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IB

102D CONGRESS
2D SESSION

H. R. 5503

IN THE HOUSE OF REPRESENTATIVES

AUGUST 7, 1992

Ordered to be printed with the amendments of the Senate numbered

AN ACT

Making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1993, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Department of the Interior and related agencies for the fiscal year ending September 30, 1993, and for other purposes, namely:

★

Interior: Hearings

House

B308 Rayburn

2-20
2-26
3-10, 11, 12
3-25, 26, 31
4-1, 8, 28
5-6, 19, 20

Senate

S128 Capitol

4-7
5-5, 12, 20

HR 5503 102-901
H Repts 102-626
(FY 1992 approp act PL 102-154)

Revised Statute 2477
BLM reauthorization HR 1096
HR 918 overhaul mining law
(HR776 & S2166 - offshore oil & gas leasing)

S. Rept. 102-345
H. Joint Res. 553

Interior

by fisheries subcommittee Chair- Gerry Studds (D-Mass.), was ted by problems experienced by nen in Massachusetts Bay who fre- y haul up waste and have suffered al injury or damage to their equip- said a subcommittee aide.

Gloucester, Mass., fisherman suf- complete disability after hauling up ums of toxic chemicals in his fish- ts, according to a subcommittee . The barrels ruptured, spilling the cals all over the deck of the fishing Because the fisherman could no work, his boat was repossessed.

he chairwoman of the Gloucester men's Wives Association, Mrs. o San Fillippo, is to testify before aring on this and other harm suf- by fishermen. The hearing is being by Studds' subcommittee and the ography subcommittee, chaired by Dennis M. Hertel (D-Mich.).

udds' bill is designed to give these nen and others harmed by illegal dumping an additional weapon to gainst the dumpers in recovering es, the subcommittee memo said. tly, those suffering harm may seek es under common law, but no fed- medy exists. The Studds bill would additional deterrent to illegal ocean ng, the memo said.

addition, the Studds bill would illegal dumpers liable for the cost of p of the waste.

he bill would amend Title I of the e Protection Research and Sanctu- Act, better known as the Ocean ing Act (PL 92-532). This law re- federal permits for ocean dumping ohibits dumping of medical waste, e sludge, industrial and other waste. iolators of the law are subject to of up to $50,000, or $125,000 for al waste.

nder Studds' bill, violators would ject to damages of up to $1,200 per ton of the vessel from which the on occurred.

he hearing comes on the heels of assage Feb. 4 of a bill (HR 3749, 02-423) to reauthorize the Ocean ing Act. The bill awaits Senate ac-

itnesses: Other witnesses scheduled 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 am. Tuesday, Wednesday and Thursday, Feb. 18-20, in 2362 Rayburn.

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

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

Two more hearings on the corps 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.

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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 "noncommodity" 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 increaswhat 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 conservation 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 spending 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

comes after several years in
administration requested more
creases that were greatly en-
Congress during the appropria-
ess. Last year, the president
$6.2 billion for EPA, an in-
ss than 3 percent. Congress
appropriated $6.7 billion, up
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calling for substantial in-
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oses eliminating several EPA
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sites, a committee staffer
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by Congress for the past
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ttee (S. Rpt. 102-107) on the
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opriations Committee also
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inistration reversed its ear-
sewer construction grants
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billion in fiscal 1993. In the
s, the president proposed
s in the program, only to be
ongress.
some members have raised
a $470 million request for
projects in Boston, New
s Angeles, San Diego, Seattle, Baltimore and along the U.S.-Mexican 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 hindering the effective enforcement of the Clean Air Act, the aide said. Bush announced 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 officials.

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 environmental, energy and natural resource programs 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 secretaries 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 Energy Secretary James Watkins at 10 a.m. Thursday, March 26, in the same room.

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

• *Energy:* Rep. Tom Bevill's (D-Ala.) panel will receive testimony from public witnesses and members of Congress 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 Sciences 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 Congress 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 Administration; 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 Committee 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 hearing by the committee.

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

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

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

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

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

Appropriations

Hearings set on money bills

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

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

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

Senate: Several Appropriations subcommittees plan hearings:

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

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

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

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

Foreign operations: Sen. Patrick J. Leahy's (D-Vt.) foreign operations subcommittee will consider the budget request for the Agency for International Development, which administers U.S. bilateral foreign assistance, including environmental initiatives.

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

Global environment

Gore panel views global warming

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

The Senate Commerce subcommittee on science has scheduled a Thursday hearing to examine these arguments and counterclaims, such as an argument that increased concentrations of CO_2 in the atmosphere would favor some plants and animals over others and could potentially lead to an explosive spread of weeds and animal pests.

Green plants, through the process of photosynthesis, use the sun's energy to convert CO_2 into plant matter. Some scientists say that higher levels of CO_2 in the atmosphere would provide more of the raw material used in photosynthesis, encouraging greater plant growth and benefiting agriculture and forestry. This beneficial effect would offset any potential harm from the global warming that such a buildup of CO_2 may produce, they say.

A report in the January issue of *Scientific American* said, however, that experiments indicate increased CO_2 emissions may lead to massive ecological disruption. Some scientists fear such effects as plants flowering outside the time when pollinating insects and birds are normally present, leading to those plants' inability to reproduce, or a change in the nutritional composition of plants eaten by animals, leading to catastrophic effects tumbling through the food chain.

The Earth's temperature is regulated largely by CO_2 and other gases in the atmosphere that allow penetration of light energy from the sun while trapping heat radiated from the planet's surface. Many scientists are concerned that artificially elevated levels of these gases will intensify this "greenhouse" warming effect at a rate and to a degree unprecedented in human history.

Increasing levels of CO_2, the most abundant of the greenhouse gases, are being added to the atmosphere from the burning of fossil fuels, wood, peat and other organic matter. Large-scale destruction of tropical rain forests, natural storehouses for vast quantities of CO_2, also is a contributing factor.

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

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

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

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

Wildlife

Hearings start on ESA update

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

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

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

While the conflict pitting the federally protected northern spotted owl against timber jobs in the Pacific North-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 C02 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 testify 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 occurring 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

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 serious financial, institutional and environmental problems, calling for a more efficient use of energy," OTA senior analyst Joy Dunkerley said in describing the new report.

Dunkerley, who will appear before the committee this week, stressed that the success of international efforts to meet global environmental challenges will depend on the participation of developing countries.

For example, developing countries have some of the highest urban air pollution levels in the world due to fossil fuel combustion. In addition, developing nations are expected by 2025 to be generating 44 percent of the world's emissions of carbon dioxide — the principal heat-trapping "greenhouse" gas linked to global warming — if current fossil fuel use trends continue.

One of the most publicized events scheduled for the U.N. conference is the signing of an international treaty aimed at reducing the threat of global warming.

The Governmental Affairs Committee is interested in how the findings of OTA's most recent study might help developing nations achieve the objectives of the global warming treaty and other environmental accords expected to be signed at the U.N.-sponsored "Earth summit," a staffer said.

Witnesses: Joining Dunkerley to discuss the report will be Samuel Baldwin, also a senior analyst at OTA.

Also testifying will be Robert Reinstein, deputy assistant secretary of state for environment, health and natural resources; Bradshaw Langmaid, deputy assistant administrator for research and development at the Agency for International Development; and David Jhirad, senior AID energy advisor for energy and infrastructure.

Additional testimony will be provided by witnesses from the private sector with expertise in energy efficiency and renewable energy technologies.

When: The panel is scheduled to meet at 9:30 a.m. Thursday, May 21, in 342 Dirksen.

Senate Governmental Affairs contacts: Brian Dettelbach or John Nakahata, majority, x44751; Susanne Marshall, minority, x42627. — *DR*

Appropriations

Hearings set on money bills

Both the House and Senate Appropriations subcommittees on interior and related agencies will hold hearings this week on energy and natural resource programs in President Bush's fiscal 1993 budget request.

House: Members of Congress will testify Tuesday and Wednesday, May 19 and 20, before the House panel, chaired by Rep. Sidney R. Yates (D-Ill.). Those hearings are scheduled to begin both days at 10 a.m. and 1:30 p.m. in B-308 Rayburn.

Senate: U.S. Fish and Wildlife Service Director John F. Turner will discuss his agency's fiscal 1993 budget proposal with the Senate panel, chaired by Sen. Robert C. Byrd (D-W.Va.), on Wednesday, May 20, at 2 p.m. in S-128 of the Capitol. — *LD*

Water pollution

Panel eyes USDA pollution programs

The House Agriculture subcommittee on conservation plans to hold an oversight hearing Wednesday to review the Agriculture Department's existing water quality programs.

While regulation of water quality is mainly the responsibility of the Environmental Protection Agency, the Agriculture Department also administers several programs that aim to protect rural waterways from pollution.

For example, the agency works with farmers to curtail agricultural runoff, which can carry pesticides, animal wastes and nutrient-rich soils into waterways as polluted rainwater spills or seeps into streams. This runoff, known as "nonpoint source" pollution because of its diffuse nature, accounts for more than half of the nation's remaining water quality problems, according to EPA.

In addition, USDA's Soil Conservation Service and Agricultural Stabilization and Conservation Service administer the "swampbuster" provisions of the 1985 and 1990 farm bills, which prohibit the filling and draining of wetlands for farming purposes.

The hearing is planned simply to address the extent to which specific Agriculture Department water quality programs are effective, a majority committee aide said.

Witnesses: Invited to testify are representatives of the Agriculture Department, environmental organizations and farm groups.

When: The hearing is set to begin at 11 a.m. Wednesday, May 21, in 1300 Longworth.

House Agriculture contacts: Ben Baker, majority, x50301; Pete Thompson, minority, x56730. — *SD*

Air pollution/fossil fuels

Air act impact on refineries eyed

The Senate Energy Committee Tuesday will examine the economic impact of the 1990 Clean Air Act Amendments on oil refiners.

The 1990 amendments (PL 101-549) include a variety of new requirements for cleaner-burning motor fuels, entailing added costs for companies that produce gasoline and refined petroleum products.

The most sweeping is a requirement for cleaner, "reformulated" gasoline in the nine metropolitan areas with the worst ozone pollution. Motorists in those areas consume nearly a quarter of the nation's gasoline.

In addition, new requirements were established for conventional gasoline and diesel fuel generally, and for gasoline sold in 41 cities with carbon monoxide levels that exceed national air quality standards.

Because refineries themselves emit air pollution, they also must meet requirements to control toxic air pollution and to limit hydrocarbon emissions in areas that do not meet the air quality standard for ozone.

The hearing is the outgrowth of a letter in which the committee's ranking Republican, Sen. Malcolm Wallop (Wyo.), asked Chairman J. Bennett press time were discussing whether to offer an amendment to ensure that property owners are compensated should any of the bill's provisions be ruled a government taking of private property, a minority committee aide said.

The aide was not optimistic, however, that the Republican negotiations would be completed in time to consider the bill at the committee's regular Wednesday business meeting.

When: The markup session is scheduled to begin at 9:30 a.m. Wednesday, June 17, in 366 Dirksen.

Senate Energy contacts: Erica Rosenberg, x47933, or Lisa Vehmas, x47555, majority; Marian Marshall, minority, x41017. — *SD*

Global environment

Bill would protect exotic wild birds

A House Merchant Marine subcommittee and a House Ways and means panel will hold a joint hearing this week on a bill to restrict imports of wild birds for the U.S. pet industry.

The bill (HR 5013), introduced April 29 by Rep. Gerry E. Studds (D-Mass.), is intended to complement an existing international agreement regulating plant and animal trade. Studds, chairman of Merchant Marine's fisheries and wildlife subcommittee, maintains that the treaty has been ineffective in stemming declines in populations of parrots and other wild birds.

Trade in roughly 40 species of parrots is banned under the Convention on International Trade in Endangered Species, the world's primary wildlife conservation treaty. With only three exceptions, the CITES agreement allows trade in the other 330 parrot species as long as it is determined not to harm a species' chances for survival.

However, CITES has failed to curb the decline of wild birds because many exporting countries do not have the resources necessary to determine the size of their bird populations and subsequently cannot set safe levels of trade, according to a subcommittee document.

In addition to population declines resulting directly from the removal of birds from their habitat, many birds are killed during transit. The fisheries panel reports that in some instances up to half the wild birds captured for export die before crossing international borders.

The World Wildlife Fund in 1988 convened a panel of several organizations — from the pet industry to animal protection groups — with an interest in the status of wild birds. The panel recommended that the United States, comprising the world's biggest market for wild birds, reduce and eventually eliminate its reliance on wild bird populations.

Studds introduced two bills (HR 2540, HR 2541) last June to implement competing proposals advanced by the panel with the hope that a compromise between the two approaches could be negotiated. No such consensus was ever reached.

On April 9, Studds introduced a third bill (HR 4958) modeled after an Interior Department proposal that would have phased out bird imports over a four-year period while allowing imports of species that were reproducing in the wild faster than they were being taken. However, because the measure was referred to three committees — Merchant Marine, Ways and Means and Judiciary — Studds stripped out several provisions and reintroduced the bill as HR 5013 so that it would be referred only to Merchant Marine and Ways and Means.

Bill: Studds' panel, along with the Ways and Means subcommittee on trade, will meet Tuesday to consider the bill.

The legislation essentially would phase out U.S. imports of exotic birds with a full ban going into effect four years after enactment, covering all species but those included on an "approved list" prepared by the interior secretary.

Birds on the approved list would be subject to management plans designed to conserve those species and their habitats. Other exemptions would be provided for purposes of scientific research and zoological display.

Other provisions would:

• authorize the interior secretary to implement CITES recommendations and to adopt even more stringent domestic measures if necessary.

• create a fund to support conservation of exotic birds in their countries of origin.

• authorize $5 million during each of the three fiscal years following enactment of the bill.

Witnesses: Witnesses include Mike Hayden, assistant interior secretary for fish, wildlife and parks, as well as representatives of environmental groups and the pet industry, bird breeders and zoologists.

When: The subcommittees are scheduled to meet at 10 a.m. Tuesday, June 16, in 1334 Longworth.

House Merchant Marine contacts: Gina Deferrari, majority, x63533; Tom Melius, minority, x63520. House Ways and Means contacts: Bruce Wilson, majority, x53943; Thelma Jane Askey, minority, x54021. — *DR*

Appropriations

Spending markups set for Interior, EPA

House appropriators, bound by ever tightening budget restraints, are expected this week to mark up at least three bills that set funding levels for many of the federal agencies and programs that protect the environment and manage the nation's vast natural resources.

The fiscal 1993 spending bill for the Interior Department and related agencies is scheduled for markup by an Appropriations panel Tuesday, and a subcommittee markup is expected this week for the spending bill that covers the Environmental Protection Agency.

In addition, the full House Appropriations Committee is expected to vote on the foreign aid appropriation for fiscal 1993, including international environmental programs.

The energy and water spending bill is due for House floor action this week (see separate story in this issue), and the agriculture appropriation, which includes money for soil conservation programs, is scheduled for full committee markup next week.

The flurry of appropriations action in

the House comes less than a week after the Appropriations Committee formally decided 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 caps imposed under the Budget Enforcement Act of 1990 (PL 101-505), which put into law a five-year budget agreement between congressional leaders and the White House.

Appropriations subcommittees are operating under especially tight constraints this year, largely because the total amount of discretionary domestic spending allowed by the budget limits for fiscal 1993 is only slightly larger than the amount appropriated for fiscal 1992. The spending caps provide very little adjustment for inflation between the two years.

An additional funding squeeze is being caused by a mismatch between budget authority — the money made available through appropriations — and outlays — the money that is actually spent. 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 fiscal 1993 spending caps.

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

The fiscal pinch of this phenomenon will be keenly felt by several appropriations panels this year, including those that set spending levels for the Interior Department and EPA.

The House leadership is aiming to complete floor action on all annual appropriations bills for fiscal 1993 before the weeklong July recess, House staffers said.

Interior: The subcommittee on interior and related agencies, chaired by Rep. Sydney R. Yates (D-Ill.), will be working from an allocation of $13.2 billion in budget authority. However, the subcommittee effectively will be limited to divvying up a total of $12.7 billion in outlays, roughly the same amount appropriated in the fiscal 1992 interior appropriations act (PL 102-154), an aide said.

Few details were available at press time about how the chairman's "mark" would allot that spending authority among the numerous land-management agencies and fossil fuel programs covered by the bill.

The bulk of appropriations under the measure generally go to the Interior Department and the Agriculture Department's Forest Service, which together manage the natural resources on nearly 700 million acres of federal lands.

The remainder goes to energy conservation and fossil fuel programs administered by the Energy Department, including the strategic petroleum reserve, as well as a host of cultural and artistic programs, such as the National Endowment for the Arts.

Spending priorities in the bill govern a wide range of activities on the nation's public lands, including logging, mining, oil and gas drilling, ranching, recreation and wildlife conservation.

Two contentious issues likely to surface as the bill moves through the markup process are proposals to increase the fees paid by ranchers and farmers to graze their livestock on federal lands, and to keep the government from selling land to mining companies for as little as $2.50 an acre.

In the two previous years, both proposals were adopted by the House as part of the interior spending bill but were later stripped out of the final version of the legislation sent by Congress to the White House. Both provisions were rejected by the Senate and have been strongly opposed by many Western lawmakers, who regard such measures as detrimental to the economic interests of their states.

Full committee markup of the interior bill will likely occur on June 29, according to a subcommittee aide.

Grazing: In addition to endorsing a grazing fee hike during action on the two previous interior spending bills, the House approved a less drastic increase last year as part of separate legislation (HR 1096) to reauthorize the Bureau of Land Management, which administers much of the federal range in the West.

Aides said they expect the grazing fee proposal in the BLM reauthorization bill to be tucked into the fiscal 1993 interior spending bill at the subcommittee level. It was not clear at press time whether the language would be contained in the chairman's mark or would be added as an amendment in markup.

Environmentalists and the National Taxpayers Union argue that the current grazing fee is far below fair-market value, unfairly subsidizing a few ranchers at the expense of all taxpayers. They also say a below-market fee encourages abuse of the federal range.

Ranchers who use the public lands say a sharp fee increase that would have been required by recent House votes would drive them out of business.

Mining and minerals: The General Mining Law of 1872, which governs the extraction of "hard-rock" minerals such as gold, silver, copper and lead on federal lands, also is likely to be addressed in the subcommittee's bill.

The mining law allows prospectors to stake exclusive claims to the hard-rock minerals located on federal lands that are open to mining. It also allows prospectors who are able to prove their claims contain a legitimate mineral discovery to purchase title, or "patent," to the land for $2.50 or $5 an acre — the going rate for these tracts in 1872.

Like last year, the subcommittee bill probably will propose a one-year moratorium on the issuance of new patents, a subcommittee aide said.

Also likely to be controversial is a Bush administration proposal to increase Western states' share of the administrative cost of collecting royalties and other revenues under the federal government's mineral leasing program. These states, which are given half of the revenues the federal government receives from oil, natural gas and coal leases, also are responsible under current law for half the collection costs.

The administration has proposed making the states responsible for three-quarters of these costs. It was not known how the subcommittee would respond to the proposal.

One issue that for the first time in several years probably will not be controversial is how much of the federally controlled ocean floor should be open to new offshore oil and gas drilling. Last year's interior appropriations act placed a record

462 million acres of the outer continental shelf off-limits to new federal oil and gas leasing. This year's bill probably will mirror that approach, a subcommittee aide said.

Comprehensive energy policy bills passed this year by the House (HR 776) and Senate (S 2166) both include proposals to revamp the offshore oil and gas leasing program and restrict federal leasing off most of the continental United States. Language in the interior appropriations bill generally would be intended to act as a backstop in case the energy bill is not enacted, the aide said. (For more information, see June 10 *Special Report*, "Comprehensive National Energy Policy Act: House bill summary, comparison with Senate measure.")

Land acquisition: Another perennial point of contention has been how much money to allot the National Park Service and other agencies for land acquisitions. Until the 1992 budget request, the Reagan and Bush administrations have consistently sought to slash spending for land purchases. Congress generally enacted substantial increases over the presidents' requests.

But for the current fiscal year, and again for fiscal 1993, President Bush has requested significant increases. The 1993 request — for a total of $366 million for the Park Service, BLM, the U.S. Fish and Wildlife Service and the U.S. Forest Service — is $45 million higher than current funding.

Due to tight spending limits this year, a subcommittee aide said, "I don't think we'll be able to do as much" as the president requested.

EPA-NASA: Several factors are likely to limit funding available this coming year for EPA and a satellite program under development by the National Aeronautics and Space Administration for the study of global climate change.

Spending levels for both EPA and NASA are set in the appropriations bill that covers the Veterans Affairs Department, the Department of Housing and Urban Development and independent agencies.

The $64.4 billion in fiscal 1993 budget authority allocated to the the VA-HUD subcommittee, chaired by Rep. Bob Traxler (D-Mich.), represents a $1.5 billion increase in current spending levels but does not keep pace with inflation.

Moreover, the Department of Veterans Affairs and veterans groups are pushing for a $1 billion increase in funding for veterans' medical care, and HUD may see an increase for housing, an Appropriations Committee aide said.

In addition the administration has requested $2.25 billion for the manned space station program. Last year, the Appropriations Committee voted to eliminate funding for the space station, but the full House restored most of the funding. If the committee decides to avoid that fight this year and fund the space station, this would leave less money for other programs, including EPA and NASA's Earth Observing System satellite program.

Although the administration requested $7 billion for EPA in fiscal year 1993, the fiscal squeeze caused by the spending caps may lead the Appropriations Committee to freeze the agency at roughly the current level of $6.7 billion, a committee aide said. This would end several years in which EPA received substantial increases.

Popular EPA programs that may face cuts include grants to states for sewer construction, for which the administration has requested $2.5 billion, $100 million more than in the current fiscal year.

Also facing a squeeze is the hazardous waste superfund. Congress has for several years turned down administration requests for increases in the superfund budget, and this year support for increasing the fund as requested by the president may be weaker than ever.

The administration has proposed $2.7 billion, a 4.6 percent increase, for EPA's overall operating budget, which includes money for air and water quality programs, pesticide regulation, toxic substances control, and other key anti-pollution programs.

Salaries and expenses, under the operating budget would receive an 11 percent increase to $1.2 billion. This reflects increased resources needed to carry out and enforce the Clean Air Act amendments of 1990. If EPA spending is frozen, these requests for increases are not likely to be met.

NASA has requested $391 million for EOS in fiscal 1993, $120 million more than was appropriated for the current fiscal year. But this request may also be cut, particularly if the Appropriations Committee decides to support funding for the space station.

EOS is an international program, led by the United States, to monitor Earth's environmental processes from space. The project calls for launching a series of satellites to collect atmospheric, oceanic and other data used to measure global climate change, including evidence of elevated "greenhouse" warming.

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

Foreign aid: On June 12, Rep. David R. Obey's (D-Wis.) foreign operations panel marked up a fiscal 1993 foreign aid spending bill that includes funding for the United Nations Environment Program and other international environmental initiatives.

Details of the measure were not available at press time. However, an aide to Obey said the bill is likely to contain many of the same provisions that were included in last year's foreign aid package (HR 2621, H. Rpt. 102-108) that passed the House but was never taken up by the Senate.

Key provisions in the bill were aimed at improving the environmental performance of the Agency for International Development and multilateral development banks. In addition, the bill included earmarks for numerous other international organizations and programs, including $50 million for the World Bank-administered global environment facility, $300 million for efforts to control rapid human population growth, $20 million for the United Nations Environment Program and $75 million for environmental and energy assistance in Eastern Europe.

Currently, foreign aid programs are being funded by a continuing resolution that remains in effect through the end of this fiscal year.

NOAA: At press time, the House Appropriations subcommittee on commerce, justice, state and the judiciary had not scheduled a markup for next week, though a markup is possible. That panel's bill includes spending authority for the

Commerce Department, including the National Oceanic and Atmospheric Administration.

When: The Interior and related agencies markup is scheduled for 10 a.m. Tuesday, June 16, in B-308 Rayburn.

On the Senate side, Chairman Robert C. Byrd's (D-W.Va.) corresponding subcommittee will hold two hearings this week. On Tuesday, June 16, National Park Service Director James M. Ridenour will testify on his agency's 1993 budget. On Thursday, June 18, the subcommittee will hear testimony from U.S. Fish and Wildlife Service Director John F. Turner. Both hearings will begin at 10 a.m. in 128 Dirksen.

