuel Lujan Jr.
will testify before the panel at 10 a.m.
Wednesday, March 25, in B-308
Rayburn. The panel will hear from En-
ergy Secretary James Watkins at 10 a.m.
Thursday, March 26, in the same room.

• **Commerce:** Rep. Neal Smith's (D-
Iowa) subcommittee will receive testi-
mony Tuesday, March 24, from John A.
Knauss, administrator of the National
Oceanic and Atmospheric Administra-
tion. The hearing begins at 10 a.m. in H-
310 of the Capitol.

• **Energy:** Rep. Tom Bevill's (D-
Ala.) panel will receive testimony from
public witnesses and members of Con-
gress in two pairs of hearings Wednesday

and Thursday, March 25 and 26. The
hearings begin at 10 a.m. and 2 p.m. each
day in 2362 Rayburn.

• **Labor:** Rep. William H. Hatcher's
(D-Ky.) panel will hear from National
Institute of Environmental Health Sci-
ences Director Kenneth Olden at 2 p.m.
Monday, March 23, in 2358 Rayburn.

Senate: Several Appropriations
subcommittees in the Senate also plan
hearings this week:

• **Energy:** Sen. J. Bennett Johnston's
(D-La.) subcommittee will hear from
public witnesses and members of Con-
gress in two hearings next week. The
hearings are scheduled for 10 a.m.
Wednesday, March 25, in 192 Dirksen
and 10 a.m. Thursday, March 26, in 138
Dirksen.

• **VA-HUD:** Sen. Barbara A.
Mikulski's (D-Md.) panel will hear from
Richard H. Truly, outgoing head of the
National Aeronautics and Space Admin-
istration; Environmental Protection
Agency Administrator William K. Reilly;
and Council on Environmental Quality
Chairman Michael R. Deland. The NASA
hearing is set for 9:30 a.m. Wednesday,
March 25, in 116 Dirksen. The EPA-CEQ
hearing is set for 9:30 a.m. Thursday,
March 26, in G50 Dirksen. — Staff

Water resources

Cheyenne water rights markup set

The Senate Indian Affairs Commit-
tee plans this week to mark up a bill that
would settle all water rights claims of the
Northern Cheyenne within Montana and
authorize a \$52 million project to raise
and strengthen the Tongue River Dam.

The bill (S 1607), introduced July 31
by Sens. Conrad Burns (R-Mont.), Max
Baucus (D-Mont.) and John McCain (R-
Ariz.), was the subject of a Nov. 15 hear-
ing by the committee.

The bill would give congressional
approval to a June 11 water rights com-
pact between the Northern Cheyenne
Tribe and the state of Montana. The addi-
tional water needed for the settlement
would come from raising the height of the
state-owned Tongue River Dam, which

was built in the 1930s
the tribe and for non-

The project als
and rehabilitate the c
in the early stages o
Baucus said in a state
the bill's introductio
strophic failure wou
water that could sw
and wipe out the to
Ashland, Mont., ca
\$100 million to \$300

Burns said in his
that it is supported b
a water rights comp
state Fish and Wi
people who live along
Montana.

Opposition: 2
opposed to the bill.

At the Nov. 15
Glidden, chairman c
on Indian water settl
Department, said th
not like the way th
costs for the dam re

The administra
the \$18 million cos
and to finance a \$
development fund f
said. But the admi
state should pay for

"We cannot, a
Indian water rights
to provide benefits
Indian water users
avoid paying the
should bear," Glidc

Provisions: 3
the interior secretar
erative agreement v
tana for the planni
struction of the dam
The bill would aut
tion of \$31.5 million
the project, as wel
operation and main
environmental com
to meet conditions
11 water rights con
tions resulting fro
view of the propos

The bill woul
tional \$3.6 million
ment to develop
would enhance fish

At the Nov. 15 hearing, Timothy W. Glidden, chairman of the working group on Indian water settlements at the Interior Department, said the administration objected to the way the bill would distribute the costs for the dam repairs.

The administration is willing to pay the \$18 million cost of raising the dam and to finance a \$10 million economic development fund for the tribe, Glidden said. But the administration thinks the state should pay for the repairs to the dam. (For more, see March 23 *Weekly Bulletin*, p. B10.)

When: The markup is tentatively scheduled for 2:30 p.m. Tuesday, April 7, in 485 Russell.

Senate Indian Affairs contact: Mike Jackson, x42251. — LD

Appropriations

Hearings set on money bills

Appropriations panels in both houses this week will hold hearings on environmental, energy and natural resource programs in President Bush's fiscal 1993 budget request.

House: Rep. Sidney R. Yates' (D-Ill.) subcommittee on interior and related agencies will hear from Energy Department officials on energy conservation programs.

The hearing is set to start at 10 a.m. Wednesday, April 8, in B-308 Rayburn.

Senate: Several Appropriations subcommittees plan hearings:

Commerce: Sen. Ernest F. Hollings' (D-S.C.) commerce subcommittee plans to hear from officials of the National Oceanic and Atmospheric Administration about their budget request.

The hearing is scheduled for 10 a.m. Thursday, April 9, in S-146 of the Capitol.

Interior: Sen. Robert C. Byrd's (D-W.Va.) interior and related agencies subcommittee will hold a hearing on the proposed budget for the Forest Service.

The hearing will begin at 2 p.m. Tuesday, April 7, in S-128 of the Capitol.

Foreign operations: Sen. Patrick J. Leahy's (D-Vt.) foreign operations subcommittee will consider the budget re-

quest for the Agency for International Development, which administers U.S. bilateral foreign assistance, including environmental initiatives.

The hearing is scheduled for Tuesday, April 7, at 2:30 p.m. in 138 Dirksen. — Staff

Global environment

Gore panel views global warming

Some scientists have advanced the theory that the increase in carbon dioxide blamed for global warming will have a beneficial effect on agriculture by stimulating plant growth.

The Senate Commerce subcommittee on science has scheduled a Thursday hearing to examine these arguments and counterclaims, such as an argument that increased concentrations of CO₂ in the atmosphere would favor some plants and animals over others and could potentially lead to an explosive spread of weeds and animal pests.

Green plants, through the process of photosynthesis, use the sun's energy to convert CO₂ into plant matter. Some scientists say that higher levels of CO₂ in the atmosphere would provide more of the raw material used in photosynthesis, encouraging greater plant growth and benefiting agriculture and forestry. This beneficial effect would offset any potential harm from the global warming that such a buildup of CO₂ may produce, they say.

A report in the January issue of *Scientific American* said, however, that experiments indicate increased CO₂ emissions may lead to massive ecological disruption. Some scientists fear such effects as plants flowering outside the time when pollinating insects and birds are normally present, leading to those plants' inability to reproduce, or a change in the nutritional composition of plants eaten by animals, leading to catastrophic effects tumbling through the food chain.

The Earth's temperature is regulated largely by CO₂ and other gases in the atmosphere that allow penetration of light energy from the sun while trapping heat radiated from the planet's surface. Many

scientists are concerned that artificially elevated levels of these gases will intensify this "greenhouse" warming effect at a rate and to a degree unprecedented in human history.

Increasing levels of CO₂, the most abundant of the greenhouse gases, are being added to the atmosphere from the burning of fossil fuels, wood, peat and other organic matter. Large-scale destruction of tropical rain forests, natural storehouses for vast quantities of CO₂, also is a contributing factor.

Some scientists have predicted catastrophic climate changes and rising sea levels resulting from the buildup of heat-trapping greenhouse gases. Others are skeptical of such dire forecasts.

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

When: The hearing is set for 9:30 a.m. Thursday, April 9, in 253 Russell.

Senate Commerce contacts: Anthony Socci, majority, x49360; Louis Whitsett, minority, x48172. — Steve Cook

Wildlife

Hearings start on ESA update

The landmark 1973 Endangered Species Act (PL 93-205), like a modern-day Noah's ark, is meant to save animals and plants from drowning in the rising flood of human activities.

A Senate Environment subcommittee this Friday will start to haul the ark into dry dock. In what is billed as an oversight hearing, the environmental protection subcommittee will receive testimony from a wide range of witnesses on the intent and implementation of the controversial act, which is up for reauthorization this year.

Lawmakers and other witnesses are expected to talk about numerous problems they perceive in the act, but Chairman Max Baucus (D-Mont.) is hoping to keep discussion broad rather than focus on a single species or issue, an aide said.

While the conflict pitting the federally protected northern spotted owl against timber jobs in the Pacific North-

the VA-HUD subcommittee.

Few details of the bill were available, but according to a committee source, the measure would hold EPA budget authority in fiscal 1993 at the current level of \$6.7 billion. In addition, the subcommittee voted to cut the superfund for hazardous waste cleanup to \$1.4 billion from the current year level of \$1.6 billion. The president requested \$1.8 billion for the program.

Funding for grants to states for sewer construction would be frozen under the bill at the current year level of \$2.4 billion. The Bush administration had requested \$2.5 billion.

However, the committee voted to increase the agency's operating budget, which includes programs to combat air and water pollution, to \$2.7 billion from the current year level of \$2.6 billion.

