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Appropriations - Energy and Water

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Energy
⚡
Water

—

by fisheries subcommittee Chair-Gerry Studds (D-Mass.), was cited by problems experienced by fishermen in Massachusetts Bay who frequently haul up waste and have suffered physical injury or damage to their equipment, said a subcommittee aide.

Gloucester, Mass., fisherman suffered complete disability after hauling up drums of toxic chemicals in his fish-traps, according to a subcommittee report. The barrels ruptured, spilling the chemicals all over the deck of the fishing boat. Because the fisherman could not work, his boat was repossessed. The chairwoman of the Gloucester Fishermen's Wives Association, Mrs. Rose San Fillippo, is to testify before Studds on this and other harm suffered by fishermen. The hearing is being held by Studds' subcommittee and the Geography subcommittee, chaired by Dennis M. Hertel (D-Mich.).

Studds' bill is designed to give these fishermen and others harmed by illegal dumping an additional weapon to use against the dumpers in recovering damages, the subcommittee memo said. Initially, those suffering harm may seek damages under common law, but no federal remedy exists. The Studds bill would add an additional deterrent to illegal ocean dumping, the memo said.

In addition, the Studds bill would make illegal dumpers liable for the cost of cleanup of the waste.

The bill would amend Title I of the Environmental Protection Research and Sanctuaries Act, better known as the Ocean Dumping Act (PL 92-532). This law requires federal permits for ocean dumping and prohibits dumping of medical waste, sewage sludge, industrial and other waste. Violators of the law are subject to fines of up to \$50,000, or \$125,000 for commercial waste.

Under Studds' bill, violators would be subject to damages of up to \$1,200 per ton of the vessel from which the dumping occurred.

The hearing comes on the heels of the passage Feb. 4 of a bill (HR 3749, 102-423) to reauthorize the Ocean Dumping Act. The bill awaits Senate action.

Witnesses: Other witnesses sched-

uled to appear are Mark Sickles, executive director of the National Association of Dredging Contractors; Robert H. Wayland III, director of the Environmental 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 chairwoman 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 environmental, energy and natural resource programs 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 Don, 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 budget are planned for next week.

Commerce: The subcommittee on commerce, justice, state and the judiciary has scheduled a Tuesday hearing to review the budget for the Marine Mammal Commission. Scheduled to testify is commission 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 budget for the Supreme Court before taking testimony on the Marine Mammal Commission.

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 government, the largest single energy consumer in the nation.

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

According to the latest figures available from the Energy Department, the government spent nearly \$10 billion in 1990 to meet its energy needs, which amounted to 1.9 quadrillion British thermal 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 federal 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 to take efficiency. But others have expressed concerns.

In previous years, the executive branch has set efficiency goals. All federal facilities are required to improve efficiency in 1995 and beyond.

Competition in the private sector is included to improve overall government performance. The bill would require development of codes that future federal agencies must follow.

A new patterned energy code (102-138) is being developed.

Environmental Sen. John

A 1990 energy bill has been passed. Energy conservation prices, paid by

Panel hearings are expected to examine energy efficiency in the federal government. The nation's energy conservation technology

Wit-

try, research and development. Arthur H. for building. Livermore. David F. Sacramento.

When 9:30 a.m. Dirksen.

Senate contacts: Chairman majority, minority, x4

The subcommittee also may discuss ways to limit the international trade in wild birds for the pet industry, which has been identified as a significant factor in the decline of wild bird populations, according to a staff memo.

NMFS: Funding for the National Marine Fisheries Service would decrease 3.4 percent under the administration's budget request, a significant change from previous proposals in recent years to cut the NMFS budget by 15 to 20 percent.

Overall, NMFS would receive \$225 million in fiscal 1993, compared with last year's appropriation of \$233 million.

NMFS is in charge of management and conservation of marine fisheries, protection of marine mammals and enforcement of the Endangered Species Act as it relates to marine species.

The budget proposes an 8.5 percent decrease — from \$129 million in fiscal 1992 to \$118 million in fiscal 1993 — in funding for research on the status of fish stocks and marine habitat. The agency uses this information to make management decisions on fisheries and to protect endangered species.

For conservation and management operations, the budget would provide \$79 million, a 9.5 percent increase over last year's appropriation of \$72.5 million. This is the first proposed administration increase in this category in several years.

The subcommittee is particularly interested in a proposed \$8 million increase (from \$6 million last year to \$14 million in fiscal 1993) for "habitat conservation," with new funding going primarily toward the agency's review of permits granted under section 404 of the Clean Water Act (PL 100-4). Among other things, section 404 governs the dredging and filling of wetlands.

The administration also is requesting \$24 million for state and industry assistance programs, essentially the same as last year's appropriation. These programs include grants to states for research on seafood safety and anadromous fisheries.

Witnesses: The scheduled witnesses are CEQ Chairman Deland, FWS chief John Turner, and William Fox Jr., assistant administrator for fisheries at NMFS.

When: The hearing will begin at 10

a.m. Wednesday, Feb. 26, in 1334 Longworth.

House Merchant Marine contacts: Gina DeFerrari (FWS), Jean Flemma (NMFS) or Deidre Kimball (CEQ), majority, x63533; Jill Brady (CEQ), Tom Melius (FWS), or Rod Moore (NMFS), minority, x63520. — SC, LD, SD

Appropriations

More hearings set on money bills

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

House: Four such hearings are scheduled in the House:

- **Interior:** The interior subcommittee will hear from public witnesses on natural resources programs under its jurisdiction at 10 a.m. Wednesday, Feb. 26, in B-308 Rayburn.

- **Energy and water:** The House energy and water panel this week will complete hearings on the budget requests for the Army Corps of Engineers and the Interior Department's Bureau of Reclamation. The panel held three days of hearings last week on the corps' budget.

The corps sessions resume Monday, Feb. 24, with testimony from corps officials from the South Pacific, North Central, New England and North Atlantic divisions. A Tuesday session will wrap up remaining corps items.

The Bureau of Reclamation hearing, set for Thursday, Feb. 27, will feature testimony from Interior Secretary Manuel Lujan Jr. and bureau officials. The same hearing will examine the budget requests of the Delaware River Basin Commission, Susquehanna River Basin Commission, and the Interstate Commission on the Potomac River Basin.

All the energy and water hearings will be at 10 a.m. in 2362 Rayburn.

Senate: In the Senate, the agriculture subcommittee will hear testimony Tuesday from Agriculture Secretary Edward R. Madigan. The Agriculture Department is the parent agency for the U.S.

Forest Service and soil conservation programs. The hearing is set for 10 a.m. Tuesday, Feb. 25, in 138 Dirksen. — Staff

Budget/forests

Vento panel eyes USFS '93 request

The House Interior subcommittee on parks and public lands will hold an oversight hearing this week on the fiscal 1993 budget request for the U.S. Forest Service.

The budget "looks better than usual," a majority aide said. "Every year they seem to do a little better job from an environmental point of view."

The service's \$3.43 billion budget proposal would continue a slight shift begun in fiscal 1991 away from timber production toward other uses of the national forests, including recreation and wildlife protection. Environmentalists have long accused the agency of favoring programs to extract resources, chiefly timber, at the expense of programs to protect and improve wildlife habitat, wilderness values, recreation and other "non-commodity" resources. The total Forest Service request for the coming year represents a 4 percent increase over fiscal 1992 funding.

Research: Still, subcommittee Chairman Bruce F. Vento (D-Minn.) is concerned about the proposed cut in funding for research programs, particularly for the wilderness system, according to the aide.

The budget proposal seeks \$170 million for forest research, a decrease of nearly 6 percent from current funding. In its budget request, the service highlighted slight increases in areas it identifies as "national problems," including declining wetlands, tropical forests, forest health, and recycling. But the agency's "long-term basic and applied research," which includes further studies of these issues, would be cut nearly 10 percent.

Vento is particularly worried about research for the wilderness system (\$511,000 proposed for a system that totals 96 million acres), as well as cuts requested for research in areas of increas-

species receiving protection under the agreement.

CITES, signed on March 6, 1973, is designed to protect endangered plants and wildlife against over-exploitation from international trade and to promote international cooperation in conservation. The convention establishes lists of threatened species and either bans or regulates their trade.

Species considered to be threatened with extinction are listed under CITES appendix I. Commercial trade in these species is prohibited. Included under appendix II are plants and animals that could become threatened unless their trade is carefully regulated.

Parties to the treaty agreed in 1989 to include the African elephant under appendix I in an effort to reverse the drastic decline in elephant populations seen in the 1980s due to widespread poaching for ivory.

However, several African nations claiming healthy elephant populations — Botswana, Malawi, Zambia, Namibia, South Africa and Zimbabwe — want to lift the 1989 ban.

Environmental groups, including the World Wildlife Fund, are reported to oppose the removal of protections for the elephant.

When: Sen. Claiborne Pell's (D-R.I.) panel is scheduled to meet Wednesday, March 4, at 10 a.m. in 419 Dirksen.

Senate Foreign Relations contacts: Steve Polansky, majority, x44651; Mike Hathaway, minority, x43941. — DR

Pesticides

State vs. federal pesticide law eyed

A House Agriculture subcommittee is holding a hearing Wednesday to consider whether federal pesticide law should preempt state and local laws.

The session is the third in a series of hearings scheduled by the department operations subcommittee as a prelude to the markup of comprehensive pesticide legislation introduced by Chairman Charlie Rose (D-N.C.).

Rose's bill (HR 3742) includes pro-

visions that would require state pesticide regulations to be submitted for approval to the Environmental Protection Agency. States, in turn, would be permitted to allow local governments to enact pesticide-related regulations, but only with EPA approval.

The Supreme Court ruled in June 1991 that the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA) empowers localities to enact pesticide regulations unless prohibited by state law. The EPA review requirement in the Rose bill would restrict the reach of the high court's decision.

The federal preemption language of the Rose bill is one of several key provisions that would make fundamental changes to FIFRA, which requires chemical manufacturers to obtain approval from EPA for each pesticide product they market, following a safety review. The product label must show the uses for which the product has been approved, or "registered," by EPA.

Some states and localities have tighter restrictions on pesticide use than EPA has ordained under FIFRA. A typical local restriction is a requirement for posting of notices before the application of pesticides in public places, such as private lawns or around public buildings.

Environmentalists say the Rose provisions would hamper the ability of state and municipal governments to enact appropriate use restrictions that respond to local conditions or preferences.

The chemical industry and pesticide user groups, however, say that allowing localities to enact pesticide law is resulting in a complicated patchwork of conflicting rules that is impeding commerce. Agricultural chemical producers say that state and local regulations could disrupt food production. These groups support uniform national standards that would preempt all state and local laws.

Witnesses: A witness list was not available at press time. However, subcommittee staff said that representatives of the Bush administration, the state of Wisconsin and private groups for and against federal preemption of state and local laws will appear.

The lawsuit that led to the Supreme Court decision allowing local regulations

originated in Wisconsin.

When: The hearing is to begin at 9:30 a.m. Wednesday, March 4, in 1300 Longworth.

House Agriculture contacts: Helen Harrison, majority, x58906; Dale Moore, minority, x54668. — Steve Cook

Appropriations

Panels consider money bills

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

House: Five such hearings are scheduled in the House:

Energy and water. Energy Secretary James D. Watkins will appear before the panel Monday, March 2, as the first witness opening a three-week series of hearings on DOE spending.

On Tuesday, March 3, the panel will consider DOE's environmental, safety and health program; its environmental restoration and waste management program; and the Defense Nuclear Facilities Safety Board.

On Wednesday, March 4, the panel will review the Energy Department's general science budget, as well as spending requests for basic energy, fusion and supporting technology.

On Thursday, March 5, the subcommittee will wrap up the week's review with consideration of solar and renewable energy programs, nuclear fission, nuclear safety and the uranium enrichment program.

All the energy and water hearings are set to begin at 10 a.m. in 2362 Rayburn.

Foreign operations: Treasury Secretary Nicholas F. Brady will appear before the foreign operations panel to discuss the fiscal 1993 request for U.S. contributions to multilateral development banks.

The panel will meet Wednesday, March 4, at 10 a.m. in 2360 Rayburn.

Senate: One Senate panel will hold a hearing:

Foreign operations: Treasury Secretary Brady will appear Tuesday before the

what is owed in taxes. A local land trust, the Peninsula Open Space Trust, has raised \$14 million toward the purchase price, and would donate its share of the property to the Park Service. S 871 has been referred to the Senate Finance Committee, which has yet to act on the bill.

When: The hearing will begin at 9:45 a.m. on Wednesday, March 11, in 1324 Longworth.

House Interior contacts: Heather Huyck (Assateague) or Sandy Scott (Golden Gate), majority, x67736; Steve Hodapp, minority, x62311. — LD

Appropriations

Hearings set on money bills

House appropriations panels continue hearings this week on environmental, energy and natural resource programs under President Bush's fiscal 1993 budget request.

Energy and water: The energy and water subcommittee will embark on the second week of its three-week review of Energy Department spending.

On Monday, March 9, the panel will review DOE's nuclear waste disposal fund, the office of the nuclear waste negotiator and the nuclear waste technical review board.

On Tuesday and Wednesday, March 10-11, the subcommittee will meet in closed session to review atomic energy defense activities.

On Thursday, March 12, the panel will consider the Nuclear Regulatory Commission and the Federal Energy Regulatory Commission budgets.

All three days of hearings will be held in 2362 Rayburn and are scheduled to begin at 10 a.m.

Interior: Hearings also are being held this week by the subcommittee on interior and related agencies.

On Tuesday, March 10, the panel will hear testimony on the funding request for the office of the interior secretary and the Interior Department's solicitor general.

On Wednesday, March 11, the subcommittee will look at the administration's request for energy con-

servation programs at the Department of Energy.

The budgets of the Bureau of Mines and the Office of Surface Mining Reclamation and Enforcement will be examined on Thursday, March 12.

The hearings on March 10 and 11 will begin at 10 a.m. On March 12, hearings are scheduled for 10 a.m. and 1:30 p.m. All hearings will be in B-308 Rayburn.

VA-HUD: Environmental Protection Agency chief William K. Reilly is scheduled to testify at hearings this week before the subcommittee on VA, HUD and independent agencies.

The hearings are set for 10 a.m. and 2 p.m. each day on Tuesday, March 10, Wednesday, March 11, and Thursday, March 12, all in H-143 in the Capitol. It was not clear at press time which hearings Reilly would attend. Other witnesses also may appear, subcommittee aides said. — Staff

Oceans

Joint panel reviews marine sanctuaries

Two House Merchant Marine subcommittees are holding a hearing Wednesday on proposals to reauthorize the marine sanctuaries program of the National Oceanic and Atmospheric Administration.

The hearing before the oceanography and fisheries subcommittees will review bills introduced by the chairmen of the two panels — HR 4310 by Rep. Dennis M. Hertel (D-Mich.) and HR 4409 by Rep. Gerry E. Studds (D-Mass.).

The two bills are similar and are designed to improve current marine sanctuaries law, oceanography subcommittee staff said.

The marine sanctuaries program was established under Title III of the Marine Protection, Research and Sanctuaries Act of 1972 (PL 92-532). Authorization for the title expires Sept. 30, 1992.

Both the Hertel and Studds bills contain provisions to streamline the process of designating new sanctuaries, broaden the criteria for designation, beef up enforcement of the law and increase spend-

ing authorizations for the reserves.

Background: Under the 1972 law, the commerce secretary can designate ocean areas or parts of the Great Lakes as marine sanctuaries in order to preserve or restore them. Sanctuaries are designated on the basis of their recreational, ecological, historical, research, educational or aesthetic values. While commercial activities, including offshore oil and gas drilling, are allowed in some of these sanctuaries, resource protection is the main goal of the program.

There currently are eight national marine sanctuaries, the most recent being the 2,600-square-mile Florida Keys sanctuary established by Congress in 1990.

Another six sites are under consideration by NOAA. These include two areas that were mandated for designation in the 1988 amendments to the marine sanctuaries act (PL 100-627) — the Olympic Coast, offshore from Olympic National Park in Washington state, and Monterey Bay, site of the largest undersea canyon on the North American continental shelf, according to an oceanography subcommittee memo.