House interior appropriations contacts: Neal Sigmon, Bob Kripowicz, Kathy Johnson or Loretta Beaumont, majority, x53081; Deborah Weatherly, minority, x53481.

House foreign aid appropriations contacts: Mark Murray, majority, x54021; Jim Kulikowski, minority, x53481.

House VA-HUD appropriations contacts: Richard Malow, majority, x53241; Bill Warfield, minority, x53481. — *Staff*

Global environment

Tailoring trade to fit U.S. laws

The House Energy and Commerce Committee is scheduled Tuesday to mark up a resolution aimed at keeping U.S. environmental laws and other domestic statutes from being undermined by international trade agreements.

The resolution (H. Con. Res. 246) was introduced Nov. 21 by health and environment subcommittee Chairman Henry A. Waxman (D-Calif.) following a hearing on a decision by an international trade panel that called into question a provision of the U.S. Marine Mammal Protection Act (PL 92-522 as amended).

The international panel, established to resolve disputes under the General Agreement on Tariffs and Trade, ruled last August that the United States could not ban imports of tuna from Mexico and other nations simply because their tuna fleets killed large numbers of dolphin.

Waxman argued, as did many environmentalists, that the decision threatened not only the marine mammal protection law, but also "places a cloud over a large number of environmental laws that use trade sanctions to protect whales, elephants, baby seals, and endangered species, as well as over our recent ban on driftnet fishing."

"Also at risk," Waxman said, "is the Montreal Protocol, which contains crucially important trade restrictions designed to protect the ozone layer."

In addition, the GATT panel's decision raised concern among some members of Congress that President Bush might not be able to live up to his commitment to maintain U.S. environmental laws under a free-trade agreement with Mexico.

Bush's pledge to uphold domestic laws under the proposed trade pact helped him win congressional support last May to pursue trade negotiations with Mexico on a "fast-track" basis. Under fast-track procedures, Congress must vote within strict deadlines and without amendment on whether to approve a free-trade agreement.

Provisions: H. Con. Res. 246, an outgrowth of these concerns, expresses the sense of Congress that the president should undertake negotiations as part of the current Uruguay round of GATT talks to make the trade pact compatible with U.S. environmental, health, safety and labor laws.

The measure also states that Congress will not approve any trade pact if it would jeopardize domestic health, safety, labor or environmental laws, including the Clean Air Act (PL 91-604 as amended).

Information regarding possible amendments was unavailable at press time.

When: The markup is scheduled to begin at 9:45 a.m. Tuesday, June 16, in 2123 Rayburn. If necessary, markup will continue Wednesday and Thursday, June 17 and 18, tentatively at 10 a.m., in 2123 Rayburn. Also on the committee's agenda is legislation to reauthorize the Resource Conservation and Recovery Act. (See separate story in this issue.) — *DR*

Wildlife/oceans

Groundfish bill set for Senate markup

The Senate Commerce Committee is scheduled Wednesday to mark up a bill that would require New England fisheries management officials to develop a plan to rebuild the region's dwindling stocks of groundfish, such as haddock, flounder and cod.

At the same time, the bill, which had not been introduced at press time, would override a court-supervised settlement agreement and give the New England Fishery Management Council more time to come up with a restoration plan.

Sen. John F. Kerry (D-Mass.) planned to formally introduce the bill last Friday or early this week, a committee aide said. The measure is intended to be a companion to a House bill (HR 2919) that was introduced last year by Rep. Gerry E. Studds (D-Mass.) and approved May 12 by his Merchant Marine subcommittee on fisheries.

Nevertheless, the Senate bill will make some minor changes to Studds' legislation, the staffer said.

Committee aides said they expected the bill would raise little controversy, but they did not rule out the possibility of amendments being offered at markup.

The Senate Commerce Committee and its adjunct National Ocean Policy Study held a hearing June 3 on the New England groundfish issue.

Background: The annual catch of major species of groundfish in waters off New England fell from a peak of 194,000 tons in 1982 to 113,000 tons in 1990, according to statistics compiled by the House Merchant Marine subcommittee on fisheries.

Fishing is a major component of New England's economy, and the Georges Bank and Gulf of Maine fisheries off Massachusetts have been regarded as some of the most productive in the world. The recent decline of those fisheries has been blamed in part on a significant increase in fishing activity off New England in the last decade.

Also, fishing technology has im-

Tuesday, June 30, in 2167 Rayburn. Expected to testify are representatives of EPA, GAO and the Army Corps of Engineers.

House Public Works Committee contacts: Randy Deitz and Laura Yarosh, majority, x53274; Kathleen Coffman, minority, x55504. — *Jim Ketcham-Colwill*

Appropriations

Interior bill ready for full committee

The House Appropriations Committee plans Monday to mark up a fiscal 1993 spending bill for the Interior Department and related agencies, with several key provisions that many Western lawmakers regard as contrary to the interests of ranchers and mining companies.

Reflecting especially tight budget constraints facing Congress this year, the bill features sharp funding decreases in numerous programs.

The measure is scheduled for consideration on the House floor later in the week. The House Appropriations interior subcommittee, chaired by Rep. Sidney R. Yates (D-Ill.), marked up and approved the bill during a closed session June 16.

The bill would provide a total of $13.2 billion in budget authority for the agencies under its umbrella, but only about $12.7 billion in "outlays" — the amount of money that can actually be spent.

Yates' panel, like many other Appropriations subcommittees, is further constrained by prior-year spending commitments that are counted against the amount of outlays allowed for fiscal 1993 under the Budget Enforcement Act of 1990 (PL 101-505). For this reason, the amount of newly approved outlays in fiscal 1993 for interior and related agencies will be closer to $8.5 billion, according to Yates.

In addition, a number of provisions in the interior subcommittee's bill are likely to stir controversy. These include proposals to increase the amount of money the government charges ranchers and farmers to graze their animals on federal land, to suspend the ability of miners of gold, silver and other "hard-rock" minerals to purchase federal land under the General Mining Law of 1872, and to double states' share of the costs of collecting money owed by oil and gas developers on federal lands.

Other perennial points of contention, such as offshore oil and gas drilling and timber harvests in the Pacific Northwest, are not shaping up as divisive issues for Monday's markup, subcommittee aides said.

The bulk of appropriations under the bill generally go to the Interior Department and the Agriculture Department's Forest Service, which together manage the natural resources on nearly 700 million acres of federal lands.

The remainder goes to energy conservation and fossil fuel programs administered by the Energy Department, including the strategic petroleum reserve, as well as a host of cultural and artistic programs, such as the National Endowment for the Arts.

Spending priorities in the bill govern a wide range of activities on the nation's public lands, including logging, mining, oil and gas drilling, ranching, recreation and wildlife conservation.

A subcommittee aide said that no major amendments were expected at the full committee markup, but that some amendments were likely.

Grazing: The subcommittee mark includes a provision to increase by 33 percent the fees paid by farmers and ranchers whose livestock graze on federal lands in the West.

The fee increase is bitterly opposed by many Westerners on both sides of the aisle, who argue the proposal would drive many ranchers out of business. The House voted for a sharper increase as part of the two previous interior spending bills, but in both instances the language was dropped in conference.

The proposal included in the chairman's mark for fiscal 1993 is identical to separate language approved by the House last year in a reauthorization bill for the Bureau of Land Management (HR 1096).

Federal grazing fees are set on the basis of an "animal unit month," or AUM, the amount of forage required to feed one cow and a calf, or five sheep, for one month.

The current fee is $1.92 per AUM. Fees as high as $18 per AUM are charged on state and private lands, according to proponents of increased fees.

The subcommittee approved language to revise the formula by which the grazing fee is set. If the bill is enacted, the fee would increase by 33 percent to $2.56 per AUM in March 1993. The fee would continue to increase by the same increment for several years. (For more on grazing fees, see separate story in this issue.)

Mining and minerals: The bill includes two provisions that would affect the General Mining Law of 1872, which governs the extraction of "hard-rock" minerals such as gold, silver, copper and lead on federal lands.

The mining law allows prospectors to stake exclusive claims to the hard-rock minerals located on federal lands that are open to mining. It also allows prospectors who are able to prove their claims contain a legitimate mineral discovery to purchase title, or "patent," to the land for $2.50 or $5 an acre — the going rate for these tracts in 1872.

The bill proposes a one-year moratorium on the issuance of new patents, a subcommittee aide said. This provision was in the House bill last year, but later was struck on the Senate floor by a one-vote margin and scuttled altogether in conference. A similar fate befell the proposal a year earlier.

The measure also would require mining claim holders to pay an annual $100 fee to retain their claims — a position favored by the Bush administration. Under current law, hard-rock miners on federal lands must perform $100 worth of "diligence" work on their claims each year in order for those claims to remain valid. Environmentalists and others have complained that the current diligence requirement is nearly impossible to enforce and at times results in needless environmental damage to the land.

Comprehensive legislation (HR 918) to overhaul the mining law was approved last week by the House Interior Committee, giving mining reform proponents some hope that a wide-ranging reform bill could be enacted this year.

In addition, the Senate Energy Committee this week is expected to examine a new reform proposal to be circulated by Sen. Dale Bumpers (D-Ark.), chairman of the public lands subcommittee. (See separate story in this issue.)

Still, most observers and congressional aides knowledgeable about the issue are doubtful Congress will send a mining law reform bill to the president this year. As a result, the interior appropriations bill may be the most likely vehicle for changes to the mining law.

Also likely to be controversial either on the House floor or during Senate consideration is a provision to double Western states' share of the administrative cost of collecting royalties and other revenues under the federal government's mineral leasing program.

These states, which are given half of the revenues the federal government receives from oil, natural gas and coal leases, also are responsible under current law for one-quarter of the collection costs.

The subcommittee bill would make the states responsible for half of the collection costs, or a total of nearly $82 million a year. The administration has proposed that states pay 37.5 percent, or about $59.4 million a year.

A similar proposal to double states' collection costs was contained in the original interior spending bill approved by the Senate Appropriations Committee last year, but was removed on the Senate floor after Western senators threatened a filibuster.

One issue that for the first time in several years probably will not be controversial is how much of the federally controlled ocean floor should be open to new offshore oil and gas drilling. The fiscal 1992 interior appropriations act placed a record 462 million acres of the outer continental shelf off-limits to new federal oil and gas leasing. This year's bill mirrors that approach.

Comprehensive energy policy bills passed this year by the House (HR 776) and Senate (S 2166) both include proposals to revamp the offshore oil and gas leasing program and restrict federal leasing off most of the continental United States. Language in the interior appropriations bill generally is intended to act as a backstop in case the energy bill is not enacted, an aide said.

Mining agency totals: For the Office of Surface Mining, which administers programs to clean up and reclaim abandoned coal mines, the bill would earmark $114 million for regulation and technology and $188 million for the abandoned mine reclamation fund, roughly the same as the fiscal 1992 appropriation. The administration requested $113 million for regulation and technology and $156 million for the abandoned mine fund, which provides grants to coal states.

The bill would provide $197.5 million for the Minerals Management Service, slightly less than the current spending level. The administration requested $203 million for MMS, which manages the offshore oil and gas leasing program and collects royalties from onshore minerals development leases.

For the Bureau of Mines, which conducts and disseminates minerals-related research, the bill would appropriate $173 million, slightly less than the current spending level and 22 percent more than the administration request of $142 million.

BLM: The subcommittee's total funding level for the Bureau of Land Management is $1.07 billion, nearly 8 percent less than the administration requested and $43 million less than the current appropriation.

The subcommittee allocated $25.9 million for BLM land acquisition, a slight increase over current funding, but nearly 40 percent less than the amount sought by the administration.

The bill as approved also contains a provision telling the Interior Department how to review old claims for highway rights-of-way on federal land filed under a now defunct 19th-century law. The bill directs federal agencies to use the procedures outlined in the BLM reauthorization bill (HR 1096) passed by the House last July.

That language requires anyone who claims a right-of-way under the 1866 law to notify BLM of their claim by Jan. 1, 1994. The government must then examine the validity of any claim that passes through national parks, wild and scenic rivers corridors, wilderness areas and study areas, and other environmentally sensitive lands. BLM would perform most of the examinations, with the National Park Service responsible for investigating claims on its lands.

Park Service: The subcommittee voted to provide $1.38 billion for the nation's parks. That would be a cut of $9 million from the current appropriation but $12 million more than the administration is seeking.

Land purchases by the Park Service would be funded at $107.4 million, including $28.3 million for grants to states. The administration asked for $84 million in federal spending for land, plus $60 million for states. The subcommittee's mark represents essentially level funding in comparison with 1992 levels.

At the behest of the House Interior Committee, the subcommittee refused an administration request to increase entrance fees from $5 per car to as much as $10 at 10 popular national parks.

At present, the service is allowed to charge $10 at only three parks — Grand Canyon (Ariz.), Grand Teton (Wyo.) and Yellowstone (Wyo, Mont. and Idaho).

The subcommittee also rejected an administration proposal to replace the Park Service's "Golden Eagle Passport" with a new, more widely accepted "America the Beautiful Passport."

The "Golden Eagle" costs $25 a year and allows the holder free year-round admission to every national park. The "America the Beautiful Passport" would cost $30 and would also cover admission to certain national forest recreation areas, as well as to areas managed by BLM and the U.S. Fish and Wildlife Service.

Fish and wildlife: The subcommittee bill would fund the Fish and Wildlife Service at $677.3 million, nearly 10 percent less than current spending levels and $37 million below the administration request.

Land and Water Conservation Fund purchases would be funded at $67.4 million, $13 million less than the request and $33 million less than this year's funding.

Forest Service: The subcommittee approved a total funding level of $2.51 billion for the U.S. Forest Service. That figure is $212.5 million less than the president's request, but 6 percent higher than current funding.

The subcommittee mark includes $62.1 million for land acquisition; the administration requested $100 million and current funding is $88 million.

For a second year in a row, the subcommittee declined to set a nationwide target for timber sales from the national forests. The panel provided $232 million for the timber sale program, 6 percent less than the administration requested and $32 million less than current funding.

The subcommittee also slashed money for forest road-building, approving $132 million instead of the $202 million requested by President Bush. The mark falls 22 percent below this year's appropriation.

Energy Department: Like the spending bills enacted for the two previous years, the subcommittee bill this year would restrict the administration's ability to carry alternative leasing arrangements with foreign governments to fill the nation's strategic petroleum reserve.

This emergency stockpile of crude oil currently holds about 570 million barrels of oil in six salt caverns in Louisiana and Texas. The reserve is authorized to hold up to 1 billion barrels.

The bill would prohibit the president from finalizing an agreement to lease oil from a foreign country for storage in the reserve without the explicit approval of Congress. The fiscal 1992 interior appropriations act placed a one-year ban on such leasing arrangements, although it did not stop the administration from continuing negotiations with foreign countries.

The issue may be moot because Energy Department officials have said that negotiations with Saudi Arabia to provide oil for the petroleum reserve have bogged down.

The bill would provide $176.6 million to operate the petroleum reserve, but $125.6 million of that would come from the account used to buy oil for the reserve, which is in line with the administration request. The measure would appropriate no new money for the purchasing account, although there still would be more than $500 million available to buy oil from past appropriations and other sources.

In addition, the bill would earmark a total of $415 million for research and development on fossil fuel technologies, 33 percent more than the administration request of $311 million and 7 percent less than current spending.

The measure also would provide $590 million for DOE's energy conservation programs, significantly more than the $491 million the administration requested and the current spending level of $506 million.

Finally, the bill would retain the current schedule of spending for the Energy Department's clean-coal technology demonstration program. The bill would make $525 million available for clean coal from prior appropriations, much of it to carry out the fifth and final round of the program. The program authorizes DOE to share up to half the costs of private-sector projects to demonstrate cleaner and more efficient coal-burning technologies.

When: The markup is scheduled to begin at 9:30 a.m. Monday, June 29, in 2360 Rayburn. Also on the agenda is the defense appropriations bill.

House Appropriations contacts: Bob Kripowicz (DOE, BLM), Loretta Beaumont (surface mining, offshore oil and gas), Neal Sigmon (parks and fish and wildlife) and Kathy Johnson (forest service), majority, x53081; Deborah Weatherly, minority, x53481. — *Steve Daniels, Leslie Ann Duncan*

Parks and public lands/ renewables

Old Faithful markup possible again

The Senate Energy Committee this week is scheduled to act on a House-passed bill that would bar geothermal development on public and private land immediately outside the borders of Yellowstone National Park.

Committee action on the bill was postponed for the third time last week after Sen. Conrad Burns (R-Mont.) decided not to offer an amendment dealing with concerns that the bill would trample on private property rights. Burns and other committee Republicans are considering offering an alternative amendment this week, a Burns aide said.

The bill (HR 3359, H. Rpt. 102-374) is intended to address fears raised by environmentalists and others that geothermal steam production on lands outside the park could sap the underground springs that feed some of Yellowstone's best-known attractions, such as Mammoth Hot Springs and the Old Faithful geyser.

The House passed the bill, called the Old Faithful Protection Act, by voice vote Nov. 25. The Senate Energy subcommittees on mineral resources and public lands held a joint hearing Feb. 25 on the measure.

Bill: HR 3359 would permanently prohibit the leasing of federal lands for geothermal development within a 15-mile radius of Yellowstone National Park.

It also would suspend geothermal production on private lands within 15 miles of the park for up to four years to allow the National Park Service to study the potential impact of such development on Yellowstone's thermal features. The Park Service would be required to consult with the U.S. Forest Service and the U.S. Geological Survey in conducting the study.

Finally, the bill would prohibit extraction of geothermal steam from underground sources on public or private lands within a specific 20,000-acre area just north of Yellowstone National Park.

The bill's House sponsor, Rep. Pat Williams (D-Mont.), said last year that the measure would provide Yellowstone with "an iron-clad, copper-riveted, no-risk guarantee" that the park would be protected from geothermal production outside its borders.

Background: The 20,000-acre block of land targeted by the bill is known as the Corwin Springs Known Geothermal Resource Area. It is the site of a 459-foot-deep geothermal well drilled in 1986 by the Church Universal and Triumphant, a religious sect that owns property bordering the park. The bill effectively would prohibit the church from operating its well, which currently is capped because of a temporary federal moratorium on geothermal development in the Corwin Springs area.

The church's well taps into a thermal spring feeding the Yellowstone River

Appropriations

Interior and related agencies appropriations for fiscal 1993 — HR ?

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

This bill would provide a total of $13.2 billion in budget authority for the Interior Department and related agencies in fiscal 1993.

As marked up June 16 by a House Appropriations subcommittee, the measure includes several key provisions that many Western lawmakers regard as detrimental to their states or contrary to the interests of ranchers and mining companies.

These include proposals to increase the amount of money the government charges ranchers and farmers to graze their livestock on federal land, to suspend the ability of miners of gold, silver and other "hard-rock" minerals to purchase federal land, and to double states' share of the costs of collecting money owed by oil and gas developers on federal land.

The bulk of appropriations under the measure generally go to the Interior Department and the Agriculture Department's Forest Service, which together manage the natural resources on nearly 700 million acres of federal property.

The remainder goes to energy conservation and fossil fuel programs administered by the Energy Department, including the strategic petroleum reserve, as well as a host of cultural and artistic programs, such as the National Endowment for the Arts.

Spending priorities in the bill govern a wide range of activities on the nation's public lands, including logging, mining, oil and gas drilling, ranching, recreation and wildlife conservation. (For information on the contents of the bill, as approved by the interior subcommittee, see separate story in this issue.) No report filed. — *SD*

Oceans

National Marine Sanctuaries Reauthorization and Improvement Act of 1992 — HR 4310

Floor action: Scheduled for Wednesday or later in the week under an open rule. A House Merchant Marine Committee aide said, however, that the bill might be postponed and dealt with after the long July Fourth holiday weekend.

The bill originally was scheduled to be considered last week, but other pressing business on the House floor last week forced postponement of HR 4310.

This bill would reauthorize through fiscal 1996 the National Oceanic and Atmospheric Administration's marine sanctuaries program, which was established under Title III of the Marine Protection, Research and Sanctuaries Act of 1972 (PL 92-532). The current authorization for the program expires Sept. 30.

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. Although commercial activities, such as fishing and offshore oil drilling, are allowed in some of these sanctuaries, resource protection is the main goal of the program.

Eight sanctuaries have been designated in waters off coastal states from Massachusetts to Florida to California since the law was first enacted. The most recently designated site was the Flower Garden Banks sanctuary off Texas and Louisiana.

Another six sites are under consideration by NOAA. (For more background, see March 30 *Weekly Bulletin*, p. B4.)

HR 4310 contains provisions to streamline the process of designating new sanctuaries, broaden the criteria for designation, beef up enforcement of the law and authorize increased spending for the reserves.

The bill was approved by the House Merchant Marine and Fisheries Committee May 14.

In the Senate, the Commerce Committee on June 16 approved a marine sanctuaries reauthorization bill (S 2788) sponsored by Sen. John F. Kerry (D-Mass.). The bill is largely similar to HR 4310. (For information on the Senate bill, see June 15 *Weekly Bulletin*, p. B4.)

HR 4310 would authorize $15 million for the program in fiscal 1993, increasing to $30 million in fiscal 1996.

For fiscal 1992, Congress appropriated $5 million for marine sanctuaries. The Bush administration requested $7.3 million for the program in its fiscal 1993 budget proposal.

The bill for the first time would require federal agencies to "consult with" NOAA on actions they take that could harm resources within a sanctuary — even if those activities were proposed to take place outside of a sanctuary's borders.

Upon finding that a proposed federal action would be detrimental to a sanctuary's resources, NOAA would be required to suggest "reasonable and prudent" alternatives.

The bill would streamline the sanctuary designation process, principally by lifting a requirement in current law that NOAA submit to Congress a "prospectus" on each proposed designation.

As part of provisions in the bill to bolster NOAA's enforcement authority, the maximum civil penalty for violations under the law would be increased from $50,000 to $100,000. The bill also would clarify existing law to make it easier to earmark proceeds from the sale of federally seized vessels used in violating sanctuary laws or regulations for payment of owed fines.

Amendments: Several lawmakers plan to offer amendments, most of them dealing with specific geographic areas.

Rep. Neil Abercrombie (D-Hawaii) plans to offer an amendment to designate a sanctuary for the protection of endangered humpback whales in the Hawaiian islands. A similar amendment was approved by the Senate Commerce Committee during its June 16 markup of Kerry's reauthorization bill.

Rep. Gerry E. Studds (D-Mass.) also intends to offer an amendment to designate the Stellwagen Bank sanctuary off the Massachusetts coast and prohibit sand and gravel mining within the panel had some concerns about the superfund language in HR 1435.

History: The Army opened the Rocky Mountain Arsenal during World War II and used the facility to manufacture mustard gas and other chemical weapons. Later, the Army also mixed rocket fuel there. After the war, the Army leased part of the land to a company subsequently bought by the Shell Oil Company, and that site was used to manufacture pesticides and herbicides.

Wastes from production of these various chemicals were dumped on the ground, a common practice at the time but one leading to extensive pollution of soil and groundwater. Contaminants include mercury, lead, arsenic, incendiaries and a host of other heavy metals and organic and inorganic compounds.

In October 1984, EPA placed the arsenal on its priority list of the nation's worst hazardous waste sites identified for cleanup under the federal superfund law.

Most of the contamination occurred in an area that occupies about 15 percent of the arsenal grounds. The rest of the property hosts more than 130 species of wildlife. Rep. Patricia Schroeder (D-Colo.), author of the bill, said Jan. 23 that "no area of comparable size possesses the diversity and density of wildlife that exists at the arsenal."

Since 1989, the U.S. Fish and Wildlife Service has had an agreement with the Army to manage wildlife at the arsenal and conduct public tours. Last year, Schroeder said, more than 20,000 visitors took wildlife tours at the site.

Bill: The compromise adopted July 1 by Merchant Marine would formally establish the national wildlife refuge. While the Army is completing the cleanup of the arsenal, the Interior Department — the parent agency of the Fish and Wildlife Service — would operate the refuge for the Army. Once the cleanup is completed to the satisfaction of EPA, most of the 17,228-acre property would be transferred to the Interior Department. The exact acreage will be determined by a later survey.

The Army retains its existing responsibility and liability for the cleanup.

The bill also would allow the Army to sell 815 acres on the western edge of the arsenal for commercial purposes.

The bill would prohibit the land from being used for industrial, agricultural or residential purposes. Light commercial development or municipal buildings are anticipated. Proceeds from the sale of the land would be used to pay for construction of a visitor's center for the refuge.