The proposed freeze in EPA spending as a whole comes after several years in which Congress has provided substantial increases for the agency. This year's freeze reflects ever-constricting spending limits imposed under the Budget Enforcement Act of 1990 (PL 101-508).

A total of \$65.9 billion in discretionary budget authority for fiscal 1993 was allocated to the VA-HUD subcommittee, chaired by Rep. Bob Traxler (D-Mich.). This represents a \$1.5 billion increase in current spending levels but does not keep pace with inflation.

In addition, EPA must compete with a multitude of agencies under the VA-HUD bill, which accounts for the biggest slice of a shrinking discretionary spending pie for domestic programs. One of those competing agencies is the National Aeronautics and Space Administration.

For example, the subcommittee approved \$1.73 billion for NASA's manned space station program, making that much less money available for other agencies and programs, including EPA and NASA's Earth Observing System satellite program.

Details on the bill's funding level for EOS were unavailable. NASA has requested \$391 million for the program in fiscal 1993, \$120 million more than was appropriated for the current fiscal year.

EOS is an international program, led by the United States, to monitor Earth's

environmental processes from space. The project calls for launching a series of satellites to collect atmospheric, oceanic and other data used to measure global climate change, including evidence of elevated "greenhouse" warming.

The first EOS satellite is scheduled to be launched in June 1998.

When: The full Appropriations Committee is set tentatively to mark up the VA-HUD bill Thursday, July 23, at a time and in a room to be announced.

House Appropriations contacts: Richard Malow, majority, x53241; Bill Warfield, minority, x53481. — *Steve Cook*

Appropriations

NOAA spending bill goes to markup

The House Appropriations Committee this week is likely to mark up a fiscal 1993 spending bill that includes funding for the National Oceanic and Atmospheric Administration.

The bill provides money for the Commerce, Justice and State departments, as well as for the federal judiciary. NOAA's parent agency is the Commerce Department.

The House Appropriations commerce subcommittee, chaired by Rep. Neal Smith (D-Iowa), marked up its bill June 30.

There were no details available on the subcommittee's proposed funding levels for NOAA because the contents of the bill were embargoed until after the full committee markup. Floor action on the measure is likely to take place the week of July 27, a majority subcommittee aide said.

The Bush administration requested \$1.7 billion for NOAA in fiscal 1993, roughly the same amount that was appropriated for the agency last year.

Agencies under the NOAA umbrella include the National Ocean Service, the National Marine Fisheries Service and the National Weather Service. NOAA also carries out oceanic and atmospheric research programs.

When: The markup is likely to take place the morning of Thursday, July 23, in

2360 Rayburn, a committee aide said.

House Appropriations contacts: John Osthaus, majority, x53351; Liz Dawson, minority, x53481. — *SD*

Appropriations

Spending bills near action in Senate

Senate consideration of fiscal 1993 spending bills may be launched this week with subcommittee markups of appropriations for energy and water resource programs and the Agriculture Department.

The stage for action on spending bills in the Senate was set June 17 when the Appropriations Committee formally determined how much of the discretionary spending pie for fiscal 1993 would be allocated to each of the panel's 13 annual appropriations bills.

The allocations are based on spending limits imposed under the Budget Enforcement Act of 1990 (PL 101-508), which put into law a five-year deficit reduction agreement between congressional leaders and the White House.

House appropriators went through their own allocation process in June.

Markups by the Senate Appropriations panel for energy and water and the subcommittee on agriculture are both possible this week, staffers said, but at press time neither had been scheduled by the chairmen, Sens. J. Bennett Johnston (D-La.) and Quentin N. Burdick (D-N.D.), respectively.

Energy and water: A \$21.8 billion energy and water bill (HR 5373, H. Rpt. 102-555) passed the House June 17. Following recent tradition, the measure was the first of the annual 13 appropriations bills to clear the chamber.

As approved by the House, the bill would continue a trend of major funding increases for environmental cleanup at the Energy Department's nuclear weapons facilities, while funding for the department as a whole would essentially remain flat. Water resource programs of the Army Corps of Engineers would get a slight increase, but funding for the Bureau of Reclamation would be cut.

contrast, simply would require mined lands to be reclaimed under current Interior Department regulations.

Several Western Republicans on the Interior Committee oppose HR 450 because of the reclamation language, which they say would make it virtually impossible to mine on Stock Raising Homestead Act lands. Those Republicans support the Senate-passed bill, however.

The Bush administration's official position on the bill was unavailable at press time. Both the American Mining Congress and the National Cattlemen's Association support the Senate bill. AMC opposes the House bill, but the Cattlemen's Association supports it. H. Rpt. 102-641. — SD

Appropriations

Appropriations for the departments of Commerce, Justice and State, the judiciary, and related agencies for fiscal year 1993 — HR 5678

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

This bill includes appropriations for the Commerce Department's National Oceanic and Atmospheric Administration, which is responsible for performing marine research, regulating fisheries, protecting marine mammals and overseeing state compliance with federal coastal protection laws, among other things.

The House Appropriations Committee July 23 approved a draft bill that had been crafted by Rep. Neal Smith's (D-Iowa) commerce subcommittee on June 30.

The Senate is scheduled to act Monday on a commerce appropriations bill (S 3026, S. Rpt. 102-331) approved July 23 by the Senate Appropriations Committee (see separate story in this issue).

The \$22.3 billion House committee bill would provide \$1.6 billion for NOAA in fiscal 1993, \$132 million less than this year's spending level. The Bush administration requested \$1.74 billion for NOAA in fiscal 1993.

For the agency's operations, research and facilities (ORF) account—the heart of NOAA's budget—the bill would provide \$1.5 billion in new budget authority (including a \$54 million transfer from a fish product promotional fund), \$130 million less than the administration's budget request and slightly more than the fiscal 1992 appropriation.

Under the ORF account, the National Ocean Service would receive \$140 million, slightly less than the administration request and 15 percent less than current spending. The National Ocean Service carries out such duties as ocean mapping, coastal and estuarine environmental research, designation and administration of national marine sanctuaries, and enforcement of the Coastal Zone Management Act (PL 92-583 as amended).

Specifically, the bill would earmark \$12 million for the National Ocean Service's coastal ocean science program, a slight increase over current spending and significantly less than the

administration's \$17 million request. Under this program, NOS carries out research on the coastal environment.

The bill would provide \$37.6 million for coastal management, including \$32.5 million for grants to states under the Coastal Zone Management Act to plan for and control development in environmentally sensitive coastal areas. The administration requested \$30.5 million for coastal management overall and \$25 million for state grants. The bill's proposed funding levels for coastal management are slightly less than current spending levels.

The National Ocean Service also would receive \$5.7 million for the national marine sanctuaries program, slightly more than current spending but well below the administration request of \$7.3 million.

The National Marine Fisheries Service, which is responsible for regulating commercial and recreational fishing activities, as well as protecting fish stocks under the Endangered Species Act (PL 93-205 as amended), would receive \$218 million in fiscal 1993, slightly less than the administration request and 4 percent less than the fiscal 1992 appropriation.

For oceanic and atmospheric research, the bill would appropriate \$196 million, slightly more than the administration request and 8 percent less than current spending. This would include \$44 million for NOAA's part in the administration's global climate change research initiative, slightly less than current spending and well below the administration's \$78 million request.

Finally, the bill would provide \$2 million in fiscal 1993 for NOAA's ongoing effort to modernize its aging fleet of 22 ocean research vessels, which is in line with the budget request but is well below the fiscal 1992 appropriation of \$33.2 million.

There was no word on NOAA-related amendments at press time. H. Rpt. 102-709. — Steve Daniels

Water resources

Zuni River Watershed Act of 1991 — HR 4026

Floor action: Scheduled for Monday under suspension of the rules. A recorded vote, if ordered, would be postponed until Tuesday.

The House Interior Committee marked up this bill July 8 by voice vote and without amendments. A hearing on the measure was held May 29.

The bill, introduced Nov. 26, 1991, by Rep. Bill Richardson (D-N.M.), would direct several agencies to conduct a study of the Zuni River watershed, which encompasses the Zuni Pueblo Indian reservation and areas upstream. The bill requires a plan for watershed protection and rehabilitation to be submitted to Congress within four years.

Identical legislation (S 1350) passed the Senate Oct. 30.

According to Richardson, there has been extensive damage during the past century to the Zuni River watershed, including erosion of farming and grazing lands, reduced productivity of renewable resources and loss of water. Report not filed at press time. — Rich Hayes

agency from entering into new contracts with farmers under the CRP.

At press time, committee staff said they were unaware of any conservation-related amendments that might surface on the floor. S. Rpt. 102-334. — *Steve Cook*

Appropriations

Appropriations for the departments of Commerce, Justice and State, the judiciary and related agencies for fiscal year 1993 — S 3026

Floor action: Scheduled for consideration Monday, beginning at 2 p.m., under a unanimous consent order.

This bill includes appropriations for the Commerce Department's National Oceanic and Atmospheric Administration, which is responsible for performing marine research, regulating fisheries, protecting marine mammals and overseeing state compliance with federal coastal protection laws, among other things.