NOAA currently is selecting sanctuary sites from an evaluation list of 29 areas that was published in 1983. Only two sites on the list have been designated.

The proposed Olympic Coast sanctuary overcame a significant hurdle in August when the Office of Management and Budget signed off on a proposed environmental impact statement prepared by NOAA. The draft EIS calls for banning offshore oil and gas drilling in the sanctuary until the year 2000, after which the ban could be lifted only by NOAA.

Disputes over potential offshore oil and gas drilling in marine sanctuaries have held up designation of several proposed marine sanctuaries in recent years.

Report: Frank Potter, co-chairman of an independent team put together by NOAA to assess the marine sanctuaries program, has been asked by the subcommittees to testify on the team's findings. Among the recommendations in the team's report, which was released in February, were that:

- appropriations for the program be significantly increased. Congress appropriated \$5 million for the program for

other purposes. Assistance would be targeted to housing that serves families with limited incomes.

- require public housing authorities and owners of federally assisted housing to assess whether lead hazards exist and take action if hazards are found. Recipients could use federal housing subsidies and federally insured funds to conduct these activities.

- bar federal agencies from selling housing with lead-based paint hazards.

- require that all federally supported testing and abatement work be conducted by certified contractors and trained workers, and that all federally supported testing for lead be conducted by certified laboratories.

- require sellers of housing to provide prospective purchasers with a pamphlet on lead hazards, documentation of any known lead-based paint hazards, and a 10-day opportunity for the buyer to have the housing assessed for lead hazards.

- require HUD to submit to Congress a schedule for implementing regulations requiring landlords to have rental housing assessed for lead-based paint hazards prior to rental, and to make their findings available to prospective tenants.

- require HUD and other federal agencies to conduct a public awareness campaign on childhood lead poisoning.

- require HUD to expand research on assessment and reduction of lead-based paint hazards, and to issue standards for detection and cleanup methods.

Witnesses: Expected to testify are representatives of the Department of Housing and Urban Development, the Alliance to End Childhood Lead Poisoning, the National Association of Realtors, the National Association of Home Builders, Housing Environmental Services Inc. (an insurance company for public housing authorities), the Children's Defense Fund, the Environmental Defense Fund, the National Low Income Housing Coalition, the Enterprise Foundation (a large non-profit housing provider), the National Leased Housing Association, the National Multi-Housing Council of the National Apartment Association, the NAACP Legal Defense Fund, and the Mortgage Bankers Association.

Also expected are an expert on lead

testing and abatement methods from Georgia Tech, a University of Maryland toxicologist, and members of a Pennsylvania family with children poisoned by lead.

When: The hearing is set for 10 a.m. Thursday, March 19, in 538 Dirksen.

Senate Banking contacts: Cheryl Fox, majority, x46348; Garth Rieman, minority, x48397. — *Jim Ketcham-Colwill*

Appropriations

Energy and water hearings continue

Appropriations panels in both the House and Senate plan hearings this week on energy programs under President Bush's fiscal 1993 budget request.

House: The House energy and water panel plans a hearing Monday, March 16, on the power marketing administrations of the Energy Department. Testifying will be Mike Davis, assistant energy secretary for conservation and renewable energy, and the administrators of the five PMAs.

A second hearing Tuesday, March 17, will focus on the DOE budget for departmental administration. Witnesses will be Linda Stuntz, acting deputy secretary and director of the office of domestic and international energy policy; John Easton, general counsel; and Melva Wray, director of the office of minority and economic impact.

A third hearing Wednesday, March 18, will examine the request for the Tennessee Valley Authority. Testifying will be the members of the TVA board of directors — Marvin Runyon, the chairman, and John Waters and William Kenney.

All three hearings are set for 10 a.m. in 2362 Rayburn.

Senate: The Senate energy and water panel, holding its first hearings of the year, plans a session Tuesday, March 17, on the budget request for the Bonneville Power Administration. BPA Administrator Randy Hardy is scheduled to testify.

A hearing Wednesday, March 18, will focus on the request for TVA. The

three members of the TVA board of directors will testify.

Both hearings are set for 2 p.m. in 192 Dirksen. — *JKC*

Global environment

Briefing set on tropical forests

Rep. Gerry Sikorski (D-Minn.) will host a briefing Thursday on a proposal to place responsibility for managing the world's tropical forests in the hands of the native peoples who inhabit those jungles.

The briefing is sponsored by GLOBE-U.S., a consortium of legislators concerned with international environmental issues, headed by Sikorski. Speaking at the briefing will be representatives from the Philippines, Batwa, Argentina and the Amazon Basin region.

When: The briefing is set for 2 p.m. Thursday, March 19, in 304 Cannon.

GLOBE-U.S. contact: Lisa Jordan, 863-0153. — *DR*

Pesticides

'Circle-of-poison' bill set for markup

A House Foreign Affairs subcommittee plans this week to mark up legislation that would ban the export of pesticides prohibited from use in the United States.

The bill (HR 2083), sponsored by Rep. Mike Synar (D-Okla.), is designed to break the so-called "circle of poison," in which pesticides that fail to meet safety standards for use by American farmers are sold overseas by U.S. chemical manufacturers, then end up back in the United States as residues on imported foods.

Staffers for the subcommittee on international economic policy said they were unaware of any amendments that members of the panel planned to offer at markup.

In a related development this week, the House Agriculture subcommittee on department operations is scheduled to wrap up a series of hearings held in prepa-

comes after several years in administration requested more increases that were greatly en- Congress during the appropri- ness. Last year, the president \$6.2 billion for EPA, an in- less than 3 percent. Congress appropriated \$6.7 billion, up from the previous year.

calling for substantial in- come key areas, the fiscal 1993 poses eliminating several EPA and projects, including a \$37 gram for loans and grants to estros from schools. Congress administration proposals to is program in fiscal 1992.

tee members are upset that t proposed cutting in half the program that provides grants control water pollution caused om farmland, city streets and sites, a committee staffer as said that controlling such "source" pollution is a major ity, but this is contradicted by request, the aide said.

s in the superfund budget. e administration have been by Congress for the past or fiscal year 1993, the presi- is request from the previous t superfund spending from o \$1.8 billion.

ort of the Senate Appropria- tee (S. Rpt. 102-107) on the 9) making 1992 appropria- A said that the agency has cent of superfund expendi- nistration, enforcement and es not directly related to the zardous waste sites.

ropriations Committee also not adequately monitoring dollar cleanup contracts.

inistration reversed its ear- sewer construction grants ing for a \$100 million in- billion in fiscal 1993. In the s, the president proposed s in the program, only to be Congress.

some members have raised a \$470 million request for projects in Boston, New s 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 Beville'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 tribe and f

The proj- and rehabilita in the early st Baucus said in the bill's intro- strophic failur water that cot and wipe out Ashland, Mon \$100 million t

Burns said that it is supp- a water rights state Fish an people who live Montana.

Opposit opposed to the

At the No- Glidden, chair- on Indian water- Department, s- not like the w- costs for the d-

The admir- the \$18 million and to finance development fi said. But the a state should pay

"We canne

Indian water rig- to provide bene- Indian water u- avoid paying t- should bear," G

Provision

the interior secr- erative agreeme- tana for the pl- struction of the d- The bill would- tion of \$31.5 mil- the project, as v- operation and m- environmental c- to meet conditio- 11 water rights c- tions resulting- view of the prop-

The bill wo- tional \$3.6 millic- ment to develo- would enhance f

uge, and a 5-acre parcel in downtown Kenai. The 5-acre parcel is the site of the old headquarters of the Fish and Wildlife Service, no longer in use, and would be suitable for urban development—a hotel, for example.

Because the association's holdings along the river are valuable property that is heavily used by refuge visitors, chiefly fishermen, a trade would not have to be equal on an acre-for-acre basis to be fair, according to Miller's aide. But the committee will be looking closely at the details of the trade to see if it is a good deal for the federal government, the aide said.

Witnesses: A witness list was not available at press time. Representatives of the Bush administration, Koniag, the state of Alaska and environmental groups have been invited to testify. A representative of the Kenai Native Association also will testify.

When: The hearing will begin at 10 a.m. Thursday, April 2, in 1324 Longworth.

House Interior contacts: Jeff Petrich, majority, x56042; Dan Kish, minority, x56065. — LD

Appropriations

Hearings set on money bills

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

House: Subcommittees in the House will meet as follows:

Agriculture: The agriculture panel, chaired by full committee Chairman Jamie L. Whitten (D-Miss.), will hold a hearing Monday that will consider funding of soil conservation agencies and related programs.

Scheduled witnesses include James R. Moseley, assistant agriculture secretary for natural resources and environment; William T. Richards, chief of the Soil Conservation Service; and Keith Bjerke, administrator of the Agricultural Stabilization and Conservation Service.

The hearing is set for 1 p.m. Monday,

March 30, in 2362 Rayburn.

Energy and water: The energy and water panel, chaired by Rep. Tom Beville (D-Ala.) completes its schedule of hearings this week with three sessions to take testimony from members of Congress and outside witnesses.

Sessions on Monday will focus primarily on funding for water projects in Alabama, Louisiana and the lower Mississippi River region in general. Tuesday sessions will examine funding for Energy Department programs. A Wednesday morning session will center on California water projects; a Wednesday afternoon session will include testimony on miscellaneous energy and water topics.

The hearings are set for 10 a.m. and 2 p.m. Monday, March 30; 9:55 a.m. and 2 p.m. Tuesday, March 31; and 9:30 a.m. and 2 p.m. Wednesday, April 1. All are in 2167 Rayburn.

Interior: The subcommittee on interior and related agencies, chaired by Rep. Sidney R. Yates (D-Ill.), will hear from officials of the U.S. Geological Survey at hearings set for 10 a.m. and 1:30 p.m. Tuesday, March 31.

National Park Service officials will testify on their agency's budget proposal at a second set of hearings set for 10 a.m. and 1:30 p.m. Wednesday, April 1.

All four sessions will take place in B-308 Rayburn.

Senate: Subcommittees in the Senate will meet as follows:

Agriculture: The agriculture panel, chaired by Sen. Quentin N. Burdick (D-N.D.), is holding a hearing Friday on soil conservation. Expected to testify are representatives of the Soil Conservation Service and the Agricultural Stabilization and Conservation Service.

The hearing is set for 10 a.m. Friday, April 3, in 138 Dirksen.

Energy and water: Like its House counterpart, the Senate energy and water panel, chaired by Sen. J. Bennett Johnston (D-La.), continues hearings to receive testimony from members of Congress and outside witnesses.

A session set for 10 a.m. Monday, March 30, will include testimony on funding for the Red River Waterway and Mississippi River flood control projects. A 2 p.m. session Monday will focus on Ala-

bama and Tennessee water projects.

A hearing at 2 p.m. Wednesday, April 1, will focus on funding for California water projects.

All the energy and water hearings are in 192 Dirksen. — Staff

Fossil fuels

Panel mulls change in bankruptcy code

A House Judiciary subcommittee has scheduled a hearing for Wednesday to examine a bill that seeks to protect the drilling rights of independent oil and gas developers during bankruptcy proceedings in which they are not directly involved.

The bill (HR 4363), sponsored by Rep. Jack Brooks (D-Texas), will be reviewed by the economic and commercial law subcommittee, which Brooks chairs.

Similar legislation (HR 3152) passed the House by voice vote in October 1989, but a companion bill (S 2226) was not acted on in the Senate.

This year, a Senate version of the legislation (S 580) was adopted as a part of the comprehensive energy bill (S 2166) that passed the Senate Feb. 19. The amendment was offered on the floor by Sens. Lloyd Bentsen (D-Texas), Alan K. Simpson (R-Wyo.) and others.

Brooks' bill, like S 580, would amend a section of the federal bankruptcy code that lawmakers from "oil patch" states say is hurting independent drillers. These small operators have fallen on hard times as spot prices for oil and natural gas have plummeted over the last year.

In the last two months, the number of drilling rigs operating in the United States has fallen to its lowest level since World War II, according to the Independent Petroleum Association of America.

The bill: Brooks' bill would exclude from bankruptcy proceedings the development interest an oil producer has obtained through a "farm-out agreement," thereby protecting contractors from the prospect of losing their drilling rights during a bankruptcy case.

A farm-out agreement generally is a contract between private oil or gas lease-

because it says that such restrictions would slow economic growth.

A Tuesday hearing will give the Joint Economic Committee an opportunity to discuss this position with officials from the Environmental Protection Agency and the Department of Energy.

The aim of the hearing, chaired by Sen. Al Gore (D-Tenn.), is to examine what can be done between now and the year 2000 to limit CO₂ emissions, a committee aide said. The committee will look at existing EPA and DOE programs aimed at conserving energy and will explore ideas for new programs and how they would affect economic growth.

At U.N.-sponsored talks on global climate change, the United States has opposed efforts by European delegates to conclude an international agreement committing nations to stabilizing CO₂ emissions at 1990 levels in the year 2000. The conflict has clouded prospects for completing an agreement in time to be signed at the U.N. Conference on Environment and Development, scheduled to open June 1 in Rio de Janeiro, Brazil.

The U.S. negotiating stance has come under fire from Gore and others in Congress who say the economy stands to benefit from increased energy efficiency and other measures that would be necessary to achieve the CO₂ limits opposed by the administration.

Scientists fear that increasing concentrations of CO₂ and other heat-trapping gases from human activities are warming the planet above its natural temperature range, and that this warming could lead to potentially catastrophic climate changes.

One focus of the hearing will be EPA's Green Lights program, in which companies voluntarily adopt energy-efficient lighting. EPA announced in March that 425 corporations, seven states and three cities have joined the program, cutting their electric bills by \$702 million a year. The reduction of carbon dioxide achieved under the program so far is the equivalent of taking 1.6 million cars off the road, EPA said.

Witnesses also are to discuss the potential for limiting CO₂ emissions in the electric utility industry. Electricity generation accounts for a major portion of

fossil fuels consumed by the United States and is expected to contribute a significant share of future CO₂ increases, the aide said.

The hearing will explore options for using "least-cost planning" to curb the growth in demand for electricity. Least-cost planning would allow utilities to encourage customers to conserve electricity and avoid the massive capital expenditures required in building new power plants. Most state utility rate structures discourage utilities from implementing least-cost planning.

Tuesday's hearing is to be followed up with another session in June that will consider proposals to tax the carbon content in fossil fuels and other fiscal policy options for addressing global warming and related environmental problems, the aide said.

Witnesses: Scheduled to testify at the hearing are Howard K. Gruenspecht, associate deputy undersecretary of energy; Eileen Claussen, director of EPA's office of atmospheric and indoor air programs; David Moskovitz of the Regulatory Assistance Project; Lynn Sutcliffe, president of SYCOM Enterprises; William U. Chandler, senior research scientist at the Battelle Institute; Florentin Krause of the International Project for Sustainable Energy Paths; and Richard L. Stroup, professor of economics at the University of Montana.

When: The hearing is set for 2 p.m. Tuesday, April 28, in 562 Dirksen.

Joint Economic contacts: Marc Chupka, majority, x40375; Gary Anderson, minority, x62487. — *Steve Cook*

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: Hearings in several subcommittees are scheduled for this week:

Agriculture: Agriculture Secretary Edward R. Madigan is scheduled to tes-

tify Wednesday on department programs, including soil conservation programs. The hearing, before the subcommittee on rural development, agriculture and related agencies, is set for 1 p.m. Wednesday, April 29, in 2362 Rayburn. The subcommittee is chaired by Appropriations Chairman Jamie L. Whitten (D-Miss.).

Interior: On Tuesday, April 28, U.S. Forest Service Chief F. Dale Robertson will appear before Chairman Sidney R. Yates' (D-Ill.) Interior and related agencies subcommittee to discuss his agency's proposed budget for fiscal 1993.

U.S. Fish and Wildlife Service Director John F. Turner makes his appearance before the subcommittee the following day, Wednesday, April 29.

And on Thursday, April 30, the panel will review the Energy Department's budget request for fossil energy, the clean coal technology demonstration program, the strategic petroleum reserve, and the naval petroleum reserve.

All three hearings will begin at 10 a.m. in B-308 Rayburn.