In addition, the bill would grant several rights-of-way along the edge of the new refuge to allow for expansion of several existing highways. But no public roads would be permitted in the refuge.

The Merchant Marine Committee also adopted an amendment proposed by Rep. James M. Inhofe (R-Okla.) that would direct the interior secretary to consult with the Federal Aviation Administration to ensure that management of the refuge does not jeopardize the safety or operational efficiency of the new airport.

A companion Senate bill (S 1460) has been introduced by Colorado Sens. Hank Brown (R) and Timothy E. Wirth (D).

At press time, the Office of Management and Budget had not released a formal administration policy statement on the bill, and an OMB official said the compromise language relating to superfund had yet to be reviewed. However, the official said the bill appeared to be "moving in the right direction." H. Rpt. 102-463, part 1. (Other parts not filed at press time.) — *LD*

Appropriations

Interior and related agencies appropriations for fiscal 1993 — HR 5503

Floor action: Not expected this week. Consideration of the measure originally was set for last week, but the bill slipped from the House schedule. At press time, floor action was considered most likely to occur the week of July 22.

House members, facing action on the fiscal 1993 interior spending bill, are expected to spar once again over the amount of money ranchers and farmers should pay for the right to graze their herds on public lands in the West.

Rep. E de la Garza (D-Texas), chairman of the House Agriculture Committee, will seek to strike a provision in the bill that would impose a 33 percent increase in the fee charged by the government for grazing livestock on federal lands.

Proposals to increase grazing fees have been endorsed by the House three times since 1990, including an identical fee hike approved last year as part of a Bureau of Land Management reauthorization bill. But none has been enacted.

On all three occasions, the fee hike proposals were bitterly opposed by many Western lawmakers, Democrats and Republicans alike, who argued that such measures would drive numerous ranchers out of business in their states. Advocates of the fee increase argue that the current fee is far below fair market value and encourages overgrazing of the federal range.

The grazing fee debate appears likely to emerge as the most hotly contested issue during House floor action on the appropriations bill, which would provide a total of $13 billion in budget authority to the Interior Department and related agencies.

Other provisions likely to stir controversy are proposals to place a moratorium on the purchase of federal lands by mining companies and prospectors under an 1872 law, and to double states' share of the cost of collecting money owed by oil and gas developers on federal lands. Amendments to both these provisions may be offered by Western Republicans.

The House also may debate an amendment to reduce the amount of money the bill would provide for a program that makes national forest timber available for harvest by logging companies.

As approved by the House Appropriations Committee June 29, the bill would impose sharp funding cuts for numerous programs — a reflection of especially tight budget constraints facing Congress this year.

Compared with the fiscal 1992 appropriation, the bill would provide an increase of about $400 million in overall budget authority, but "outlays" — the amount of money that can actually be spent during the fiscal year — would be limited to $12.7

billion. And interior subcommittee Chairman Sidney R. Yates (D-Ill.), whose panel marked up the bill June 16, said prior-year spending commitments would consume a large chunk of the outlays permitted in fiscal 1993, leaving only about $8.5 billion in newly approved outlays.

The bulk of appropriations under the bill generally go to the Interior Department and the Agriculture Department's Forest Service, which together manage the natural resources on nearly 700 million acres of federal lands.

The remainder goes to energy conservation and fossil fuel programs administered by the Energy Department, including the strategic petroleum reserve, as well as a host of cultural and artistic programs, such as the National Endowment for the Arts.

Spending priorities in the bill govern a wide range of activities on the nation's public lands, including logging, mining, oil and gas drilling, ranching, recreation and wildlife conservation.

Rule: The Rules Committee voted June 30 to protect most provisions in the bill from potential parliamentary objections — called points of order — based on House rules prohibiting legislative language in appropriations measures. But such protection was withheld for 14 provisions, some of them controversial, including a proposal designed to curb the use of an obscure 19th-century right-of-way law to block wilderness designations and other development restrictions on federal land.

The rule also would waive all points of order against de la Garza's grazing fee amendment and provide for the automatic adoption of amendments making appropriations for 11 accounts in the bill contingent on a formal authorization by Congress.

Administration position: The Bush administration has raised objections to a number of provisions in the bill, including language to restrict offshore oil and gas development, raise grazing fees and suspend mining patents.

Amendments

The following is a summary of the amendments and motions to strike that are expected on issues pertaining to natural resources and the environment, as well as some of the provisions in the bill that are subject to potential points of order under the rule. (For details on specific spending levels set by the bill, including tables, see June 30 House *Floor Brief*, "Interior and related agencies appropriations for fiscal 1993.")

Grazing: The committee-approved bill includes a provision to increase by 33 percent the fee paid by farmers and ranchers to graze their livestock on federal lands in the West.

The same increase was approved by the House last year as part of the BLM reauthorization bill (HR 1096), but that measure has gone nowhere in the Senate. A much steeper fee hike was approved twice by the House — during debate of the fiscal 1991 and 1992 interior spending bills — but in both cases, the language was dropped in conference.

Federal grazing fees are set on the basis of an "animal unit month," or AUM, the amount of forage required to feed one cow and a calf, or five sheep, for one month.

The current fee is $1.92 per AUM. Fees as high as $24 per AUM are charged on some state and private lands, according to proponents of increased fees.

Under the committee bill, the grazing fee would go up 33 percent to $2.56 per AUM in March 1993 and continue to increase by the same percentage for several years.

De la Garza plans to offer an amendment to strike this provision. The rule allows for 40 minutes of debate on the issue. (For more on grazing fees, see June 29 *Weekly Bulletin*, p. B1.)

In addition, a point of order is expected against language that would set a 30-day deadline for BLM to address appeals of reductions in grazing allotments on public rangelands. A similar provision has been routinely enacted as part of the interior spending bill "for years," a committee staffer said.

Mining law: The bill would temporarily alter two key provisions of the General Mining Law of 1872, which governs the extraction of gold, silver, copper and other "hard-rock" minerals on federal lands in the West.

The 120-year-old statute allows individuals and businesses to freely prospect on federal land for hard-rock minerals and to stake mining claims, giving them exclusive mineral rights. These claim holders can then mine the land without paying any fees or royalties, but are required to perform a minimum of $100 worth of "diligence" work on each claim annually.

Claimants also can purchase a title, or "patent," to their claims for $2.50 or $5 an acre, depending on the type of claim, if they can prove their claims contain a legitimate mineral discovery. Patenting a claim transfers both the mineral rights and surface of the land into private ownership. The patent fees reflect the going rates for unsettled Western lands in 1872.

The bill proposes a one-year moratorium on the issuance of new mining patents, with exceptions made for some patent applications that are already under review. This provision was adopted by the House last year as part of the fiscal 1992 interior spending bill, but the proposal was later rejected on the Senate floor by a one-vote margin and scuttled altogether in conference. A similar fate befell the proposal a year earlier.

Rep. Barbara F. Vucanovich (R-Nev.), the ranking minority member of the House Interior subcommittee on mining, is considering an amendment that would broaden the number of patent applicants the bill would exempt from the moratorium, an aide said.

The committee bill for fiscal 1993 also would replace the $100 diligence requirement with an annual $100 holding fee to maintain a claim — a proposal favored by the Bush administration. Environmentalists and others have complained that the current diligence requirement is nearly impossible to enforce and at times results in needless environmental damage to the land.

Vucanovich at press time was not planning to attempt to strike the proposed $100 fee, which she opposes, because she was concerned such an amendment would be defeated on a point of order, the Vucanovich staffer said.

Elimination of mining patents and the diligence work requirement are among the principal objectives sought by lawmakers advocating reform of the 1872 mining statute. Comprehensive legislation (HR 918) to overhaul the mining law was approved June 24 by the House Interior Committee, giving critics of the law some hope that a wide-ranging reform bill could be enacted this year.

In addition, the Senate Energy Committee last week examined a new reform proposal circulated by Sen. Dale Bumpers (D-Ark.), chairman of the public lands subcommittee. (See June 29 *Weekly Bulletin*, p. B17.)

Still, most observers and congressional aides knowledgeable about the issue are doubtful Congress will send a mining law reform bill to the president this year. As a result, the interior appropriations bill may be the most likely vehicle for changes to the mining law.

Mineral leasing: Rep. Craig Thomas (R-Wyo.) at press time planned to offer a motion to strike a provision that would double Western states' share of the administrative cost of collecting royalties and other revenues under the federal government's mineral leasing program, a Thomas aide said.

These states currently get half the revenues the federal government receives from oil, natural gas and coal leases but also are responsible under current law for one-quarter of the collection costs.

The committee bill would make the states responsible for half of the collection costs, or a total of nearly $82 million a year. The administration has proposed that states pay 37.5 percent, or about $59.4 million a year.

A similar proposal to double states' collection costs was contained in the original interior spending bill approved by the Senate Appropriations Committee last year, but was removed on the Senate floor after Western senators threatened a filibuster.

Rights of way: A point of order is expected against a bill provision that would instruct federal agencies how to review claims for highway rights-of-way over federal land under an obscure law known as Revised Statute 2477.

Currently, a state or county can claim an RS 2477 right of way if it can document that a road was built across unreserved federal land prior to 1976, when the 19th-century statute was repealed. By asserting rights of way under RS 2477, states and counties could disqualify many undeveloped federal lands from being set aside as wilderness areas, national park units or other designations that restrict commercial activities. This is especially true in the West, where local officials have traditionally been hostile to restrictions on land use.

The bill would require the Interior Department and other land management agencies to follow the procedures outlined in the BLM reauthorization bill (HR 1096) passed by the House last July.

That language requires anyone who claims a right-of-way under RS 2477 to notify BLM of the claim by Jan. 1, 1994. The government would then be required to examine the validity of any claim that passes through national parks, wild and scenic rivers corridors, wilderness areas and other environmentally sensitive lands. BLM would perform most of the examinations, with the National Park Service responsible for investigating claims on its lands.

Park Service: Rep. Charles E. Bennett (D-Fla.) will offer an amendment to take $2 million from the Park Service's construction account to acquire land in the Timucuan Ecological and Historical Preserve near Jacksonville. The 46,000-acre preserve was established in 1988 around the Fort Caroline National Memorial; the Park Service currently owns 2,407 acres, according to an agency official.

Bennett, who is retiring, will donate his campaign war chest to the Park Service, according to an aide. The agency already has received hundreds of thousands of dollars in contributions from Bennett, much of it used for acquisition in and around Fort Caroline, according to the agency official.

Points of order are expected to be raised against several Park Service provisions, including language:

• limiting the amount the Park Service can spend to buy options on land the service intends to purchase.

• earmarking $750,000 to transport schoolchildren to nearby national parks for recreation and education programs.

• allowing the service to use helicopters and motorized equipment to remove wild horses and burros from the Death Valley National Monument in California.

A point of order also may be raised against language that would forbid the Park Service and the U.S. Fish and Wildlife Service from processing permits necessary for the construction of jetties at Oregon Inlet, N.C., pending the completion of environmental impact studies. The controversial jetties are intended to keep an open channel for fishing vessels sailing between the Atlantic and their harbors in Pamlico Sound. The inlet is the only gap in the 120 miles of barrier islands that make up the Outer Banks.

The jetties, authorized in 1970 but never funded, would be built by the Army Corps of Engineers. The project requires permits from the two Interior Department agencies because the jetties would extend to the sea from the Peal Island National Wildlife Refuge and the Cape Hatteras National Seashore. In March, Interior Secretary Manuel Lujan Jr. said he thought the jetties should be constructed. House Merchant Marine Committee Chairman Walter B. Jones (D-N.C.), who is retiring this year, has long championed the jetty project.

But environmentalists, the Park Service and the Fish and Wildlife Service fear that the jetties will cause erosion along the seashore and wildlife refuge. Stabilizing the shifting sands of the inlet also could damage the marine resources of the estuary that includes Pamlico Sound, environmentalists worry.

Forest Service: Rep. Jim Jontz (D-Ind.) is expected to offer an amendment that would cut the spending level proposed in the bill for the Forest Service by $16.8 million. Jontz intends for the cut to be exacted through a 10 percent reduction in the amount of money made available to prepare and administer timber sales, decreasing spending for this program to a level of $152 million. Jontz will clarify in remarks on the floor that the money is to come from regions where the costs of selling federal timber exceed the revenue the sales bring in, an aide said.

A point of order is expected to be raised against a provision forbidding exports of raw timber from federal lands in Texas. The provision was approved during the full committee markup at the request of Rep. Charles Wilson (D-Texas). An aide to Wilson said the ban is needed to keep Texas sawmills provided with a supply of logs. The provision would allow exports to resume if a timber surplus develops, the aide said.

Petroleum reserve: Rep. Philip R. Sharp (D-Ind.) plans to raise a point of order against a provision in the bill dealing with the strategic petroleum reserve, the nation's emergency stockpile of oil stored in hollowed-out salt domes in Louisiana and Texas, a Sharp aide said.

The language in question would suspend a provision in current law requiring the government to provide oil it produces from the naval petroleum reserve in Elk Hills, Calif., to the strategic petroleum reserve if the SPR is not filled at an average rate of 75,000 barrels a day.

The requirement has been waived in spending bills for the past four years. Nevertheless, the Energy Department currently is sending about 20,000 barrels per day from Elk Hills to the petroleum reserve because it has been unable to sell oil from Elk Hills on the open market at a price it considers acceptable. But that is less than half of the oil produced at Elk Hills, and there is no guarantee DOE will continue to send Elk Hills oil to the petroleum reserve in fiscal 1993, the Sharp aide said.

Sharp, who chairs the House Energy subcommittee on energy and power, is a vocal advocate for more rapidly filling the petroleum reserve as a buffer against potential energy shortages or price shocks.

Fossil energy R&D: Rep. Robert S. Walker (R-Pa.) plans to offer an amendment that would trim about $25 million from the amount the bill would appropriate for the Energy Department's research and development programs on fossil energy technologies.

Specifically, the amendment would provide $23 million for coal liquefaction, $15 million less than the bill would provide. The Walker amendment also would earmark $40 million for fuel cells research, compared with $50.5 million in the committee-passed bill.

The amendment would bring fiscal 1993 appropriations for these two technologies in line with the authorization levels in HR 776, the House-passed energy bill, a Walker aide said.

Authorizations: The rule would require formal authorization for all programs within three sections of the Park Service budget (operations, national recreation and preservation, and construction) and eight sections of the BLM budget (including management of lands and resources, fire protection, construction, and range improvements) before funding is provided. A committee staffer said that most of the projects in each of these accounts already are authorized, so the Rules Committee amendment would delay funding only a few projects that have not been authorized, rather than for the entire account. H. Rpt. 102-626 — *Steve Daniels, Leslie Ann Duncan, Steve Gorman*

In the House

Appropriations

Interior and related agencies appropriations for fiscal 1993 — HR 5503

Floor action: Tentatively scheduled for Wednesday or later in the week under a modified open rule.

As they prepare to take up the fiscal 1993 spending bill for the Interior Department and related agencies, House members are expected to spar once again over the amount of money ranchers and farmers should pay for the right to graze their herds on public lands in the West.

Rep. E de la Garza (D-Texas), chairman of the House Agriculture Committee, will seek to strike a provision in the bill that would impose a 33 percent increase in the fee charged by the government for grazing livestock on federal lands.

Proposals to increase grazing fees have been endorsed by the House three times since 1990, including an identical fee hike approved last year as part of a Bureau of Land Management reauthorization bill. But none has been enacted.

On all three occasions, the fee hike proposals were bitterly opposed by many Western lawmakers, Democrats and Republicans alike, who argued that such measures would drive numerous ranchers out of business in their states. Advocates of the fee increase argue that the current fee is far below fair market value and encourages overgrazing of the federal range.

The grazing fee debate appears likely to emerge as the most hotly contested issue during House floor action on the appropriations bill, which would provide a total of $13 billion in budget authority.

Other provisions likely to stir controversy are proposals to place a moratorium on the purchase of federal lands by mining companies and prospectors under an 1872 law, and to double states' share of the cost of collecting money owed by oil and gas developers on federal lands. Amendments to both these provisions may be offered by Western Republicans.

The House also may debate an amendment to reduce the amount of money the bill would provide for a program that makes national forest timber available for harvest by logging companies.

As approved by the House Appropriations Committee June 29, the bill would impose sharp funding cuts for numerous programs — a reflection of especially tight budget constraints facing Congress this year.

Compared with the fiscal 1992 appropriation, the bill would provide an increase of about $400 million in overall budget authority, but "outlays" — the amount of money that can actually be spent during the fiscal year — would be limited to $12.7 billion. And interior subcommittee Chairman Sidney R. Yates (D-Ill.), whose panel marked up the bill June 16, said prior-year spending commitments would consume a large chunk of the outlays permitted in fiscal 1993, leaving only about $8.5 billion in newly approved outlays.

The bulk of appropriations under the bill generally go to the Interior Department and the Agriculture Department's Forest Service, which together manage the natural resources on nearly 700 million acres of federal lands.

The remainder goes to energy conservation and fossil fuel programs administered by the Energy Department, including the strategic petroleum reserve, as well as a host of cultural and artistic programs, such as the National Endowment for the Arts.

Spending priorities in the bill govern a wide range of activities on the nation's public lands, including logging, mining, oil and gas drilling, ranching, recreation and wildlife conservation.

Rule: The Rules Committee voted June 30 to protect most provisions in the bill from potential parliamentary objections — called points of order — based on House rules prohibiting legislative language in appropriations measures. But such protection was withheld for 14 provisions, some of them controversial, including a proposal designed to curb the use of an obscure 19th-century right-of-way law to block wilderness designations and other development restrictions on federal land.

The rule also would waive all points of order against de la Garza's grazing fee amendment and provide for the automatic adoption of amendments making appropriations for 11 accounts in the bill contingent on a formal authorization by Congress.

The Rules Committee is scheduled to meet again Tuesday to revise the proposed rule. The committee plans to protect from potential points of order language pertaining to filling the strategic petroleum reserve, the nation's emergency stockpile of oil stored in hollowed-out salt domes in Louisiana and Texas. The provision was left unprotected in the original rule at the request of Rep. Philip R. Sharp (D-Ind.), and the proposed rule change is the result of an agreement between Sharp, Energy Department officials and key appropriators.

Administration position: The Bush administration has raised objections to a number of provisions in the bill, including language to restrict offshore oil and gas development, raise grazing fees and suspend mining patents.

Amendments

The following is a summary of the amendments and motions to strike that are expected on issues pertaining to natural resources and the environment, as well as some of the provisions in the bill that are subject to potential points of order under the rule. (For details on specific spending levels set by the bill, including tables, see June 30 House *Floor Brief*, "Interior and related agencies appropriations for fiscal 1993.")

Grazing: The committee-approved bill includes a provision to increase by 33 percent the fee paid by farmers and ranchers to graze their livestock on federal lands in the West.

The same increase was approved by the House last year as part of the BLM reauthorization bill (HR 1096), but that measure has gone nowhere in the Senate. A much steeper fee hike was approved twice by the House — during debate of the fiscal 1991 and 1992 interior spending bills — but in both cases, the language was dropped in conference.

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De la Garza plans to offer an amendment to strike this provision. The rule allows for 40 minutes of debate on the issue. (For more on grazing fees, see June 29 *Weekly Bulletin*, p. B1.)

In addition, a point of order is expected against language that would set a 30-day deadline for BLM to address appeals of reductions in grazing allotments on public rangelands. A similar provision has been routinely enacted as part of the interior spending bill "for years," a committee staffer said.

Mining law: The bill would temporarily alter two key provisions of the General Mining Law of 1872, which governs the extraction of gold, silver, copper and other "hard-rock" minerals on federal lands in the West.

The 120-year-old statute allows individuals and businesses to freely prospect on federal land for hard-rock minerals and to stake mining claims, giving them exclusive mineral rights. These claim holders can then mine the land without paying any fees or royalties, but are required to perform a minimum of $100 worth of "diligence" work on each claim annually.

Claimants also can purchase a title, or "patent," to their claims for $2.50 or $5 an acre, depending on the type of claim, if they can prove their claims contain a legitimate mineral discovery. Patenting a claim transfers both the mineral rights and surface of the land into private ownership. The patent fees reflect the going rates for unsettled Western lands in 1872.

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Rep. Barbara F. Vucanovich (R-Nev.), the ranking minority member of the House Interior subcommittee on mining, is considering an amendment that would broaden the number of patent applicants the bill would exempt from the moratorium, an aide said.

The committee bill for fiscal 1993 also would replace the $100 diligence requirement with an annual $100 holding fee to maintain a claim — a proposal favored by the Bush administration. Environmentalists and others have complained that the current diligence requirement is nearly impossible to enforce and at times results in needless environmental damage to the land.

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Elimination of mining patents and the diligence work requirement are among the principal objectives sought by lawmakers advocating reform of the 1872 mining statute. Comprehensive legislation (HR 918) to overhaul the mining law was approved June 24 by the House Interior Committee, giving critics of the law some hope that a wide-ranging reform bill could be enacted this year.

In addition, the Senate Energy Committee on July 1 examined a new reform proposal circulated by Sen. Dale Bumpers (D-Ark.), chairman of the public lands subcommittee. (See June 29 *Weekly Bulletin*, p. B17.)

Still, most observers and congressional aides knowledgeable about the issue are doubtful Congress will send a mining law reform bill to the president this year. As a result, the interior appropriations bill may be the most likely vehicle for changes to the mining law.

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These states currently get half the revenues the federal government receives from oil, natural gas and coal leases but also are responsible under current law for one-quarter of the collection costs.

The committee bill would make the states responsible for half of the collection costs, or a total of nearly $82 million a year. The administration has proposed that states pay 37.5 percent, or about $59.4 million a year.

A similar proposal to double states' collection costs was contained in the original interior spending bill approved by the Senate Appropriations Committee last year, but was removed on the Senate floor after Western senators threatened a filibuster.

Rights of way: A point of order is expected against a bill provision that would instruct federal agencies how to review claims for highway rights-of-way over federal land under an obscure law known as Revised Statute 2477.

Currently, a state or county can claim an RS 2477 right of way if it can document that a road was built across unreserved federal land prior to 1976, when the 19th-century statute was repealed. By asserting rights of way under RS 2477, states and counties could disqualify many undeveloped federal lands from being set aside as wilderness areas, national park units or other designations that restrict commercial activities. This is especially true in the West, where local officials have traditionally been hostile to restrictions on land use.

The bill would require the Interior Department and other land management agencies to follow the procedures outlined in the BLM reauthorization bill (HR 1096) passed by the House last July.

That language requires anyone who claims a right-of-way under RS 2477 to notify BLM of the claim by Jan. 1, 1994. The government would then be required to examine the validity of any claim that passes through national parks, wild and scenic rivers corridors, wilderness areas and other environmentally sensitive lands. BLM would perform most of the examinations, with the National Park Service responsible for investigating claims on its lands.

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Bennett, who is retiring, will donate his campaign war chest to the Park Service, according to an aide. The agency already has received hundreds of thousands of dollars in contributions from Bennett, much of it used for acquisition in and around Fort Caroline, according to the agency official.

Points of order are expected to be raised against several Park Service provisions, including language:

• limiting the amount the Park Service can spend to buy options on land the service intends to purchase.

• earmarking $750,000 to transport schoolchildren to nearby national parks for recreation and education programs.

• allowing the service to use helicopters and motorized equipment to remove wild horses and burros from the Death Valley National Monument in California.

A point of order also may be raised against language that would forbid the Park Service and the U.S. Fish and Wildlife Service from processing permits necessary for the construction of jetties at Oregon Inlet, N.C., pending the completion of environmental impact studies. The controversial jetties are intended to keep an open channel for fishing vessels sailing between the Atlantic and their harbors in Pamlico Sound. The inlet is the only gap in the 120 miles of barrier islands that make up the Outer Banks.

The jetties, authorized in 1970 but never funded, would be built by the Army Corps of Engineers. The project requires permits from the two Interior Department agencies because the jetties would extend to the sea from the Peal Island National Wildlife Refuge and the Cape Hatteras National Seashore. In March, Interior Secretary Manuel Lujan Jr. said he thought the jetties should be constructed. House Merchant Marine Committee Chairman Walter B. Jones (D-N.C.), who is retiring this year, has long championed the jetty project.

But environmentalists, the Park Service and the Fish and Wildlife Service fear that the jetties will cause erosion along the seashore and wildlife refuge. Stabilizing the shifting sands of the inlet also could damage the marine resources of the estuary that includes Pamlico Sound, environmentalists worry.