The Senate Appropriations Committee approved the measure July 23, a day after the commerce subcommittee, chaired by Sen. Ernest F. Hollings (D-S.C.), marked up the bill.

The House is scheduled to consider its commerce appropriations bill (HR 5678, H. Rpt. 102-709) later this week. (See separate story in this issue.)

Although it is unusual for the Senate to consider an appropriations bill on the floor before House passage of the same bill, it is not precluded under congressional rules, an aide to the Senate Appropriations commerce subcommittee said. After the House passes its commerce appropriations bill, the Senate will take the procedural step of taking up the House bill, inserting the Senate-passed language and calling for a conference.

The \$23.6 billion Senate committee bill would appropriate \$1.65 billion for NOAA in fiscal 1993, \$18 million less than the administration requested and \$19 million less than the current spending level. That figure does not include proposed transfers from other accounts and other funding sources.

For the agency's operations, research and facilities (ORF) account — the heart of NOAA's budget — the bill would provide \$1.5 billion in new budget authority (including proposed transfers of funds), \$103 million less than the administration request and slightly more than the fiscal 1992 spending level.

Under the ORF account, the National Ocean Service would receive \$148 million, 3 percent more than the administration request but 10 percent less than current spending. The National Ocean Service's duties include ocean mapping, coastal and estuarine environmental research, designation and administration of national marine sanctuaries, and enforcement of the Coastal Zone Management Act (PL 92-583 as amended).

Specifically, the bill would earmark \$11 million for the National Ocean Service's coastal ocean science program, a slight decrease from current spending and significantly less than the administration's \$17 million request. Under this program, the

NOS carries out research on the coastal environment.

The bill would provide \$44 million for coastal management, including \$34 million for grants to states under the Coastal Zone Management Act to plan for and control development in environmentally sensitive coastal areas. The administration requested \$30.5 million for coastal management overall, \$25 million of which would be for state grants. The bill's proposed funding level for coastal management is slightly less than current spending.

The National Ocean Service also would receive \$5.8 million for the national marine sanctuaries program, slightly more than current spending but well below the administration request of \$7.3 million.

The National Marine Fisheries Service, which is responsible for regulating commercial and recreational fishing activities, as well as protecting fish stocks under the Endangered Species Act (PL 93-205 as amended), would receive \$216 million in fiscal 1993, \$10 million less than current spending and \$6 million less than the administration's request.

For oceanic and atmospheric research, the bill would appropriate \$197 million, slightly more than the administration request and 7 percent less than current spending. This would include \$47 million for NOAA's part in the administration's global climate change research initiative, well below the administration's \$78 million request but equal to the current spending level.

Finally, the bill would provide \$37 million in fiscal 1993 for NOAA's ongoing effort to modernize its aging fleet of 22 ocean research vessels, a slight increase from the fiscal 1992 appropriation of \$33.2 million and well above the administration request of \$2 million.

There was no word on NOAA-related amendments at press time. S. Rpt. 102-331. — *Steve Daniels*

Energy policy

Comprehensive National Energy Policy Act of 1992 — HR 776

Floor action: Likely sometime this week.

Buoyed by an agreement on nuclear waste disposal but stymied by a dispute over a coal tax proposal, supporters of a wide-ranging energy bill will likely try again this week to push the legislation through the Senate and on to a conference with the House.

Proponents of the bill, led by Energy Committee Chairman J. Bennett Johnston (D-La.), suffered a major setback July 23 by falling two votes short of the 60 they needed to invoke cloture and avert a threatened filibuster against consideration of the measure.

Without cloture, Johnston will need to work out any potential show-stopping problems before the Senate can proceed with the bill, and he warned that time was running out.

However, Sen. Malcolm Wallop (Wyo.), the ranking Energy Committee Republican, said July 24 that he and other senators were close to working out an agreement that would resolve the biggest remaining obstacle — his objection to a proposal to add a new coal tax to the energy bill.

million acres of Bureau of Land Management holdings as the California Desert Conservation Area and directed BLM to study the area for wilderness potential. In the meantime, 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."

Last July 26, the 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.

Bills: HR 2929 (H. Rpt. 102-283), which cleared the House over vehement Republican opposition, would set aside a total of 8 million acres of the California desert as wilderness.

On lands owned by BLM, the bill would create 73 wilderness areas — totaling 4.1 million acres. Another 3 million acres of the desert would be transferred from BLM 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 760,000 acres, respectively), and upgrade both to national parks. The East Mojave national scenic area — currently under BLM management — would become a 1.5-million-acre national monument.

In the three parks together, 3.9 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.

HR 2929 is similar to legislation introduced in three successive Congresses by Cranston, but his current proposal (S 21) differs from the House-passed bill in several significant respects.

Cranston's bill would create 417,600 more acres of wilderness than the House bill. Although the Democrat-backed House and Senate bills have in the past been essentially identical, the chief House sponsors, Reps. Richard H. Lehman (D-Calif.) and Mel Levine (D-Calif.), scaled back their wilderness proposals when they introduced HR 2929 last year.

Their bill trimmed 27,000 acres off

several proposed wilderness areas to address objections by various utilities, and an additional 51,600 acres to protect several active mines. HR 2929 as introduced also left out 74,000 acres to deal with the concerns of off-road vehicle users, and nearly 100,000 acres were excluded for other reasons.

Additionally, during floor action, the House dropped three proposed wilderness units totaling 165,000 acres to address concerns by the Army that the bill would block a planned expansion of Fort Irwin. Those units, which abut the fort, would be returned to wilderness study status, effectively blocking most development activities but not actively precluding expansion of the fort.

HR 2929 would allow grazing to continue in the East Mojave for 25 years, while S 21 would permit grazing for only 10 years.

Another major difference is hunting language added to HR 2929 during House floor debate. That amendment, sponsored by Rep. Ron Marlenee (R-Mont.), would allow hunting in the East Mojave. Hunting is sometimes allowed in national monuments, but is rarely permitted in national parks.

The House also approved an amendment that would provide a mechanism for the exchange of 270,000 acres owned by the California State Lands Commission and managed for the benefit of retired California teachers, as well as 410,000 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. Cranston's bill does not include the exchange language.

The House bill also would renew the authority of the Navy and Marine Corps to use 1.3 million acres of land in the desert, and to continue to use established flight paths for training maneuvers. (For more, see Nov. 4 *Weekly Bulletin*, p. B4.)

Administration proposal: The Energy Committee also has jurisdiction over a third bill (S 2393), which contains the administration's recommendation for the desert. Introduced by Sen. Malcolm

Wallop (Wyo.), the committee's ranking Republican, the bill would create 2.3 million acres of BLM wilderness in 62 units. S 2393 also would expand Death Valley and Joshua Tree by adding 103,800 acres and 4,800 acres respectively from BLM lands.

An identical bill (HR 3066) sponsored by California Republican Reps. Jerry Lewis, Duncan Hunter, Alfred A. (Al) McCandless and William M. Thomas, was defeated on the House floor, 241-150, in November.

The Energy subcommittee on public lands held a field hearing April 4 in Palm Desert, Calif., and further hearings April 29 and 30 on Capitol Hill.

When: The markup is scheduled for 9:45 a.m. Wednesday, Aug. 5, in 366 Dirksen.

The committee is expected to mark up several other bills at the business meeting, including legislation on forest management in the Pacific Northwest, management of Glacier Bay National Park, and two land trades in Idaho. The committee also is expected to act on two Energy Department nominations. (See separate stories in this issue.)

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

Appropriations

Conference likely on commerce bill

A House-Senate conference committee is likely to meet late this week to hash out differences between competing fiscal 1993 spending bills that include funding for the National Oceanic and Atmospheric Administration, a Senate Appropriations Committee aide said.

The House and Senate last week both passed separate appropriations bills for the Commerce, Justice and State departments and the federal judiciary. The Commerce Department is NOAA's parent agency.

The House Appropriations Committee had approved a \$22.3 billion bill (HR 5678, H. Rpt. 102-709) that would provide \$1.6 billion for NOAA, \$132 million

less than this year's spending level. The Bush administration requested \$1.74 billion for NOAA in fiscal 1993.

No information was available at press time on the exact spending total for agencies covered by HR 5678 as approved on the House floor July 30.

The Senate finished work on its bill (S 3026, S. Rpt. 102-331) July 28, but withheld final approval of the bill in order to let the House pass its bill first. The Senate likely will substitute the text of S 3026 for the House-passed bill and call for a conference early this week.

The \$22.6 billion Senate bill would appropriate \$1.65 billion for NOAA in fiscal 1993, \$18 million less than the administration requested and \$19 million less than the current spending level. That figure does not include proposed transfers from other accounts and other funding sources.

Bills: The two versions of the legislation diverge most sharply on the issue of how much to appropriate for NOAA's ongoing effort to modernize its aging fleet of 22 research vessels. The Senate bill would provide \$37 million for the fleet restoration effort, up from the fiscal 1992 appropriation of \$33.2 million. The House bill, in contrast, would appropriate \$2 million for the fleet, which is in line with the administration request.