Senate: The energy and water subcommittee, chaired by Sen. J. Bennett Johnston (D-La.), is holding a closed hearing Thursday to consider Department of Energy programs. The hearing is set for 2 p.m. Thursday, April 30, in 116 Dirksen.

— *Staff*

Hazardous substances/ solid waste

RCRA markup set in Senate panel

Senate action on legislation to revise the nation's solid and hazardous waste law is scheduled to begin Wednesday with markup of a draft bill by the full Environment and Public Works Committee, despite a lack of consensus on many issues.

The legislation is intended to promote recycling, ease controversy over interstate waste shipments, ensure safe disposal of solid wastes, and prevent toxic substances from entering the waste stream. Key parts of the legislation, which would reauthorize the Resource Conservation and Recovery Act, were being revised at press time.

groundwater. Today, the department is undertaking expensive cleanup operations and is spending additional money to comply with air pollution, water pollution and waste management laws.

The environmental restoration panel, chaired by Rep. Richard Ray (D-Ga.), is holding the hearing to prepare for work on the fiscal 1993 defense authorization bill. Subcommittee markups begin this week. (See separate story in this issue.)

Issues: A primary issue for Ray is why the Pentagon needed to make such a large supplemental spending request when Congress authorized and appropriated all the funds sought by the administration last year, a committee staffer said.

"The question is: What's wrong?" the staffer said. "What can [DOD] do to budget more realistically?"

The staffer said it will be difficult for Congress to appropriate nearly \$1 billion more for a program in the current fiscal year when the budget cycle already is well under way.

The main issue raised by the fiscal 1993 request, the staffer said, involves a special account established for the cleanup of environmental contamination at military installations and former DOD properties.

The Pentagon has proposed that a major chunk of the \$1.5 billion requested for the environmental restoration account come from selling some of the materials in the National Defense Stockpile, a reserve of metals and other strategic materials collected to guard against shortages due to international crises. Past administration proposals to raise revenues by liquidating the stockpile reportedly have met with congressional resistance.

A committee staffer said the proposal could run into budget law restrictions and would require passage of legislation allowing the transfer of revenues raised from stockpile sales to the environmental restoration account.

Other questions are whether revenues from stockpile sales would be sufficient to provide the requested environmental restoration funds, and whether those revenues would actually be realized, he said. (For background on DOD environmental programs, see the April 22, 1991, *Weekly Bulletin*, p. B3.)

Request: Besides the \$1.5 billion sought for the environmental restoration account, DOD has requested \$443 million specifically for cleanup of installations slated to be shut down under two base closure laws. Spread throughout the DOD budget request is an additional \$1.76 billion that would fund various activities to comply with environmental laws.

The fiscal 1992 supplemental request includes \$448 million for the environmental restoration account, \$432 million for environmental compliance activities, \$163 million for cleanup at closing bases, and \$30 million for environment-related research.

In January, the environmental group Friends of the Earth issued a statement supporting the DOD requests.

Witnesses: Expected to testify are Thomas E. Baca, DOD's deputy assistant secretary of defense for environment; Thomas L. McCall Jr., the Environmental Protection Agency's assistant administrator for enforcement; Ralph De Gennaro of Friends of the Earth; and a representative of the Natural Resources Defense Council.

When: The hearing is set for 10 a.m. Tuesday, May 5, in 2212 Rayburn.

House Armed Services contact: Mike West, x57991. — JKC

Wildlife

Panel gets update on wildlife refuges

A House Merchant Marine subcommittee plans Wednesday to get an update from the U.S. Fish and Wildlife Service on management of the national wildlife refuge system, including steps taken to limit the use of refuges for commercial activity, recreation and military exercises.

The hearing before the fisheries and wildlife subcommittee originally had been set for April 30 but was postponed because of scheduling conflicts, a subcommittee aide said.

A 1989 report by the General Accounting Office found that activities harmful to wildlife — such as mining, off-road vehicle traffic, boating, military training and even hunting — are occur-

ring on nearly 60 percent of the refuges in the system.

That report was one of numerous studies — by both government agencies and private organizations — critical of refuge management by the Fish and Wildlife Service.

The hearing is intended to review the steps the agency has taken to respond to those criticisms, and to hear comments from the Bush administration on several refuge management bills. (For more, see April 27 *Weekly Bulletin*, p. B4.)

Witnesses: A representative of the Fish and Wildlife Service will be the only witness.

When: The hearing will begin at 1 p.m. Wednesday, May 6, in 1334 Longworth.

House Merchant Marine contacts: Gina DeFerrari, majority, x63533; Tom Melius, minority, x63520. — LD

Appropriations

Hearings set on money bills

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

House: Bureau of Land Management Director Cy Jamison will appear Thursday before the subcommittee on interior and related agencies to discuss BLM's budget. The hearing will begin at 10 a.m. Thursday, May 7, in B-308 Rayburn.

The interior subcommittee, chaired by Rep. Sidney R. Yates (D-Ill.), also will hear from Scott Sewell, director of the Minerals Management Service, at 10 a.m. Wednesday, May 6, in B-308 Rayburn.

Senate: Two subcommittees are holding hearings this week.

Interior: Sen. Robert C. Byrd's (D-W.Va.) panel will hear from National Park Service Director James M. Ridenour Tuesday on the Park Service's 1993 budget plans.

The hearing will begin at 2 p.m. Tuesday, May 5, in S-128 of the Capitol.

Energy: Sen. J. Bennett Johnston's

(D-La.) subcommittee will review portions of the Energy Department's budget request Thursday.

J. Michael Davis, assistant secretary of conservation and renewable energy, will discuss solar and renewable programs; William Happer, director of the DOE office of energy research, will review his budget; and William H. Young, assistant secretary for nuclear energy, will testify on DOE's nuclear research plans.

The hearing is scheduled for 2 p.m. Thursday, May 7, in 192 Dirksen. — *Staff*

Confirmations

NRC nomination reviewed by panel

The Senate Environment Committee plans this week to hold a hearing to consider the nomination of physicist Kenneth C. Rogers to serve a second five-year term as a member of the Nuclear Regulatory Commission.

Rogers, a former physics professor and president of Stevens Institute of Technology, was first appointed to the NRC by President Reagan.

Rogers also is the author of more than 30 technical papers and holder of two patents, and has held research and teaching appointments at Cornell University, Princeton University and the City University of New York.

He earned a bachelor's degree in physics from Saint Lawrence University, as well as a master's degree and doctorate in physics from Columbia University.

The Environment Committee also may vote this week on whether to recommend confirmation of Christian Holmes IV as the chief financial officer at the Environmental Protection Agency.

Holmes has held that position — formally the assistant administrator for the office of administration and resource management — on an acting basis since August 1991. He replaces Charles Grizzle, who left the agency to work for a private industry group.

Before assuming that post, Holmes served as EPA's deputy assistant administrator for federal facilities enforcement and as the principal deputy assistant ad-

ministrator in the office of waste management and emergency response.

Before arriving at EPA, Holmes spent two years as an executive for two health care manufacturing companies, which he joined after serving seven years as a senior U.S. foreign service officer directing a trade and development program.

From 1979 to 1981, Holmes was the principal deputy assistant secretary of state for refugee programs. He also spent five years with the Agency for International Development.

Holmes holds a bachelor's degree from Wesleyan University and an honorary master's degree from the same school.

When: The hearing on Rogers' nomination is scheduled for 12:15 p.m. Wednesday, May 6, in 406 Dirksen. Consideration of the Holmes nomination had not been scheduled at press time, but an aide said a vote could be held sometime this week.

Senate Environment contacts: NRC nomination — Dan Berkovitz, majority, x44039; Karen Field, minority, x42991. EPA nomination — Stephanie Clough, majority, x43211; Steve Shimberg, minority, x47854. — *LII*

Wild and scenic rivers/ parks and public lands

West Virginia parks additions sought

A House Interior subcommittee will hold a hearing Tuesday to look at a bill that would add more than 12,000 acres to national park lands in West Virginia.

The bill (HR 4382), introduced March 4 by Rep. Nick Joe Rahall II (D-W.Va.), would allow the National Park Service to add what a subcommittee staffer describes as "a whole bunch of bits and pieces, a couple of state parks and one big donation" to the Gauley River National Recreation Area, the New River Gorge National River, and the Bluestone National Scenic River.

Background: In 1988, Congress created the 9,415-acre Gauley River National Recreation Area along 25 miles of the Gauley River. That law (PL 100-534)

also designated 11 miles of the Bluestone River as "scenic" under the national wild and scenic rivers system.

The Wild and Scenic Rivers Act of 1968 (PL 90-542) generally restricts development within a quarter-mile corridor along either bank of river segments designated as part of the system or placed under study for future designation. A classification of "wild" is the most restrictive under the law, a designation of "recreational" the least.

The New River Gorge National River, established in 1978, is a park unit currently totaling 62,663 acres but is not a part of the wild and scenic rivers system. The New River runs through Virginia and West Virginia.

Bill: HR 4382 would add 12 tracts of land totaling 8,819 acres to the recreation area. The largest tract, the 7,000-acre Harry Ward estate, has been offered as a donation. The other tracts are small plots being offered by willing sellers, according to subcommittee aides.

The bill also would incorporate the 327-acre Carnifex Ferry Battlefield State Park into the boundaries of the park along the New River.

Finally, the bill would place 3,060 acres from the Pipestem State Park within the Bluestone National Scenic River boundary.

A major question for minority members is whether the three large additions — the Ward tract and the two state parks — are really essential, according to an aide.

An additional question is whether the Park Service can afford to manage these additions, the aide asked. The state is expected to continue to manage both the Carnifex and Pipestem parks, a Rahall aide said. But money-strapped states all over the country are shutting down their parks, the minority aide said, raising the possibility that the National Park Service might later be asked to pick up the tab for Carnifex and Pipestem.

The minority has no problem with adding the smaller tracts to the parks' boundaries, the minority aide said, noting that some of the additions have already been purchased.

Witnesses: A representative of the National Park Service is the only witness

Stuntz earned a bachelor's degree in political science from Wittenberg University in 1976. She graduated from Harvard Law School in 1979.

When: The vote on whether to approve the nomination was tentatively scheduled for the Energy Committee's Wednesday business meeting, however a staffer said the item could be removed from the agenda. The committee will meet at 9:30 a.m. Wednesday, May 13, in 366 Dirksen.

Senate Energy contacts: Becky Murphy, majority, x47562; Carol Craft, minority, x41017. — *LH*

Global environment

Bill would protect tropical forests

The House Energy subcommittee on commerce Wednesday will hold a hearing on a bill that would let consumers know when they are purchasing wood or wood products originating from tropical forests.

Specifically, the bill (HR 2854), introduced July 10 by Rep. Peter H. Kostmayer (D-Pa.), would prohibit the manufacturing or importation of any tropical wood or wood product unless labeled with the country of origin and the name of the wood.

The measure is designed to inform consumers about the origin of wood products and give them a choice as to whether to purchase wood originating in tropical forests, which are being cleared at an alarming rate, or wood from non-tropical areas, a commerce subcommittee aide said.

The U.N. Food and Agriculture Organization released new statistics in 1990 suggesting that tropical deforestation may be occurring at a rate of about 20.4 million hectares each year — nearly 70 percent higher than previously believed. Many members of Congress and environmentalists share the concern that tropical deforestation may contribute to a wide variety of problems.

For example, scientists fear that deforestation contributes to the "greenhouse effect," a warming of the Earth's surface caused by the presence of carbon dioxide

and other heat-trapping gases in the atmosphere. Some researchers believe the buildup of these gases from human activities, such as forest destruction and the burning of fossil fuels, could warm the planet far beyond its natural temperature range.

Trees play an important role in the natural carbon cycle by absorbing carbon dioxide, a major greenhouse gas.

Tropical forests also are thought to contain about 50 percent of the world's plant and animal species, with many species still undiscovered. This "genetic storehouse" is a possible source for future medicines.

In addition, deforestation can lead to severe soil erosion when upland watershed areas are cleared and exposed to heavy rains, causing damage to crops and flooding riverbeds as soil is carried into rivers and streams.

Other impacts of deforestation include the reduction of forest products upon which rural families and Third World economies depend.

Witnesses: Testifying at the hearing will be representatives from the Environmental Defense Fund, the World Wildlife Fund, the Sierra Club, the International Hardwood Products Association and the Business and Industrial Furniture and Manufacturers Association.

When: The commerce subcommittee will meet at 10 a.m. Wednesday, May 13, in 2218 Rayburn.

House Energy contacts: Brad Kane, majority, x63160; Doug Bennett, minority, x63400. — *DR*

Appropriations

Hearings set on money bills

Two Senate appropriations subcommittees will hold hearings this week on energy and natural resource programs in President Bush's fiscal 1993 budget request.

The subcommittee on energy and water, chaired by Sen. J. Bennett Johnston (D-La.), will receive testimony from the Army Corps of Engineers at 2 p.m. Tuesday, May 12, in 192 Dirksen. Energy

Department officials will appear at a second hearing at 2 p.m. Thursday, May 14, in 116 Dirksen.

The subcommittee on interior and related agencies, chaired by Sen. Robert C. Byrd (D-W.Va.), has set a hearing on DOE programs under its jurisdiction for 9:30 a.m. Tuesday, May 12, in 116 Dirksen.

Scheduled to testify are J. Michael Davis, assistant energy secretary for conservation and renewable energy, and James G. Randolph, assistant secretary for fossil energy. — *Staff*

Environmental policy/ global environment

House panel mulls NEPA expansion

The House Merchant Marine subcommittee on fisheries, wildlife conservation and the environment is marking up a bill Tuesday to reauthorize the president's Council on Environmental Quality and expand the reach of U.S. environmental law to cover federal actions overseas.

The full committee is scheduled to take up the bill on Thursday.

CEQ oversees compliance with the National Environmental Policy Act of 1970 (PL 91-190), which requires federal agencies to assess the potential consequences of any action they plan to take that could significantly alter the quality of the human environment. This entails a formal process of public comment and hearings culminating in preparation of an "environmental impact statement" by the agency undertaking the action in question.

The subcommittee bill (HR 1271), sponsored by Chairman Gerry E. Studds (D-Mass.), would expand the reach of NEPA to apply to actions by federal agencies outside U.S. territory. The Bush administration opposes expanding the scope of NEPA on the grounds that it would be an unconstitutional encroachment on the president's power to conduct foreign policy.

Furthermore, the administration says that executive order 12114, issued by

In addition, the legislation would prohibit federal agencies from awarding contracts or making loans or grants to companies convicted of such violations. Furthermore, it would establish a system of rewards of up to \$10,000 for individuals who furnish information leading to convictions for intentional, negligent or reckless endangerment violations.

The bill is designed to provide another tool for federal agencies to use in enforcing U.S. environmental laws, an Environmental Protection Agency official said. The official said EPA supports the purpose of the legislation but has concerns about specifics, which the agency probably will raise at the hearing.

A similar bill (HR 3641) was marked up by the subcommittee during the 101st Congress, but the full Judiciary Committee did not take up the measure.

A witness list was not available at press time.

When: The hearing is scheduled for 10 a.m. Thursday, June 11, in 2226 Rayburn.

House Judiciary contacts: Daniel Cunningham, majority, x62406; Lyle Nirenburg, minority, x57087. — SC

Appropriations

Energy and water markup scheduled

The House Appropriations Committee is likely this week to mark up a fiscal 1993 spending bill for energy and water programs that would dramatically increase funding for environmental cleanup at the Energy Department's nuclear weapons facilities.

However, due to budgetary limits, the \$21.8 billion bill would provide no money to start construction of new water or energy projects, subcommittee Chairman Tom Bevill (D-Ala.) said in a telephone interview June 5.

As marked up by Bevill's subcommittee, the bill would cut existing energy and water programs by 2 percent "across the board," with few exceptions, he said.

Bill: The energy and water panel approved its bill behind closed doors June 4, one day after the chairmen of the House

appropriations subcommittees informally agreed how much of the discretionary spending pie for fiscal 1993 would be allocated to each of the 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 budget agreement between congressional leaders and the White House.

"We're staying within the budget summit agreement," Bevill told reporters after the markup. "In order to do that, we had to make everyone a little unhappy."