Forest Service: Rep. Jim Jontz (D-Ind.) is expected to offer an amendment that would cut the spending level proposed in the bill for the Forest Service by $16.8 million. Jontz intends for the cut to be exacted through a 10 percent reduction in the amount of money made available to prepare and administer timber sales, decreasing spending for this program to a level of $152 million. Jontz will clarify in remarks on the floor that the money is to come from regions where the costs of selling federal timber exceed the revenue the sales bring in, an aide said.

A point of order is expected to be raised against a provision forbidding exports of raw timber from federal lands in Texas. The provision was approved during the full committee markup at the request of Rep. Charles Wilson (D-Texas). An aide to Wilson said the ban is needed to keep Texas sawmills provided with a supply of logs. The provision would allow exports to resume if a timber surplus develops, the aide said.

Rep. Bill Richardson (D-N.M.) plans to offer an amendment that would in effect prevent the Forest Service during the next year from carrying out a plan to sharply curtail its administrative appeals process, which the agency says is causing unreasonable delays of many timber sales.

Petroleum reserve: Sharp earlier had planned to raise a point of order against language in the bill that would suspend a provision in current law requiring the government to provide oil it produces from the naval petroleum reserve in Elk Hills, Calif., to the strategic petroleum reserve if the SPR is not filled at an average rate of 75,000 barrels a day. The requirement has been waived in spending bills for the past four years.

But Sharp agreed to let the language stand after receiving assurances from key Appropriations Committee members that proposed fiscal 1993 funding for the petroleum reserve would be increased, aides said. There were no other details available on the agreement.

As approved by the Appropriations Committee, the bill would limit the amount of money that could be spent in fiscal 1993 to acquire crude oil for the reserve to $145 million, although more than $500 million would remain in the petroleum purchasing account from previous appropriations and other sources.

Sharp, who chairs the House Energy subcommittee on energy and power, is a vocal advocate for more rapidly filling the petroleum reserve as a buffer against potential energy shortages or price shocks.

Fossil energy R&D: Rep. Robert S. Walker (R-Pa.) plans to offer an amendment that would trim about $25 million from the amount the bill would appropriate for the Energy Department's research and development programs on fossil energy technologies.

Specifically, the amendment would provide $23 million for coal liquefaction, $15 million less than the bill would provide. The Walker amendment also would earmark $40 million for fuel cells research, compared with $50.5 million in the committee-passed bill.

The amendment would bring fiscal 1993 appropriations for these two technologies in line with the authorization levels in HR 776, the House-passed energy bill, a Walker aide said.

Authorizations: The rule would require formal authorization for all programs within three sections of the Park Service budget (operations, national recreation and preservation, and construction) and eight sections of the BLM budget (including management of lands and resources, fire protection, construction, and range improvements) before funding is provided. A committee staffer said that most of the projects in each of these accounts already are authorized, so the Rules Committee amendment would delay funding only a few projects that have not been authorized, rather than for the entire account. H. Rpt. 102-626 — *Steve Daniels, Leslie Ann Duncan, Steve Gorman*

Mining and minerals

Stock Raising Homestead Act Amendments of 1992 — HR 450

Floor action: Expected Tuesday under suspension of the rules.

This bill would compensate Western ranchers and farmers for mining damage to grazing lands they acquired under a 76-year-old homesteading law.

The Stock Raising Homestead Act of 1916 gave surface ownership of 70 million acres of unsettled public land in the West to ranchers and farmers for grazing of livestock. But the federal government retained its rights to the minerals in the ground, leaving the land open — under federal mining law — to prospectors to freely stake mining claims on the property.

This "split estate" arrangement has led to conflicts between ranchers and miners over the years, but the clashing of interests has grown more acute with the recent resurgence of mining during the mini-gold rush in California and Nevada.

Ranchers have complained that some mining companies have come onto their lands to prospect without informing them in advance. Ranchers also have expressed concern that mining will degrade their land to the point where they cannot use as much of it for grazing and other agricultural activities.

The bill was approved June 11 by the House Interior subcommittee on mining and June 17 by the full Interior Committee.

The legislation, introduced at the beginning of the 102nd Congress by Rep. Richard H. Lehman (D-Calif.), is similar to a measure (HR 737) the House passed in 1989.

The Senate, which did not act on a companion bill in the 101st Congress, passed similar legislation (S 1187, S. Rpt. 102-218) last November. (For more on the Senate bill, see Nov. 25 *Weekly Bulletin*, p. A7.)

Bill: HR 450 would require mining prospectors seeking access to property governed by the Stock Raising Homestead Act to notify the surface owners at least 30 days before entering and exploring their lands. Miners then would be given a limited amount of time to explore for minerals.

After the exploration period had elapsed, a claimant could begin extracting minerals with the consent of the surface owner, or barring that, with the approval of the Interior Department.

The department could not approve such a request, however, until the claimant posted a bond ensuring the land would be reclaimed after mining was completed and the surface owner would be paid for any permanent damage to the property. The miner also would have to get Interior Department approval for a plan of operations setting forth ways to minimize damage to the environment and any ongoing ranching operations.

In addition, the prospective miner would be required to pay a fee to the surface owner at the time the plan of operations was submitted to the Interior Department. The department would be responsible for deciding the amount of the fee, taking into account the acreage involved and the potential disruption of the surface owner's business.

Once mining operations began, the department would be required to inspect the site at least quarterly to ensure that the claimant was complying with the approved operations plan. Failure to comply with the plan could result in fines of up to $5,000 per violation per day.

Once mining was completed, the claimant would be required to restore the land to a condition capable of supporting the same activities the property was able to support before mining began. To achieve this purpose, the bill would require the Interior Department to issue new reclamation standards for removal and replacement of top soil, erosion control, protection of surface water and groundwater, revegetation, sealing of holes drilled for underground mining, and removal of ancillary buildings and structures.

HR 450 is similar to the Senate-passed bill in most respects, except for the specific reclamation standards. The Senate bill, in contrast, simply would require mined lands to be reclaimed under current Interior Department regulations.

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

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

Forests

To authorize and direct an exchange of lands in Colorado — HR 1182

Floor action: Possible Tuesday under suspension of the rules. The bill was not scheduled at press time, but aides in the House Interior and Agriculture committees said they were working to clear the bill for floor action.

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

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

In exchange, the Forest Service would receive title to numerous abandoned mining claims, which the counties have

When: At press time, the conference had not been scheduled and Senate conferees had not been appointed.

House Interior contacts: Steve Lanich, majority, x56042; Jim Barker, minority, x62311. Senate Energy contacts: Tom Jensen, x42366, or Dana Sebren Cooper, x44531, majority; Jim Beirne, minority, x42564. — *LD*

Forests

Northwest forest health examined

The health of federal forests in eastern Oregon and Washington state will be the subject of a hearing this Tuesday before the Senate Energy subcommittee on public lands.

The subcommittee also will hear testimony on a measure that would promote speedier salvage of dead and dying timber in federal forests nationwide.

Health: The Blue Mountains, located in northeastern Oregon and southeastern Washington, are the site of four national forests — the Umatilla, the Malheur, the Wallowa and the Whitman — covering more than 5.4 million acres.

In an April 1991 report, the U.S. Forest Service declared that its past forestry practices in the Blue Mountains, "though carried out with the best intentions and using the best information of the time, have led to potentially catastrophic buildups of fuel [for forest fires], insect infestations and disease-caused damage."

The Forest Service estimates that more than half the trees in the four forests are dead or severely defoliated.

The management techniques that the service believes have led to the "massively destructive forest health problems" include fire suppression and selective harvesting of younger trees, as well as livestock grazing and a failure to foster biological diversity and long-term forest productivity.

Millions of acres of ponderosa pine in the forests are infested with spruce budworms, which strip the needles from the trees. While the worms do not kill the trees outright, they weaken the trees, making them susceptible to other pests such as the pine bark beetle, and to disease.

The forests also are stressed by a prolonged drought.

According to Sen. Bob Packwood (R-Ore.), about 1.6 billion board feet of timber from public and private lands is lost to insects and disease in Oregon every year. That is enough timber to build 150,000 houses, Packwood said.

The 1991 report recommended major changes in the management of the Blue Mountain forests, including greater use of fire to remove dead wood and understory trees; prompt suppression of pest infestation, and more emphasis on preserving wildlife habitat, watershed health and biological diversity.

Salvage: The subcommittee will also look at legislation authored by Packwood as an amendment to his Northwest forest management bill (S 1156). The amendment (No. 1442) was printed in the Congressional Record Nov. 25.

Packwood's amendment would direct the Forest Service and the Bureau of Land Management not to rule out timber salvage and rehabilitation activities on grounds that the salvage sales would cost more to administer than they would bring in revenue.

In addition, the amendment would permit the agencies to avoid conducting environmental impact studies on salvage activities that are "not inconsistent with the long-term management goals and objectives" under an individual forest management plan.

The amendment also would place limits on who could file administrative appeals against salvage decisions and would require that an appeal be filed within 30 days.

A number of timber communities in the Pacific Northwest, as well as several members of Congress from that region, view increased salvage sales as one way to make more lumber available for local mills. Those mills are currently starved for timber due to federal regulations and court rulings intended to save the federally protected northern spotted owl.

According to Rep. Rod Chandler (R-Wash.), more than 450 million board feet of federal timber is lying on the ground in Oregon and Washington after being blown down in windstorms. In the Olympic Peninsula alone, Chandler estimates, salvage of those dead trees could restore 1,000 jobs and produce $2.5 million in timber receipts for local schools.

But environmentalists are wary of increased salvage sales. According to Jeff Olsen of The Wilderness Society, salvage does nothing to prevent or cure forest health problems, and in fact can increase the amount of fuel on the forest floor. Several major fires in the region were accelerated by slash — branches and other logging debris — left from salvage sales, Olsen said.

Additionally, salvage sales frequently involve logging in areas that were previously roadless, according to Olsen. The presence of logging roads generally means an area will not be considered for protection as wilderness.

Witnesses: Witnesses expected at the hearing include John Beuter, deputy assistant agriculture secretary for natural resources; BLM chief Cy Jamison; Forest Service biologist Jack Ward Thomas; a fire expert from Oregon State University; officials from the Columbia River Intertribal Fish Commission; and representatives of environmental, timber industry and labor groups.

When: The hearing will begin at 2:30 p.m. Tuesday, July 28, in 366 Dirksen.

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

Appropriations

Senate panel may act on interior bill

A Senate Appropriations subcommittee this week may mark up a draft fiscal 1993 spending bill for the Interior Department and related agencies, which manage America's endowment of natural resources on nearly 700 million acres of federal land.

No markup was officially scheduled at press time, but aides said action by the interior subcommittee is likely this week. There were few details available on what subcommittee Chairman Robert C. Byrd (D-W.Va.) would offer as a starting point for the markup.

The House last week approved a $12.6 billion interior appropriations bill (HR 5503, H. Rpt. 102-626) after two days of sometimes contentious floor action.

The bulk of appropriations under the bill generally go to the Interior Department and the Agriculture Department's Forest Service, which oversee the nation's parks, woodlands and wilderness areas. The spending priorities in the bill govern a wide range of activities on these lands, including logging, mining, oil and gas drilling, ranching, recreation and wildlife conservation.

The bill also provides funding for energy conservation and fossil fuel research programs administered by the Energy Department, including the strategic petroleum reserve, as well as a host of cultural and artistic programs, such as the National Endowment for the Arts.

Many of the issues that were controversial during House consideration likely will surface at some point on the Senate side. These include concerns that the federal government is charging too little for ranchers to graze their livestock on federal lands and is allowing miners to purchase federal land in the West at nominal rates under the General Mining Law of 1872. In addition, several forest management dilemmas, including the dispute over timber harvests and the spotted owl in the Pacific Northwest, often are addressed in the context of the interior appropriations bill.

Grazing fees: The House bill would increase fees the federal government charges farmers and ranchers to graze their livestock on federal lands in the West by 33 percent.

Federal grazing fees are set on the basis of an "animal unit month," or AUM, the amount of forage required to feed one cow and a calf, or five sheep, for one month.

The current fee is $1.92 per AUM. Under the House bill, the fee would be increased to $2.56 per AUM in March 1993 and continue to go up by the same percentage for several years. Last week, the House defeated, 164-245, an amendment to strike the proposed grazing fee hike.

There was no information on how Byrd's subcommittee would address the grazing fee issue. Byrd did not include a grazing fee hike in his mark last year, and a floor amendment that would have imposed a steep increase was defeated.

Mining law: The House bill also would temporarily alter two key provisions of the General Mining Law of 1872, which governs the extraction of gold, silver, copper and other "hard-rock" minerals on federal lands in the West.

The 120-year-old statute allows individuals and businesses to freely prospect on some federal lands for hard-rock minerals and to stake mining claims, giving them exclusive mineral rights. These claim holders can then mine the land without paying any fees or royalties, but are required to perform a minimum of $100 worth of "diligence" work on each claim annually.

Claimants also can purchase a title, or "patent," to their claims for $2.50 or $5 an acre, depending on the type of claim, if they can prove their claims contain a legitimate mineral discovery.

The House bill would impose a one-year moratorium on the issuance of new mining patents, with exceptions made for some patent applications that are already under review. The bill also would replace the $100 diligence requirement with an annual $100 holding fee to maintain a claim — a proposal favored by the Bush administration.

An aide to Sen. Dale Bumpers (D-Ark.), the primary proponent in the Senate of overhauling the mining law, said the Senate subcommittee markup vehicle was expected to include the $100 holding fee proposal but not the patent moratorium. Bumpers does not plan to offer a patent moratorium amendment during subcommittee or full committee markup of the bill, but he will offer the measure on the Senate floor, as he has done for the last several years, the aide said.

Last year, Bumpers' patent amendment was defeated in the Senate by one vote and ultimately was left out of the conference report on the bill.

In addition, there were reports last week that Sen. Harry Reid (D-Nev.), who has strongly opposed efforts to rewrite the mining law, might offer an amendment during the subcommittee markup that would institute more modest reforms of the law. An aide confirmed that Reid might offer an amendment to the appropriations bill addressing the mining law, but specific information was not available.

Mineral leasing: Also likely to be controversial at some point is a proposal in the House bill to double Western states' share of the administrative cost of collecting royalties and other revenues under the federal government's mineral leasing program. Last year, the Senate Appropriations Committee included a similar proposal in the interior appropriations bill, but the provision was removed on the Senate floor after Sen. Malcolm Wallop (R-Wyo.) and others threatened a filibuster over the issue.

These states currently get half the revenues the government receives from oil, natural gas, and coal leases on federal lands but also are responsible under the fiscal 1992 interior appropriations act (PL 102-154) for one-quarter of the collection costs. The House bill would make the states responsible for half of the collection costs, or a total of nearly $82 million a year.

The administration has proposed that states pay 37.5 percent, or about $59.4 million a year.

Forests: The House bill does not contain any legislative language that directly addresses the thorny problem of trying to reconcile protection of the northern spotted owl with timber management in Oregon, Washington and northern California. But the measure does seek to soften the financial blow to communities in the region.

Logging restrictions imposed by the courts and by federal land managers to protect the threatened spotted owl have virtually shut down the federal timber sales program in 13 national forests of the Pacific Northwest. Environmentalists and their allies in Congress argue that these restrictions are not only to save the spotted owl but what is left of the "old-growth" forest ecosystems that sustain the owl.

However, the region's timber industry and many rural communities in the Northwest are heavily dependent on federal timber to provide logging and sawmill jobs. Additionally, the federal government shares the money from timber sales with local governments, which use the money for schools and roads. The logging restrictions have caused mill closures, job losses, and reduced income for local governments.

For a third year, the House approved language to give those local governments some extra money in lieu of the timber receipts they would have gotten. The bill would allow payments of at least 85 percent of the average the counties received between 1985 and 1990.

No information was available about what, if anything, the chairman's mark in the Senate might contain to ease the timber supply crunch in the Northwest. Several aides mentioned persistent reports that Sen. Slade Gorton (R-Wash.) would offer an amendment to adopt an administration strategy for protecting the owl while curbing job losses.

But an aide to Gorton said he knew of no plans by his boss to offer the administration's plan, or any other language on the spotted owl, at any point.

The administration's so-called "preservation plan" would set aside 2.8 million acres for the owl in 75 habitat areas to support an estimated 1,340 owl pairs. The administration also said the plan would cost 15,000 jobs, considerably fewer than industry estimates for a number of other proposals. The administration plan is referred to as the "extinction plan" by environmentalists because it would allow the owl to decline or become extinct in some areas. (For more, see May 18 *Weekly Bulletin*, p. B13.)

The House also approved a compromise between subcommittee Chairman Sidney R. Yates (D-Ill.) and Rep. Norm Dicks (D-Wash.) that would allow salvage of dead or dying timber in the Northwest as long as the sales would "not render the area unsuitable" for northern spotted owls and other federally protected species. Dicks had sought to allow the sales unless they could be proven to be detrimental; Yates had proposed to allow only sales that would enhance the habitat of threatened or endangered species.

Currently, no timber sales are permitted in the habitat considered by the U.S. Fish and Wildlife Service to be "critical" for the owl — about 6.9 million acres in the region.

A number of timber communities in the Pacific Northwest, as well as several members of Congress from the region, view increased salvage sales as one way to make more lumber available for local mills.

Additionally, the House approved an amendment to cut $8 million from the Forest Service budget, with the money taken out of timber sales administration only. The amendment was approved as a substitute to language proposed by Rep. Jim Jontz (D-Ind.) that would have cut Forest Service spending by $16.8 million.

Several aides said they expected Sen. Wyche Fowler (D-Ga.) to offer an amendment prohibiting timber sales that cost more to administer than they generate in revenue as the spending bill makes its way through the Senate. Fowler is not on the interior Appropriations subcommittee, but is a member of the full committee. Aides to Fowler could not be reached to confirm whether or when he would offer such an amendment.

The House did not approve any language relating to a controversial Forest Service plan to sharply curtail its administrative appeals process, which the agency says is causing unreasonable delays of many timber sales. The plan would allow the public to appeal forest management decisions but not individual sales. Opponents would have to go to court to block a sale.

Several aides said Fowler is expected to offer an amendment on this issue as well. Fowler has a bill (S 2921) that would block the Forest Service plan to limit appeals. Again, Fowler aides could not be reached for comment.

Other House action: The House also approved an amendment that would prohibit the use of funds to record or process claims for highway rights-of-way across federal land under an obscure law known as Revised Statute 2477.

Currently, a state or county can claim an RS 2477 right-of-way if it can document that a road was built across unreserved federal land prior to 1976, when the 19th-century statute was repealed. By asserting rights-of way-under RS 2477, states and counties could disqualify many undeveloped federal lands from being set aside as wilderness areas, national park units or other designations that restrict commercial activities. This is especially true in the West, where local officials have traditionally been hostile to restrictions on land use.

When: The markup had not been scheduled at press time but could occur sometime during the week.

Senate Appropriations contacts: Rusty Mathews, x47257, or Sue Masica, x45271, majority; Cherie Cooper, x47262, minority. — *Steve Daniels, Leslie Ann Duncan*

Parks and public lands

Vento panel looks at park passport

The House Interior subcommittee on national parks and public lands will hold a hearing Tuesday on a proposal to replace the National Park Service's "Golden Eagle Passport" with a new "America the Beautiful Passport" that would be more widely accepted.

The bill, sponsored by the panel's ranking Republican, Rep. Robert J. Lagomarsino (Calif.), is similar to proposals made by President Bush in his fiscal 1992 and 1993 budget requests.

Background: Seven federal agencies — the Park Service, the Bureau of Land Management, the Bureau of Reclamation, the Army Corps of Engineers, the U.S. Fish and Wildlife Service, the U.S. Forest Service, and the Tennessee Valley Authority — are authorized to charge fees for recreation services, facilities or equipment, including fees for camping, boat launching and other activities.

Only the Park Service and the Fish and Wildlife Service are allowed to charge entrance fees, though the Forest Service may do so at certain national recreation areas.

The Park Service currently has four different passes that cover entrance fees for visitors, and the Fish and Wildlife Service's federal duck stamp, required for waterfowl hunters over age 16, serves as an entrance permit for national wildlif

ENVIRONMENTAL AND ENERGY
STUDY CONFERENCE

FLOOR BRIEF

Aug. 3, 1992

Interior and related agencies appropriations for fiscal 1993

HR 5503 — S. Rpt. 102-345

Floor action: Expected this week.

Summary: The fiscal 1993 interior appropriations bill will be the likely battleground in the Senate this year for reform of a 120-year-old statute that governs the extraction of gold, silver, copper and other "hard-rock" minerals on federal lands.

Both advocates and opponents of overhauling the General Mining Law of 1872 plan to offer amendments that represent their views on what proper "reform" of the law should be.

In addition, the Senate is expected to revisit its familiar dispute over whether Western states should defray some of the costs of collecting royalties from coal, oil and natural gas leases on federal lands.

Senators also may spar, as they did last year, over the amount the federal government charges ranchers and farmers to graze their livestock on federal lands.

The bulk of appropriations under the bill go to the Interior Department and the Agriculture Department's Forest Service, which oversee the nation's collection of federally owned parks, pastures and woodlands. The spending priorities and policy provisions in the bill govern a wide range of activities on these lands, including logging, mining, oil and gas drilling, ranching, recreation, wilderness preservation and wildlife protection.

The bill also provides funding for energy conservation and fossil fuel research programs administered by the Energy Department, including the strategic petroleum reserve, as well as a host of cultural and artistic programs, such as the National Endowment for the Arts.

Sen. Robert C. Byrd (D-W.Va.), chairman of both the Senate Appropriations Committee and its interior subcommittee, said during the full committee's markup that the bill was lean and could not afford major cutting amendments on the floor. Byrd specifically asked senators "to withstand the meat-ax approach to this very important bill."

The House on July 24 approved a $12.6 billion interior appropriations bill (H. Rpt. 102-626) after two days of contentious floor action. (For details on the House bill, see June 30

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House *Floor Brief* and July 27 *Weekly Bulletin*, p. B11.)

The Senate Appropriations Committee on July 29 approved its $12.6 billion interior bill (S. Rpt. 102-345) with few amendments and little debate one day after the committee's interior panel marked up the measure.

Staff contacts: Senate Appropriations — Rusty Mathews and Sue Masica, majority, x47233; Cherie Cooper, minority, x47262. EESC — Steve Daniels, Leslie Ann Duncan, x63300.

Note: Columns in the following tables may not add due to rounding.

Highlights

Mining law: Amendments are expected that would change key provisions of the 1872 mining law, which allows individuals and businesses to freely prospect on many federal lands for hard-rock minerals and to stake mining claims, giving them exclusive mineral rights. These claim holders then can mine the land without paying any fees or royalties, but are required to perform a minimum of $100 worth of "diligence" work on each claim annually.

Claimants also can purchase a title, or "patent," to their claims for $2.50 or $5 an acre, depending on the type of claim, if they can prove their claims contain a legitimate mineral discovery.

As he has the past two years, Sen. Dale Bumpers (D-Ark.), the foremost proponent in the Senate of rewriting the mining law, plans to offer an amendment that would place a one-year moratorium on the issuance of mining patents. The moratorium, which was included in the House-passed bill last year, was defeated on the Senate floor by a one-vote margin and was later kept out of the conference report on the bill. The House bill this year again includes a patent moratorium.

In addition, however, Western senators, including Sens. Pete V. Domenici (R-N.M.), Harry Reid (D-Nev.) and Ted Stevens (R-Alaska), are likely to offer an amendment representing their concept of mining law reform, aides said. Many of these senators have adamantly opposed any proposed changes to the mining law in the past.

Details were unavailable at press time. However, the amendment may include several specific reform ideas that have been offered in the past by Domenici. He has expressed support for proposals that would require:

- patent applicants to pay fair-market prices based on the surface value of the land they want to purchase.
- the federal government to replace the $100 work requirement with an annual $100 holding fee that claimants would have to pay to maintain their claims.
- any land claimed or patented under the mining law to revert back to the ownership of the federal government after mining activities have ceased and land reclamation has been completed.
- federal reclamation requirements to apply to patented lands in states that do not have their own mining reclamation laws. This provision effectively would apply only to Arizona and New Mexico.

The Senate Appropriations Committee bill already includes the $100 holding fee, which also is in the House bill and is supported by the Bush administration.