For the agency's operations, research and facilities (ORF) account — the heart of NOAA's budget — both bills would provide about \$1.5 billion in new budget authority (including proposed transfers), \$130 million less than the administration's budget request and slightly more than the fiscal 1992 appropriation.

Under the ORF account, the House bill would appropriate \$140 million for the National Ocean Service, \$8 million less than the Senate bill, \$2 million less than the administration request and 15 percent less than current spending. The National Ocean Service carries out such duties as ocean mapping, coastal and estuarine environmental research, designation and administration of national marine sanctuaries, and enforcement of the Coastal Zone Management Act (PL 92-583 as amended).

Within the NOS account, the House

and Senate bills would earmark \$12 million and \$11 million respectively for the agency's coastal ocean science program, a slight increase over current spending and significantly less than the administration's \$17 million request. Under this program, NOS carries out research on the coastal environment.

The House measure also would provide \$37.6 million for coastal management, including \$32.5 million for grants to states under the Coastal Zone Management Act to plan for and control development in environmentally sensitive coastal areas. The Senate bill, in contrast, would provide \$44 million for coastal management, with \$34 million of that total earmarked for CZMA grants to states.

The administration requested \$30.5 million for coastal management overall, including \$25 million for state grants. The bills' proposed funding levels for coastal management fall below the current spending level of \$45.6 million.

The House and Senate bills also would provide the National Ocean Service \$5.7 million and \$5.8 million, respectively, for the national marine sanctuaries program, slightly more than current spending but well below the administration request of \$7.3 million.

The National Marine Fisheries Service, which is responsible for regulating commercial and recreational fishing activities, as well as protecting fish stocks under the Endangered Species Act (PL 93-205 as amended), would receive \$218 million in fiscal 1993 under the House bill, \$2 million more than the Senate bill and 4 percent less than the fiscal 1992 appropriation. The administration requested \$222 million for NMFS.

For oceanic and atmospheric research, both bills would appropriate about \$196 million, slightly more than the administration request and 8 percent less than current spending. Of that total, the House bill would include \$44 million and the Senate bill \$47 million for NOAA's part in the administration's global climate change research initiative, slightly less than current spending and well below the administration's \$78 million request.

When: A meeting had not been scheduled at press time, but an aide said the conference is likely to get underway

later in the week.

House Appropriations contacts: John Osthaus, majority, x53351; Liz Dawson, minority, x53481. Senate Appropriations contacts: Scott Gudes, majority, x47277; John Shank, minority, x47243. — SD

Energy policy

Energy conference may get under way

Congressional negotiators this week may finally begin the process of trying to reconcile House and Senate versions of sweeping energy legislation, forged in the aftermath of the Persian Gulf War and designed primarily to curb U.S. dependence on foreign oil.

Overcoming weeks of impasse, the Senate July 30 cleared the way for conference talks by adopting an amended version of the energy legislation it passed in February and substituting the new package for the text of a rival energy bill (HR 776) approved by the House in May.

The biggest change in the Senate version of the bill was the incorporation of an energy tax package crafted by the Finance Committee in June, including a compromise on a coal miners' health fund proposal that had threatened to derail the legislation.

Following final passage of the Senate-imbued version of HR 776, the Senate immediately appointed 32 conferees. Energy Committee Chairman J. Bennett Johnston (D-La.), who will lead the Senate's team of negotiators, called for talks to begin quickly. The House is expected to name its conferees as early as this week, and talks could get under way soon thereafter, House aides said.

Overall, the conference will include members of seven Senate committees and at least nine House committees. A House Energy Committee aide said House conferees could number as many as 80.

Bill comparison: The House-passed energy bill is similar in many key respects to the Senate's version of the legislation, which is favored by the Bush administration and industry groups.

The House, for instance, borrowed directly from the Senate in approving new

quirements would go and how quickly they would be phased in.

The House bill would clamp greater restrictions on offshore oil and gas development for a longer period of time than the Senate measure, and both versions would provide a larger share of the revenues from offshore oil drilling to coastal states.

Both bills contain provisions that would overhaul federal regulation of the electric utility industry to encourage a greater number of independent, non-utility companies to enter the power-generating business. But the House bill goes further by including language to ensure that these new independent power projects have access to utility-owned transmission lines to carry the electricity they produce.

The House and Senate bills each would create a new federally owned corporation to assume control over DOE's financially troubled uranium enrichment program, which provides fuel for the nation's nuclear reactors. But the two bills differ on the structure of this reorganization and how to finance the cleanup of radioactive contamination at the aging uranium enrichment facilities.

Similarly, proposals to streamline the process for licensing construction of new natural gas pipelines appear in both the House and Senate energy bills, but the two measures diverge on specifics. Conferees also will have to reconcile numerous proposals to create new energy-related research and development programs.

Taxes: The two chambers approved somewhat different versions of an energy tax package, including a measure to provide \$1.1 billion in tax relief for independent oil and gas producers. Other features of the two packages are tax breaks to encourage energy conservation, stimulate the production and use of renewable energy, promote the use of mass transit and ride-sharing by commuters, and encourage consumers to buy cars and trucks that run on alternative fuels.

The revenue packages of both bills also would increase the excise tax on some ozone-depleting chemicals. (For a detailed outline of HR 776 and S 2166, see June 10 *Special Report*: "Comprehensive National Energy Policy Act; House bill summary, comparison with Senate measure." For more on tax packages, see separate story in this issue.)

Arctic refuge: The Senate also adopted an amendment by Sen. Frank H. Murkowski (R-Alaska) that seeks to draw attention to the untapped oil and gas reserves thought to lie beneath the coastal plain of the Arctic National Wildlife Refuge in Alaska.

The amendment would require a comprehensive federal study of U.S. oil and gas development, including the industry's employment outlook, the status of petroleum production on Alaska's North Slope, the future of the Trans-Alaska Pipeline, and the energy and revenue potential of ANWR.

The study, to be submitted to Congress within six months, would be conducted by the departments of Energy, Interior, Commerce, Labor and Defense.

A proposal to allow oil and gas development on the coastal plain of ANWR was approved last year by the Senate Energy

Committee as part of an earlier version of the energy strategy bill (S 1220). But a filibuster mounted primarily by senators opposed to oil drilling in the arctic refuge forced Johnston to strip the ANWR language from the bill.

Bill history: Johnston's scaled-down energy bill (S 2166) ultimately passed the Senate Feb. 19 on a vote of 94-4.

Incorporating the work of nine committees, the House later adopted its own energy bill with a package of tax provisions, turning the legislation into a revenue measure that required another round of formal Senate consideration before a conference could begin.

To fulfill the constitutional prerequisite that all revenue bills originate in the House, the Senate had to take the procedural step of calling up the House bill and substituting the text of its own legislation. At the same time, the Senate folded into its bill the energy tax package crafted by the Finance Committee to replace the House-backed tax proposals.

The Senate action cleared a major hurdle in the drive to enact comprehensive energy legislation this year.

Much of the early impetus for an energy bill in the 102nd Congress was sparked by the Iraqi invasion of Kuwait in August 1990 and subsequent oil price spikes, widely regarded as a significant factor in bringing on the recession.

The Persian Gulf crisis, culminating in the U.S.-led military campaign to drive Iraqi forces from Kuwait, renewed public concern about America's vulnerability to disruptions in oil supplies. Imports now account for nearly half the oil consumed in the United States. — *Steve Gorman*

Appropriations

Spending bills move forward

The House and Senate, bound by ever-constricting spending caps, have passed similarly lean appropriations bills that would provide essentially level funding in fiscal 1993 for agencies that manage the federal government's energy programs, water projects and vast landholdings.

When Congress returns in September, conferees are expected to begin negotiations to reconcile House and Senate versions of the energy and water spending bill and the appropriations bill for the Interior Department and related agencies.

Conferees also are expected to hash out the differences between House and Senate versions of the appropriations bill that includes funding for the National Oceanic and Atmospheric Administration.

At the same time, the Senate is scheduled to begin its September session with floor action on the fiscal 1993 spending bill that covers the Environmental Protection Agency and the National Aeronautics and Space Administration.

Before adjourning for the August recess, Congress sent the White House an agriculture appropriations bill that would cut

funding for soil conservation agencies and leave a wetlands reserve program unfunded.

The House also has passed spending bills for U.S. foreign aid programs, including those dealing with global environmental issues, and for the Health and Human Services Department, which includes funding for environmental health research and energy assistance to poor families. But both those bills are awaiting a subcommittee markup in the Senate.

Overview: Appropriators have labored under especially confining circumstances this year as spending caps imposed by the Budget Enforcement Act of 1990 (PL 101-508) continued to tighten.

The total amount of domestic spending allowed by the budget limits for fiscal 1993 is only slightly larger than the amount appropriated for fiscal 1992, providing very little adjustment for inflation between the two years.