"There are cuts all across the spectrum," Rep. Jim Chapman (D-Texas) said, adding that he was not at liberty to discuss specifics. "There are going to be a lot of disappointed members of Congress."

One of the few major increases under the energy and water bill is for environmental cleanup and waste management at DOE facilities, primarily the aging complex of nuclear weapons laboratories and factories around the country.

The total for those activities would be \$5.3 billion, approximately \$1 billion more than the fiscal 1992 level, Bevill said June 5. That figure matches the Bush administration request for fiscal year 1993.

Bevill said the bill would provide no money to start construction of water resources projects, or funding of pre-construction engineering studies for such projects. He said the "no-new-starts" policy also applies to the Energy Department, which funds construction of certain university projects.

But the subcommittee tried to avoid disrupting projects that are already under construction.

"We felt like we had better keep going on [projects] that are under way rather than slowing them down," Bevill said.

The bill would provide the Army Corps of Engineers and the Interior Department's Bureau of Reclamation with funding levels roughly similar to those they received in fiscal 1992, Bevill said. The fiscal 1992 energy and water bill included \$3.6 billion for the corps and \$900 million for the bureau.

Included in the corps budget under

the bill is \$10 million for a wildlife mitigation project at the Tennessee-Tombigbee Waterway in Alabama and Mississippi, Bevill said.

The subcommittee approved \$483.7 million for the superconducting super collider, a high-energy physics research project, according to Chapman, a key project proponent. That amount is the same as was appropriated in fiscal 1992, but 34 percent, or \$166.3 million, less than President Bush requested for fiscal 1993.

The \$21.8 billion bill total is the same in round figures as the amount appropriated in the fiscal 1992 energy and water bill, but an exact comparison was not available at press time.

Further information on the bill was not available. Staff are instructed not to disclose information on the bill until markup by the full committee, when the bill and draft committee report are released.

Allocations: Appropriations subcommittees are feeling the pinch this year largely because the total amount of discretionary domestic spending allowed by budget limits for fiscal 1993 is only slightly larger than the amount appropriated for fiscal 1992.

In addition, budget authority granted to federal agencies through fiscal 1992 appropriations will result in significant expenditures (outlays) in fiscal 1993, staffer said. Those outlays consume part of the spending allowed in fiscal 1993.

This phenomenon will limit fiscal 1993 spending in the energy and water bill, among others.

Other action: Additional spending bills may be marked up this week by various House Appropriations subcommittees, including the foreign operations panel, which has jurisdiction over international environmental programs, staffer said.

The outlook for subcommittee markup of the Commerce Department bill, which includes funding for the National Oceanic and Atmospheric Administration, was described as "possible but unlikely."

No House markup was anticipated this week for either of two other appropriations measures that set funding levels for environmental and natural resource

programs — the spending bill for the Interior Department and related agencies, or the bill covering the Veterans Affairs Department, the Housing and Urban Development Department and independent agencies, including the Environmental Protection Agency and the National Aeronautics and Space Administration.

The Senate Appropriations subcommittee on interior and related agencies is holding a hearing Tuesday, June 9, at which Interior Secretary Manuel Lujan Jr. and members of Congress will testify. Lujan is scheduled to testify at 10 a.m. and members will follow at 2:30 p.m. in S-128 of the Capitol.

When: At press time, full committee markup of the energy and water bill was tentatively planned for Thursday, June 11.

House Appropriations energy and water contacts: Hunter Spillan and Bob Schmidt (water), Aaron Edmondson and Jeanne Wilson (energy), majority, x53421; Michelle Mrdeza, minority, x53481. — *Jim Ketcham-Coburn*

Energy policy/taxes

Finance Committee turns to energy bill

In a final development before congressional negotiators begin trying to reconcile House and Senate versions of energy legislation, the Senate Finance Committee this week may take up a package of energy tax incentives included in the House-passed bill.

The House energy bill (HR 776) was referred to Sen. Lloyd Bentsen's (D-Texas) tax-writing committee June 4 after Senate Energy Committee Chairman J. Bennett Johnston (D-La.) failed to persuade Bentsen to allow the bill to proceed straight to the Senate floor, Senate sources said.

The House-backed tax package, crafted by the Ways and Means Committee, includes proposals designed to benefit independent oil and gas producers, stimulate production and use of renewable energy, promote the use of mass transit and ride-sharing by commuters and encourage motorists to buy cars and

trucks that run on non-gasoline fuels. The revenue package also would increase the excise tax on some ozone-depleting chemicals.

Tax issues were not considered in the comprehensive energy bill (S 2166) passed by the Senate Feb. 6. But most of the energy tax provisions in the House bill have previously been endorsed by the Senate as part of an economic growth bill (HR 4210) that ultimately was vetoed by President Bush.

Nevertheless, the Bush administration has registered general support for the energy tax package, especially the proposed tax relief to independent oil and gas drillers.

The Finance Committee is likely to take up the tax title of HR 776 this week, according to Energy and Finance committee aides, but no markup was officially scheduled at press time.

One Senate Energy Committee minority staffer said the Finance Committee was expected to dispense with the bill by Thursday or Friday.

After Bentsen's committee reports the bill with any changes to the tax title that it decides to make, the Senate is expected to call up HR 776 on the floor and replace its provisions with the text of S 2166, aides said.

Whether the bill can be dealt with quickly on the Senate floor hinges in large part on the extent of tactics undertaken by Nevada's two senators, Richard H. Bryan (D) and Harry Reid (D), to obstruct the bill.

Bryan and Reid strongly object to provisions in the House bill that would allow the Energy Department to evaluate Yucca Mountain, Nev., as a potential site for a high-level nuclear waste repository without obtaining state environmental permits. A Bryan aide confirmed that the two senators would take whatever steps were necessary to protect the interests of the state, which staunchly opposes the Yucca Mountain project.

The House-Senate conference to hammer out differences between the two versions of the energy bill can begin only after the Senate dispenses with HR 776.

House tax provisions: Seeking to help the flagging domestic petroleum industry and ease imports, the House bill

would give independent oil and gas producers \$841 million in relief from the alternative minimum tax during the next five years.

The AMT, enacted as part of the 1986 Tax Reform Act (PL 99-514), was established to make it more difficult for corporations to "zero out," or avoid paying any income taxes in a given year, after taking their legal exemptions and deductions. Calculated on a broader income base — but at a lower rate — than the regular income tax, the AMT is imposed on corporations and individuals when it exceeds the amount of tax they would owe under conventional calculations.

The oil and gas industry has lobbied hard for tax relief this year, arguing that AMT-imposed limits on tax breaks the industry gets for recovering the high capital costs associated with drilling have contributed to the drastic decline nationwide in working oil rigs.

The House bill also includes a "green package" of tax proposals that would:

- increase to \$60 the amount of employer-provided mass-transit assistance a worker could receive each month before being taxed on it. The limit currently is \$21 per month. At the same time, the measure would cap the amount of monthly tax-free parking benefits employers could provide their workers at \$160. Employer-provided parking currently is not taxed at all. Both ceilings on transit and parking tax benefits would be adjusted upward for inflation.

- exclude utility-provided subsidies for energy conservation measures from the taxable income of utilities' residential customers. A similar residential income exclusion, enacted as part of the 1977 National Energy Conservation Policy Act (PL 95-619), expired three years ago. The House provision also would exempt 65 percent of the value of similar subsidies from the taxable income of utilities' commercial or industrial customers.

- allow taxpayers a limited deduction for the cost of purchasing cars and trucks powered by alternative fuels, such as liquefied natural gas, electricity, hydrogen, methanol and ethanol. The legislation also would allow a deduction for gas station owners who install pumps to service alternatively fueled vehicles. The deduc-

In the House

Wildlife

Coast Guard Authorization Act of 1993 — HR 5055

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

A Coast Guard subcommittee aide said the proposed rule to govern floor action on the bill would not make in order any environmentally related amendments.

This bill, which would authorize fiscal 1993 appropriations for the U.S. Coast Guard, includes language to direct the Coast Guard and the Commerce Department's National Marine Fisheries Service to enter into a memorandum of agreement regarding enforcement of fisheries management regulations.

The two agencies would be required, at a minimum, to provide accused violators of these regulations an opportunity to respond to the charges if they ask for a hearing on a timely basis. The memorandum also would be required to establish "that all enforcement procedures be fairly and consistently applied."

The provision represents a compromise between the bill's sponsor, Rep. W.J. (Billy) Tauzin (D-La.), and Rep. Gerry E. Studds (D-Mass.) replacing language originally in the Coast Guard bill that would have temporarily prohibited the Coast Guard from enforcing regulations designed to protect endangered sea turtles from being trapped in shrimp nets.

The compromise was adopted as an amendment to the bill by the House Merchant Marine Committee, which approved the bill June 4. Tauzin is chairman of Merchant Marine's Coast Guard subcommittee, and Studds chairs the committee's fisheries and wildlife conservation panel.

Tauzin has been a vocal critic of efforts by the Marine Fisheries Service to require shrimpers to install "turtle excluder devices," or TEDs, in their large nets. The devices are designed to prevent turtles from being caught in the nets.

Tauzin's Louisiana district is home to many shrimp fishermen, who claim that use of the TEDs reduces their shrimp catch.

The National Marine Fisheries Service, an agency under the Commerce Department's National Oceanic and Atmospheric Administration, is responsible for protecting endangered marine species with the enforcement assistance of the Coast Guard. NMFS issued the turtle regulations in 1987, but they did not become effective until 1990.

The original language, which Studds opposed, would have blocked enforcement of the TED regulations until the Commerce Department completes a congressionally requested study. (For background on the original language, see June 1 *Weekly Bulletin*, p. B5.)

Tauzin has complained that some shrimpers who have been accused of violating the TED regulations have not been given the opportunity to answer the charges at a hearing.

Background: TEDs are devices inserted in shrimp trawls, forcing the nets to open when turtles are caught and allowing the reptiles to escape. In the process, however, many shrimp also

escape, fishermen say.

The rules apply differently depending on the part of the country in which shrimpers are operating. For example, fishermen in the Gulf of Mexico must use the devices from March 1 to Nov. 30, while those in the Atlantic must protect the turtles from May to September.

Data cited by the Marine Fisheries Service indicate that commercial shrimpers' nets kill 11,000 sea turtles annually in the coastal waters off the gulf and southern Atlantic coasts. A 1990 study by the National Academy of Sciences suggested that 11,000 turtles was a conservative estimate and that the actual number of turtle deaths may be four times as high, according to a proposed new TED rule published April 30 in the Federal Register.

The proposed rule would attempt to strengthen and simplify the regulations by requiring TEDs to be used year-round in all areas and eliminating several exemptions in the current rule for specific areas or types of shrimpers.

Shrimpers have expressed adamant opposition to the proposed changes in regulations while environmentalists generally have applauded them. Report not filed at press time. — SD

Appropriations

Fiscal 1993 appropriations for energy and water development — HR 5373

Floor action: Scheduled for Wednesday, subject to a rule.

The House is expected to vote this week on a fiscal 1993 spending bill for energy and water programs that would continue a trend of major funding increases for environmental cleanup at the Energy Department's nuclear weapons facilities.

The Rules Committee may consider a rule for the bill Tuesday, and the measure is tentatively scheduled to move to the House floor the following day. A committee staffer said June 11 that no potential floor amendments to the bill had surfaced.

The \$21.8 billion bill, which cleared the Appropriations Committee June 11 by voice vote, would fund Energy Department programs at virtually the same level as in fiscal 1992. DOE receives additional funds each year under the interior appropriations bill.

Funding for the water resources projects and programs of the Army Corps of Engineers would be increased 1.5 percent, but funding for the Interior Department's Bureau of Reclamation would be cut by 9 percent.

The bill shows the effects of spending limits imposed under the Budget Enforcement Act of 1990 (PL 101-508), which put into law a five-year budget agreement between congressional leaders and the White House. The bill would provide no money to start construction of new water or energy projects, according to Rep. Tom Bevill (D-Ala.), chairman of the energy and water subcommittee.

Overall, the bill is \$43.9 million smaller than the energy and water bill enacted for fiscal 1992 — a departure from the pattern of increased spending each year that had held sway during the

Reagan-Bush era. Most of the increase over the years has been in atomic defense programs of the Energy Department, rather than in domestic spending.

The bill total also is \$623.7 million smaller than the Bush administration request, according to committee figures.

Nonetheless, the bill is drawing strong criticism from the White House Office of Management and Budget. In a June 11 letter to appropriators, OMB Director Richard Darman objected to cuts in requested funding for high-energy physics research projects and other programs.

The bill complies with all spending limits, according to the Congressional Budget Office.

A floor fight is possible over a bill provision that would impose a one-year moratorium on nuclear weapons testing by the United States. The provision, an amendment offered by Rep. Vic Fazio (D-Calif.), was adopted 24-21 by the Appropriations Committee. The panel's ranking Republican, Rep. Joseph M. McDade (Pa.), said, "We'll fight it on the floor, we'll fight it all the way."

Energy: A total of \$16.95 billion would be provided for all the DOE programs covered by the bill, virtually the same amount enacted in fiscal 1992. The administration requested \$17.79 billion to cover DOE fiscal 1993 spending.

Taking up the largest share of the DOE pot is the appropriation for atomic energy defense activities, slated at \$11.87 billion. That figure is \$114 million less than fiscal year 1992 spending and \$250 million below the administration request.

This part of the DOE budget supports the research, testing, production and maintenance of nuclear weapons; the development of a new production reactor to ensure a supply of nuclear weapons materials; and the cleanup of hazardous and radioactive contamination within the nuclear weapons complex.

Reflecting DOE's changing priorities since the end of the Cold War, the only increase slated for the atomic defense budget is in the environmental restoration and waste management programs. Under the bill, funding for cleanup programs would shoot up 25 percent — from \$3.7 billion this year to \$4.6 billion in fiscal 1993. The administration request weighed in at \$6 million more than the figure adopted by the committee.

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

The Appropriations Committee also adopted an increase for the cleanup of DOE facilities that do not undertake defense activities, such as research reactors and laboratories. Nearly \$710 million was approved for non-defense cleanup, \$3 million more than was requested by President Bush and \$107 million more than was appropriated last year.

Despite these increases, the bill would provide level funding for a program designed to manage nuclear waste generated from commercial reactors and other civilian sources of radioactive debris.

Even though this civilian program is financed through fees paid into a nuclear waste fund by electric utilities that operate atomic power plants, money from the fund must be appropriated

by Congress. The Appropriations Committee approved \$275 million in expenditures from the fund, a decrease from the administration request of \$392 million. During fiscal 1993, the fund will generate an estimated \$641 million in fees and interest income.

The largest portion of the fund is dedicated to an ongoing program to find a location for and build a permanent underground repository for high-level radioactive waste, primarily from nuclear power plants. DOE is currently studying a site at Yucca Mountain, Nev., about 100 miles northwest of Las Vegas. Darman warned that the level funding would delay the program to develop a repository.

During the June 11 markup, the committee adopted an amendment offered by Rep. Barbara Vucanovich (R-Nev.) that would increase funds earmarked for the state and 10 counties to oversee DOE's site-evaluation studies at Yucca Mountain.

At the markup, the committee rejected, 28-20, an amendment by Rep. Joe Skeen (R-N.M.) that would have prohibited the Mescalero Apache Indians from receiving further DOE funds to study the possibility of building a nuclear waste packaging and storage facility on their reservation. The Mescalero tribe has so far received \$300,000 in grants for such studies, which are made available to states and Indian reservations that offer to host such a facility. Skeen said he may offer his amendment again on the House floor, an aide said.

Another program for which the committee approved level funding is the superconducting super collider, a high-energy physics research facility under construction in Waxahachie, Texas. The bill would provide \$483.7 million for the super collider, significantly less than the \$650 million requested by the administration. Darman said this funding level could result in a year delay and more than \$300 million in higher costs.

Darman also criticized a \$15 million reduction slated for the Fermilab Main Injector, another high-energy physics project. According to Darman's letter, DOE estimates the lower funding level would increase the project cost by \$5.3 million and cause seven months of delay.