Aides to Reid and Stevens could not be reached for comment. During the Appropriations Committee markup, Reid expressed opposition to the holding fee proposal, but said he would not fight it on the floor.

Environmentalists look at these suggestions as "sham reform" and believe they do not give federal land managers enough authority to effectively protect federal lands from environmental damage. The federal government also would not receive a fair return for minerals extracted from its land under these proposals, these critics say.

The House Interior Committee has approved a comprehensive mining law reform bill (HR 918, H. Rpt. 102-711, part I) that is adamantly opposed by the mining industry but is supported by environmentalists. The House Agriculture subcommittee on forests, which has received sequential referral of HR 918, is planning a hearing Thursday to review the bill. (See Aug. 3 *Weekly Bulletin*, p. B5.)

A comprehensive reform bill (S 433) introduced by Bumpers has not been marked up by the Senate Energy Committee. Bumpers on July 1 offered a stripped-down version of his bill before the committee, but Western Republicans declined to consider it, expressing fears that it could serve as a "Trojan horse" for eventual Senate passage of something resembling the House Interior Committee's bill.

Bureau of Land Management

(Budget authority, dollars in millions)

	FY '92	*Bush request*	*House bill*	*Senate bill*
Land and resource mgt.	532	546	532	546
Fire protection	120	120	120	120
*Emergency firefighting fund	100	165	165	165
Construction	14	14	13	18
Payments in lieu of taxes	104	105	105	105
Land acquisition	25	42	26	25
Timber salvage fund	—	—	—	1
Ore. & Calif. grant lands	89	84	83	84
Range improvements	11	11	11	11
Service charges	8	8	8	8
Miscellaneous trust funds	7	7	7	7
Total	**1,010**	**1,051**	**1,019**	**1,037**

*As in the administration request, $51 million of the amount provided in both bills for emergency firefighting would be available only under an emergency declaration by the president. Because this money is not counted against discretionary spending under the Budget Enforcement Act, it is not figured into the total for this table.

BLM — management of lands and resources

(Budget authority, dollars in millions)

	FY '92	Bush request	House bill	Senate bill
Energy and minerals				
Oil and gas	50	54	51	54
Coal management	9	9	9	9
Mining law	12	—	—	—
Other minerals	9	11	9	11
Subtotal	80	73	69	73
Lands and realty management				
Lands, realty, rights of way	26	26	26	26
Alaska lands	15	14	14	16
Subtotal	41	39	39	42
Renewable resource mgt.				
Forest management	7	7	7	7
Wild horses	15	14	14	17
Range management	41	41	41	44
Soil, water, air	18	19	19	20
Wildlife habitat mgt.	34	34	34	38
Recreation management	45	47	48	47
Recreation operations	1	1	1	1
Subtotal	161	163	164	174
Resource mgt. planning	10	10	10	10
Information and resource data management	46	61	56	56
Resource protection and maintenance	92	97	93	98
General administration	103	103	100	103
Allocation reduction & use or prior-year funds	—	—	-3	-11
Total	**532**	**546**	**532**	**546**

Mineral leasing: Sen. Malcolm Wallop (R-Wyo.) probably will attempt to strike language in the Senate committee bill that would require Western states to pay one-quarter of the administrative costs of collecting royalties and other revenues under the federal government's mineral leasing program, an aide said. This is the same percentage that states currently pay under the fiscal 1992 interior appropriations act (PL 102-154).

The House bill would double the state share of these costs to 50 percent, which would amount to nearly $82 million in fiscal 1993. The administration has proposed that states pay 37.5 percent, or about $59.4 million, in fiscal 1993.

Western states currently get half the revenues the government receives from oil, natural gas and coal leases on federal lands, but states' share of the collection costs are deducted from those receipts under the fiscal 1992 appropriations act. Wyoming receives the largest amount of any state from federal leasing revenues and stands to lose the most from the cost-sharing requirement.

During the full committee markup, Byrd asked Western senators not to attempt to strike the cost-sharing provision because of the tight funding restrictions the committee is working under.

"It's a very Western bill, overall," he said.

But an aide said last week that Wallop would attempt to get the provision removed, saying, "It's a matter of principle for us."

Grazing fees: The House bill would increase fees the federal government charges farmers and ranchers to graze their livestock on federal lands in the West by 33 percent.

An identical increase was proposed by Sens. James M. Jeffords (R-Vt.) and Howard M. Metzenbaum (D-Ohio) when the fiscal 1992 interior funding bill came to the Senate floor last year. But their amendment was defeated 38-60. The House had earlier approved a steeper increase as part of its fiscal 1992 interior spending bill, but that language was dropped in conference.

Jeffords was considering offering his amendment again, an aide said. The same fee increase is included in a BLM reauthorization bill currently pending in the Senate Energy Committee, and Jeffords' aide said the Vermont senator would be consulting with Bumpers, who chairs the public lands subcommittee, about whether to offer the increase.

Federal grazing fees are set on the basis of an "animal unit month," or AUM, the amount of forage required to feed one cow and a calf, or five sheep, for one month.

The current fee is $1.92 per AUM. Under the House bill,

Forest Service

(Budget authority, dollars in millions)

	FY '92	Bush request	House bill	Senate bill
Forest research	181	170	187	179
State and private forestry	182	199	132	161
National forest system	1,343	1,368	1,321	1,306
Fire protection	187	198	193	189
*Emergency firefighting fund	111	375	375	375
*Emergency pest suppression	—	—	42	20
Construction	272	311	238	257
Land acquisition	88	100	62	62
Land acquisition, special acts	1	1	1	1
Land acquisitions to complete exchanges	1	0.2	0.2	0.2
Range betterment	5	5	5	5
Total	**2,371**	**2,539**	**2,326**	**2,347**

*Half the funds ($188 million) requested by the administration and included in both bills for emergency firefighting would be available only under an emergency declaration by the president. The same is true for the emergency pest suppression fund in both bills. Because this money is not counted against discretionary spending under the Budget Enforcement Act, it is not figured into the total for this table.

the fee would be increased to $2.56 per AUM in March 1993 and continue to go up by the same percentage for several years. On June 22, the House defeated, 164-245, an amendment to strike the proposed grazing fee hike.

Forests: Neither version of the spending bill contains legislative language that attempts to achieve a comprehensive solution reconciling protection of the northern spotted owl with timber management in Oregon, Washington and northern California. But both measures do seek to soften the financial blow to communities in the region.

Timber receipts: Logging restrictions imposed by the courts and by federal land managers to protect the threatened spotted owl have virtually shut down the federal timber sales program in 13 national forests of the Pacific Northwest. Environmentalists and their allies in Congress argue that these restrictions are not only to save the spotted owl but what is left of the "old-growth" forest ecosystems that sustain the owl.

However, the region's timber industry and many rural communities in the Northwest are heavily dependent on federal timber to provide logging and sawmill jobs. Additionally, the federal government shares the money from timber sales with local governments, which use the money for schools and roads. The logging restrictions have caused mill closures, job losses, and reduced income for local governments.

Like the House bill, the Senate committee measure would provide those local governments some extra money to replace the timber receipts they are losing due to curtailed logging. Similar assistance was provided under the interior appropriations acts for fiscal 1991 and 1992.

Salvage sales: During the interior subcommittee's July 28 markup, Sen. Slade Gorton (R-Wash.) said he would offer an amendment to encourage sales of dead and dying timber — salvage sales — in the "owl forests" of western Washington state, Oregon and California.

As approved by the Appropriations Committee, the Senate bill would create a $1 million fund that would help pay for preparing salvage sales and reforestation of salvaged areas. Money for the fund would be generated by revenues brought in from salvage sales. The committee, in its report, directed the Forest Service to "pursue aggressively salvage opportunities."

The House bill includes compromise language that would allow salvage sales in forest areas set aside for the northern spotted owl as long as those sales would "not render the area unsuitable" for spotted owls and other federally protected species.

Currently, no timber sales are permitted in the habitat considered by the U.S. Fish and Wildlife Service to be "critical" for the owl — about 6.9 million acres in the region.

A number of timber communities in the Pacific Northwest, as well as several members of Congress from the region, view increased salvage sales as one way to make more lumber available for local mills.

Gorton's amendment will include provisions to speed up salvage sales by easing certain restrictions imposed under the National Environmental Policy Act (PL 91-190) and by limiting administrative appeals of salvage sales. As described in a fact sheet released by Gorton's office, his amendment also would allow the Forest Service to offer salvage sales in spotted owl habitat areas unless the sales would harm the owl's habitat.

In addition, the amendment would expand the Forest Service's authority to use salvage fund money for other activities, such as controlled burning, thinning and spraying. (For more on the salvage issues, see Aug. 3 *Weekly Bulletin*, p. B12.)

Below cost: The House also approved an amendment to cut $8 million from the Forest Service budget, with the money to be taken out of timber sales administration only. The amendment was approved in place of a more drastic cut of $16.8

National Forest System

(Budget authority, dollars in millions)

	FY '92	*Bush request*	*House bill*	*Senate bill*
Minerals	34	41	35	37
Real estate management	35	37	37	37
Land line location	32	33	32	31
Maintenance of facilities	26	23	27	23
Cooperative law enforcement	8	6	6	6
NFS drug control	7	9	10	8
Road maintenance	86	83	83	83
Trail maintenance	31	30	32	30
Timber inventory	27	28	28	28
Silvicultural examination	37	34	35	34
Sales preparation	125	109	97	93
Harvest administration	75	75	64	73
Reforestation	46	55	48	47
Stand improvement	32	20	28	28
Nurseries	18	19	18	18
Recreation management	164	192	175	178
Wilderness	27	29	29	28
Cultural resources	26	27	28	27
Wildlife habitat	38	39	40	39
Inland fish	19	19	20	18
Threatened, endangered and sensitive species	29	30	33	30
Anadromous fish habitat	27	27	28	26
Range vegetation management	39	43	40	41
Range improvement	2	2	2	2
Wild horse and burro mgt.	0.3	0.3	0.3	0.4
Noxious weed control	2	2	2	2
Soil, water and air operations	56	52	51	53
Soil and water resource improvements	13	9	13	12
Soil and water resource inventories	8	7	8	7
General administration	304	316	304	316
Reforest trust fund transfer	-30	-30	-30	-30
Washington/regional office reduction	—	—	-13	-10
Total	**1,343**	**1,368**	**1,313**	**1,306**

million proposed by Rep. Jim Jontz (D-Ind.). Jontz's amendment was intended to halt so-called "below-cost" timber sales, which generate less in revenue than they cost to administer.

The bill approved by the Senate Appropriations Committee would restore most of that cut, but Sen. Wyche Fowler (D-Ga.) is expected to offer an amendment on below-cost timber sales, according to an aide. Fowler may propose to phase out money-losing sales over five years, or he may propose a one-year, partial phase-out of those sales, according to his aide.

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Harvest levels: The Senate committee estimated that funding levels set by its bill for timber sales would support a nationwide harvest level of 7.2 billion board feet, down significantly from the annual logging targets of more than 10 billion board feet a year during the late 1980s.

For region 6, made up of Oregon and Washington, the Senate committee assumed a timber sale level of 2.3 billion board feet, less than half the timber sale target levels of the late 1980s. The significant declines in both numbers largely reflect drastic logging restrictions in the Pacific Northwest due to the spotted owl. The House committee declined to set timber harvest estimates in its report.

National Park Service

(Budget authority, dollars in millions)

	FY '92	*Bush request*	*House bill*	*Senate bill*
Park system operations	953	1,032	992	989
National recreation and preservation	23	31	23	24
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Construction	272	138	238	206
Urban park and recreation	5	—	—	—
Land & water conservation fund (contract auth. rescission)	-30	-30	-30	-30
Land acquisition and state assistance	105	144	107	119
JFK Center	23	14	14	21
Total	**1,387**	**1,369**	**1,381**	**1,366**

Fish and Wildlife Service

(Budget authority, dollars in millions)

	FY '92	*Bush request*	*House bill*	*Senate bill*
Resource management	513	544	530	531
Construction	113	49	48	90
Natural resource damage assessment	4	5	5	4
Land acquisition	98	80	67	77
National wildlife refuge fund	12	14	12	13
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Wetlands fund	—	15	8	11
Rewards and operations	1	1	1	1
Total	**748**	**714**	**677**	**735**

Other issues: The Senate committee agreed with the House in directing the Forest Service to significantly cut its headquarters budget. The House report instructed the agency to cut $13 million without passing the cuts along to field offices; the Senate report called for a $10 million cut.

The committee also supported the House-backed proposal to create a pest suppression fund, although the Senate version would provide only $20 million for the fund — $22.3 million less than the House figure. Under both bills, money from the fund would only become available through an emergency declaration by the president.

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President Bush recently criticized Congress for failing to fully fund his land acquisition requests. The Senate committee — in report language — responded that "limited financial resources are not sufficient to provide adequately for the existing facilities maintenance, rehabilitation, and reconstruction required on public lands."

The committee also included report language directing the secretaries of agriculture and interior to include in their fiscal 1994 budget request a list of federal property that could be sold to raise enough money to pay for the new land each agency wants to buy.

Rights of way: The Senate committee deleted a House-passed provision that would prohibit funding to process claims for highway rights-of-way over federal land under an obscure Reconstruction era law known as Revised Statute 2477.

Currently, a state or county can claim an RS 2477 right of way if it can document that a road was built across unreserved

Fish and Wildlife Service — resource management
(Budget authority, dollars in millions)

	FY '92	*Bush request*	*House bill*	*Senate bill*
Fish and wildlife enhancement				
Endangered species	36	42	39	42
Habitat conservation	34	38	38	37
Enviro. contaminants	14	10	10	12
Wetlands inventory	8	8	8	8
Subtotal	92	99	96	99
Refuges and wildlife	205	223	214	215
Fisheries	63	64	64	65
Research and development	85	82	85	87
General administration	68	76	72	74
Allocation reduction and pay costs	—	—	—	-9
Total	**513**	**544**	**530**	**531**

federal land prior to 1976, when the 19th-century statute was repealed. By asserting rights of way under RS 2477, states and counties could disqualify many undeveloped federal lands from being set aside as wilderness areas, national park units or other designations that restrict commercial activities. This is especially true in the West, where local officials have traditionally been hostile to restrictions on land use.

Petroleum reserve: In contrast with the House bill, the Senate measure would give the president unfettered authority to carry out alternative leasing arrangements with foreign governments to fill the U.S. strategic petroleum reserve.

The emergency stockpile of crude oil currently holds about 570 million barrels of oil, stored in Louisiana and Texas. The reserve is authorized to hold up to 1 billion barrels of oil.

The House bill would bar the president from finalizing any agreement to lease oil from a foreign country for storage in the reserve without the explicit approval of Congress. The fiscal 1992 interior appropriations act placed a one-year ban on such leasing arrangements, though it did not stop the administration from continuing lease negotiations with foreign countries.

The issue may be moot because DOE officials have said that negotiations with Saudi Arabia to provide oil for the petroleum reserve on a leased basis have bogged down.

Like the House bill, the Senate measure would provide \$176.6 million to operate the petroleum reserve, but \$125.6 million of that would come from the account used to buy oil for the reserve, which is in line with the administration request. Both bills also would appropriate no new money for the oil purchasing account, but more than \$500 million would still be available to buy oil from past appropriations and other sources.

However, for budgetary reasons, the Senate bill would allow no more than \$137 million to be spent in fiscal 1993 to buy crude oil for the reserve. The House bill would cap oil purchasing expenditures at \$145 million.

Surface mining: The Senate bill does not include language in the House measure that would require the Office of Surface Mining, which administers provisions of the 1977 Surface Mining Control and Reclamation Act, or SMCRA (PL 95-87), to adhere to a January 1990 court-ordered settlement between OSM and an environmental group called Save Our Cumberland Mountains Inc. That agreement, which was vacated on technical grounds in May by a federal appeals court, required OSM to establish a computerized system to help states identify SMCRA violators when they apply for new coal mining permits.

This "applicant violator system," or AVS, is in place today, but OSM is in the process of developing regulations to improve the system, and there is concern on Capitol Hill that the agency may not finalize those rules in light of the recent appeals court ruling.

The Senate Appropriations Committee report said that the panel "believes the House language is unnecessary and notes that any attempt to legislate provisions of the vacated settlement agreement should remain within the jurisdiction of the appropriate authorizing committees."

Offshore drilling: Like the House bill, the Senate legislation would place 462 million acres of the sea floor off-limits to new federal oil and gas leasing. Specifically, both bills would impose a one-year prohibition on leasing and pre-leasing activities off most of the Atlantic and Pacific coasts, in the Gulf of Mexico off Florida, and in Bristol Bay, Alaska.

Virtually the same restrictions were enacted last year.

DOE — fossil energy R&D
(Budget authority, dollars in millions)

	FY '92	*Bush request*	*House bill*	*Senate bill*
Coal				
Control technology	51	32	43	44
Advanced research	30	22	26	26
Coal liquefaction	39	24	38	35
Combustion systems	38	21	38	39
Fuel cells	51	35	51	51
Heat engines	18	6	5	6
Magnetohydrodynamics	40	—	33	29
Surface coal gasification	11	15	9	13
Subtotal, coal	279	154	243	243
Petroleum				
Advanced process tech.	14	8	9	12
Enhanced oil recovery	37	47	44	48
Oil shale	6	3	5	6
Subtotal, petroleum	57	57	57	65
Gas	13	40	23	34
Other	95	60	89	83
Total	**444**	**311**	**413**	**423**

ENVIRONMENTAL AND ENERGY
STUDY CONFERENCE

FLOOR BRIEF

Aug. 3, 1992

Interior and related agencies appropriations for fiscal 1993

HR 5503 — S. Rpt. 102-345

Floor action: Expected this week.

Summary: The fiscal 1993 interior appropriations bill will be the likely battleground in the Senate this year for reform of a 120-year-old statute that governs the extraction of gold, silver, copper and other "hard-rock" minerals on federal lands.

Both advocates and opponents of overhauling the General Mining Law of 1872 plan to offer amendments that represent their views on what proper "reform" of the law should be.

In addition, the Senate is expected to revisit its familiar dispute over whether Western states should defray some of the costs of collecting royalties from coal, oil and natural gas leases on federal lands.

Senators also may spar, as they did last year, over the amount the federal government charges ranchers and farmers to graze their livestock on federal lands.

The bulk of appropriations under the bill go to the Interior Department and the Agriculture Department's Forest Service, which oversee the nation's collection of federally owned parks, pastures and woodlands. The spending priorities and policy provisions in the bill govern a wide range of activities on these lands, including logging, mining, oil and gas drilling, ranching, recreation, wilderness preservation and wildlife protection.

The bill also provides funding for energy conservation and fossil fuel research programs administered by the Energy Department, including the strategic petroleum reserve, as well as a host of cultural and artistic programs, such as the National Endowment for the Arts.

Sen. Robert C. Byrd (D-W.Va.), chairman of both the Senate Appropriations Committee and its interior subcommittee, said during the full committee's markup that the bill was lean and could not afford major cutting amendments on the floor. Byrd specifically asked senators "to withstand the meat-ax approach to this very important bill."

The House on July 24 approved a $12.6 billion interior appropriations bill (H. Rpt. 102-626) after two days of contentious floor action. (For details on the House bill, see June 30

BOB WISE, JOHN McCAIN, *Co-Chairmen;* JAN MEYERS, CHRISTOPHER J. DODD, *Co-Vice Chairs*
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LINDA CARTWRIGHT, *Director;* STEVE GORMAN, *Editor*

House *Floor Brief* and July 27 *Weekly Bulletin*, p. B11.)

The Senate Appropriations Committee on July 29 approved its $12.6 billion interior bill (S. Rpt. 102-345) with few amendments and little debate one day after the committee's interior panel marked up the measure.

Staff contacts: Senate Appropriations — Rusty Mathews and Sue Masica, majority, x47233; Cherie Cooper, minority, x47262. EESC — Steve Daniels, Leslie Ann Duncan, x63300.

Note: Columns in the following tables may not add due to rounding.

Highlights

Mining law: Amendments are expected that would change key provisions of the 1872 mining law, which allows individuals and businesses to freely prospect on many federal lands for hard-rock minerals and to stake mining claims, giving them exclusive mineral rights. These claim holders then can mine the land without paying any fees or royalties, but are required to perform a minimum of $100 worth of "diligence" work on each claim annually.

Claimants also can purchase a title, or "patent," to their claims for $2.50 or $5 an acre, depending on the type of claim, if they can prove their claims contain a legitimate mineral discovery.

As he has the past two years, Sen. Dale Bumpers (D-Ark.), the foremost proponent in the Senate of rewriting the mining law, plans to offer an amendment that would place a one-year moratorium on the issuance of mining patents. The moratorium, which was included in the House-passed bill last year, was defeated on the Senate floor by a one-vote margin and was later kept out of the conference report on the bill. The House bill this year again includes a patent moratorium.

In addition, however, Western senators, including Sens. Pete V. Domenici (R-N.M.), Harry Reid (D-Nev.) and Ted Stevens (R-Alaska), are likely to offer an amendment representing their concept of mining law reform, aides said. Many of these senators have adamantly opposed any proposed changes to the mining law in the past.

Details were unavailable at press time. However, the amendment may include several specific reform ideas that have been offered in the past by Domenici. He has expressed support for proposals that would require:

- patent applicants to pay fair-market prices based on the surface value of the land they want to purchase.
- the federal government to replace the $100 work requirement with an annual $100 holding fee that claimants would have to pay to maintain their claims.
- any land claimed or patented under the mining law to revert back to the ownership of the federal government after mining activities have ceased and land reclamation has been completed.
- federal reclamation requirements to apply to patented lands in states that do not have their own mining reclamation laws. This provision effectively would apply only to Arizona and New Mexico.

The Senate Appropriations Committee bill already includes the $100 holding fee, which also is in the House bill and is supported by the Bush administration.

Aides to Reid and Stevens could not be reached for comment. During the Appropriations Committee markup, Reid expressed opposition to the holding fee proposal, but said he would not fight it on the floor.

Environmentalists look at these suggestions as "sham reform" and believe they do not give federal land managers enough authority to effectively protect federal lands from environmental damage. The federal government also would not receive a fair return for minerals extracted from its land under these proposals, these critics say.

The House Interior Committee has approved a comprehensive mining law reform bill (HR 918, H. Rpt. 102-711, part 1) that is adamantly opposed by the mining industry but is supported by environmentalists. The House Agriculture subcommittee on forests, which has received sequential referral of HR 918, is planning a hearing Thursday to review the bill. (See Aug. 3 *Weekly Bulletin*, p. B5.)

A comprehensive reform bill (S 433) introduced by Bumpers has not been marked up by the Senate Energy Committee. Bumpers on July 1 offered a stripped-down version of his bill before the committee, but Western Republicans declined to consider it, expressing fears that it could serve as a "Trojan horse" for eventual Senate passage of something resembling the House Interior Committee's bill.

Bureau of Land Management

(Budget authority, dollars in millions)

	FY '92	*Bush request*	*House bill*	*Senate bill*
Land and resource mgt.	532	546	532	546
Fire protection	120	120	120	120
*Emergency firefighting fund	100	165	165	165
Construction	14	14	13	18
Payments in lieu of taxes	104	105	105	105
Land acquisition	25	42	26	25
Timber salvage fund	—	—	—	1
Ore. & Calif. grant lands	89	84	83	84
Range improvements	11	11	11	11
Service charges	8	8	8	8
Miscellaneous trust funds	7	7	7	7
Total	**1,010**	**1,051**	**1,019**	**1,037**

*As in the administration request, $51 million of the amount provided in both bills for emergency firefighting would be available only under an emergency declaration by the president. Because this money is not counted against discretionary spending under the Budget Enforcement Act, it is not figured into the total for this table.

BLM — management of lands and resources

(Budget authority, dollars in millions)

	FY '92	*Bush request*	*House bill*	*Senate bill*
Energy and minerals				
Oil and gas	50	54	51	54
Coal management	9	9	9	9
Mining law	12	—	—	—
Other minerals	9	11	9	11
Subtotal	80	73	69	73
Lands and realty management				
Lands, realty, rights of way	26	26	26	26
Alaska lands	15	14	14	16
Subtotal	41	39	39	42
Renewable resource mgt.				
Forest management	7	7	7	7
Wild horses	15	14	14	17
Range management	41	41	41	44
Soil, water, air	18	19	19	20
Wildlife habitat mgt.	34	34	34	38
Recreation management	45	47	48	47
Recreation operations	1	1	1	1
Subtotal	161	163	164	174
Resource mgt. planning	10	10	10	10
Information and resource data management	46	61	56	56
Resource protection and maintenance	92	97	93	98
General administration	103	103	100	103
Allocation reduction & use or prior-year funds	—	—	-3	-11
Total	**532**	**546**	**532**	**546**

Mineral leasing: Sen. Malcolm Wallop (R-Wyo.) probably will attempt to strike language in the Senate committee bill that would require Western states to pay one-quarter of the administrative costs of collecting royalties and other revenues under the federal government's mineral leasing program, an aide said. This is the same percentage that states currently pay under the fiscal 1992 interior appropriations act (PL 102-154).