An additional funding squeeze is caused by a mismatch between budget authority — the money made available through appropriations — and outlays — the money that is actually permitted to be spent in a given year. Much of the budget authority granted last year to federal agencies for fiscal 1992 will not be spent until fiscal 1993, consuming part of the outlays permitted under the 1993 spending caps.

The result, in some cases, was that for congressional appropriators to stay within their outlay caps, they were forced to hold spending this coming year to roughly the same level as fiscal 1992 — or in terms of inflation, slightly less.

The energy and water spending legislation provides an illustration of this trend, as well as a notable exception to it. The \$21.3 billion bill adopted by the House (HR 5373, H. Rpt. 102-555) falls just below current spending; the \$22 billion approved by the Senate (S. Rpt. 102-344) is slightly higher. But both houses included hefty increases for environmental restoration and waste management at nuclear weapons facilities around the country.

Both versions of the bill also would provide marginal increases for the water resources programs and projects of the Army Corps of Engineers while cutting funding for the Bureau of Reclamation, which builds and operates water projects in 17 Western states. In both cases, the House was somewhat more generous than the Senate.

But these details were largely overshadowed by a major policy debate over proposals to ban or restrict nuclear weapons tests, and by the Senate vote to continue funding for the superconducting super collider, which the House voted to eliminate.

Likewise, the biggest points of contention left for conferees to resolve in the interior spending bill (HR 5503) are various policy issues addressed by the legislation, with few major differences in the amount of spending approved by the two houses.

For example, the House and Senate adopted virtually the same overall spending level for the Interior Department and related agencies — about \$12.6 billion. But the two versions of

the bill (H. Rpt. 102-626, S. Rpt. 102-345) differ substantially on provisions governing mining, grazing and logging on federal lands in the West.

The House bill would increase the fees paid by ranchers and farmers who graze their livestock on the federal range. The Senate bill would not. The House bill would prohibit public land from being sold into private ownership under a 120-year-old federal mining law. The Senate bill would require mining companies to pay fair-market value for such lands. And both bills would allow timber companies to salvage dead and dying trees in forest areas set aside for the northern spotted owl, but under slightly different restrictions.

Energy and water: Reflecting a continuing shift in DOE's mission as keeper of the nation's nuclear weapons arsenal since the Cold War ended, both versions of the energy and water measure would cut overall spending for atomic defense programs, after inflation. But both bills also would provide a major boost in funding for environmental cleanup and waste management at nuclear weapons facilities.

Under the Senate bill, spending for cleanup programs would shoot up 30 percent — from \$3.7 billion this year to \$4.8 billion in fiscal 1993. The House approved a sum of \$4.6 billion.

The proposed funding hike would mark the fifth straight year that DOE has continued to shift resources from building nuclear arms to cleaning up radioactive and hazardous wastes resulting from five decades of atomic weapons production.

The House and Senate also approved modest increases in spending for DOE research aimed at developing technologies to harness the energy potential of the sun, wind, ocean and other renewable power sources.

As for water resource agencies, the House and Senate both approved slight increases in funding for flood control, navigation and other projects and programs of the Army Corps of Engineers. Overall, the House bill would allocate substantially more money for operation and maintenance, and substantially less for construction, than the Senate bill.

The Interior Department's Bureau of Reclamation would not fare as well under either bill. The bureau's funding would be cut 10 percent under the Senate bill and 8 percent under the House measure.

One key difference between the two bills is Senate language that would effectively bar enforcement of federal wetlands protections under a uniform definition of wetlands adopted by the federal government in 1989. Many landowners and development interests have criticized the 1989 definition as overly broad.

The Senate bill also would bar the Army Corps from finalizing a regulation proposed in October 1991 that would increase fees for environmental permit applications and establish fees for activities associated with wetlands determinations.

Neither the wetlands provision nor the language on permit fees is contained in the House bill, but similar provisions were included in the fiscal 1992 energy and water appropriations act.

Interior: The conference committee on the interior appropriations bill will be the likely battleground this year for reform of the General Mining Law of 1872, which governs the extraction of gold, silver, copper and other "hard-rock" minerals on federal lands.

The House bill would place a one-year moratorium on the ability of individuals or businesses to convert their mining claims on public lands into patents, which gives them ownership of both the mineral rights and surface of the land. Under the 120-year-old mining statute, hard-rock mining claims on public lands can be patented for \$2.50 or \$5 an acre, depending on the type of claim.

Rather than prohibit new mining patents, the Senate bill would require patent fees to be based on the current fair-market value of the surface of the lands. The Senate measure also would require that patented lands be used only for mining. Under current law, there is nothing to prevent patented lands from being used for other purposes, or sold to a third party for development, sometimes at a significant profit.

A mining patent moratorium was included in the House-passed bill last year but was defeated on the Senate floor by a one-vote margin and was later kept out of the conference report on the legislation.

The House and Senate bills also differ in terms of how much Western states would be required to contribute to the administrative costs of collecting royalties and other revenues generated by oil, gas and coal leasing on federal lands within their borders.

The Senate bill would continue to require states to assume one-quarter of these costs, which are deducted from the mineral revenues shared with them by the federal government. The House bill would double states' share of collection costs to 50 percent.

Another House-backed provision strongly opposed by many Western lawmakers is language to impose a 33 percent increase in the fees the federal government charges ranchers and farmers to graze their livestock on public lands in the West. The Senate bill contains no such increase.

An identical increase was proposed on the Senate floor last year during debate of the fiscal 1992 interior spending bill, but the amendment was defeated. The House last year approved a steeper increase as part of its fiscal 1992 interior bill, but the language was dropped in conference.

Also absent from the Senate bill is a provision in the House bill that would prohibit funding to process claims for highway rights-of-way across federal lands under an obscure Reconstruction era law known as Revised Statute 2477.

In an issue of importance to the Pacific Northwest, the House bill would allow salvage timber sales in forest areas set aside for the threatened spotted owl as long as those sales would "not render the area unsuitable" for the owl or other federally protected species. The Senate bill would require that salvage sales in spotted owl habitat areas "be done in full compliance with existing environmental and forest management laws."

Agriculture: The House and Senate Aug. 11 passed and sent to the president a fiscal 1993 Agriculture Department spending bill (HR 5487, H. Rpt. 102-815) that would provide \$3.4 billion for soil conservation agencies, down \$55 million from current funding levels.

Like the bill originally approved by the House, the final version crafted by conferees would provide no funding for the wetlands reserve program, established in 1990 to pay participating growers for preserving wetlands rather than draining them for cultivation.

The Senate-passed bill would have provided \$42.8 million for the program, a slight decrease from fiscal 1992 levels.

For the Soil Conservation Service, the conference agreed to provide \$885.4 million, essentially splitting the difference between the House bill (H. Rpt. 102-617) and the more generous Senate measure (S. Rpt. 102-334).

The conference-backed sum for the SCS is \$35.3 million above current spending and about \$94 million above the Bush administration's request.

The conferees approved \$2.5 billion for the Agricultural Stabilization and Conservation Service, about \$2 million less than the House bill and about \$7 million more than the Senate. That sum falls about \$90 million below current spending levels. The administration sought \$2.6 billion for ASCS.

EPA: The Environmental Protection Agency as a whole would receive more funding under a fiscal 1993 spending bill approved July 31 by the Senate Appropriations Committee than under corresponding legislation passed by the House two days earlier.

The Senate committee bill (HR 5679, S. Rpt. 102-356) would provide \$6.98 billion for EPA, up \$336 million from current spending levels but slightly less than the administration requested. The House bill (H. Rpt. 102-710) would provide \$6.64 billion.

However, some environmentalists prefer the House bill because it would provide \$117 million more than the Senate bill to pay agency employees, allowing for a larger staff in relation to contractors.

The EPA operating budget, which encompasses the bulk of EPA programs to combat air and water pollution, would be set at \$2.6 billion in fiscal 1993 under the Senate bill, \$104 million less than in the House bill. The Senate bill figure is \$58 million less than was requested by the president but \$70 million more than current spending.

In addition, the Senate committee bill would provide the full \$391 million requested by the administration for the Earth Observing System, an environmental satellite program under development by NASA. The House bill would allocate \$316 million for the program. The fiscal 1992 appropriation was \$271 million.

The project calls for launching a series of satellites to collect atmospheric, oceanic and other data used to measure global climate change, including evidence of elevated "greenhouse" warming.

Funding for both EPA and NASA is included in an \$89 billion appropriations bill that covers the Veterans Affairs Department, the Housing and Urban Development Department and several independent agencies.

Under a unanimous consent agreement approved Aug. 12, a number of EPA-related amendments will be offered when the Senate takes up the VA-HUD bill in September.

NOAA: The House and Senate spending bills for the Commerce, Justice and State departments would provide \$1.6 billion and \$1.65 billion, respectively, for the National Oceanic and Atmospheric Administration. The Commerce Department is NOAA's parent agency.

NOAA's responsibilities include administering coastal environmental protection programs, regulating access to fisheries, protecting endangered marine species and collecting oceanic and atmospheric research.