In one of the funding increases recommended by the Appropriations Committee, DOE's program to maintain a domestic supply of enriched uranium would receive \$1.34 billion. This year, the program was funded at \$1.31 billion. Revenues collected from the sale of enriched uranium, which is used as fuel in commercial nuclear reactors, are expected to offset the funding level. Bush had sought \$1.39 billion for the program.

The Appropriations Committee also rejected an administration proposal to levy a new environmental cleanup fee on electricity generated by domestic nuclear power reactors. According to the White House, the fee would have raised \$183 million to clean up DOE's three aging uranium enrichment plants. Darman warned that without the user fee, DOE would be forced to reduce other energy programs to pay for the cleanup.

In the bill report, the Appropriations Committee explained that legislation requiring such a fee "is not appropriate for an appropriations bill." Comprehensive energy bills adopted by the House and Senate contain provisions that would establish a federally owned corporation to take over the troubled DOE

uranium enrichment program, with the eventual goal of selling it to private investors. Both bills include measures to clean up DOE's enrichment facilities, but they differ from the Bush proposal.

The committee approved \$2.95 billion to bolster research and development aimed at increasing domestic energy supplies. The figure is a slight decrease from the \$2.96 billion appropriated in fiscal 1992 and down from the administration request of \$3.19 billion.

To support nuclear energy research, the bill would set a funding level of \$304 million, down from \$337 million in fiscal year 1992. The administration request was \$310 million.

The bill would appropriate \$340 million to continue efforts to achieve magnetic fusion. This figure represents a small increase over the fiscal 1992 level of \$337 million, but is less than the \$360 million requested by the White House.

For research efforts aimed at tapping the energy potential of the sun, the Appropriations Committee accepted President Bush's request of \$181.4 million, up from \$175.5 million in current funding.

Water: For the water resources projects and programs of the Army Corps of Engineers, the bill would provide \$3.66 billion. That amount exceeds the administration request by \$126.9 million.

Bevill said during markup that the bill would provide no money to start construction of new water projects, or to start new pre-construction engineering studies on such projects. The administration had requested initial construction funding for six new navigation and flood control projects with a total estimated federal cost of \$68.3 million.

The bill contains construction funding for 10 corps projects not in the administration request.

One of the two corps projects slated to receive the most money under the bill is the Red River waterway navigation project from the Mississippi River to Shreveport, La. That project would receive \$90 million, far more than the administration's \$35 million request. The Santa Ana River Mainstem flood control project in California would receive \$90.8 million, the requested amount.

In his letter, Darman voiced concern that the bill omits a \$6.6 million increase requested by the administration for the corps' regulatory program, which the committee would fund at \$86 million. He said the lack of additional funding would increase delays in the granting of permits under section 404 of the Clean Water Act (PL 92-500 as amended). The permits are required for the deposit of dredged or fill materials in U.S. waters and wetlands.

The bill also includes \$825.8 million for the Interior Department's Bureau of Reclamation, which builds and operates water resources projects in 17 Western states. That amount is \$18.9 million more than the administration request, but \$74.2 million less than current funding levels.

Most bureau construction projects would be funded at requested levels. The Central Valley Project in California would receive \$39.1 million for construction work, up from \$23.5 million requested by the administration. The bill also would

provide \$3.5 million to continue construction of the Mni Wiconi rural water supply project in South Dakota. Congress repeatedly has funded the project over administration opposition.

The Tennessee Valley Authority would receive \$135 million, the same amount as in fiscal 1992. The committee did not go along with the administration's proposal to eliminate funding for TVA's National Fertilizer and Environmental Research Center. H. Rpt. 102-555. — *Jim Ketcham-Colwill, Lucy Harvey*

Water resources

Central Valley Project Improvement Act — HR 5099

Floor action: Scheduled for Wednesday or later in the week, subject to a rule being granted. The Rules Committee is expected to meet Tuesday on the bill.

House Interior Committee Chairman George Miller (D-Calif.) has asked for an open rule on his measure to overhaul operations of the sprawling Central Valley Project, a federally run water storage and delivery system that controls 20 percent of California's water supply.

The measure would allocate more water from CVP to help restore dwindling fish and wildlife habitat in the Central Valley, leaving less water available for irrigation.

The CVP's diversion of water from Sierra-fed streams to farms and municipal water districts throughout the valley has been blamed for declining stocks of native salmon and destruction of wetlands vital to migratory waterfowl along the Pacific flyway.

Committee action: On May 28, the Interior Committee approved a new version of the bill embodying a compromise reached between Miller and two members of the panel from the Central Valley — Reps. Richard H. Lehman (D-Calif.) and Calvin M. Dooley (D-Calif.).

Lehman and Dooley had opposed the original version of HR 5099, which would have cost the California farm economy more than \$1 billion in lost farm receipts, idled at least 800,000 acres, and eliminated at least 10,000 farm jobs, according to the California Department of Food and Agriculture.

As introduced, HR 5099 would have:

- put fish and wildlife preservation on an equal footing with agriculture in allocating CVP water.
- increased water supplies to Central Valley wildlife refuges by 526,000 acre feet in 10 years.
- set aside an additional amount of at least 1.5 million acre feet of water for fish and wildlife enhancement. This does not include 200,000 acre feet that related Western water legislation would require for increased flows on the Trinity River.
- created a \$30 million restoration fund, financed by increased power rates, to purchase water for environmental uses, retire irrigated farmland and restore fish and wildlife habitat.
- authorized individual CVP farmers to sell or transfer their water to state agencies or private nonprofit organizations under certain conditions.

Compromise: The major changes agreed on by Miller,

Rayburn, a committee aide said. House Appropriations contacts: John Thaus, 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.

According to the allocation report of the Senate Appropriations Committee (102-296), the Senate energy and water panel will have more money to spend than its House counterpart. The Senate figures call for \$244 million more in budget authority and \$170 more in outlays (the amount of money that can actually be spent during the year).

Little other information was available on the Senate subcommittee markup vehicle, but battle lines are being drawn around funding for the superconducting super collider, a high-energy physics project that was zeroed out of the budget in the House bill.

Costs for the giant atom smasher now under construction in Waxahachie, Texas, have escalated from an early estimate of \$4.4 billion to more than \$8.3 billion. The House Appropriations Committee approved \$483.7 million for the supercollider, the same as current spending levels and about \$166 million less than the administration's request.

However, following a divisive battle over a balanced budget amendment, the House approved, 232-181, an amendment by Rep. Dennis E. Eckart (D-Ohio) to eliminate funding for the collider altogether in fiscal 1993.

Johnston, a strong supporter of the atom smasher, is reportedly marshaling his forces in an effort to fight off a similar amendment in the Senate.

Under the House-passed bill, funding for environmental cleanup and waste management at nuclear weapons facilities around the country would shoot up 24 percent — from \$4.28 billion this year to \$5.31 billion in fiscal 1993. The administration had sought slightly more money.

Compared with current levels, the House bill would provide a 1.5 percent increase for the water resource projects and programs of the Army Corps of Engineers, but funding for the Interior Department's Bureau of Reclamation would be cut 8 percent. No money would be provided to start construction of new water or energy projects.

Overall, the House bill would appropriate \$43.9 million less than the energy and water spending bill enacted for fiscal 1992 — a departure from the pattern of increased spending each year that had

held sway during the Reagan-Bush era. Most of the increase over the years has been in atomic defense programs of the Energy Department, rather than in domestic spending.

The bill total also is \$623.7 million less than the Bush administration request, according to House committee figures.

Agriculture: No information was available on how the agriculture spending bill approved by the House June 30 (HR 5487, H. Rpt. 102-617) may differ from the subcommittee markup vehicle in the Senate.

But the amount of discretionary spending the Senate subcommittee has to work with is the same as the allocation received by the panel's House counterpart — \$13.87 billion.

The House-passed bill would decrease funding for conservation programs of the Agriculture Department by \$75 million to \$3.4 billion.

Although funding for the Soil Conservation Service would go up \$12 million under the House measure to \$862 million, the Agricultural Stabilization and Conservation Service would see an \$88 million cut from current spending levels to \$2.54 billion.

In his fiscal 1993 budget request, President Bush proposed \$791 million for the Soil Conservation Service and \$2.65 billion for the Agricultural Stabilization and Conservation Service.

The Soil Conservation Service oversees compliance with provisions in the 1985 and 1990 farm bills that penalize farmers for planting crops in violation of soil conservation requirements. Farmers lose federal benefits — including price supports, crop insurance, disaster payments and loans — if they plant a crop "highly erodible lands," as defined by federally approved soil conservation plans established for each producer.

The lion's share of cuts slated in the House bill for the Agricultural Stabilization and Conservation Service are in the "conservation reserve" program, which would be reduced \$33 million from current levels to \$1.58 billion, and the wetlands reserve program, for which funding would be eliminated.

Under the conservation reserve program, farmers contract with the

tion and development, land acquisition within the reservation, and an \$11.5 million loan to the state. The bill would authorize a total of \$21.5 million in federal appropriations in fiscal years 1993 through 1995 for the tribal fund.

The tribe also would be allocated 30,000 acre-feet of stored water each year from the Big Horn Reservoir on the neighboring reservation of the Crow Indians to the west.

As the bill originally was drafted, the state would have contributed a total of \$21.8 million to the settlement, with \$11.5 million of that used to repay the loan to the state from the tribal fund. The Bush administration objected that the state would not be required to contribute funds for dam repairs. As a result, the Indian Affairs Committee amended the bill to earmark the \$11.5 million for repairs to the dam.

The House Interior Committee is waiting for passage of S 1607 before taking up two similar bills — HR 3155, introduced by Rep. Pat Williams (D-Mont.) and HR 3139, introduced by Rep. Ron Marlenee (R-Mont.). Report not filed at press time. — *Rich Hayes*

Mining and minerals/wildlife

Cave Creek Canyon Protection Act of 1991 — HR 2790

Floor action: Possible this week.

This House-passed bill would tightly restrict mineral development in 13,000 acres of national forest land in southeastern Arizona.

The measure, sponsored by Rep. Jim Kolbe (R-Ariz.), is intended to protect the abundant and diverse populations of birds and other wildlife that flourish in an area known as the Cave Creek Canyon Drainage.

The House passed the legislation (H. Rpt. 102-334) by voice vote Nov. 19. The Senate Energy and Natural Resources Committee approved the bill June 24 with an amendment by Sen. Larry E. Craig (R-Idaho) that would loosen some restrictions in the House bill.

HR 2790 would prohibit development of oil, natural gas, coal, geothermal steam or other energy resources within the 13,000-acre Cave Creek area, located in the Coronado National Forest near Arizona's borders with Mexico and New Mexico.

The bill also would effectively bar mining companies from filing new claims or purchasing federal land within the Cave Creek area to dig for "hard-rock" minerals, such as gold, copper, silver, lead and zinc.

Additionally, the House version of the bill would require the U.S. Forest Service and the Interior Department to examine about 56 existing mineral claims in the area to determine their validity under federal mining law. Claims found to be invalid by this review would be revoked under the bill.

Any action to revoke existing claims would be subject to the doctrine of valid existing rights, which protects claims from federal challenge if claimants have made a legitimate mineral discovery.

In contrast, the Craig amendment adopted by the Senate

Energy Committee would remove the provision requiring a review of existing mineral claims in Cave Creek. His amendment also would allow federal land in the area to be purchased, or "patented," by the holders of hard-rock mining claims if they have filed a patent application by the date of enactment.

The bill is not expected to be controversial on the Senate floor.

Background: Located along the southern edge of a wilderness area in the Chiricahua mountains, Cave Creek Canyon is home to more than 330 species of birds and numerous other animals. (For more on the species located in the area, see Oct. 14 *Weekly Bulletin*, p. B12.)

In addition, the American Museum of Natural History, located in New York, has established a research station in the area that studies evolutionary biology, toxicology and other subjects.

Mining claims in Cave Creek Canyon became controversial when the Forest Service approved a mining company's plan to conduct exploratory drilling in the area.

In response to pressure from local environmentalists, the company agreed to delay exploration work for a year, then announced it would give up pursuit of its claim altogether. S. Rpt. 102-341. — *SD*

Appropriations

Fiscal 1993 appropriations for energy and water development — HR 5373

Floor action: Timing uncertain.

The Senate could act as early as this week on a fiscal 1993 spending bill for energy and water programs, but the bill is unlikely to be considered this week unless a deal is struck to clear the way for a House-Senate conference on the energy strategy bill.

The Senate Appropriations Committee July 23 approved a \$22 billion energy and water spending bill that would continue a trend of major funding increases for environmental cleanup at the Energy Department's nuclear weapons facilities.

In an unusual move, the committee gave Sen. J. Bennett Johnston (D-La.) and Chairman Robert C. Byrd (D-W.Va.) authority to decide — without holding another committee meeting — whether the bill will be sent to the floor containing the Senate- and House-passed energy strategy packages.

Johnston, chief sponsor of the Senate energy strategy bill, successfully proposed adding both the House and Senate versions of the energy legislation (HR 776, S 2166) to the appropriations bill during markup in the energy and water subcommittee, which he chairs. Tax provisions of the energy strategy bills are not included.

Johnston is separately attempting to have the Senate pass the energy strategy bill again, this time with the addition of tax provisions. This procedural step is necessary before a House-Senate conference on the energy bill can begin.

But the threat of a filibuster has blocked floor action on S

2166 for weeks. In an attempt to invoke cloture July 23, the Senate fell two votes short of the 60 needed to limit debate on the motion to take up the energy strategy bill, leaving its fate in question. (For more, see separate Senate floor story in this issue.)

Attaching the energy strategy bills to a must-pass appropriation bill gives Johnston, who also chairs the Senate Energy Committee, another potential avenue to secure a conference. At press time July 24, staff said the filing of the report on the appropriation bill was being held up until a decision could be made on how to move the energy strategy legislation.

The House passed its \$21.8 billion version of the energy and water spending bill (HR 5373, H. Rpt. 102-555) July 17 on a 365-51 vote.

Bill overview: According to a draft committee report, the Senate measure would increase spending for Energy Department programs funded through the bill by 1.4 percent, compared with the fiscal 1992 level. DOE receives additional funds each year under the interior appropriations bill, which may be marked up this week in the Senate (See separate story in this issue.)

Funding for the water resources projects and programs of the Army Corps of Engineers would remain approximately the same as in fiscal 1992. Funding for the Interior Department's Bureau of Reclamation would be cut by 10.3 percent.

The bill would provide a total of \$22 billion for energy and water programs, \$163.9 more than the fiscal 1992 level and \$679.4 million more than the House bill.

However, the Senate bill total still is \$415.8 million less than the Bush administration request and complies with all spending limits, according to the Appropriations Committee.

No formal administration position statement on the bill was available at press time. The House-passed bill has drawn criticism from the White House Office of Management and Budget. In a July 20 letter to appropriators, OMB Director Richard Darman strongly objected to cuts in requested DOE funding for high-energy physics research projects and environmental cleanup. He also strongly objected to a House-passed provision that would impose a one-year moratorium on the testing of nuclear weapons.

Energy: The Senate measure recommends a total of \$17.2 billion for all the DOE programs covered by the energy and water appropriations bill; the House bill would provide \$16.48 billion to cover DOE fiscal 1993 spending. The administration requested \$17.79 billion, while current spending stands at \$16.97 billion.

As in the House-passed bill, the account for atomic energy defense activities claims the largest slice of the DOE appropriations pie. The Senate committee adopted the administration request of \$12.12 billion, while the House slated \$11.87 billion. Current DOE spending on nuclear weapons programs is \$11.97 billion.

This portion of the DOE budget supports the research, testing, production and maintenance of nuclear weapons; the development of a new production reactor to ensure a supply of nuclear weapons materials; and the cleanup of hazardous and radioactive contamination within the nuclear weapons complex.

Reflecting DOE's changing priorities since the end of the

Cold War, the only increase slated for the atomic defense budget is in the environmental restoration and waste management programs. Under the Senate bill, funding for cleanup programs would shoot up 30 percent — from \$3.7 billion this year to \$4.8 billion in fiscal 1993. The House figure and administration request both weighed in at \$4.6 billion.