The House bill would double the state share of these costs to 50 percent, which would amount to nearly $82 million in fiscal 1993. The administration has proposed that states pay 37.5 percent, or about $59.4 million, in fiscal 1993.

Western states currently get half the revenues the government receives from oil, natural gas and coal leases on federal lands, but states' share of the collection costs are deducted from those receipts under the fiscal 1992 appropriations act. Wyoming receives the largest amount of any state from federal leasing revenues and stands to lose the most from the cost-sharing requirement.

During the full committee markup, Byrd asked Western senators not to attempt to strike the cost-sharing provision because of the tight funding restrictions the committee is working under.

"It's a very Western bill, overall," he said.

But an aide said last week that Wallop would attempt to get the provision removed, saying, "It's a matter of principle for us."

Grazing fees: The House bill would increase fees the federal government charges farmers and ranchers to graze their livestock on federal lands in the West by 33 percent.

An identical increase was proposed by Sens. James M. Jeffords (R-Vt.) and Howard M. Metzenbaum (D-Ohio) when the fiscal 1992 interior funding bill came to the Senate floor last year. But their amendment was defeated 38-60. The House had earlier approved a steeper increase as part of its fiscal 1992 interior spending bill, but that language was dropped in conference.

Jeffords was considering offering his amendment again, an aide said. The same fee increase is included in a BLM reauthorization bill currently pending in the Senate Energy Committee, and Jeffords' aide said the Vermont senator would be consulting with Bumpers, who chairs the public lands subcommittee, about whether to offer the increase.

Federal grazing fees are set on the basis of an "animal unit month," or AUM, the amount of forage required to feed one cow and a calf, or five sheep, for one month.

The current fee is $1.92 per AUM. Under the House bill,

Forest Service

(Budget authority, dollars in millions)

	FY '92	*Bush request*	*House bill*	*Senate bill*
Forest research	181	170	187	179
State and private forestry	182	199	132	161
National forest system	1,343	1,368	1,321	1,306
Fire protection	187	198	193	189
*Emergency firefighting fund	111	375	375	375
*Emergency pest suppression	—	—	42	20
Construction	272	311	238	257
Land acquisition	88	100	62	62
Land acquisition, special acts	1	1	1	1
Land acquisitions to complete exchanges	1	0.2	0.2	0.2
Range betterment	5	5	5	5
Total	**2,371**	**2,539**	**2,326**	**2,347**

*Half the funds ($188 million) requested by the administration and included in both bills for emergency firefighting would be available only under an emergency declaration by the president. The same is true for the emergency pest suppression fund in both bills. Because this money is not counted against discretionary spending under the Budget Enforcement Act, it is not figured into the total for this table.

the fee would be increased to $2.56 per AUM in March 1993 and continue to go up by the same percentage for several years. On June 22, the House defeated, 164-245, an amendment to strike the proposed grazing fee hike.

Forests: Neither version of the spending bill contains legislative language that attempts to achieve a comprehensive solution reconciling protection of the northern spotted owl with timber management in Oregon, Washington and northern California. But both measures do seek to soften the financial blow to communities in the region.

Timber receipts: Logging restrictions imposed by the courts and by federal land managers to protect the threatened spotted owl have virtually shut down the federal timber sales program in 13 national forests of the Pacific Northwest. Environmentalists and their allies in Congress argue that these restrictions are not only to save the spotted owl but what is left of the "old-growth" forest ecosystems that sustain the owl.

However, the region's timber industry and many rural communities in the Northwest are heavily dependent on federal timber to provide logging and sawmill jobs. Additionally, the federal government shares the money from timber sales with local governments, which use the money for schools and roads. The logging restrictions have caused mill closures, job losses, and reduced income for local governments.

Like the House bill, the Senate committee measure would provide those local governments some extra money to replace the timber receipts they are losing due to curtailed logging. Similar assistance was provided under the interior appropriations acts for fiscal 1991 and 1992.

Salvage sales: During the interior subcommittee's July 28 markup, Sen. Slade Gorton (R-Wash.) said he would offer an amendment to encourage sales of dead and dying timber — salvage sales — in the "owl forests" of western Washington state, Oregon and California.

As approved by the Appropriations Committee, the Senate bill would create a $1 million fund that would help pay for preparing salvage sales and reforestation of salvaged areas. Money for the fund would be generated by revenues brought in from salvage sales. The committee, in its report, directed the Forest Service to "pursue aggressively salvage opportunities."

The House bill includes compromise language that would allow salvage sales in forest areas set aside for the northern spotted owl as long as those sales would "not render the area unsuitable" for spotted owls and other federally protected species.

Currently, no timber sales are permitted in the habitat considered by the U.S. Fish and Wildlife Service to be "critical" for the owl — about 6.9 million acres in the region.

A number of timber communities in the Pacific Northwest, as well as several members of Congress from the region, view increased salvage sales as one way to make more lumber available for local mills.

Gorton's amendment will include provisions to speed up salvage sales by easing certain restrictions imposed under the National Environmental Policy Act (PL 91-190) and by limiting administrative appeals of salvage sales. As described in a fact sheet released by Gorton's office, his amendment also would allow the Forest Service to offer salvage sales in spotted owl habitat areas unless the sales would harm the owl's habitat.

In addition, the amendment would expand the Forest Service's authority to use salvage fund money for other activities, such as controlled burning, thinning and spraying. (For more on the salvage issues, see Aug. 3 *Weekly Bulletin*, p. B12.)

Below cost: The House also approved an amendment to cut $8 million from the Forest Service budget, with the money to be taken out of timber sales administration only. The amendment was approved in place of a more drastic cut of $16.8

National Forest System

(Budget authority, dollars in millions)

	FY '92	*Bush request*	*House bill*	*Senate bill*
Minerals	34	41	35	37
Real estate management	35	37	37	37
Land line location	32	33	32	31
Maintenance of facilities	26	23	27	23
Cooperative law enforcement	8	6	6	6
NFS drug control	7	9	10	8
Road maintenance	86	83	83	83
Trail maintenance	31	30	32	30
Timber inventory	27	28	28	28
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Land acquisition: The Senate committee approved slightly more money than the House for land purchases by the Forest Service, the Park Service, the Bureau of Land Management and the Forest Service. But the land acquisition figures in both versions of the spending bill are well below the amounts sought by the administration.

President Bush recently criticized Congress for failing to fully fund his land acquisition requests. The Senate committee — in report language — responded that "limited financial resources are not sufficient to provide adequately for the existing facilities maintenance, rehabilitation, and reconstruction required on public lands."

The committee also included report language directing the secretaries of agriculture and interior to include in their fiscal 1994 budget request a list of federal property that could be sold to raise enough money to pay for the new land each agency wants to buy.

Rights of way: The Senate committee deleted a House-passed provision that would prohibit funding to process claims for highway rights-of-way over federal land under an obscure Reconstruction era law known as Revised Statute 2477.

Currently, a state or county can claim an RS 2477 right of way if it can document that a road was built across unreserved

Fish and Wildlife Service — resource management
(Budget authority, dollars in millions)

	FY '92	Bush request	House bill	Senate bill
Fish and wildlife enhancement				
Endangered species	36	42	39	42
Habitat conservation	34	38	38	37
Enviro. contaminants	14	10	10	12
Wetlands inventory	8	8	8	8
Subtotal	92	99	96	99
Refuges and wildlife	205	223	214	215
Fisheries	63	64	64	65
Research and development	85	82	85	87
General administration	68	76	72	74
Allocation reduction and pay costs	—	—	—	-9
Total	**513**	**544**	**530**	**531**

federal land prior to 1976, when the 19th-century statute was repealed. By asserting rights of way under RS 2477, states and counties could disqualify many undeveloped federal lands from being set aside as wilderness areas, national park units or other designations that restrict commercial activities. This is especially true in the West, where local officials have traditionally been hostile to restrictions on land use.

Petroleum reserve: In contrast with the House bill, the Senate measure would give the president unfettered authority to carry out alternative leasing arrangements with foreign governments to fill the U.S. strategic petroleum reserve.

The emergency stockpile of crude oil currently holds about 570 million barrels of oil, stored in Louisiana and Texas. The reserve is authorized to hold up to 1 billion barrels of oil.

The House bill would bar the president from finalizing any agreement to lease oil from a foreign country for storage in the reserve without the explicit approval of Congress. The fiscal 1992 interior appropriations act placed a one-year ban on such leasing arrangements, though it did not stop the administration from continuing lease negotiations with foreign countries.

The issue may be moot because DOE officials have said that negotiations with Saudi Arabia to provide oil for the petroleum reserve on a leased basis have bogged down.

Like the House bill, the Senate measure would provide $176.6 million to operate the petroleum reserve, but $125.6 million of that would come from the account used to buy oil for the reserve, which is in line with the administration request. Both bills also would appropriate no new money for the oil purchasing account, but more than $500 million would still be available to buy oil from past appropriations and other sources.

However, for budgetary reasons, the Senate bill would allow no more than $137 million to be spent in fiscal 1993 to buy crude oil for the reserve. The House bill would cap oil purchasing expenditures at $145 million.

Surface mining: The Senate bill does not include language in the House measure that would require the Office of Surface Mining, which administers provisions of the 1977 Surface Mining Control and Reclamation Act, or SMCRA (PL 95-87), to adhere to a January 1990 court-ordered settlement between OSM and an environmental group called Save Our Cumberland Mountains Inc. That agreement, which was vacated on technical grounds in May by a federal appeals court, required OSM to establish a computerized system to help states identify SMCRA violators when they apply for new coal mining permits.

This "applicant violator system," or AVS, is in place today, but OSM is in the process of developing regulations to improve the system, and there is concern on Capitol Hill that the agency may not finalize those rules in light of the recent appeals court ruling.

The Senate Appropriations Committee report said that the panel "believes the House language is unnecessary and notes that any attempt to legislate provisions of the vacated settlement agreement should remain within the jurisdiction of the appropriate authorizing committees."

Offshore drilling: Like the House bill, the Senate legislation would place 462 million acres of the sea floor off-limits to new federal oil and gas leasing. Specifically, both bills would impose a one-year prohibition on leasing and pre-leasing activities off most of the Atlantic and Pacific coasts, in the Gulf of Mexico off Florida, and in Bristol Bay, Alaska.

Virtually the same restrictions were enacted last year.

DOE — fossil energy R&D
(Budget authority, dollars in millions)

	FY '92	Bush request	House bill	Senate bill
Coal				
Control technology	51	32	43	44
Advanced research	30	22	26	26
Coal liquefaction	39	24	38	35
Combustion systems	38	21	38	39
Fuel cells	51	35	51	51
Heat engines	18	6	5	6
Magnetohydrodynamics	40	—	33	29
Surface coal gasification	11	15	9	13
Subtotal, coal	279	154	243	243
Petroleum				
Advanced process tech.	14	8	9	12
Enhanced oil recovery	37	47	44	48
Oil shale	6	3	5	6
Subtotal, petroleum	57	57	57	65
Gas	13	40	23	34
Other	95	60	89	83
Total	**444**	**311**	**413**	**423**

be headquartered in Vancouver, British Columbia. The commission is intended to help conserve stocks of anadromous fish as well as "ecologically related species" — their predators and prey.

Other treaty articles address such issues as actions parties can take to enforce the agreement, including boarding and seizing a vessel, and the treatment of countries that are not parties to the convention. Report not filed at press time. — *DR*

Appropriations

Department of the Interior and related agencies appropriations for fiscal 1993 — HR 5503

Floor action: Likely this week.

The fiscal 1993 interior appropriations bill will be the likely battleground in the Senate this year over reform of a 120-year-old statute that governs the extraction of gold, silver, copper and other "hard-rock" minerals on federal lands.

Both advocates and opponents of overhauling the General Mining Law of 1872 plan to offer amendments that represent their views on what proper "reform" of the law should be.

In addition, the Senate is expected to revisit its familiar dispute over whether Western states should defray some of the costs of collecting royalties from coal, oil and natural gas leases on federal lands.

Senators also may spar, as they did last year, over the amount the federal government charges ranchers and farmers to graze their livestock on federal lands.

The bulk of appropriations under the bill go to the Interior Department and the Agriculture Department's Forest Service, which oversee the nation's parks, woodlands and wilderness areas. The spending priorities and policy provisions in the bill govern a wide range of activities on these lands, including logging, mining, oil and gas drilling, ranching, recreation and wildlife conservation.

The bill also provides funding for energy conservation and fossil fuel research programs administered by the Energy Department, including the strategic petroleum reserve, as well as a host of cultural and artistic programs, such as the National Endowment for the Arts.

Sen. Robert C. Byrd (D-W.Va.), chairman of both the Senate Appropriations Committee and its interior subcommittee, said during the full committee's markup that the bill was lean and could not afford major cutting amendments on the floor. Byrd specifically asked senators "to withstand the meat-ax approach to this very important bill."

The House on July 24 approved a $12.6 billion interior appropriations bill (H. Rpt. 102-626) after two days of contentious floor action. (For details on the House bill, see June 30 House *Floor Brief* and July 27 *Weekly Bulletin*, p. B11.)

The Senate Appropriations Committee on July 29 approved its $12.6 billion interior bill (S. Rpt. 102-345) with few amendments and little debate one day after the committee's interior panel marked up the measure.

Mining law: Amendments are expected that would change key provisions of the 1872 mining law, which allows individuals and businesses to freely prospect on many federal lands for hard-rock minerals and to stake mining claims, giving them exclusive mineral rights. These claim holders then can mine the land without paying any fees or royalties, but are required to perform a minimum of $100 worth of "diligence" work on each claim annually.

Claimants also can purchase a title, or "patent," to their claims for $2.50 or $5 an acre, depending on the type of claim, if they can prove their claims contain a legitimate mineral discovery.

As he has the past two years, Sen. Dale Bumpers (D-Ark.), the foremost proponent in the Senate of rewriting the mining law, plans to offer an amendment that would place a one-year moratorium on the issuance of mining patents. The moratorium, which was included in the House-passed bill last year, was defeated on the Senate floor by a one-vote margin and was later kept out of the conference report on the bill. The House bill this year again includes a patent moratorium.

In addition, however, Western senators, including Sens. Pete V. Domenici (R-N.M.), Harry Reid (D-Nev.) and Ted Stevens (R-Alaska), are likely to offer an amendment representing their concept of mining law reform, aides said. Many of these senators have adamantly opposed any proposed changes to the mining law in the past.

Details were unavailable at press time. However, the amendment may include several specific reform ideas that have been offered in the past by Domenici. He has expressed support for proposals that would require:

- patent applicants to pay fair-market prices based on the surface value of the land they want to purchase.
- the federal government to replace the $100 work requirement with an annual $100 holding fee that claimants would have to pay to maintain their claims.
- any land claimed or patented under the mining law to revert back to the ownership of the federal government after mining activities have ceased and land reclamation has been completed.
- federal reclamation requirements to apply to patented lands in states that do not have their own mining reclamation laws. This provision effectively would apply only to Arizona and New Mexico.

The Senate Appropriations Committee bill already includes the $100 holding fee, which also is in the House bill and is supported by the Bush administration.

Aides to Reid and Stevens could not be reached for comment. During the Appropriations Committee markup, Reid expressed opposition to the holding fee proposal, but said he would not fight it on the floor.

Environmentalists look at these suggestions as "sham reform" and believe they do not give federal land managers enough authority to effectively protect federal lands from environmental damage. The federal government also would not receive a fair return for minerals extracted from its land under these proposals, these critics say.

The House Interior Committee has approved a comprehensive mining law reform bill (HR 918, H. Rpt. 102-711, part I) that is adamantly opposed by the mining industry but is supported by environmentalists. The House Agriculture subcommittee on forests, which has received sequential referral of HR 918, is planning a hearing Thursday to review the bill. (See separate story in this issue.)

A comprehensive reform bill (S 433) introduced by Bumpers has not been marked up by the Senate Energy Committee. Bumpers on July 1 offered a stripped-down version of his bill before the committee, but Western Republicans declined to consider it, expressing fears that it could serve as a "Trojan horse" for eventual Senate passage of something resembling the House Interior Committee's bill.

Mineral leasing: Sen. Malcolm Wallop (R-Wyo.) probably will attempt to strike language in the Senate committee bill that would require Western states to pay one-quarter of the administrative costs of collecting royalties and other revenues under the federal government's mineral leasing program, an aide said. This is the same percentage that states currently pay under the fiscal 1992 interior appropriations act (PL 102-154).

The House bill would double the state share of these costs to 50 percent, which would amount to nearly $82 million in fiscal 1993. The administration has proposed that states pay 37.5 percent, or about $59.4 million, in fiscal 1993.

Western states currently get half the revenues the government receives from oil, natural gas and coal leases on federal lands, but states' share of the collection costs are deducted from those receipts under the fiscal 1992 appropriations act. Wyoming receives the largest amount of any state from federal leasing revenues and stands to lose the most from the cost-sharing requirement.

During the full committee markup, Byrd asked Western senators not to attempt to strike the cost-sharing provision because of the tight funding restrictions the committee is working under.

"It's a very Western bill, overall," he said.

But an aide said last week that Wallop would attempt to get the provision removed, saying, "It's a matter of principle for us."

Grazing fees: The House bill would increase fees the federal government charges farmers and ranchers to graze their livestock on federal lands in the West by 33 percent.

An identical increase was proposed by Sens. James M. Jeffords (R-Vt.) and Howard M. Metzenbaum (D-Ohio) when the fiscal 1992 interior funding bill came to the Senate floor last year. The amendment was defeated 38-60. The House had earlier approved a steeper increase, but that language was dropped in conference.

Jeffords is considering offering his amendment again, according to an aide, but had not decided at press time whether to do so. The same fee increase is included in a BLM reauthorization bill currently pending in the Senate Energy Committee, and Jeffords' aide said the Vermont senator would be consulting with Bumpers, who chairs the public lands subcommittee, about whether to offer the increase.

Federal grazing fees are set on the basis of an "animal unit month," or AUM, the amount of forage required to feed one cow and a calf, or five sheep, for one month.

The current fee is $1.92 per AUM. Under the House bill, the fee would be increased to $2.56 per AUM in March 1993 and continue to go up by the same percentage for several years. On June 22, the House defeated, 164-245, an amendment to strike the proposed grazing fee hike.

Forests: The House bill does not contain any legislative language that directly addresses the thorny problem of trying to reconcile protection of the northern spotted owl with timber management in Oregon, Washington and northern California. But the measure does seek to soften the financial blow to communities in the region.

Timber receipts: Logging restrictions imposed by the courts and by federal land managers to protect the threatened spotted owl have virtually shut down the federal timber sales program in 13 national forests of the Pacific Northwest. Environmentalists and their allies in Congress argue that these restrictions are not only to save the spotted owl but what is left of the "old-growth" forest ecosystems that sustain the owl.

However, the region's timber industry and many rural communities in the Northwest are heavily dependent on federal timber to provide logging and sawmill jobs. Additionally, the federal government shares the money from timber sales with local governments, which use the money for schools and roads. The logging restrictions have caused mill closures, job losses, and reduced income for local governments.

For a third year, the House approved language to provide those local governments some extra money to replace the timber receipts they are losing due to the curtailment of logging.

As reported, the Senate committee version also would provide the extra money for counties.

Salvage sales: During the subcommittee's July 28 markup, Sen. Slade Gorton (R-Wash.) said he would offer an amendment to encourage sales of dead and dying timber — salvage sales — in the "owl forests" of western Washington state, Oregon and California.

The House bill includes compromise language that would allow salvage sales in forest areas set aside for the northern spotted owl as long as those sales would "not render the area unsuitable" for spotted owls and other federally protected species.

Currently, no timber sales are permitted in the habitat considered by the U.S. Fish and Wildlife Service to be "critical" for the owl — about 6.9 million acres in the region.

A number of timber communities in the Pacific Northwest, as well as several members of Congress from the region, view increased salvage sales as one way to make more lumber available for local mills.

As reported, the Senate bill would create a $1 million fund that would help pay for preparing salvage sales and reforestation of salvaged areas. The fund would be financed by receipts from salvage sales.

Below cost: The House also approved an amendment to cut $8 million from the Forest Service budget, with the money to be taken out of timber sales administration only. The amendment was approved as a substitute to language proposed by Rep. Jim

Jontz (D-Ind.) that would have cut Forest Service spending by $16.8 million. Jontz's amendment was intended to halt so-called "below-cost" timber sales, which cost more to administer than the timber can be sold for.

The bill approved by the Senate Appropriations Committee would restore most of that cut, but Sen. Wyche Fowler (D-Ga.) is expected to offer an amendment on below-cost timber sales, according to an aide.

Administrative appeals: The House did not approve any language relating to a controversial Forest Service plan to sharply curtail its administrative appeals process, which the agency says is causing unreasonable delays of many timber sales. The plan would allow the public to appeal forest management decisions but not individual sales. Opponents would have to go to court to block a sale.

Fowler plans to offer an amendment on this issue as well, his aide said. Fowler has a bill (S 2921) that would block the Forest Service plan to limit appeals.

In previous years, Fowler has offered amendments to cut funding for forest road-building, and will likely do so again, his aide said. No specifics were available on any of the three Fowler amendments. S. Rpt. 102-345. — *SD, LD*

Hazardous substances/nuclear waste

Defense authorization bill for fiscal 1993 — S ?

Floor action: Possible but unlikely this week.

Senate consideration of the fiscal 1993 defense authorization bill is possible late this week and will occur no later than Aug. 10, according to staff for the Democratic Senate leadership.

But an Armed Services Committee staffer said July 30 it seemed unlikely that the bill would be considered this week because the committee report on the bill would not be printed and available until Tuesday, and other measures are expected to go to the floor first.

The bill, which won Armed Services Committee approval July 24, includes provisions calling for increased funding of environmental cleanup at military bases and nuclear weapons facilities around the country. The measure authorizes appropriations for the Defense Department and the defense-related programs of the Energy Department, namely DOE's nuclear weapons complex.

A majority staffer said no potential floor amendments on environmental or energy issues had surfaced at press time. However, provisions intended to expedite sale of uncontaminated property of closing military bases could be a potential target for amendments, a Senate Environment Committee staffer said.

The House June 5 passed its version of the fiscal 1993 defense authorization bill (HR 5006, H. Rpt. 102-527) on a vote of 198-168 despite strong opposition from the administration based largely on differences over military spending priorities.

Senate bill overview: The committee bill and report were not available at press time. The following description is based on information from committee staff.

The bill adopts the administration's amended request of $4.8 billion to pay for the environmental cleanup of the Department of Energy's nuclear weapons complex. That figure represents a 30 percent hike over current funding and $139 million more than was included under the House-passed defense authorization bill.

As for the Defense Department's special environmental cleanup account, the measure would authorize $1.5 million, up from $1.18 billion appropriated in fiscal 1992. The Senate committee rejected the Bush administration proposal to fund $612 million of the total from revenues raised through sales of materials stockpiled for strategic purposes.

The measure would authorize the amounts requested by the administration for two special base closure accounts. That request includes $443 million for environmental restoration at closing bases, up from $220 million in fiscal 1992.

The bill also would authorize $200 million for the strategic environmental research and development program, which Congress established in the fiscal 1991 defense act (PL 101-510) to see that DOD uses its resources to promote research on environmental protection. The administration requested no funds for the program. The bill further would authorize $74 million more than the various branches of the military had requested for other environment-related research.

The language to expedite the sale of clean land on closing military bases is similar to a bill (S 2828) introduced June 10 by Majority Leader George Mitchell (D-Maine). The defense bill provisions are aimed at bases included on the Environmental Protection Agency's national priorities list of the nation's worst hazardous waste sites.

The purpose is to help communities whose economic well-being is threatened by the shutdown of military installations. Communities want the land on closing bases made available promptly for economic development and other purposes, but are concerned that hazardous waste cleanup requirements under the federal superfund law (PL 96-510 as amended) could delay reuse of the land, even areas of the bases that are free of contamination.