Perhaps the biggest NOAA-related difference between the two bills is the amount proposed to be earmarked for the agency's ongoing effort to modernize its aging fleet of 22 research vessels. The Senate bill (HR 5678, S. Rpt. 102-331) would provide \$37 million for the fleet restoration account, while the House measure (H. Rpt. 102-709) would provide just \$2 million. The House figure is in line with the administration's request.

Labor-HHS: Awaiting action by a Senate Appropriations subcommittee is the spending measure that provides funding for low-income energy assistance grants, the National Institute of Environmental Health Sciences, and a childhood lead poisoning prevention program.

These programs are covered under the appropriations bill for the departments of Health and Human Services, Labor and Education. The House passed its version of the bill (HR 5677, H. Rpt. 102-708) July 28. Details of the Senate bill, which will be marked up after the August recess, were not available.

The House-passed bill would significantly cut funding for the low-income home energy assistance program. Non-emergency funding would be earmarked at \$891 million for fiscal 1993, \$609 million below fiscal 1992 levels and \$174 million below the administration's request.

In addition, the House bill would provide \$255.1 million for NIEHS, one of 12 branches of the National Institutes of Health. This is \$6.4 million less than the administration requested but \$3 million greater than the fiscal 1992 appropriation.

Funding for a Centers for Disease Control program to prevent childhood lead poisoning would be set at \$21.1 million, approximately the same amount appropriated last year. The House figure is \$18.9 million less than the administration requested.

Foreign aid: The House June 25 passed a fiscal 1993 foreign aid appropriations bill (HR 5368, H. Rpt. 102-585) containing extensive environmental provisions. No action on the bill has been taken in the Senate.

The House-passed bill features a number of provisions

aimed at improving the environmental performance of the Agency for International Development and multilateral development banks.

The bill also sets funding levels for several key environmental programs, including a conditioned \$50 million earmark for a World Bank-administered global environment facility, \$330 million for efforts to curb human population growth, \$20 million for the conservation of biological diversity, \$22 million for the United Nations Environment Program, and a \$55 million target for efforts to address global warming.

Like last year, action in the Senate has been stalled by a continuing dispute over Israeli loan guarantees, according to a House Appropriations Committee aide. — *Steve Gorman*

Solid waste

RCRA bills run into obstacles

Legislation to reauthorize the Resource Conservation and Recovery Act, the nation's primary solid waste management law, won committee approval in both houses of Congress this year. But prospects for enactment were dim as Congress left for the August recess.

With floor action on the Senate bill doubtful, the Senate overwhelmingly passed a separate bill July 23 to ease controversy over interstate garbage shipments. The bill (S 2877), introduced by Sens. Max Baucus (D-Mont.) and Dan Coats (R-Ind.), would enable governors to restrict disposal of out-of-state municipal waste at certain landfills and incinerators.

The House Energy and Commerce Committee July 2 voted 28-15 to approve a narrow RCRA bill (HR 3865, H. Rpt. 102-839) that focuses on garbage and other forms of municipal solid waste. Two of the key provisions are intended to promote recycling and allow local governments to restrict interstate garbage shipments.

The Senate Environment Committee May 20 voted 12-5 to approve a broader RCRA bill (a substitute version of S 976) authored by environmental protection subcommittee Chairman Baucus, ranking Republican John Chafee (R.I.) and others.

Critics of the bill immediately predicted the measure would never reach the Senate floor. Baucus acknowledged during floor debate on the separate interstate waste bill that the Senate is unlikely to take up the reauthorization bill this year. But he also has said he will continue negotiations with other senators in hopes of clearing the way for Senate passage of RCRA legislation.

Both the Senate and House committee bills are opposed by environmental groups. Industry groups generally are more hostile to the Senate bill, but most oppose or have mixed feelings about the House version. For its part, the Bush administration opposes major revisions to RCRA during this Con-

tion system. An additional two units totaling 55,500 acres of federal land would be placed under special management regimes that are less restrictive than wilderness designations.

The Senate version of the bill would protect slightly less land, creating 648,600 acres of wilderness and the two special management areas covering 50,700 acres.

Colorado already has 2.6 million acres of wilderness preserved by Congress in 1976 and 1980, but since then, Congress has been unable to decide what to do with a number of remaining potential wilderness areas in the state. (For more on water rights and specific designations, see July 6 *Weekly Bulletin*, p. B7.)

Amendments: At press time, an Agriculture subcommittee aide said no decision had been made on possible amendments.

A Campbell aide said that his boss will ask subcommittee Chairman Harold L. Volkmer (D-Mo.) to use the Interior Committee's version as a markup vehicle.

The water rights issue is not expected to surface again until the full House takes up the bill, according to aides.

The subcommittee held a hearing on the bill on July 22:

When: The markup will begin at 1 p.m. Wednesday, Sept. 9, in 1302 Longworth.

House Agriculture contacts: Tim DeCoster, majority, x51867; Jane Vislocky, minority, x52342. — LD

Enforcement

Hearing on criminal prosecutions set

The House Energy subcommittee on oversight and investigations will hold a hearing this week to examine questions about whether the Justice Department is vigorously prosecuting violations of environmental laws reported by the Environmental Protection Agency.

A routine subcommittee review of environmental criminal procedures turned up a number of instances in which the Justice Department threw out criminal cases or allowed defendants to plead

guilty to lesser charges even though EPA had gathered evidence that appeared to support full-blown prosecution, a subcommittee staffer said.

Some of these cases were dropped despite substantial investments of time and money investigating them, the staffer said.

The review was initiated in January by Rep John D. Dingell (D-Mich.), who is chairman of both the oversight subcommittee and the full Energy and Commerce Committee.

The subcommittee currently is examining a list of about 20 questionable incidences, primarily involving corporate defendants, spanning a period from the late 1980s through this year.

"We've seen indications that the problem has worsened over the past couple of years," the subcommittee aide said. "It seems to be a systemic problem."

Subcommittee inquiries into the 20-some cases in question are at various stages, and this week's hearing will be the first in a series, the staffer said.

The hearing will focus on a case in which criminal charges were brought against a pesticide distribution and application company, PureGro Co., in connection with the death of a Pasco, Wash., resident. The death was allegedly the result of exposure to hazardous chemicals sprayed on a nearby cornfield by PureGro, a firm based in Sacramento, Calif.

The company originally offered to plead guilty to a felony in connection with the case, according to the staffer. But in a deal struck with the Justice Department, PureGro pleaded guilty to a misdemeanor and paid a \$15,000 fine.

A Justice Department spokeswoman reached by telephone Friday, Sept. 4, declined to comment on the subcommittee's inquiries, deferring questions to another official who was unavailable for comment.

However, Roger Clegg, the acting assistant attorney general for environment and natural resources, was quoted in a July 20 article by the *Legal Times* as saying the Justice Department's environmental crimes section "has had an outstanding record" and does not play political favorites.

Witnesses: Eleven witnesses, in-

cluding EPA officials and state government officials, are scheduled to testify.

When: The hearing is set for 9:30 a.m. Thursday, Sept. 10, in 2123 Rayburn.

House Energy contacts: Janina Jaruzelski, majority, x54441; Dennis Wilson, minority, x53641. — Erin McNeill

Appropriations

Commerce bill may go to conference

A conference committee may convene this week to work out differences between House and Senate versions of the fiscal 1993 spending bill that includes funding for the National Oceanic and Atmospheric Administration.

NOAA is responsible for performing marine research, regulating fisheries, protecting marine mammals and overseeing state compliance with federal coastal protection laws, among other things.

No meeting had been scheduled at press time, and aides to the House and Senate Appropriations committees said they did not know whether negotiations would get under way this week.

The House and Senate at the end of July approved separate appropriations bills for the Commerce, Justice and State departments and the federal judiciary. The Commerce Department is NOAA's parent agency.

The \$22.3 billion House bill (HR 5678, H. Rpt. 102-709) would provide \$1.54 billion in new budget authority for NOAA in fiscal 1993, \$132 million less than this year's spending level. The Bush administration requested \$1.67 billion for NOAA in fiscal 1993.

The \$23.6 billion Senate bill (S. Rpt. 102-331) would appropriate \$1.65 billion for NOAA in fiscal 1993, \$18 million less than the administration requested and \$19 million less than the current spending level.

On NOAA spending, the two versions of the legislation diverge most sharply on the issue of how much to appropriate for the ongoing effort to modernize the agency's aging fleet of 23 research vessels. The Senate bill would pro-

vide \$37 million for the fleet restoration effort, up from the current level of \$33.2 million. The House measure, in contrast, would appropriate just \$2 million for the fleet, which is in line with the administration request. (For more details on the differences between the two bills, see Aug. 3 *Weekly Bulletin*, p. B9.)

When: No meeting was scheduled at press time.

House Appropriations contacts: John Osthaus, majority, x53351; Liz Dawson, minority, x53481. Senate Appropriations contacts: Scott Gudes, majority, x47277; John Shank, minority, x47243. — SD

Hazardous substances

Lead hearing set in Education panel

A House Education and Labor subcommittee is holding a hearing Thursday on lead safety legislation in preparation for full committee markup of the bill, probably next week.