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

The Senate Appropriations Committee also adopted an increase for the cleanup of DOE facilities that do not undertake defense activities, such as research reactors and laboratories. The committee agreed with the House recommendation of \$710 million for non-defense cleanup, \$3 million more than was requested by President Bush and \$107 million more than was appropriated last year.

The Senate bill also would provide an increase over current funding for a program designed to manage nuclear waste generated from commercial reactors and other civilian sources of radioactive debris.

Even though this civilian program is financed through fees paid into a nuclear waste fund by electric utilities that operate atomic power plants, money from the fund must be appropriated by Congress. The Senate panel has approved \$375 million in expenditures from the fund, surpassing the House figure and current spending levels, which both equal \$275 million. The Senate committee figure represents a small decrease from the administration request of \$392 million. During fiscal 1993, the fund will generate an estimated \$641 million in fees and interest income.

The largest portion of the fund is dedicated to an ongoing program to find a location for and build a permanent underground repository for high-level radioactive waste, primarily from nuclear power plants. DOE is currently studying a site at Yucca Mountain, Nev., about 100 miles northwest of Las Vegas.

During the July 23 markup, the committee rejected an amendment offered by Sen. Harry Reid (D-Nev.) that would have increased funds earmarked for the state and surrounding counties to oversee DOE's site-evaluation studies at Yucca Mountain. A similar proposal, sponsored by Rep. Barbara Vucanovich (R-Nev.) was adopted as part of the House bill.

In a move likely to stir controversy, the Senate committee has recommended restoring funding for the superconducting super collider, a high-energy physics research facility under construction in Waxahachie, Texas. The Senate panel is pledging \$550 million to the giant atom smasher, even though the House adopted a floor amendment that would kill fiscal year 1993 spending for the project.

The House Appropriations Committee originally approved \$483.7 million for the super collider, representing level funding with 1992, but significantly less than the \$650 million requested by the administration. In his July 20 letter, OMB's Darman urged the Senate to restore the super collider budget.

DOE's program to maintain a domestic supply of enriched uranium would receive \$1.32 billion under the Senate committee

bill, \$14 million less than the House figure. This year, the program was funded at \$1.31 billion. Revenues collected from the sale of enriched uranium, which is used as fuel in commercial nuclear reactors, are expected to offset the funding level. The White House had sought \$1.39 billion for the program.

Both the Senate Appropriations Committee and the House rejected an administration proposal to levy a new environmental cleanup fee on electricity generated by domestic nuclear power reactors. According to the White House, the fee would have raised \$183 million to clean up DOE's three aging uranium enrichment plants. Darman warned that without the user fee, taxpayers will be forced to foot the bill for the entire cleanup.

In a draft report accompanying its bill, the Senate Appropriations Committee explained that legislation requiring such a fee "is not appropriate for this appropriations bill." Comprehensive energy bills adopted by the House and Senate contain provisions that would establish a federally owned corporation to take over the troubled DOE uranium enrichment program, with the eventual goal of selling it to private investors. Both bills include measures to clean up DOE's enrichment facilities, but they differ from the Bush proposal.

At a funding level of \$2.97 billion, the Senate committee approved \$22 million more than the House to bolster research and development aimed at increasing domestic energy supplies. The figure represents a slight increase from the \$2.96 billion appropriated for fiscal 1992 but falls below the administration request of \$3.19 billion.

To support nuclear energy research, the Senate bill would set a funding level of \$296 million, \$8 million less than the House figure and a considerable decrease from the current spending level of \$337 million. The administration request was \$310 million.

The Senate bill would appropriate \$335 million to continue efforts to achieve magnetic fusion, whereas the House adopted a level of \$340 million. This figure represents a small increase over the fiscal 1992 level of \$337 million but is less than the \$360 million requested by the White House.

For research efforts aimed at tapping the energy potential of the sun, the Senate Appropriations Committee topped President Bush's request and the House level of \$181.4 million. The Senate committee proposed \$186 million, up from \$175.5 million in current funding.

Water: For the water resources projects and programs of the Army Corps of Engineers, the Senate bill would provide \$3.63 billion, slightly more than in fiscal 1992. The total is \$31.1 million more than the House level and \$95.8 million more than the administration requested.

Money is included to start construction of 16 new corps water projects, including five major rehabilitation projects at existing powerhouses or locks and dams, an Appropriations Committee staffer said. The House bill contains no money to start construction of new water projects, according to the House committee. The administration had requested initial construction funding for six new navigation and flood control projects, and for six major rehabilitation projects.

The Senate bill allocates substantially more funds to con-

struction, and substantially less to operation and maintenance activities, than the House version.

One reason is that Senate bill would fund nine construction projects not included in the request or in the House bill, but omits funding for two projects supported by the House.

Another reason is that the Senate bill allocates \$130 million to continue construction of the Red River waterway navigation project from the Mississippi River to Shreveport, La., far more than the \$90 million earmarked by the House. The administration requested only \$35 million for the project.

The Senate committee agreed with the House decision to omit a \$6.6 million increase requested by the administration for the corps' regulatory program, which the committee would fund at \$86 million. Darman has said the lack of additional funding would increase delays in the granting of permits under section 404 of the Clean Water Act (PL 92-500 as amended). The permits are required for the deposit of dredged or fill materials in U.S. waters and wetlands.

The Senate committee bill also includes \$807.3 million for the Interior Department's Bureau of Reclamation, which builds and operates water resources projects in 17 Western states.

That amount is close to the administration request but falls \$92.7 million below the current funding level. The House bill would provide \$18.5 million more than the Senate version.

Most bureau construction projects would be funded at requested levels. The Central Valley Project in California would receive construction funding of \$23.7 million, which is close to the administration request, rather than the \$39.1 million approved by the House.

The Senate bill would provide \$11 million for the Umatilla Basin Project in Oregon, a project that would receive no new funds under the House bill or administration request. The Senate bill also would provide \$5 million to continue construction of the Mni Wiconi rural water supply project in South Dakota, up from \$3.5 million in the House bill. Congress repeatedly has funded the project over administration opposition.

The Tennessee Valley Authority would receive \$135 million under the Senate and House bills, the same amount as in fiscal 1992. The committee did not go along with the administration's proposal to eliminate funding for TVA's National Fertilizer and Environmental Research Center.

Amendments: Few amendments had surfaced at press time.

Superconducting super collider: According to staff, Sen. Dale Bumpers (D-Ark.) is considering an amendment to strike the funding for the super collider.

Nuclear weapons complex cleanup: Sens. Slade Gorton (R-Wash.) and Brock Adams (D-Wash.) may offer an amendment that would require DOE to delay for at least one year the implementation of a new environmental restoration management contract at the Hanford Nuclear Reservation, an aide said. The first contract of this type will be awarded at the Fernald, Ohio, nuclear plant in fiscal year 1992, and the senators said they want to ensure the agreement is effective before a similar contract is employed at Hanford. The nuclear reservation near Richland, Wash., represents one of the largest and most difficult

cleanups in the entire weapons complex.

The proposal would require DOE to conduct a study detailing how the contract at Fernald affects environmental restoration objectives and the development of new technologies. Also, the DOE study would have to examine the contract's effects on the safety and health of Fernald workers, the social and economic impacts of the new contract on the surrounding communities, and the stability of the work force.

Nuclear test ban: A staff member said Sen. Mark O. Hatfield (R-Ore.) is planning an amendment that would replace Senate committee language to restrict nuclear weapons tests with a more stringent nuclear test moratorium approved in the House bill. The House language would eliminate all nuclear weapons testing for one year unless the president certifies that the Soviet Union or any of its successor states has conducted a nuclear bomb blast. Under the Senate committee bill, the president could order a nuclear test if it was deemed necessary for "safety" reasons.

Arizona amendments: Sen. Dennis DeConcini (R-Ariz.)

may offer a pair of amendments related to Arizona Indian tribes that were not accepted during full committee markup, a committee staffer said.

One amendment would provide \$6.24 million that DeConcini said is needed to preserve the Fort McDowell Indian Water Rights Settlement, which was enacted in 1990. Johnston said he would work with DeConcini on the issue.

A second amendment would authorize the Corps of Engineers to clean up a landfill on the Salt River Pima-Maricopa Indian reservation. DeConcini withdrew the amendment in committee after Johnston questioned whether the corps would have the required authority and said the amendment might create a precedent for the federal government to clean up waste for which it is not responsible.

Other: Sen. Quentin N. Burdick (D-N.D.) may have an amendment related to the Garrison Diversion unit, a \$1.58 billion irrigation project under construction in North Dakota.

Report not filed. — *Jim Ketcham-Colwill, Lucy Harvey*

However, international support for the convention began to erode in 1989 when Australia and France announced they would not sign the treaty. Following their lead, environmentalists and many U.S. policy-makers began pressuring the Bush administration to support international efforts to negotiate a new agreement to protect Antarctica's fragile ecosystem.

Talks by parties to the original 1959 Antarctic Treaty produced the environmental protocol, which was signed Oct. 4, 1991, in Madrid, Spain, and submitted by President Bush to the Senate for formal approval on Feb. 14 of this year. Report not filed at press time. — DR

Appropriations

Fiscal 1993 appropriations for energy and water development — HR 5373

Floor action: Scheduled to resume Monday under a unanimous consent agreement.

The Senate, seeking to complete action on a \$22 billion fiscal 1993 spending bill for energy and water programs, will turn this week to the two most troublesome aspects of the measure — funding for the superconducting super collider and a proposed moratorium on nuclear weapons testing.

After wrapping up action on the rest of the bill July 31, the Senate adopted a unanimous consent agreement propounded by Sen. J. Bennett Johnston (D-La.) governing debate and on proposals to limit or strike funding for the super collider and to impose a more stringent ban on nuclear weapons testing than is contained in the bill approved by the Appropriations Committee.

During Friday floor action, the Senate adopted a package of amendments to the spending bill that would earmark funding for certain water projects by the Army Corps of Engineers without increasing the bill's total cost.

Also approved by the Senate was a proposal that would delay for one year the implementation of a new type of cleanup management contract at the Hanford Nuclear Reservation in Washington state while the effectiveness of this type of contract is evaluated at the Fernald, Ohio, nuclear weapons plant.

A key feature of the appropriations bill is that it would continue a trend of major funding increases for environmental cleanup at the Energy Department's nuclear weapons facilities.

Under the Senate bill, funding for DOE's environmental restoration and waste management programs would shoot up 30 percent — from \$3.7 billion this year to \$4.8 billion in fiscal 1993. This matches the recently revised administration budget request for cleanup and waste management of nuclear defense facilities. The House approved a sum of \$4.6 billion.

But for DOE programs covered by the bill as a whole, the Senate measure would increase spending just 1.4 percent compared with current funding levels. DOE receives additional funds each year under the interior appropriations bill, which may go to the Senate floor later this week. (See separate story in this issue.)

Funding for the water resources projects and programs of the Army Corps of Engineers would remain approximately the same as in fiscal 1992. According to the Appropriations Committee,

the bill contains money to begin construction of 16 new corps water projects. Funding for the Interior Department's Bureau of Reclamation, which also is covered by the energy and water bill, would be cut by more than 10 percent.

Overall, the Senate bill would provide \$22 billion for energy and water programs, \$165.9 million more than the fiscal 1992 level and \$681.4 million more than the bill passed by the House July 17 (H. Rpt. 102-555).

However, the Senate bill total still is \$413.8 million less than the Bush administration request and complies with all spending limits, according to the Appropriations Committee. (For more on funding levels for various programs, see July 29 Senate Floor Brief.)

Jettisoned from the bill before it was sent to the Senate floor were the provisions of the House and Senate energy strategy bills, which Sen. J. Bennett Johnston (D-La.) had attached to the appropriations bill during markup by the energy and water subcommittee, which he chairs.

Johnston had tacked on the two energy strategy bills as an alternative to get the legislation to conference, but the language was dropped from the appropriations bill after the Senate overcame an impasse blocking consideration of the energy legislation (HR 776).

Amendments: The Senate has agreed to at least three hours of debate Monday on amendments offered by Sen. Dale Bumpers (D-Ark.) that would eliminate or reduce funding for the superconducting super collider, a giant atom smasher under construction in Waxahachie, Texas.

The Senate Appropriations Committee voted to provide \$550 million to the collider program after the House adopted a floor amendment that would kill fiscal year 1993 funding for the project. The House Appropriations Committee originally approved \$483.7 million for the super collider, representing level funding with 1992 but significantly less than the \$650 million requested by the administration.

The White House strongly opposes reduction in the funding for the super collider, a high-energy physics project designed to help scientists understand fundamental questions about the origins of matter.

Cost estimates for the super collider have nearly doubled from \$4.4 billion to \$8.3 billion, aides say.

Also on Monday, the Senate will take up an amendment by Majority Leader George J. Mitchell (D-Maine) and Sen. Mark O. Hatfield (R-Ore.) that would ban all nuclear weapons testing for one year unless the president certifies that the successor states of the Soviet Union have conducted a nuclear test. The House bill includes similar test ban language.

The Senate Appropriations Committee approved a provision that would allow a nuclear test if it was deemed necessary for "safety reasons."

The Bush administration issued a veto threat against any measure that contains a "complete moratorium" on nuclear weapons testing.

Administration position: In a formal policy statement issued by the Office of Management and Budget, the administration also urged the Senate to approve a proposal to levy a new

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The Bush administration issued a veto threat against any measure that contains a "complete moratorium" on nuclear weapons testing.

Administration position: In a formal policy statement issued by the Office of Management and Budget, the administration also urged the Senate to approve a proposal to levy a new

environmental cleanup fee on nuclear powered-utilities to pay for the cleanup of DOE's aging uranium enrichment facilities, which provide the fuel used by nuclear reactors. Both the houses have rejected the White House proposal.

In addition, the OMB position statement encouraged the Senate to reduce funding for the Tennessee Valley Authority and low-priority projects of the Army Corps of Engineers. S. Rpt. 102-344. — *Lucy Harvey, Jim Ketcham-Colwill*

Water resources

Northern Cheyenne Indian Reserved Water Rights Settlement Act — S 1607

Floor action: Possible, but not scheduled at press time.

This bill would give congressional approval to a June 11, 1991, water rights compact between the Northern Cheyenne Tribe and the state of Montana.

Introduced last July by Sens. Conrad Burns (R-Mont.), Max Baucus (D-Mont.) and John McCain (R-Ariz.), the bill was approved April 7 by the Senate Indian Affairs Committee. The committee held a hearing on the legislation in November.

The additional water needed for the water rights settlement would come from raising the height of the state-owned Tongue River Dam, which was built in the 1930s to provide water for the tribe and for non-Indian irrigators.

The project also would strengthen and rehabilitate the dam, which has been in the early stages of failure since 1978, Baucus said in a statement accompanying the bill's introduction. He said a catastrophic failure would release a wall of water that could sweep 100 miles north and wipe out the towns of Birney and Ashland, Mont., causing an estimated \$100 million to \$300 million in damage.

The bill would require the interior secretary to enter into a cooperative agreement with the state of Montana for the planning, design and construction of the dam improvement project.

The bill would authorize the appropriation of \$31.5 million for the federal cost of the project, as well as sums needed for operation and maintenance costs and for environmental compliance. The project is to meet conditions contained in the water rights compact and other conditions resulting from environmental review of the proposed project.

An additional \$3.6 million would be authorized for the Interior Department to develop project features that would enhance fish and wildlife habitat.

A tribal development fund also would be created to provide the tribe with money for land and natural resources administration and development, land acquisition within the reservation, and an \$11.5 million loan to the state. The bill would authorize a total of \$21.5 million in federal appropriations in fiscal years 1993 through 1995 for the tribal fund.

The tribe also would be allocated 30,000 acre-feet of stored water each year from the Big Horn Reservoir on the neighboring reservation of the Crow Indians to the west.

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.

ence had not been formally scheduled.

House Energy contacts: Lisa Kountoupes, majority, x53147; Dennis Wilson, minority, x53641. House Armed Services: Bob DeGrasse, majority, x55501; Jeanine Esperne, minority, x53361. House Interior: Dean Tousley, majority, x64085; Christopher Kearney, minority, x62311. Senate Energy: Mary Louise Wagner, majority, x47570; Judy Pensabene, minority, x43543. — LH

Appropriations

Energy & water bill nears conference

Conferees may begin negotiations this week to reconcile House and Senate versions of the fiscal 1993 appropriations bill for energy and water programs.