A Senate Environment staffer said committee members would be reviewing how the expedited sale provisions would affect the superfund law. Environment Committee Chairman Quentin N. Burdick (D-N.D.) and the panel's ranking Republican, Sen. John H. Chafee (R.I.), wrote to Armed Services Committee leaders to ask them not to include provisions amending the superfund law in the defense bill, the staffer said. (For more on this issue, see June 1 *Weekly Bulletin*, p. B8.)

Other provisions would:

• require the Defense and Energy departments to make sure they use ozone-depleting substances only when necessary.

• direct the defense secretary to develop an "indemnification" program to protect hazardous-waste cleanup contractors from liability from damages in certain circumstances. Indemnification means the department would foot the bill in case the contractor is found liable. (For background on DOD and DOE environmental cleanup, see July 27 *Weekly Bulletin*, p. B14. For information on the House defense bill, see June 1 *Weekly Bulletin*, p. A5.) Report not filed. — *JKC*

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The House has passed stand-alone bills to establish a wildlife refuge at the Rocky Mountain Arsenal (HR 1435, H. Rpt. 102-436) and to expedite sales of uncontaminated property at federal facilities that are being closed (HR 4016, H. Rpt. 102-814). But these measures differ in key respects to the corresponding proposals contained in the Senate defense bill. The House bill has encountered strong opposition from the Bush administration based largely on differences over military spending priorities. (For more on House defense bill provisions, see June 1 *Weekly Bulletin*, p. A5. For more on the Senate bill, see Aug. 10 *Weekly Bulletin*, p. A12.) — *EM*

Forests

Hearing set on timber salvage

The House Interior subcommittee on oversight will hold a hearing Wednesday to examine suggestions that the government encourage more salvage logging of dead and dying trees in federally-owned forests.

Increased sales of salvage timber are advocated by some as necessary to maintain the health of forests threatened by disease and pests, and to help boost the timber supply in areas of the Pacific Northwest where logging restrictions to protect the northern spotted owl have caused job losses and other economic hardships.

Subcommittee Chairman Richard H. Lehman's (D-Calif.) northern California district includes part of the Sierra Nevada range and forests east of the mountains.

Like the pine forests east of the Cascades in Oregon and Washington state, the Sierra Nevada forests are plagued by insects and disease. The forests also are stressed by a prolonged drought and — according to some environmentalists — by too much logging. As a result, many areas are suffering from a potentially catastrophic buildup of dead wood on the forest floor that could fuel massive forest fires.

The timber industry has complained for some time that the U.S. Forest Service and the Bureau of Land Management are not acting quickly enough to sell dead and downed trees before they rot or burn in forest fires.

Industry and labor groups maintain that salvage sales could increase employment, especially in the Pacific Northwest, where court orders and environmental regulations have halted logging on large tracts of federal land.

But salvage sales are very controversial among environmentalists. While not opposed to all salvage sales, environmentalists believe the Forest Service has often used the sales as "a wonderful excuse to run a road into a roadless area and ruin it as wilderness," according to Kevin Kirchner of the Sierra Club Legal Defense Fund.

In addition, Kirchner said, environmentalists are concerned about the impact of salvage logging on animal habitat and water quality in forest streams. Salvage sales sometimes occur in areas where normal commercial logging would not have been allowed.

Witnesses: A witness list was not complete at press time. Representatives of the Forest Service, BLM, the timber industry, and labor and environmental groups are expected to testify.

When: The hearing will begin at 1 p.m. Wednesday, Sept. 23, in 1324 Longworth.

House Interior contacts: Melanie Beller, majority, x58331; Frank Kalisiak, minority, x57397. — *LD*

Appropriations

Interior conference likely this week

Efforts to update a 120-year mining law and to increase the fees charged to ranchers who graze their livestock on federal lands are the toughest issues facing conferees likely to meet this week to work out differences between the House and Senate spending bills for the Interior Department and related agencies.

If the conference committee can complete work by Tuesday, a conference report could go to the House and Senate floors for final approval later in the week, a House Appropriations Committee aide said.

The House and Senate adopted virtually the same overall spending level for the legislation — about $12.6 billion. The bulk of that money is earmarked for the Interior Department and the Agriculture Department's Forest Service, which together manage the natural resources on nearly 700 million acres of federal lands.

The remainder goes to energy conservation and fossil fuel programs administered by the Energy Department, including the strategic petroleum reserve, as well as a host of cultural and artistic programs, such as ~~the National~~ Endowment for ~~the~~ Arts.

But the two versions of the bill (HR 5503, H. Rpt. 102-626, S. Rpt. 102-345) ~~differ substantially in provisions~~ governing mining and grazing on federal lands in the West.

The House bill would increase the fees paid by ranchers and farmers to 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 the General Mining Law of 1872. The Senate bill would require mining companies to pay fair-market value for such lands.

Also looming over the bill is the threat of a veto. Bush administration officials have said the president will veto any appropriations bill that exceeds the spending levels prescribed in his fiscal 1993 budget request.

The interior bills passed by the House and Senate are about $500 million over the president's budget request, so conferees will work to reduce the spending levels in the legislation by that amount in order to avert a veto, the House aide said.

In addition, the administration strongly objects to the absence of provisions in either bill to allow private oil producers to lease land in the Elk Hills Naval Petroleum Reserve in California for oil drilling. The federal government currently produces and sells oil from the Elk Hills reserve.

The administration has estimated that the government would receive at least $1.2 billion in exchange for the drilling rights at Elk Hills. The House and Senate

Appropriations committees in recent years have consistently opposed administration efforts to lease Elk Hills, saying that the reserve is too valuable to the federal government to open to private development.

It was unclear at press time whether Bush would veto the interior bill if it does not contain the Elk Hills leasing language.

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

Both bills include a provision supported by the administration that would impose an annual $100 holding fee for each hard-rock mining claim staked on federal land under the mining law. This provision would replace the current requirement for claimants to perform $100 worth of "assessment work" each year in order to legally maintain a mining claim. Environmentalists say the current requirement is virtually impossible to enforce and leads at times to needless scarring of the land.

The Senate version, however, would waive the fee for claims occupied by small-scale mining operations that are actually producing minerals. No such exemption is in the House bill.

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

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

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

The Senate bill also would stipulate that patented lands located in states without their own mining reclamation laws are subject to the federal government's existing reclamation standards. The only two Western states without hard-rock reclamation laws are Arizona and New Mexico.

The Senate mining language, which was fashioned by Western senators supportive of the mining industry, has been derided as "sham reform" by environmental groups. Industry representatives have expressed support for the provisions, characterizing them as a reasonable compromise.

Environmental groups are backing a comprehensive mining law reform bill (HR 918) approved by the House Interior Committee. That measure is expected to go to the House floor before the end of the Congress and perhaps as early as this week. (For more, see separate story in this issue.)

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

The Senate bill would continue to require states to assume one-quarter of these costs, which are deducted from the mineral revenues shared with them by the federal government. The House bill would double states' share of collection costs to 50 percent. The administration has proposed increasing states' share to 37.5 percent.

The House provision is adamantly opposed by Western states such as Wyoming and New Mexico, which receive millions of dollars each year from federal mineral leasing. Under the 1920 Mineral Leasing Act, the federal government and the states split the proceeds from coal, oil and gas leasing on federal lands.

Petroleum reserve: Conferees also may approve a deal worked out among key House members in July, before the interior spending bill went to the House floor, that would appropriate $126 million to fill the nation's strategic petroleum reserve. As passed by the House and Senate, the interior bill would transfer $126 million from the SPR oil purchasing account to help pay for operating the reserve.

House Appropriations leaders have agreed to compensate for the transfer by taking $126 million from Defense Department appropriations to pay for SPR oil purchases, an aide said. The deal was made at the behest of Rep. Philip R. Sharp (D-Ind.), who chairs the House Energy subcommittee on energy and power and is a strong proponent of filling the oil stockpile to its authorized level of 1 billion barrels. The reserve currently contains more than 570 million barrels.

It was unclear at press time whether the issue would be addressed as part of the interior appropriations bill or the defense appropriations bill, the House aide said.

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

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

Environmentalists and other proponents of a fee hike say the grazing fees charged by the federal government are far below fair-market value, compared with fees for private and state lands, and amount to a costly subsidy that encourages overgrazing of the public range.

Livestock interests, however, argue that a comparison between federal and private grazing fees is unfair because it does not account for added production costs associated with grazing on public land, including water and fencing that must be provided at the ranchers' expense. On private land, such costs are assumed by the range owners.

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

Currently, a state or county can claim an RS 2477 right of way if it can document that a road was built across unreserved federal land prior to 1976, when the 19th-century statute was repealed. By asserting rights of way under RS 2477, states and counties could disqualify many undeveloped federal lands from being set aside as wilderness areas, national park units or other designations that restrict commercial activities. This is especially true in the West, where local officials have traditionally been hostile to restrictions on land use.

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

Currently, no timber sales are permitted in forest areas regarded by the U.S. Fish and Wildlife Service as "critical habitat" for the owl — nearly 7 million acres in the Northwest.

A number of timber communities in the Northwest, as well as several members of Congress from the region, view increased salvage sales as one way to make more lumber available for local mills threatened with closure because of logging restrictions imposed to protect the spotted owl.

When: The conference committee meeting had not been scheduled at press time.

House Appropriations contacts: Bob Kripowicz (hard-rock mining, energy issues), Loretta Beaumont (surface mining, offshore drilling), Neal Sigmon (parks and fish and wildlife), Kathy Johnson (forests), majority, x53081; Deborah Weatherly, minority, x53481. Senate Appropriations contacts: Sue Masica, x45271, Rusty Mathews, x47257, majority; Cherie Cooper, minority, x47262. — *SD, SG*

Forests/wildlife

Up-or-down vote sought on forests

Sen. Mark O. Hatfield (R-Ore.) will try again on Tuesday to persuade the Senate Energy Committee to approve his proposal to address the timber crisis in the Pacific Northwest.

Hatfield tried Aug. 5 to offer his proposal as an amendment to the industry-backed "Federal Lands and Families Protection Act" (S 1156), but his efforts were blocked by parliamentary maneuvering.

S 1156 is on the agenda for action at the Energy Committee's regular business meeting, which has been moved to Tuesday this week because of a potential conflict with the conference on national energy strategy legislation. (See separate story in this issue.)

Chairman J. Bennett Johnston (D-La.) has told committee members that this Tuesday's business meeting will be the panel's final markup session for the 102nd Congress.

Northwest: In listing the northern spotted owl as a threatened species in June 1990, the U.S. Fish and Wildlife Service concluded that logging in "old-growth" forests, biologically rich ecosystems characterized by trees hundreds of years old, was driving the bird to the brink of extinction.

Of the old-growth forests that once carpeted Washington, Oregon and northern California on the western slopes of the Cascades, only about 10 percent are still intact. Most of the remaining old growth is found in federal forests managed by the Forest Service and the Bureau of Land Management.

Government scientists believe the spotted owl depends on the region's old growth for its survival, and their studies have found dwindling numbers of owls left in these forests. The rarity of the owl is believed by many scientists and environmental groups to herald the approaching destruction of the ecosystem.

The ancient, towering trees that shelter the owl and a myriad of other creatures also are the source of prime timber that for many years supported numerous small rural communities of loggers and the businesses that served them.

Since 1987, environmental groups have filed several lawsuits to compel the federal government to protect the owl. The resulting court injunctions, the 1990 listing under the Endangered Species Act (PL 93-205 as amended) and subsequent federal regulations have sharply restricted logging on federal lands. Some of the restrictions apply to state, county and private lands as well.

Curtailed logging has meant heavy job losses, and more economic upheaval is expected as Congress attempts to balance competing demands for protection of the Northwest's remaining old growth and protection of jobs and rural communities.

Previous action: Timber industry and labor advocates had high hopes that S 1156, sponsored by Sen. Bob Packwood (R-Ore.), might clear the Energy Committee shortly before the recess.

S 1156 would set minimum logging levels for the Northwest, set aside patches of forest for the owl, amend existing forest law to require a minimum timber sale volume nationwide, and limit "standing" for appeals and lawsuits.

At the committee's Aug. 5 markup, Hatfield offered a substitute amendment to ease the bill's restrictions on appeals and implement a spotted owl "preservation plan" proposed by Interior Secretary Manuel Lujan Jr.

But Sen. Timothy E. Wirth (D-Colo.) proposed adding to the Hatfield amendment a massive House-passed wilderness measure (HR 2929) for the California desert. HR 2929 is a priority for national environmental groups, and Wirth and other supporters said they had begun to worry that the committee was running out of time to act on that measure.

Sen. John Seymour (R-Calif.), who opposes HR 2929, moved to table Wirth's amendment. When that motion was deronmental 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.

Furthermore, a tribal development fund would be created to provide the Northern Cheyenne with money for land and natural resources 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 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. Report not filed at press time. — *RH*

Global environment/ marine mammals

International Dolphin Conservation Act of 1992 — HR 5419

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

Introduced June 17 by Rep. Gerry E. Studds (D-Mass.), this measure seeks to halt dolphin mortalities from "purse seine" nets used by tuna fishing fleets in the eastern tropical Pacific.

The measure was approved July 1 by the Merchant Marine Committee and July 29 by the Ways and Means Committee. Studds is chairman of the Merchant Marine subcommittee on fisheries, wildlife conservation and the environment.

Purse seines are large nets that encircle fish and then draw shut like a purse. The nets typically are set on schools of dolphin, which are known to swim with yellowfin tuna, ensnaring and killing large numbers of dolphins along with tuna the nets are designed to catch.

HR 5419 calls for a global moratorium on the practice of harvesting tuna through the deployment of purse seines on dolphins.

Specifically, the bill would amend the Marine Mammal Protection Act (PL 92-522) to authorize the secretary of state to negotiate international agreements banning this fishing method. The agreements would enter into force March 1, 1994, and remain in effect for at least five years.

The agreements also would establish research programs to develop alternative, "dolphin-safe" techniques for harvesting yellowfin tuna.

The Senate Commerce Committee's National Ocean Policy Study panel held a hearing July 23 on the Senate companion (S 3003) to Studds' dolphin bill as well as an alternative proposal (S 2995) that aims to reduce dolphin mortalities while allowing purse seine fishing to continue. H. Rpt. 102-746. — *DR*

Parks and public lands/ forests

To exchange lands with the state of Utah — HR 5118

Floor action: Possible this week but not scheduled at press time. An aide to Rep. Wayne Owens (D-Utah), the chief sponsor of the bill, said his boss will be pushing to have the measure ready for House floor action under suspension of the rules on Monday or Tuesday.

The bill, which cleared the House Interior Committee Sept. 17, is designed to simplify the complex land ownership pattern in Utah. HR 5118 would trade lands among the state, the federal government and two Indian tribes, consolidating the holdings of all four.

A companion bill (S 2577) is likely to be marked up by the Senate Energy Committee this Tuesday. (For details on House Interior Committee action and likely amendments to the Senate bill, see separate section B story in this issue.) Report not filed at press time. — *LD*

Appropriations

Interior and related agencies appropriations for fiscal 1993 — HR 5503

Floor action: Possible this week if a conference committee convenes and finishes its work early in the week.

Efforts to update the General Mining Law of 1872 and to increase the fees charged to ranchers who graze their livestock on federal lands are the toughest issues facing conferees likely to meet this week to work out differences between the House and Senate spending bills for the Interior Department and related agencies.

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 and grazing on federal lands in the West.

The bulk of appropriations under the bill go to the Interior Department and the Agriculture Department's Forest Service, which together manage the natural resources on nearly 700 million acres of federal lands. The remainder goes to energy conservation and fossil fuel programs administered by the Energy Department, including the strategic petroleum reserve, as well as a host of cultural and artistic programs, such as the National Endowment for the Arts.

Aides said conferees will be working to shave about $500 million in budget authority from the House- and Senate-passed 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.

boundaries of the Targhee National Forest to include some state park land. No private lands are involved, according to Craig.

A House companion measure (HR 3693) was introduced Oct. 31 by Rep. Richard H. Stallings (D-Idaho). The House Interior subcommittee on national parks and public lands held a hearing on the bill July 21 and has scheduled a markup for Sept. 22 (see separate story in this issue). S. Rpt. 102-390. — *LD*

Hazardous substances

Amendments to protect banks, certain federal agencies and municipalities from liability for hazardous waste cleanup — S ?

Floor action: Timing uncertain.

Sens. Jake Garn (R-Utah) and Frank R. Lautenberg (D-N.J.) are looking for new legislative vehicles for their proposals to give banks, certain federal agencies and municipalities partial protection from cleanup liability under hazardous waste laws, congressional aides and lobbyists said.

Both senators' cleanup liability measures were adopted by the Senate as amendments to a bill (S 2733) aimed primarily at improving the regulation of government-sponsored mortgage financing enterprises. The bill cleared the Senate July 1.

But lingering controversy over cleanup liability and other provisions has delayed efforts to convene a conference to reconcile S 2733 with a House-passed version of the bill. The House bill contains no cleanup liability provisions.

With little time remaining before the scheduled adjournment next month, House Banking Committee Chairman Henry B. Gonzalez (D-Texas) wants to keep the government-sponsored enterprises legislation free of extraneous measures, such as the cleanup liability language, that would necessitate a large, unwieldy conference involving several other House committees, according to aides on both the House and Senate Banking committees.

Instead, Gonzalez is considering procedural steps that would allow the House and Senate to negotiate a "clean" version of the legislation, possibly avoiding the need for a formal conference altogether, the aides said.

So far, neither house has requested a conference on the bill.

As a result, Garn and Lautenberg may try to attach their proposals to other bills moving to the Senate floor, committee aides and lobbyists said.

Provisions: Provisions authored by Garn would limit the liability of banks, thrifts and other private lenders for the cleanup of environmental contamination on borrowers' property under the superfund hazardous waste law (PL 96-510 as amended) and the Resource Conservation and Recovery Act (PL 94-580 as amended).

Additional provisions would provide liability limitations or exemptions under state and federal waste laws to 14 federal entities, including the Federal Deposit Insurance Corporation and the Resolution Trust Corporation.

Senate Banking Committee Chairman Donald W. Riegle Jr. (D-Mich.) said in floor debate that the lender liability provisions are identical to provisions that cleared the Senate last year as part of a banking reform bill (S 543, S. Rpt. 102-167), except for minor changes to conform more closely with a recently issued Environmental Protection Agency rule on the subject. Lender liability provisions were dropped from the banking bill during conference negotiations with the House. (For more on provisions and issues, see Nov. 25 *Weekly Bulletin*, p. B5 and May 18, p. A1.)

The municipal liability provisions, authored by Lautenberg, would block lawsuits by industrial companies seeking to force municipalities and small businesses to help pay for cleanup of hazardous waste sites. The firms allege that the municipalities and small businesses are liable for cleanup costs under the superfund law because they contributed municipal solid waste — primarily consisting of garbage — to the sites.

Municipal solid wastes, though not considered hazardous waste, generally contain small amounts of hazardous substances, such as discarded paint and household cleaning solvents. This has become troublesome for some cities because of superfund's strict liability system, which makes all those connected with a contaminated site potentially responsible for the cleanup costs, regardless of fault.

Under provisions of the bill, municipalities and others would not be liable in such lawsuits for contributing municipal solid waste or sewage sludge to a site.

In addition, the amendment would establish expedited settlement procedures for EPA to use in allocating up to 4 percent of cleanup costs to those that contribute municipal solid waste or sludge to a site. (For background on municipal liability, see June 22 *Weekly Bulletin*, p. A6.) — *Steve Cook*

Appropriations

Interior and related agencies appropriations for fiscal 1993 — HR 5503

Floor action: Possible this week if a conference committee convenes and finishes its work early in the week.

Efforts to update the General Mining Law of 1872 and to increase the fees charged to ranchers who graze their livestock on federal lands are the toughest issues facing conferees likely to meet this week to work out differences between the House and Senate spending bills for the Interior Department and related agencies.

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 and grazing on federal lands in the West.

The bulk of appropriations under the bill go to the Interior Department and the Agriculture Department's Forest Service, which together manage the natural resources on nearly 700 million acres of federal lands. The remainder goes to energy conservation and fossil fuel programs administered by the Energy Department, including the strategic petroleum reserve, as well as a host of cultural and artistic programs, such as the National Endowment for the Arts.

Aides said conferees will be working to shave about $500 million in budget authority from the House- and Senate-passed 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*

Parks and public lands

To amend the Alaska National Interest Lands Conservation Act to improve the management of Glacier Bay National Park — S 1624

Floor action: Possible this week.

This bill, adopted Aug. 4 by the Senate Energy Committee, would allow local residents to engage in subsistence fishing and gathering and commercial fishing, in Alaska's Glacier Bay National Park.

A House companion bill (HR 3418), sponsored by Rep. Don Young (R-Alaska), was approved July 1 by the House Merchant Marine Committee (H. Rpt. 102-765, part I).

HR 3418 also was referred to the House Interior Committee, which has not marked up the bill. The national parks subcommittee held a hearing on HR 3418 and two related bills (HR 3156, HR 3158) last week, but no further action has been scheduled.

The Senate Energy and House Merchant Marine committees each approved a substitute amendment stripping out language originally contained in both measures that would have permitted a greater number of cruise ships to ply the waters of Glacier Bay park during the summertime whale season.

Left intact by both committees are the provisions to allow subsistence fishing and gathering in the park by local residents, and to permit commercial fishing within the park's boundaries, except for wilderness areas.

Environmental groups oppose the measure, as does Sen. Paul Wellstone (D-Minn.), an Energy Committee member. In dissenting remarks in the committee report on the bill, Wellstone argues there is little difference between commercial and subsistence fishing in the bay and that both should be forbidden.

Wellstone also argues against other subsistence uses, saying the bill "could substantially degrade Glacier Bay as a fish and wildlife sanctuary [and] ruin the wilderness character of the park's shorelines and bays." (For more details and background, see June 29 *Weekly Bulletin*, p. B2.) S. Rpt. 102-404. — *LD*

Oceans

National Marine Sanctuaries Reauthorization and Improvement Act of 1992 — HR 4310

Floor action: Likely this week.

This bill would authorize greater spending to administer the national marine sanctuaries program and strengthen the National Oceanic and Atmospheric Administration's authority over federal activities that affect marine sanctuaries.

The Senate will act on a substitute amendment representing a compromise between the Senate Commerce Committee and the House Merchant Marine Committee, which have jurisdiction over the marine sanctuary program, House and Senate aides said. After the Senate passes the bill, it is expected to move to the House, where it likely will be cleared for the president's signature, the aides said.

The bill is not expected to be controversial.

The Senate Commerce Committee approved its own sanctuaries reauthorization bill (S 2788) June 16. The House passed its bill (HR 4310, H. Rpt. 102-565) on Aug. 3.

The national marine sanctuaries program at NOAA, an agency of the Commerce Department, was established under Title III of the Marine Protection, Research and Sanctuaries Act of 1972 (PL 92-532 as amended). The current authorization for the program expires Sept. 30.

Under the 1972 law, the commerce secretary can designate ocean areas or parts of the Great Lakes as national 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, such as offshore oil and gas drilling and fishing, are allowed in some of these sanctuaries, resource protection is the main goal of the program.

Nine sanctuaries have been designated in waters off coastal states from Massachusetts to Florida to California since the law was first enacted. The most recently designated site was the Flower Garden Banks sanctuary off Texas and Louisiana.

Another six sites are under consideration by NOAA. (For more background, see March 30 *Weekly Bulletin*, p. B4.)

Bill: The compromise measure would authorize $8 million for the sanctuaries program in fiscal 1993, $12.5 million in fiscal 1994, $15 million in fiscal 1995 and $20 million in fiscal 1996.

The House- and Senate-passed appropriations bills for the Commerce, Justice and State departments (HR 5678, H. Rpt. 102-709, S. Rpt. 102-331), which include funding for NOAA, would provide $5.7 million and $5.8 million, respectively, for marine sanctuaries in fiscal 1993. The Bush administration requested $7.3 million for the program.

A conference committee may meet this week to sort out the differences between the two spending bills. (See separate story in this issue.)

The reauthorization bill also would increase civil fines for violations under the marine protection act and authorize NOAA

ENVIRONMENTAL AND ENERGY STUDY CONFERENCE

FLOOR BRIEF

Sept. 24, 1992

Interior and related agencies appropriations conference report for fiscal 1993

HR 5503 — H. Rpt. 102-901

Floor action: Possible in the House Friday. The Senate is expected to take up the measure soon after the House acts.