The subcommittee on elementary, secondary and vocational education, chaired by Rep. Dale E. Kildee (D-Mich.), will examine the extent of lead contamination in the United States, with a particular focus on lead in schools, a subcommittee staffer said.

Under legislation (HR 5730) approved Aug. 5 by the House Energy and Commerce Committee, schools and day-care centers would be required to inspect for lead paint and lead-contaminated drinking water, and to notify parents of hazards. The bill would authorize two \$30-million-a-year grant programs to help schools and day-care centers identify and remedy such hazards.

The Education and Labor Committee was given sequential referral on these portions of the bill and on sections related

to training workers for lead testing and abatement.

Lead threat: Lead is a toxic metal that threatens the health of millions of Americans, especially children. The Centers for Disease Control estimate that more than 3 million American children—17 percent of children under the age of 6—have harmful levels of lead in their blood.

Even at relatively low levels, lead can decrease a child's intelligence by several "IQ" points and can cause reading and learning disabilities, hyperactivity, stunted growth, and blood production disorders. In fetuses, lead can impair physical and mental development. In adults, lead has been associated with high blood pressure and other serious health problems.

According to the Environmental Protection Agency, the biggest exposure threats to children come from lead-based paint found in older housing, lead-contaminated soil and lead in drinking water. Lead-based paint for housing was banned in 1978.

According to subcommittee staff, lead may present a particular threat to children in schools in urban areas, where the soil may be contaminated and where the paint and water pipes in older schools often contain lead.

HR 5730: Key provisions of HR 5730, sponsored by Reps. Al Swift (D-Wash.) and Henry A. Waxman (D-Calif.), would restrict the lead content of paint, packaging and other products. Licensing and training requirements would be established for contractors who perform lead-based paint inspections or cleanup work. And EPA would decide whether to require licensing of renovators and remodelers who may create lead-paint hazards.

In addition, the bill would direct EPA to develop an inventory of lead-contain-

ing products and require manufacturers to notify EPA of new products that involve new or increased use of lead. EPA also would compile a list of products that may pose unreasonable risks, which then could be regulated under the Toxic Substances Control Act (PL 94-469).

The measure combines and modifies elements of two separate bills authored by Swift, chairman of the hazardous materials subcommittee, and Waxman, chairman of the health and environment subcommittee. The hazardous materials subcommittee approved the Swift bill (HR 3554) April 2. The health subcommittee approved the Waxman bill (HR 2840) Nov. 4.

The full Education and Labor Committee was expected to act on the worker training and school-related provisions of the bill next week, without any markup by Kildee's subcommittee, staff said.

Lead safety legislation also was approved last August by the Senate Environment Committee (S 391, S. Rpt. 102-179), and the Senate Banking Committee has approved a housing bill that includes extensive provisions to reduce lead hazards in homes. The Environment Committee bill has not been scheduled for floor action. The housing bill may go to the floor soon.

Witnesses: Among those expected to testify at the hearing are representatives from the National Education Association, the National Parent Teacher Association and the American Association of School Administrators. Also testifying will be a toxicologist with the State of Michigan and an official of the Maryland state lead poisoning control program.

When: The hearing is set for 10 a.m. Thursday, Sept. 10, in 2175 Rayburn.

House Education and Labor contacts: Tom Kelley, majority, x54368; Jo-Marie St. Martin, minority, x51743. — Steve Cook

Committee. (For more details, see Sept. 14 *Weekly Bulletin*, p. B20.)

At press time, no details were available on possible amendments.

Parks housekeeping: The subcommittee also will mark up HR 5949, introduced Sept. 15 by Vento and Ranking Republican Rep. Robert J. Lagomarsino (Calif.). The bill is described by aides as a "hodgepodge" of provisions intended to resolve numerous minor problems facing the Park Service.

The bill is intended to be noncontroversial and bipartisan, according to aides. (For more details, see Sept. 14 *Weekly Bulletin*, p. B20.)

At press time, no details were available on possible amendments.

Cumberland: Also up for action at Tuesday's markup is HR 5119, introduced by Rep. Carl C. Perkins (D-Ky.).

The bill would direct the Forest Service to build a 26-mile trail along the ridge line of Pine Mountain in the Cumberlands, study a possible extension of the trail for 120 miles to Cumberland Gap in Maryland, and study the feasibility of establishing a national recreation area in the Jefferson National Forest near the trail. (For more details, see Aug. 10 *Weekly Bulletin*, p. B1.)

A subcommittee aide said no amendments had surfaced at press time.

The bill also was referred to the House Agriculture Committee; the forests subcommittee is slated to mark up the measure Tuesday. A subcommittee aide said no amendments had surfaced at press time. The full committee is scheduled to act on the bill Wednesday.

When: The Vento subcommittee markup will begin at 10 a.m. Tuesday, Sept. 22, in 1324 Longworth.

The full Interior Committee is scheduled to meet at 9:45 a.m. Wednesday, Sept. 23, in the same room. The committee also is scheduled to mark up a Jicarilla Apache water settlement bill (see separate story in this issue).

The forests subcommittee of House Agriculture is scheduled to begin its markup at 1:30 p.m. Tuesday, Sept. 22, in 1300 Longworth. The full Agriculture Committee will hold its markup session at 9:30 a.m. Wednesday, Sept. 23, in the same room. Both Agriculture panels are

also expected to mark up a Seattle watershed bill. (See separate story in this issue.)

The Merchant Marine markup is scheduled to begin at 2 p.m. Wednesday, Sept. 23, in 1334 Longworth.

House Interior contacts: Jim Bradley (Targhee, Spring Mountain, Cumberland), Sandy Scott (parks housekeeping) or Stan Sloss (all other bills), majority, x67736; Kurt Christensen (land trades) or Steve Hodapp (parks and rivers), minority, x62311. House Merchant Marine contacts: Gina DeFerrari, majority, x63533; Rod Moore (Glacier Bay) or Tom Melius or Jill Brady (Idaho-Arkansas trade) minority, x63520. — LD

Appropriations

Commerce bill may go to conference

A conference committee may convene this week to resolve differences between House and Senate versions of the fiscal 1993 spending bill that includes funding for the National Oceanic and Atmospheric Administration.

NOAA, an agency of the Commerce Department, is responsible for performing marine research, regulating fisheries, protecting marine mammals and overseeing state compliance with federal coastal protection laws, among other things.

The House and Senate at the end of July approved separate versions of the appropriations bill that covers the Commerce, Justice and State departments and the federal judiciary.

The \$22.3 billion House bill (HR 5678, H. Rpt. 102-709) would provide \$1.54 billion in new budget authority for NOAA in fiscal 1993, \$132 million below this year's spending level. The Bush administration requested \$1.67 billion for NOAA in fiscal 1993.

The \$23.6 billion Senate bill (S. Rpt. 102-331) would appropriate \$1.65 billion for NOAA in fiscal 1993, \$18 million less than the administration requested and \$19 million less than the current spending level.

On NOAA spending, the two versions of the legislation diverge most sharply on the issue of how much to ap-

propriate for the ongoing effort to modernize the agency's aging fleet of 23 research vessels. The Senate bill would provide \$37 million for the fleet restoration effort, up from the current level of \$33.2 million. The House measure, in contrast, would appropriate just \$2 million for the fleet, which is in line with the administration request. (For more details on the differences between the two bills, see Aug. 3 *Weekly Bulletin*, p. B9.)

When: No conference meeting had been formally scheduled at press time.

House Appropriations contacts: John Osthous, majority, x53351; Liz Dawson, minority, x53481. Senate Appropriations contacts: Scott Gudes, majority, x47277; John Shank, minority, x47243. — SD

Appropriations

Labor-HHS bill goes to conference

Conferees are expected to meet this week to hammer out differences between House and Senate versions of the fiscal 1993 appropriations bill for the Labor, Education and Health and Human Services departments, Senate committee staff said. The Labor-HHS spending measure includes funding for energy assistance to low-income households, the National Institute of Environmental Health Sciences and a childhood lead-poisoning prevention program.

The House passed its version of the legislation (HR 5677, H. Rpt. 102-708) July 28, and the Senate approved its bill (S. Rpt. 102-397) Sept. 18.

To avoid a veto threatened by President Bush, the Senate voted last week to remove language that would have prevented the administration from enforcing a regulation to ban abortion counseling in federally funded family planning clinics. Bush vetoed the initial Labor-HHS bill sent to him last year because it contained an identical provision.

No such language was included in the bill this year by the House.

One of the major differences that will need to be resolved in conference is funding for the low-income home energy assistance program, or LIHEAP. Adminis-

Apache Tribe of Arizona. The provision was included in an effort to help meet the government's water obligation to the Tonto.

However, the amendment deleted language from the original bill that would have authorized the Interior Department to acquire water allocations from the Central Arizona Project. The newly acquired CAP water would have been used to provide water for other Arizona Indian water rights settlements. Objections were raised to these provisions by state and local water users. (For additional information, see Sept. 14 *Weekly Bulletin*, p. B21.) Report not filed at press time. — RH

Appropriations

Conference report on the appropriations bill for the Commerce, Justice and State departments, and the federal judiciary — HR 5678

Floor action: Expected this week.