The stage for a conference was set last week when the House appointed its team of negotiators. No conference meeting had been officially scheduled at press time, but aides said it was possible that talks would open this week.

The House also approved a non-binding motion to instruct its conferees to accept a Senate amendment that would continue a moratorium on the enforcement of federal wetlands protections under a 1989 wetlands-definition manual opposed by business interests.

In general, the funding levels set for various programs by the two versions of the legislation are not that far apart, a situation that is largely a function of especially tight spending caps that appropriators have been forced to work within this year.

The \$21.3 billion bill adopted July 17 by the House (HR 5373, H. Rpt. 102-555) falls just below current spending; the \$22 billion bill approved Aug. 3 by the Senate (S. Rpt. 102-344) is slightly higher. But both houses approved 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. For both those agencies, the House was somewhat more generous than the Senate.

But these details have been largely overshadowed by a major policy debate over proposals to ban or restrict nuclear weapons tests. White House budget chief Richard Darman warned in a letter to key lawmakers Sept 8 that President Bush's senior advisers would recommend a veto if the bill sent to him includes either the House or Senate version of the nuclear testing moratorium.

The Bush administration also strongly opposes the House decision to terminate funding for the superconducting super collider, a high-energy physics research facility under construction in Waxahachie, Texas. Darman urged conferees to adopt the \$550 million funding level provided for the super collider under the Senate bill.

A third major objection outlined by Darman was the rejection by both the House and Senate of the administration's proposal to levy a new environmental cleanup fee on electricity generated by domestic nuclear power reactors. According to the White House, the fee would raise \$183 million to clean up the Energy Department's three aging uranium enrichment plants.

Nuclear waste: 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 nuclear 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.

In addition to cleanup operations, these funds are used to pay for the storage, transportation and disposal of waste, the development of new cleanup and waste management technologies, and efforts to bring Energy Department facilities into compliance with federal, state and local

environmental regulations.

The proposed funding hike for these activities 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.

Energy research: 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 (\$246 million and \$271 million respectively, compared with \$242 million in fiscal 1992).

Both bills would provide slightly less than DOE received this year for nuclear power research — \$300 million under the House bill and \$296 million under the Senate measure. The fiscal 1992 level was \$332 million.

The two bills are only about \$5 million apart for research to develop magnetic fusion, a technology that would provide energy through a controlled thermonuclear reaction combining the nuclei of lighter atoms to form nuclei of heavier atoms. The House bill would provide \$340 million for fusion research; the Senate bill \$335 million. Fiscal 1992 spending amounts to \$337 million.

Water programs: 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 (\$3.66 billion and \$3.63 billion respectively, compared with the fiscal 1992 level of \$3.61 billion).

Although the overall House level for the corps is higher, the Senate bill would allocate substantially more spending for construction, including money to begin construction of 16 new water projects. By contrast, the House bill contains no money for water project construction starts, but it would provide significantly more money for operation and maintenance costs.

The Interior Department's Bureau of Reclamation would not fare as well under either bill. The bureau's total funding would be cut 10 percent (to \$807 million) under the Senate bill and 8 percent (to

\$826 million) under the House measure.

As in recent years, the bureau would continue to see less of its budget devoted to construction of new water projects and more to operation and maintenance activities. The Senate bill would cut construction funding by 17 percent while increasing operation and maintenance funding by 4 percent, compared with current levels. The House bill gives similar treatment to construction funding but would boost operation and maintenance by 10 percent.

Wetlands: One key difference between the two bills is Senate language that would effectively bar the Army Corps from enforcing wetlands regulations according to a uniform definition of wetlands adopted by the federal government in 1989. The same moratorium has been in effect since last October under the fiscal 1992 energy and water appropriations act.

The provision is directed at the 76-page "Federal Manual for Identifying and Delineating Jurisdictional Wetlands," which many landowners and development interests have criticized as overly broad.

The Senate bill specifically would continue to prohibit the corps from applying the 1989 delineation manual — or any subsequent wetlands definition — unless the manual is first subjected to additional scrutiny under the Administrative Procedures Act. This law establishes a formal process for accepting and considering public comment on rules issued by federal agencies. In the meantime, the corps would have to continue using wetlands protection criteria as set forth in a 1987 manual.

In appointing its conferees Sept. 9, the House approved by voice a motion by Rep. John T. Meyers (R-Ind.) to instruct the House side to accept the Senate's wetlands provision.

The instruction is not binding on the conferees but would likely be adhered to given the House conferees' acceptance of the same Senate language last year and the lack of any opposition to the Meyers' motion on the House floor.

House Appropriations contacts: Hunter Spillan and Bob Schmidt (water), Aaron Edmondson and Jeanne Wilson (energy), majority, x53421; Michelle

Mrdeza, minority, x53481. Senate Appropriations contacts: Proctor Jones, x40335, and Dave Gwaltney, x40332, majority; Mark Walker, minority, x47261. — SG

Hazardous substances

Lead may hold up housing bill talks

Proposals to reduce hazards from lead-based paint in older homes are likely to pose a major stumbling block for conferees when they try to work out differences between House and Senate versions of a housing authorization bill.

House conferees are likely to be appointed early next week and the negotiations will probably begin soon thereafter, aides to the House and Senate Banking committees said.

The Senate passed its version of the housing bill (S 3031, S. Rpt. 102-332) last week with a comprehensive lead safety title crafted by Sen. Alan Cranston (D-Calif.), chairman of the Senate Banking subcommittee on housing and chief sponsor of the legislation.

The House bill, passed Aug. 5, contains no lead safety provisions.

An aide to the House Banking subcommittee on housing said that the full committee had not decided what position to take regarding the 50-page lead safety measure in Title X of the Senate bill. But a Republican staffer for the subcommittee said that the House side would likely oppose the provisions.

A staffer on Cranston's subcommittee said that the lead provisions are a critical element of the bill and that they would not be a bargaining chip in conference talks.

Highlights of Title X — the Residential Lead-Based Paint Hazard Reduction Act of 1992 — include a \$500 million, two-year grant program to reduce lead-based paint hazards in private housing, and requirements for disclosure of such hazards to prospective home buyers and renters.

Other provisions would dramatically increase efforts to identify and reduce lead threats in federally subsidized and

federally owned housing. The work would have to be performed by inspectors and cleanup contractors who are trained and certified.

During floor action on the housing bill Sept. 10, Cranston won Senate approval of a package of amendments that included changes in the lead provisions to address problems raised by the Bush administration.

Officials at the Department of Housing and Urban Development had expressed concern that earlier versions of the bill would increase demand for lead inspections, testing and cleanup too quickly, before a sufficient supply of qualified contractors and laboratories was available. HUD also voiced concern about the high cost of requiring federal agencies to inspect for and eliminate lead-paint hazards before they sell housing.

In August, a HUD spokesman confirmed that the department and the Banking Committee had negotiated an agreement on those provisions. (For more on Title X provisions and amendments package, see *Weekly Bulletin*, Aug. 3, p. A12; Aug. 10, p. A16.)

When: No conference date had been set at press time.

Senate Banking contacts: Cheryl Fox, majority, x40893; Garth Rieman, minority, x40410. House Banking contacts: John Valencia, majority, x57054; Vincent Morelli, minority, x67850. — Steve Cook

Hazardous substances

Lead markup set in Education panel

The House Education and Labor Committee plans Thursday to mark up portions of lead safety legislation related to schools, day-care centers and worker training.

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

ENVIRONMENTAL AND ENERGY STUDY CONFERENCE

FLOOR BRIEF

Sept. 16, 1992

Energy and water development appropriations conference report for fiscal 1993

102-377

HR 5373, H. Rpt. 102-866

Floor action: Possible in the House as early as Thursday, with action in the Senate not expected before Friday, aides said.

Summary: House and Senate conferees reached agreement Tuesday on a \$22.08 billion appropriations bill for energy and water programs that would continue a trend of major spending increases for environmental cleanup at nuclear weapons facilities.

The conference report 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.

These two agencies, along with most of the Department of Energy and several independent agencies, including the Nuclear Regulatory Commission, will receive funding under this bill for fiscal 1993, which begins Oct. 1.

The conference agreement would provide the Energy Department with virtually the same level of spending as it received in the current fiscal year, fiscal 1992. DOE receives additional funds each year under the interior appropriations bill, which is expected to go to conference next week.

Overall, the conference bill is only about 1 percent bigger than the energy and water appropriations enacted for fiscal 1992, reflecting the effects of ever-tightening spending caps imposed under the Budget Enforcement Act of 1990 (PL 101-508).

The \$21.3 billion bill adopted July 17 by the House (HR 5373, H. Rpt. 102-555) falls just below current spending; the \$22 billion bill approved Aug. 3 by the Senate (S. Rpt. 102-344) was slightly higher.

The conference total also is \$386.4 million smaller than the sum proposed by President Bush, avoiding the veto he has threatened against any appropriations bill that exceeds the

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LINDA CARTWRIGHT, *Director*; STEVE GORMAN, *Editor*

president's budget request, according to a House Appropriations Committee aide.

The conferees averted an additional veto threat by working out a compromise on nuclear weapons test restrictions that meet the approval of the administration, the aide said. Because the weapons test language adopted by the conferees differs from the proposals previously passed by the House and Senate, the compromise must be submitted to both chambers for separate approval as an "amendment in technical disagreement."

Assuming the conference report and nuclear test language win final approval in both chambers, the bill is expected to become the second of 13 annual appropriations bills for fiscal 1993 to be signed into law. The agriculture spending bill was the first, enacted in August.

Table note: The columns in the following tables may not add due to rounding.

Staff contacts: House Appropriations — Hunter Spillan and Bob Schmidt (water), Aaron Edmondson and Jeanne Wilson (energy), majority, x53421; Michelle Mrdeza, minority, x53481. Senate Appropriations — Proctor Jones, x40335, and Dave Gwaltney, x40332, majority; Mark Walker, minority, x47261. EESC — Lucy Harvey, Steve Gorman.

Energy Department

The conference report would provide a total of \$17.16 billion for all the DOE programs covered by the energy and water appropriations bill, about 1 percent above current spending. The House-passed bill would have cut DOE funding slightly, the Senate bill would have provided a marginally larger increase.

Nuclear defense waste: Reflecting the continuing post-Cold War shift in DOE's mission as keeper of the nation's nuclear weapons arsenal, the conference bill would provide a small increase in funding for atomic defense programs, but not enough to keep pace with inflation. However, the conferees agreed to significant increases in funding for environmental restoration and waste management at nuclear weapons facilities.

Under the conference bill, spending for cleanup and waste management programs at nuclear weapons facilities would shoot up 30 percent — from \$3.7 billion this year to \$4.8 billion in fiscal 1993.

An additional \$710 million allocated to DOE's "non-defense" account for environmental restoration would increase total cleanup spending to \$5.5 billion — nearly one third of all funds earmarked for the Energy Department under the conference report.

Both the "defense" and "non-defense" accounts are used to improve environmental health and safety at nuclear weapons laboratories, production plants and testing facilities spread across 17 sites in 12 states.

In addition to cleanup operations, these funds are used to

Energy and water — overview

(Budget authority, dollars in millions)

Account	FY '92	Bush request	House bill	Senate bill	Conf. report
Army Corps of Engineers	3,610	3,537	3,664	3,633	3,667
Bureau of Reclamation	900	807	826	807	817
Department of Energy	16,968	17,837	16,477	17,203	17,159
Indep. agencies	362	239	358	363	363
Total	21,840	*22,466	21,324	22,005	22,080

*This total reflects revisions to the Bush administration request since February, but the other figures in the same column do not.

pay for the storage, transportation and disposal of waste, the development of new cleanup and waste management technologies, and efforts to bring DOE facilities into compliance with federal, state and local environmental regulations.

The proposed funding hike for these activities 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.

Civilian wastes: The conference measure would continue current funding levels for a separate program designed to manage nuclear waste generated from commercial reactors and other sources of radioactive refuse.

Even though this program is financed through fees paid into a nuclear waste fund by electric utilities that operate atomic power plants, money from the fund must be appropriated by Congress. The Senate approved a total of \$375 million in expenditures from the fund, including \$100 million from discretionary defense spending. However, the conference agreed with the House-adopted figure of \$275 million, all of it domestic spending. The administration had sought \$392 million.

Power Marketing Administrations

(Budget authority, dollars in millions)

Account	FY '92	Bush request	House bill	Senate bill	Conf. report
Alaska	3	4	4	4	4
Bonneville*	(340)	(373)	(373)	(417)	(417)
Southeastern	24	25	32	32	32
Southwestern	28	22	22	22	22
Western	306	347	327	337	327
Total	362	397	385	395	385

*new borrowing authority

Energy research: The conference report would provide \$254 million for DOE research aimed at developing technologies to harness the energy potential of the sun, wind, ocean and other renewable power sources. That figure is up \$12 million from current spending, and falls in between the House-passed level of \$246 million and the Senate figure of \$271 million.

The conference measure would provide less than DOE received this year for nuclear power research — \$307 million compared with \$332 million in fiscal 1992 — but slightly more than either the House or Senate had approved.

The conferees adopted the House-passed funding level of \$340 million for research to develop magnetic fusion, a technology that would generate energy through a controlled thermonuclear reaction combining the nuclei of lighter atoms to form nuclei of heavier atoms. The Senate had approved \$335 million for nuclear fusion, about \$2 million less than fiscal 1992 spending.

Super collider: In a victory for supporters of the superconducting super collider, the conferees agreed to provide \$517 million for construction of the high-energy physics research facility. The conference figure is \$33 million less than the Senate had approved but is far more generous than the House, which had voted to terminate the project. The administration had requested \$650 million for the super collider in fiscal 1993.

**DOE nuclear waste
Cleanup & waste management**
(Budget authority, dollars in millions)

<i>Account</i>	<i>FY '92</i>	<i>Bush</i>	<i>House</i>	<i>Senate</i>	<i>Conf.</i>
		<i>request</i>	<i>bill</i>	<i>bill</i>	<i>report</i>
Enviro. restoration & waste mgt. (defense)					
correct. action	93	35	35	35	35
restoration	1,074	1,448	1,381	1,448	1,448
waste mgt.	2,238	2,939	2,823	2,936	2,936
tech. develop.	309	345	315	375	365
transport.	19	20	20	20	20
program direction	25	51	29	51	51
Subtotal	3,690	4,805	4,603	4,802	4,832
Enviro. restoration & waste mgt. (non-defense)					
correct. action	30	19	19	19	19
restoration	326	404	404	404	404
waste mgt.	247	284	287	287	287
Subtotal	602	707	710	710	710
Enviro. restoration & waste mgt. (total)	4,283	5,512	5,313	5,512	5,541
Nuclear waste disposal fund (offset by fees)	275	392	275	*375	275

*Includes \$100 million that would be earmarked to the nuclear waste fund from discretionary defense spending.

**DOE energy supply R&D
Solar, renewables**
(Budget authority, dollars in millions)

<i>Account</i>	<i>FY '92</i>	<i>Bush</i>	<i>House</i>	<i>Senate</i>	<i>Conf.</i>
		<i>request</i>	<i>bill</i>	<i>bill</i>	<i>report</i>
Solar applications					
Solar building	2	2	4	2	3
Photovoltaics	60	64	66	66	66
Solar thermal	29	27	27	27	27
Biofuels	39	48	42	48	48
Wind energy	21	22	24	24	24
Ocean energy	2	—	—	1	1
Subtotal, solar applications	154	163	163	168	169
Other solar	21	19	19	19	19
Total, solar	176	181	181	186	187
Geothermal	27	24	24	22	23
Hydropower	1	1	1	1	1
Electric energy	38	40	40	62	43

Power marketing: Under the conference bill, funding for the five DOE power marketing administrations, which sell electricity generated by federal hydropower projects, would go up 9 percent. Revenues collected by the PMAs' power sales are used to repay the federal costs of building, operating and maintaining the projects, and to help repay the capital cost of irrigation systems included in some projects.

The Bonneville Power Administration would receive \$417 million in new borrowing authority, compared with the fiscal year 1992 level of \$340 million.

The conferees adopted the administration's request of \$4 million for the Alaska Power Marketing Administration and \$22 million for the Southwestern administration.

However, the conference measure would provide \$32 million to the Southeastern administration, \$7 million more than Bush's request. The Western marketing administration would receive \$327 million, a reduction of \$20 million from the Bush proposal.

Water resources

Corps: As for water resource agencies, the conferees approved nearly \$3.67 billion for flood control, navigation and other projects and programs of the Army Corps of Engineers, about the level approved by the House and slightly more than adopted by the Senate.

However, the conferees steered closer to the Senate position in terms of construction spending, approving \$1.36 billion for capital expenses. The House had approved about \$35 million less for construction, with no money to start new projects.

Army Corps of Engineers

(Budget authority, dollars in millions)

Account	FY '92	Bush request	House bill	Senate bill	Conf. report
Investigations	194	170	178	156	176
Construction	1,284	1,230	1,326	1,364	1,361
Flood control					
Miss. River & tributaries	353	348	365	351	351
Operation & maintenance	1,535	1,525	1,552	1,523	1,542
Regulatory programs	86	93	86	86	86
Flood control & coastal emergencies	15	15	15	10	10
General expenses	142	157	142	142	142
Total	3,610	3,537	3,664	3,633	3,667

A House Appropriations Committee aide said the conference figure would allow for some water project construction starts, but an official count had not been tallied at press time. A Senate Appropriations staffer said the conference report would add one or two small new projects to the 17 construction starts allowed for under the Senate-passed bill.

For operation and maintenance costs, the conferees essentially split the difference between the two bills, agreeing to \$1.54 billion. The House bill would have provided more, the Senate bill less.

Wetlands: The conferees also modified a provision in the Senate bill restricting the corps' enforcement of federal wetlands protections under a uniform definition of wetlands adopted by the federal government in 1989. This definition, contained in the 76-page "Federal Manual for Identifying and Delineating Jurisdictional Wetlands," has been criticized by landowners and development interests as overly broad.

Bureau of Reclamation

(Budget authority, dollars in millions)

Account	FY '92	Bush request	House bill	Senate bill	Conf. report
Investigations	14	13	14	12	13
Construction	564	461	471	468	471
Operation & maintenance	259	275	284	270	275
Loan program	3	1	3	3	4
General administrative expenses	54	57	54	54	54
Emergency fund	1	1	1	1	1
Working capital fund	6	—	—	—	—
Total	900	807	826	807	817

The Senate bill would prohibit the corps from applying the 1989 delineation manual — or any subsequent wetlands definition — unless the manual was first subjected to additional scrutiny under the Administrative Procedures Act. This law establishes a formal process for accepting and considering public comment on rules issued by federal agencies. In the meantime, the corps would have to continue using wetlands protection criteria as set forth in a 1987 manual.

The same moratorium has been in effect since last October under the fiscal 1992 energy and water appropriations act.

The new conference language omits the reference to the Administrative Procedures Act, but bars the corps from using the "manual adopted in January 1989 or any subsequent manual adopted without notice and public comment."

Also adopted by the conferees is a related Senate provision

DOE — nuclear research

(Budget authority, dollars in millions)

Account	FY '92	Bush request	House bill	Senate bill	Conf. report
Nuclear R&D					
Lt. water reactors	63	59	59	59	59
Advanced reactors	60	50	50	50	60
Space reactor	40	30	30	30	30
Space exploration	5	10	—	—	—
Advncd. radioisotope	51	52	52	50	50
Facilities	98	95	95	93	94
Program direction	16	14	14	14	14
Subtotal, nuclear R&D	332	310	300	296	307
Civilian waste R&D	5	1	5	1	5
Total, nuclear	337	310	304	296	311
Fusion energy					
Confinement sys.	183	183	183	163	183
Develop. & tech.	57	68	68	68	68
Applied plasma physics	62	62	62	62	62
Planning, projects	4	5	5	5	5
Inertial fusion	8	8	8	8	8
Program direction	8	9	9	9	9
Capital equipment	11	21	21	21	21
Construction	5	4	4	4	4
Total, fusion	337	360	340	335	340

that would prohibit the Army Corps from finalizing a regulation proposed in October 1990 to increase fees for environmental permit applications and establish fees for activities associated with wetlands determinations. That language also is in effect under the fiscal 1992 appropriation.

Neither the wetlands manual nor the permit fee provisions were included in the House bill.

Reclamation Bureau: The Interior Department's Bureau of Reclamation would receive a total of \$817 million, down 9 percent from current spending and about halfway between the figures approved by the House and Senate.

As in recent years, the bureau would continue to see less of its budget devoted to construction of new water projects and more to operation and maintenance activities.

Compared with fiscal 1992, the conference report would cut construction funding 16 percent to \$471 million, the level adopted by the House. The Senate approved slightly less.

However, operation and maintenance spending would go

up 4 percent to \$275 million under the conference bill, the same level requested by the administration.

The House figure was \$9 million higher than the conference total for operations and maintenance, the Senate about \$5 million lower.

The conferees also agreed to accept House-passed language that would make \$3 million available in fiscal 1993 for environmental studies associated with the renewal of water supply contracts of the Central Valley Project in California. But the cost of those studies would be recouped from the water users during the same fiscal year, a House aide said.

interior bills in order bring the legislation within the spending levels prescribed by President Bush in his fiscal 1993 budget request. Administration officials have said the president will veto any appropriations bill whose overall funding levels exceed those in Bush's budget proposal.

If the conferees do reach agreement on the bill this week, it will go first to the House for adoption, a House Appropriations Committee aide said. (For more details, see B-section story in this issue.) Report not filed. — SD

Appropriations

Appropriations for energy and water development for fiscal 1993 — HR 5373

Floor action: Likely to resume this week.

The conference report as a whole cleared the House Sept. 17 on a vote of 254-143, but the House put off a separate vote required for conference language that would restrict nuclear weapons testing. House consideration of the nuclear test language is expected sometime this week, but at press time had not been scheduled.

The conference bill would provide \$22.08 billion in appropriations for energy and water programs in fiscal 1993, including a major increase in spending for environmental cleanup at the Department of Energy's nuclear weapons facilities.

The measure 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.

Overall, the conference bill is only about 1 percent larger than the energy and water appropriations enacted for fiscal 1992, reflecting the constraints of ever-tightening spending caps imposed under the Budget Enforcement Act of 1990 (PL 101-508).

The \$21.3 billion bill adopted July 17 by the House (HR 5373, H. Rpt. 102-555) falls just below current spending; the \$22 billion bill approved Aug. 3 by the Senate (S. Rpt. 102-344) was slightly higher. A major exception to the generally austere nature of the conference bill is the 30 percent spending increase proposed for cleanup and waste management programs at nuclear weapons facilities — from \$3.7 billion this year to \$4.8 billion in fiscal 1993.

An additional \$710 million allocated to DOE's "non-defense" account for environmental restoration would bring total cleanup spending to \$5.5 billion in fiscal 1993 — nearly one third of all funds earmarked for DOE under the conference report.

Nevertheless, the conference total is \$386.4 million less than the sum proposed by President Bush, thereby avoiding the veto he has threatened against any appropriations bill that exceeds his fiscal 1993 budget request, according to a House Appropriations Committee aide.

The conferees averted an additional veto threat by working out a compromise on nuclear weapons test restrictions that meet the approval of the administration, the aide said. Because the weapons test language adopted by the conferees differs from the

proposals previously passed by the House and Senate, the compromise had to be submitted to both chambers for separate approval as an "amendment in technical disagreement."

The House agreed last week to delay consideration of nuclear test proposal — amendment No. 57 — until a later time, subject to the discretion of Rep. Tom Bevill (D-Ala.), the House floor manager and conference chairman.

The House may either accept the amendment or vote to modify it.

Assuming the conference report and nuclear test language clear the House and Senate, the energy and water bill is expected to become the second of 13 annual appropriations bills for fiscal 1993 to be signed into law. The agriculture spending bill was the first, enacted in August. (For more details on the conference bill, see Sept. 16 House-Senate *Floor Brief*.) H. Rpt. 102-866. — SG

Water pollution/coasts

Beaches Environmental Assessment, Closure and Health Act of 1991 — HR 12

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

This bill, sponsored by Rep. William J. Hughes (D-N.J.), would require the Environmental Protection Agency to set uniform standards for coastal states to follow in determining when public beaches are unsafe for swimming.

The bill is designed to standardize how often states monitor their coastal waters and at what point they notify the public of high pollution levels. The bill is essentially the same as a measure Hughes proposed in the 101st Congress (HR 4333), which passed the House on a vote of 326-89.

The House Merchant Marine Committee approved the measure Nov. 20, 1991. The bill also was referred to the Public Works Committee, which is expected to issue a letter this week discharging itself from further consideration.

A companion bill (S 1277) introduced June 12 by New Jersey Sens. Frank R. Lautenberg (D) and Bill Bradley (D) has not seen action in the Senate.

Hughes' bill is co-sponsored by most of the New Jersey delegation as well as other House members from coastal districts around the country. New Jersey experienced repeated and much-publicized beach closings in the late 1980s because of medical debris and other garbage washing up on its shores.

New Jersey lawmakers have expressed concern that the beach closings — compelled by the state's strict water quality monitoring program and reporting requirements — may have driven tourists to nearby coastal states whose standards were less stringent. Pollution levels, however, may have been just as high in those states, these members have said.

Under current law, states are not compelled to test their coastal waters for disease-carrying agents, nor to notify the public when beach waters are unsafe for swimming.

meaning that the actual benefit in 1992 dollars is significantly higher.

The amendment would extend the placed-in-service deadline to Sept. 1, 1993. But it would impose new annual limits on how much fuel from any one well would be eligible for the credit.

Specifically, the credit would be available for up to 42 million cubic feet of natural gas a year from a particular well, except in the case of "tight sands" gas, where the limit would be 550 million cubic feet.

These new production limits would make the tax break less expensive than it is under current law.

In remarks on the Senate floor Aug. 12, Dole said extension of the credit was necessary to preserve jobs in oil- and gas-producing states.

"On any given day, between 20 and 25 percent of the few rigs operating in the oil patch are searching for section 29 fuel," he said. "Pulling the plug on section 29 would be like pulling the ventilator on a patient in intensive care."

The amendment is opposed by Sens. Don Nickles (R-Okla.) and Bill Bradley (D-N.J.), who have argued that the credit has outlived its usefulness. No report filed. — SD

Appropriations

Appropriations for energy and water development for fiscal 1993 — HR 5373

Floor action: Likely this week, once the House completes action on the conference agreement.

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billion in fiscal 1993.

An additional \$710 million allocated to DOE's "non-defense" account for environmental restoration would bring total cleanup spending to \$5.5 billion in fiscal 1993 — nearly one third of all funds earmarked for DOE under the conference report.

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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

Energy and water

Energy and water — overview

(Budget authority, dollars in millions)

<i>Account</i>	<i>FY '92 estimated</i>	<i>Bush request</i>	<i>House bill</i>	<i>Senate bill</i>	<i>Final bill</i>
Army Corps of Engineers	3,610	3,537	3,664	3,633	3,667
Bureau of Reclamation	900	807	826	807	817
Department of Energy	16,968	17,837	16,477	17,203	17,159
Independent agencies	362	239	358	363	363
Total	21,840	*22,466	21,324	22,005	22,006

*This total reflects revisions to the Bush administration request since February, but the other figures in the same column do not.

Army Corps of Engineers

(Budget authority, dollars in millions)

<i>Account</i>	<i>FY '92 estimated</i>	<i>Bush request</i>	<i>House bill</i>	<i>Senate bill</i>	<i>Final bill</i>
Investigations	194	170	178	156	176
Construction	1,284	1,230	1,326	1,364	1,361
Flood control					
Mississippi River & tributaries	353	348	365	351	351
Operation & maintenance	1,535	1,525	1,552	1,523	1,542
Regulatory programs	86	93	86	86	86
Flood control & coastal emergencies	15	15	15	10	10
General expenses	142	157	142	142	142
Total	3,610	3,537	3,664	3,633	3,667

Bureau of Reclamation

(Budget authority, dollars in millions)

<i>Account</i>	<i>FY '92 estimated</i>	<i>Bush request</i>	<i>House bill</i>	<i>Senate bill</i>	<i>Final bill</i>
Investigations	14	13	14	12	13
Construction	564	461	471	468	471
Operation & maintenance	259	275	284	270	275
Loan program	3	1	3	3	4
General administrative expenses	54	57	54	54	54
Emergency fund	1	1	1	1	1
Working capital fund	6	—	—	—	—
Total	900	807	826	807	817

DOE — nuclear research
(Budget authority, dollars in millions)

<i>Account</i>	<i>FY '92 estimated</i>	<i>Bush request</i>	<i>House bill</i>	<i>Senate bill</i>	<i>Final bill</i>
Nuclear R&D					
Light water reactors	63	59	59	59	59
Advanced reactors	60	50	50	50	60
Space reactor	40	30	30	30	30
Space exploration	5	10	—	—	—
Advanced radioisotope	51	52	52	50	50
Facilities	98	95	95	93	94
Program direction	16	14	14	14	14
Subtotal, nuclear R&D	332	310	300	296	307
 Civilian waste R&D	 5	 1	 5	 1	 5
Total, nuclear	337	310	304	296	311
 Fusion energy					
Confinement system	183	183	183	163	183
Development & technology	57	68	68	68	68
Applied plasma physics	62	62	62	62	62
Planning & projects	4	5	5	5	5
Inertial fusion	8	8	8	8	8
Program direction	8	9	9	9	9
Capital equipment	11	21	21	21	21
Construction	5	4	4	4	4
General reduction	0	0	(20)	(5)	(20)
Total, fusion	337	360	340	335	340

DOE energy supply R&D
Solar, renewables
(Budget authority, dollars in millions)

<i>Account</i>	<i>FY '92 estimated</i>	<i>Bush request</i>	<i>House bill</i>	<i>Senate bill</i>	<i>Final bill</i>
Solar applications					
Solar building	2	2	4	2	3
Photovoltaics	60	64	66	66	66
Solar thermal	29	27	27	27	27
Biofuels	39	48	42	48	48
Wind energy	21	22	24	24	24
Ocean energy	2	—	—	1	1
Subtotal, solar applications	154	163	163	168	169
 Other solar	 21	 19	 19	 19	 19
Total, solar	176	181	181	186	187
 Geothermal	 27	 24	 24	 22	 23
Hydropower	1	1	1	1	1
Electric energy	38	40	40	62	43

Power Marketing Administrations

(Budget authority, dollars in millions)

<i>Account</i>	<i>FY '92 estimated</i>	<i>Bush request</i>	<i>House bill</i>	<i>Senate bill</i>	<i>Final bill</i>
Alaska	3	4	4	4	4
Bonneville*	(340)	(373)	(373)	(417)	(417)
Southeastern	24	25	32	32	32
Southwestern	28	22	22	22	22
Western	306	347	327	337	327
Total	362	397	385	395	385

*new borrowing authority

DOE nuclear waste**Cleanup & waste management**

(Budget authority, dollars in millions)

<i>Account</i>	<i>FY '92 estimated</i>	<i>Bush request</i>	<i>House bill</i>	<i>Senate bill</i>	<i>Final bill</i>
Environmental restoration & waste management (defense)					
corrective action	93	35	35	35	35
restoration	1,074	1,448	1,381	1,448	1,448
waste management	2,238	2,939	2,823	2,936	2,936
technology development	309	345	315	375	365
transportation	19	20	20	20	20
facility transition	0	18	0	18	18
program direction	25	51	29	51	51
delays, prior year balances	(68)	(51)	0	(81)	(42)
Subtotal	3,690	4,805	4,603	4,802	4,832
Environmental restoration & waste management (non-defense)					
corrective action	30	19	19	19	19
restoration	326	404	404	404	404
waste management	247	284	287	287	287
Subtotal	602	707	710	710	710
Total, defense & non-defense	4,292	5,512	5,313	5,512	5,541
Nuclear waste disposal fund (offset by fees)	275	392	275	*375	*375

*Includes \$100 million earmarked to the nuclear waste fund from discretionary defense spending.