Since Congress is unlikely to complete action on the bill before current spending authority expires Sept. 30, House Appropriations Committee Chairman Jamie L. Whitten (D-Miss.) introduced a continuing resolution (H.J. Res. 553) Sept. 24 that would provide interim spending authority after Sept. 30 until the bill is signed by the president.

The resolution would provide funding for programs at the level approved by the House or the Senate or at the current level, whichever is lowest. House floor action on the resolution is scheduled for Wednesday, an Appropriations Committee aide said.

Conference: The conference committee completed work Friday on a compromise version of this spending bill, which includes funding for the National Oceanic and Atmospheric Administration.

NOAA, an agency of the Commerce Department, is responsible for performing marine research, regulating commercial and recreational fishing, protecting marine mammals, and overseeing state compliance with federal coastal protection laws, among other things.

There was no information available at press time on the results of the conference and the final proposed funding levels for NOAA's agencies and programs.

The original \$22.3 billion House bill (HR 5678, H. Rpt. 102-709) included \$1.54 billion in new budget authority for NOAA in fiscal 1993, \$132 million below this year's spending level. The Bush administration requested \$1.67 billion for NOAA in fiscal 1993.

The original \$23.6 billion Senate bill (S. Rpt. 102-331) included \$1.65 billion for NOAA in fiscal 1993, \$18 million less than the administration requested and \$19 million less than the current spending level. (For more details on the differences between the two bills, see Aug. 3 *Weekly Bulletin*, p. B9.) Report not filed at press time. — SD

Parks and public lands

To permit the secretary of the Interior to acquire by exchange lands in the Cuyahoga National Recreation Area that are owned by the state of Ohio — HR 2181

Floor action: Possible any time.

This House-passed bill, which cleared the Senate Energy Committee without amendment Sept. 22, would authorize the National Park Service to acquire lands by trade within the Cuyahoga National Recreation Area in Ohio.

Current law allows the Park Service to accept donated land from — but not to trade with — states or local governments.

The 32,460-acre recreation area, established in 1975, provides undeveloped open space in the Cuyahoga River Valley between the cities of Cleveland and Akron.

More than 9,100 acres within the recreation area are owned by separate local government entities. The two major non-federal landowners are the Cleveland and Akron park authorities, which own 4,600 acres and 3,100 acres respectively.

The bill is designed to help the Park Service consolidate the ownership patterns in the park. All 19 jurisdictions involved support the bill. The administrative costs of any land trades will be borne by the local jurisdictions.

The House approved the measure (H. Rpt. 102-211) on Sept. 24, 1991. Senate committee report not filed at press time. — LD

Forests

To adjust the boundaries of the Targhee National Forest and authorize a land exchange involving the Kaniksu National Forest — S 1893

Floor action: Possible this week if not already passed late last week. The Senate initially passed this bill Sept. 9 but subsequently vitiated (nullified) the vote, along with several other Senate Energy Committee bills, for reasons unrelated to S 1893, requiring another vote.

This bill to authorize a land trade between the University of Idaho and the U.S. Forest Service was approved by the Senate Energy Committee Aug. 5 without amendments.

S 1893, authored by Sen. Larry E. Craig (R-Idaho), would give the university possession of a 35-acre site in the Kaniksu National Forest, which is located in the northernmost part of the Idaho panhandle.

In exchange for the Kaniksu site, the Forest Service would receive 40 acres of the university property.

The bill also would make it easier for the Forest Service to make future exchanges with the state of Idaho by extending the

chance the Senate will take up the measure because Western Republicans on the Senate Energy Committee adamantly oppose the legislation. These senators on July 1 refused during a Senate Energy markup session to act on a mining law reform bill (S 433) authored by Sen. Dale Bumpers (D-Ark.).

The same group of senators had sponsored the industry-backed mining law provisions that were adopted by the Senate as part of the interior spending bill and later removed from the legislation in conference. (For details on the Western senators' language, see Sept. 21 *Weekly Bulletin*, p. B9.)

While the Senate language was not included in the compromise interior bill, the conference report (H. Rpt. 102-901), which was passed by the House last week and will come before the Senate this week, does contain a provision that would require mining claim holders to pay the federal government \$100 in fiscal 1993 to retain each claim held on federal land. (For more, see Sept. 24 House-Senate *Floor Brief*.) H. Rpt. 102-711, parts I and II. — *Steve Daniels*

Appropriations

Conference report on the appropriations bill for the Commerce, Justice and State departments, and the federal judiciary — HR 5678

Floor action: Scheduled for Wednesday or later in the week.

Since Congress is unlikely to complete action on the bill before current spending authority expires Sept. 30, House Appropriations Committee Chairman Jamie L. Whitten (D-Miss.) introduced a continuing resolution (H.J. Res. 553) Sept. 24 that would provide interim spending authority after Sept. 30 until the bill is signed by the president.

The resolution would provide funding for programs at the level approved by the House or the Senate or at the current level, whichever is lowest. House floor action on the resolution is scheduled for Wednesday, an Appropriations Committee aide said.

Conference: The conference committee completed work Friday on a compromise version of this spending bill, which includes funding for the National Oceanic and Atmospheric Administration.

NOAA, an agency of the Commerce Department, is responsible for performing marine research, regulating commercial and recreational fishing, protecting marine mammals, and overseeing state compliance with federal coastal protection laws, among other things.

There was no information available at press time on the results of the conference and the final proposed funding levels for NOAA's agencies and programs.

The original \$22.3 billion House bill (HR 5678, H. Rpt. 102-709) included \$1.54 billion in new budget authority for NOAA

in fiscal 1993, \$132 million below this year's spending level. The Bush administration requested \$1.67 billion for NOAA in fiscal 1993.

The original \$23.6 billion Senate bill (S. Rpt. 102-331) included \$1.65 billion for NOAA in fiscal 1993, \$18 million less than the administration requested and \$19 million less than the current spending level. (For more details on the differences between the two bills, see Aug. 3 *Weekly Bulletin*, p. B9.) Report not filed at press time. — *SD*

Wetlands/research

To establish a wetlands policy center at the Port of Brownsville, Texas — HR 5874

Floor action: Scheduled for Tuesday under suspension of the rules.

This bill, introduced by Rep. Solomon P. Ortiz (D-Texas), would establish a center in Brownsville, Texas, to conduct environmental research, using wetlands adjacent to the city's port.

Enactment of the legislation would allow the city of Brownsville to donate about 7,000 acres of wetlands adjacent to the port to the Interior Department. In return, the department would provide the University of Texas at Brownsville with seed money to start up the research center.

The bill would authorize \$5 million in fiscal year 1994 and \$4 million in each of fiscal years 1995 and 1996 for the grants.

The wetlands are useful for different types of environmental research because they are part of saltwater, freshwater and brackish ecosystems, an aide to the House Merchant Marine Committee said. In addition, because of the heavy industry around the port, research into the effects of industrial activity on wetlands also could be done, the aide said.

The Merchant Marine Committee approved the bill on Sept. 23. No companion bill has been introduced in the Senate. Report not filed at press time. — *SD*

Wildlife/oceans

Weakfish Conservation Act — HR 2588

Floor action: Expected this week under suspension of the rules.

This bill, authored by Rep. Thomas R. Carper (D-Del.), would authorize the commerce secretary to enforce a moratorium on sea trout fishing off coastal states that do not implement a conservation plan developed in October 1991 by the Atlantic States Marine Fisheries Commission.

Under the bill, violations of such a moratorium could result in fines of up to \$10,000 and seizure of fishing vessels.

The commission's new management plan required Atlantic

Commerce, Justice, State and Judiciary

National Oceanic and Atmospheric Administration (Budget authority, dollars in millions)

	<i>FY '92 estimate</i>	<i>Bush request</i>	<i>House bill</i>	<i>Senate bill</i>	<i>Final bill</i>
National Ocean Service					
Mapping, charting and geodesy	51	50	49	49	49
Observation and assessment	62	53	46	47	50
Ocean and coastal management (CZM state grants)	52	40	45	51	52
	[35]	[25]	[32]	[34]	[34]
Total	165	143	140	148	151
National Marine Fisheries Service					
Information collection, analysis	129	114	123	124	124
Conservation & management ops.	73	83	73	69	70
State & industry assistance	24	24	21	25	23
Total	226	222	218	218	218
Ocean and atmospheric research					
Climate, air quality research	81	114	78	79	80
Atmospheric programs	44	41	43	40	42
Ocean, Great Lakes programs (Sea grant)	88	39	76	78	81
	[45]	[25]	[42]	[44]	[44]
Total	213	194	196	197	202
National Weather Service					
Total	444	501	467	531	523
National Environmental Satellite, Data, and Information Service					
Total	338	438	349	349	352
Program support					
Total	148	156	146	138	142
Subtotal	1,533	1,653	1,517	1,581	1,589
Adjustments, transfers, etc.	(79)	(75)	(65)	(68)	(67)
Total appropriation	1,454	1,578	1,452	1,513	1,521