Summary: Wrapping up two days of negotiations Wednesday, interior appropriations conferees struck a bargain in which both sides backed off from highly controversial proposals dealing with mining, mineral leasing and livestock grazing on federal lands.

House negotiators agreed to drop separate provisions that would have increased federal grazing fees by 33 percent, cut states' share of mineral leasing revenues and prohibited public land from being "patented" into private ownership under the General Mining Law of 1872. All three of these proposals were staunchly opposed by Western lawmakers in both chambers.

In exchange, Senate conferees agreed to give up a rival patenting proposal that would have required mining companies to pay fair-market value for any federal lands they purchased under the 1872 mining statute. This measure was opposed by key House members and senators who sought more restrictive mining law reforms.

The elimination of these provisions was aimed at easing the way for final passage of the conference bill, especially on the Senate floor, where any one of these proposals could have ignited a filibuster by opponents.

Seeking to avoid a confrontation with the White House, the conferees also agreed to trim the size of their bill by roughly $500 million to bring the measure within the spending levels prescribed by President Bush in his fiscal 1993 budget request. Administration officials have warned that the president would veto any appropriations bill whose overall funding levels exceed those in Bush's budget proposal.

As approved by the conferees, the bill would now provide about $12.15 billion in budget authority for fiscal 1993. The bulk of that money is earmarked for the Interior Department and

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the Agriculture Department's Forest Service, which together manage the natural resources on nearly 700 million acres of federal lands.

The remainder goes to energy conservation and fossil fuel programs administered by the Energy Department, including the strategic petroleum reserve, as well as a host of cultural and artistic programs, such as the National Endowment for the Arts.

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

Staff contacts: House Appropriations — Neal Sigmon, Kathy Johnson, Loretta Beaumont and Bob Kripowicz, majority, x53081; Deborah Weatherly, minority, x53481. Senate Appropriations — Sue Masica and Rusty Mathews, majority, x47233; Cherie Cooper, minority, x47262. EESC — Leslie Ann Duncan, Steve Daniels, x63300.

Highlights

Mining: The conferees adopted language that would impose new fees on individuals and companies for holding "hard-rock" mining claims on federal lands, but the negotiators dropped sharply different House and Senate proposals addressing "patenting" — the conversion of these claims to private ownership.

The General Mining Law of 1872 gives private citizens free access to unreserved federal lands in the West to prospect for gold, silver, copper and other hard-rock minerals.

Prospectors can then stake mining claims on these lands, giving them exclusive mineral rights and allowing them to mine the property without paying any fees or royalties. They are, however, required to perform $100 worth of "assessment work" each year for each mining claim in order to legally maintain those claims.

Bureau of Land Management

(Budget authority, dollars in millions)

	FY '92	*Bush request*	*House bill*	*Senate bill*	*Conf. report*
Land and resource management	532	546	532	546	545
Fire protection	120	120	120	120	119
*Emergency firefighting fund	100	165	165	165	165
Construction and access	14	14	13	18	16
Payments in lieu of taxes	104	105	105	105	105
Land acquisition	25	42	26	25	28
Timber salvage fund	—	—	—	1	1
Ore. & Calif. grant lands	89	84	83	84	83
Range improvements	11	11	11	11	11
Service charges	8	8	8	8	8
Miscellaneous trust funds	7	7	7	7	7
Total	**1,010**	**1,051**	**1,019**	**1,037**	**1,037**

*As in the administration request, $51 million of the amount provided for emergency firefighting would be available only under an emergency declaration by the president. Because this money is not counted against discretionary spending under the Budget Enforcement Act, it is not figured into the total for this table.

BLM — management of lands and resources

(Budget authority, dollars in millions)

	FY '92	*Bush request*	*House bill*	*Senate bill*	*Conf. report*
Energy and minerals					
Oil and gas	50	54	51	54	52
Coal management	9	9	9	9	9
Mining law	12	—	—	—	—
Other minerals	9	11	9	11	10
Subtotal	**80**	**73**	**69**	**73**	**70**
Lands and realty management					
Lands, realty, rights of way	26	26	26	26	26
Alaska lands	15	14	14	16	15
Subtotal	**41**	**39**	**39**	**42**	**41**
Renewable resource management					
Forest management	7	7	7	7	7
Wild horses	15	14	14	17	16
Range management	41	41	41	44	43
Soil, water, air	18	19	19	20	20
Wildlife habitat management	34	34	34	38	37
Recreation management	45	47	48	47	47
Recreation operations	1	1	1	1	1
Subtotal	**161**	**163**	**164**	**174**	**174**
Resource management planning	10	10	10	10	10
Information and resource data management	46	61	56	56	56
Resource protection and maintenance	92	97	93	98	96
General administration	103	103	100	103	103
Allocation reduction & use or prior-year funds	—	—	-3	-11	-11
Total	**532**	**546**	**532**	**546**	**545**

The conference bill would replace this work requirement with a new $100 holding fee that would be charged for each claim. As a concession to Western lawmakers, however, the conferees agreed to make the new fee applicable only in fiscal 1993. The original House and Senate versions of this proposal would have made the fee permanent.

Also included in the conference bill is language authored by Sen. Ted Stevens (R-Alaska) that would waive the holding fee for claims occupied by certain small-scale mining operations if they are actually producing minerals.

Environmental groups have called for a sweeping overhaul of the mining law, which they regard as an outdated statute allowing claimants to extract minerals on federal land without adequate environmental safeguards or compensation to the government. Critics also argue that the patenting system established by the law is open to abuse by land speculators.

The mining industry contends that the imposition of new financial and environmental requirements is unnecessary and will only result in the loss of mining jobs.

(For more information on the patenting proposals contained in the House- and Senate-passed bills, see Sept. 21 *Weekly Bulletin*, p. B9.)

Fish and Wildlife Service
(Budget authority, dollars in millions)

	FY '92	*Bush request*	*House bill*	*Senate bill*	*Conf. report*
Resource management	513	544	530	531	535
Construction	113	49	48	90	82
Natural resource damage assessment & restoration	4	5	5	4	5
Land acquisition	98	80	67	78	76
National wildlife refuge fund	12	14	12	13	12
Coop. endangered species fund	7	6	7	7	7
Wetlands conservation fund	—	15	8	11	9
Rewards and operations	1	1	1	1	1
Total	**748**	**714**	**677**	**735**	**727**

Mineral leasing: Conferees agreed to drop a House provision that would have doubled the administrative costs borne by Western states in collecting royalties and other revenues generated by oil, gas and coal leasing on federal lands.

Under current law, states assume one-quarter of these costs, which are deducted from their share of the federal government's mineral revenues. Under the 1920 Mineral Leasing Act, the federal government and the states split the proceeds from federal minerals leasing.

Offshore drilling: Like both the House and Senate bills, the conference report would place 462 million acres of the sea floor off-limits to new federal oil and gas leasing.

Specifically, the legislation would impose a one-year prohibition on leasing and pre-leasing activities off most of the Atlantic and Pacific coasts, in the Gulf of Mexico off Florida, and in Bristol Bay, Alaska. Virtually the same restrictions were enacted last year.

Grazing fees: The conference committee agreed to do away with House-passed language that would have imposed a 33 percent increase in the fees the federal government charges ranchers and farmers to graze their livestock on public lands in the West.

Fish and Wildlife Service — resource management
(Budget authority, dollars in millions)

	FY '92	*Bush request*	*House bill*	*Senate bill*	*Conf. report*
Fish and wildlife enhancement					
Endangered species	36	42	39	42	41
Habitat conservation	34	38	38	37	38
Enviro. contaminants	14	10	10	12	12
Wetlands inventory	8	8	8	8	8
Subtotal	**92**	**99**	**96**	**99**	**98**
Refuges and wildlife	205	223	214	215	214
Fisheries	63	64	64	65	65
Research and development	85	82	85	87	88
General administration	68	76	72	74	74
Miscellaneous reductions	—	—	—	-9	-3
Total	**513**	**544**	**530**	**531**	**535**

The decision marked the third year in a row that a grazing fee hike approved by the House has been stripped from the interior appropriations bill in conference.

A 33 percent increase in grazing fees also has been approved by the House as part of a separate bill (HR 1096) to reauthorize the Bureau of Land Management.

Environmentalists and other proponents of a fee hike say the grazing fees charged by the federal government are far below fair-market value, compared with fees for private and state lands, and amount to a costly subsidy that encourages overgrazing of the public range.

Livestock interests, however, argue that a comparison between federal and private grazing fees is unfair because it does not account for added production costs associated with grazing on public land, including water and fencing that must be provided at the ranchers' expense. On private land, such costs are assumed by the range owners.

National Park Service
(Budget authority, dollars in millions)

	FY '92	*Bush request*	*House bill*	*Senate bill*	*Conf. report*
Park system operations	953	1,032	992	989	992
National recreation and preservation	23	31	23	24	24
Historic preservation	35	41	37	37	37
Construction	272	138	238	206	232
Urban park and recreation	5	—	—	—	—
Land acquisition and state assistance	105	144	107	119	119
JFK Center	23	14	14	21	21
Land & water conservation fund (contract authority rescission)	-30	-30	-30	-30	-30
Total	**1,387**	**1,369**	**1,381**	**1,366**	**1,395**

Rights of way: Toning down another House provision that was certain to anger Westerners, the conferees agreed to a proposal to study the effects of an obscure Reconstruction era law allowing states and counties to claim highway rights-of-way across federal lands.

The House bill would have prohibited funding to process right-of-way claims filed under the 1866 law, known as Revised Statute 2477. The Senate bill was silent on the issue.

Currently, a state or county can claim an RS 2477 right of way if it can document that a road was built across unreserved federal land prior to 1976, when the 19th-century statute was repealed. By asserting rights of way under RS 2477, states and counties could disqualify many undeveloped federal lands from being set aside as wilderness areas, national park units or other designations that restrict commercial activities. This is especially true in the West, where local officials have traditionally been hostile to restrictions on land use.

The conference bill would direct the department to study RS 2477 claims in terms of their effect on public lands management and their potential to allow access to private lands. The

Forest Service

(Budget authority, dollars in millions)

	FY '92	Bush request	House bill	Senate bill	Conf. report
Forest research	181	170	187	179	184
State and private forestry	182	199	132	161	158
National forest system	1,343	1,368	1,321	1,306	1,319
Fire protection	187	198	193	189	191
*Emergency firefighting fund	111	375	375	375	375
*Emergency pest suppression	—	—	42	20	26
Construction	272	311	238	257	257
Land acquisition	88	100	62	62	63
Land acquisition, special acts	1	1	1	1	1
Land acquisitions to complete exchanges	1	0.2	0.2	0.2	0.2
Range betterment	5	5	5	5	5
Total	**2,371**	**2,539**	**2,326**	**2,347**	**2,365**

*Half the funds ($188 million) requested by the administration and included in the legislation for emergency firefighting would be available only under an emergency declaration by the president. The same is true for the entire emergency pest suppression fund. Because this money is not counted against discretionary spending under the Budget Enforcement Act, it is not figured into the total for this table.

study also would examine how the federal government should assess the validity of a claim and alternatives for obtaining rights-of-way.

Timber: In an issue of importance to the Pacific Northwest, the conferees managed to reconcile differing House and Senate provisions that would allow "salvage" logging of dead and dying timber in national forest areas set aside for the northern spotted owl — subject to certain conditions.

Specifically, House language that would permit salvage sales only if they do "not render the area unsuitable" for spotted owls was combined with Senate language stipulating that salvage sales in owl habitat areas be conducted "in full compliance with existing environmental and forest management laws."

Currently, no timber sales are permitted in forest areas regarded by the U.S. Fish and Wildlife Service as "critical habitat" for the owl — nearly 7 million acres in the Northwest.

A number of timber communities in the Northwest, as well as several members of Congress from the region, view increased salvage sales as one way to make more lumber available for local mills threatened with closure because of logging restrictions imposed to protect the spotted owl.

On a related issue, the conference adopted a compromise offered by Sen. Dennis DeConcini (D-Ariz.) to settle a dispute over administrative appeals of Forest Service decisions, such as the approval of individual timber sales.

The Forest Service has announced plans to do away with administrative appeals for individual timber sales, a move that would leave the federal courts as the only recourse for environmentalists and others seeking to challenge timber sales. The Forest Service and the timber industry have complained that environmental groups are abusing the system by filing numerous appeals of a "frivolous" nature, delaying timber sales across the country.

DeConcini's proposal would require that the Forest Service keep its appeals process open to timber sale challenges. But his measure would impose restrictions designed to prevent abuse of the system.

The public would be given 30 days to comment on proposed timber sales and other actions before they are made final. Individuals would have standing to file administrative appeals only if they had taken part in the forest planning process. In addition, deadlines would be set for filing appeals and for the Forest Service to respond to those appeals. Should the agency fail to meet the deadline, its decision would be deemed final.

The bill also would establish a 15-day grace period before any decision under challenge is implemented, giving appellants time to file a formal lawsuit.

National Forest System

(Budget authority, dollars in millions)

	FY '92	Bush request	House bill	Senate bill	Conf. report
Minerals	34	41	35	37	35
Real estate management	35	37	37	37	37
Land line location	32	33	32	31	31
Maintenance of facilities	26	23	27	23	27
Cooperative law enforcement	8	6	6	6	6
NFS drug control	7	9	10	8	10
Road maintenance	86	83	83	83	83
Trail maintenance	31	30	32	30	32
Timber inventory	27	28	28	28	28
Silvicultural examination	37	34	35	34	35
Sales preparation	125	109	97	93	93
Harvest administration	75	75	64	73	70
Reforestation	46	55	48	47	47
Stand improvement	32	20	28	28	28
Nurseries	18	19	18	18	17
Recreation management	164	192	175	178	176
Wilderness	27	29	29	28	28
Cultural resources	26	27	28	27	28
Wildlife habitat	38	39	40	39	39
Inland fish	19	19	20	18	19
Threatened, endangered and sensitive species	29	30	33	30	31
Anadromous fish habitat	27	27	28	26	28
Range vegetation management	39	43	40	41	40
Range improvement	2	2	2	2	2
Wild horse and burro management	0.3	0.3	0.3	0.4	0.4
Noxious weed control	2	2	2	2	2
Soil, water and air operations	56	52	51	53	52
Soil and water resource improvements	13	9	13	12	13
Soil and water resource inventories	8	7	8	7	8
General administration	304	316	304	316	313
Reforest trust fund transfer	-30	-30	-30	-30	-30
Washington/regional office reduction	—	—	-13	-10	-13
Total	**1,343**	**1,368**	**1,313**	**1,306**	**1,318**

Kevin Kirchner of the Sierra Club Legal Defense Fund said the DeConcini language offers "something everybody can live with." He said the most important aspect of the compromise is that it constitutes a statutory requirement for an appeals process. The Forest Service is not currently required by law to allow administrative appeals.

Frank Gladics of the National Forest Products Association said that the timber industry preferred language in the Senate-passed bill, which would have mandated an appeals process but without a 30-day public comment period for proposed actions. The House bill did not address the appeals issue.

Gladics called the public comment period "a costly new step" in the appeals process. Nevertheless, Gladics said the deadline for finalizing decisions provided by the compromise is "critically important."

In other forest issues, the conference agreed not to set timber sale targets by region, as Congress has done in the past. Instead, the Forest Service would be instructed to report to Congress in 45 days on recommended logging levels for each of its 10 regions.

Turning to the Forest Service budget for building logging roads, conferees split the difference between the two bills, adding $8.5 million to the House-passed level of $132 million. The Senate had approved $143 million for logging road construction.

In the matter of timber sales that cost more to administer than the revenue they bring in, conferees directed the agency to pursue its ongoing project to determine when those sales can be avoided. The conferees also directed the Forest Service to take public comments on a proposal to require a minimum bid for timber sales.

DOE — fossil energy R&D

(Budget authority, dollars in millions)

	FY '92	*Bush request*	*House bill*	*Senate bill*	*Conf. report*
Coal					
Control technology	51	32	43	44	42
Advanced research	30	22	26	26	26
Coal liquefaction	39	24	38	35	37
Combustion systems	38	21	38	39	37
Fuel cells	51	35	51	51	52
Heat engines	18	6	5	6	4
Magnetohydrodynamics	40	—	33	29	31
Surface coal gasification	11	15	9	13	11
Subtotal, coal	**279**	**154**	**243**	**243**	**241**
Petroleum					
Advanced process technology	14	8	9	12	11
Enhanced oil recovery	37	47	44	48	46
Oil shale	6	3	5	6	5
Subtotal, petroleum	**57**	**57**	**57**	**65**	**63**
Gas	13	40	23	34	30
Other	95	60	89	83	89
Total	**444**	**311**	**413**	**423**	**422**

• where salvage sales would encourage the long-term health of the remaining forest.

Any such sale would have to include watershed and hillside restoration, tree planting and monitoring of the area.

A number of timber communities in the Pacific Northwest, as well as several members of Congress from that region, view increased salvage sales as one way to make more lumber available for local mills. Those mills are currently starved for timber due to federal regulations and court rulings that have restricted logging in the Northwest to save the federally protected northern spotted owl.

The subcommittee held a field hearing on LaRocco's bill in Idaho May 23 and another hearing on Capitol Hill July 1.

Amendments: At its Sept. 24 markup, the Agriculture Committee approved a substitute dropping language in the bill that would have prevented administrative and court challenges of salvage sales. Other new provisions included in the substitute would:

• redefine forest health on a more scientific basis.

• require input from scientists on the development of forest health programs.

• require the Forest Service to decide separately whether to conduct an environmental impact statement on proposed salvage sales in roadless areas. Report not filed at press time. — *LD*

Appropriations

Conference report on Interior and related agencies appropriations for fiscal 1993 — HR 5503

Floor action: Expected this week.

Congress is not likely to complete action on the bill before current spending authority expires ~~Sept. 30~~. House Appropriations Committee Chairman Jamie L. Whitten (D-Miss.) introduced a continuing resolution (H.J. Res. 553) Sept. 24 that would provide interim spending authority after Sept. 30 until the bill is signed by the president.

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

Conference: Wrapping up two days of negotiations Sept. 23, interior appropriations conferees struck a bargain in which both sides backed off from highly controversial proposals dealing with mining, mineral leasing and livestock grazing on federal lands.

House negotiators agreed to drop separate provisions that would have increased federal grazing fees by 33 percent, cut states' share of mineral leasing revenues and prohibited public land from being "patented" into private ownership under the General Mining Law of 1872. All three of these proposals were staunchly opposed by Western lawmakers in both chambers.

In exchange, Senate conferees agreed to give up a rival patenting proposal that would have required mining companies to pay fair-market value for any federal lands they purchased under the 1872 mining statute. This measure was opposed by key House members and senators who sought more restrictive mining law reforms.

The elimination of these provisions was aimed at easing the way for final passage of the conference bill, especially on the Senate floor, where any one of these proposals could have ignited a filibuster by opponents.

Seeking to avoid a confrontation with the White House, the conferees also agreed to trim the size of their bill by roughly $500 million to bring the measure within the spending levels prescribed by President Bush in his fiscal 1993 budget request. Administration officials have warned that the president would veto any appropriations bill whose overall funding levels exceed those in Bush's budget proposal.

As approved by the conferees, the bill would now provide about $12.15 billion in budget authority for fiscal 1993. The bulk of that money is earmarked for the Interior Department and the Agriculture Department's Forest Service, which together manage the natural resources on nearly 700 million acres of federal lands.

The remainder goes to energy conservation and fossil fuel programs administered by the Energy Department, including the strategic petroleum reserve, as well as a host of cultural and artistic programs, such as the National Endowment for the Arts. (For more, see Sept. 24 House-Senate *Floor ~~Brief.~~*) ~~H. Rpt. 102-~~ 901. — *SG*

Global environment/research

NASA authorization act, fiscal year 1993 — HR 4364

Floor action: Possible this week.

The House may take a second look at NASA legislation this week if the Senate Commerce and House Science committees can come to agreement on conflicting House and Senate versions of the bill.

The House May 5 passed a three-year reauthorization bill for the National Aeronautics and Space Administration that would increase the budget vulnerability of a high-profile satellite program to study global climate change and other aspects of Earth's environment.

The Senate Commerce Committee took a different approach, approving a one-year NASA reauthorization bill June 16 (S. Rpt. 102-364) that would provide greater assurance of congressional support for the Earth Observing System.

A Senate Commerce aide said that his panel and the House Science Committee are attempting to work out a compromise bill that would be offered on the floors of both houses this week. However, the aide expressed doubt about whether the two committees could reach agreement before the end of the Congress. (For more information on the bills, see separate Senate floor story.) H. Rpt. 102-500. — *Steve Cook*

Utah's inholdings and an additional 22,776 acres of subsurface mineral rights.

All of the state's inholdings in various national parks — approximately 68,400 acres plus an additional 12,796 acres of minerals estate — would be turned over to the federal government. In addition, the government would gain 76,000 acres of state land lying within national forests.

The Navajo reservation would gain 38,500 acres of land plus 9,500 acres of mineral interests. The legislation also would acquire 980 acres for the Goshute reservation plus 480 acres of mineral rights for the tribe.

In exchange, the state would receive federal property or royalty revenues.

One of the chief differences between HR 5118 and S 2577 is the way in which the state would go about selecting its compensation for the inholdings acquired by the federal government and Indian reservations.

The House Interior Committee bill, preferred by environmentalists, is generally more restrictive in how the choices are offered.

Under the House Interior bill, the state would first choose lands or mineral rights from a specified list of seven federal holdings within Utah.

If additional compensation was necessary, the House Interior bill would allow the interior secretary to offer the state royalty revenues (up to a total of $25 million) or other lands or mineral interests to equalize the value of the trades.

Garn's amendment would allow the state to choose from among the specified list, the royalties or the other lands in any order. It would forbid the secretary from offering more than $20 million in royalties annually, but would allow the secretary to add other lands or mineral interests to the first list.

A coalition of environmental groups has denounced Garn's amendment, saying it "effectively dismantled" a consensus developed during two years of negotiations. Garn's amendment in its present form would be unacceptable to the House Interior Committee, according to a committee staffer. Report not filed at press time. — *LD*

Appropriations

Conference report on Interior and related agencies appropriations for fiscal 1993 — HR 5503

Floor action: Expected this week soon after the House takes up the conference report.

Congress is not likely to complete action on the bill before current spending authority expires Sept. 30. House Appropriations Committee Chairman Jamie L. Whitten (D-Miss.) introduced a continuing resolution (H.J. Res. 553) Sept. 24 that would provide interim spending authority after Sept. 30 until the bill is signed by the president.

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

As approved by the conferees, the bill would provide about $12.15 billion in budget authority for fiscal 1993. The bulk of that money is earmarked for the Interior Department and the Agriculture Department's Forest Service, which together manage the natural resources on nearly 700 million acres of federal lands.

The remainder goes to energy conservation and fossil fuel programs administered by the Energy Department, including the strategic petroleum reserve, as well as a host of cultural and artistic programs, such as the National Endowment for the Arts. (For more, see Sept. 24 House-Senate *Floor Brief*.) H. Rpt. 102-901. — *SG*

Oceans

National Marine Sanctuaries Reauthorization and Improvement Act of 1992 — HR 4310

Floor action: Likely this week if it was not passed late last week.

This bill would authorize greater spending to administer the national marine sanctuaries program and strengthen the National Oceanic and Atmospheric Administration's authority over federal activities that affect marine sanctuaries.

The bill also would streamline the process of designating new sanctuaries in ocean waters, increase the civil penalties assessed against violators of sanctuary regulations and designate by statute new sanctuaries off Massachusetts and Hawaii.

The Senate will act on a substitute amendment representing a compromise between the Senate Commerce Committee and the House Merchant Marine Committee, which share jurisdiction over the marine sanctuary program, House and Senate aides said. After the Senate passes the bill, it is expected to move to the House, where it likely will be cleared for the president's signature, the aides said.

The Senate Commerce Committee approved its own sanctuaries reauthorization bill (S 2788) June 16. The House passed its bill (HR 4310, H. Rpt. 102-565) on Aug. 3.

The national marine sanctuaries program at NOAA, an agency of the Commerce Department, was established under Title III of the Marine Protection, Research and Sanctuaries Act of 1972 (PL 92-532 as amended). The current authorization for the program expires Sept. 30.

Under the 1972 law, the commerce secretary can designate ocean areas or parts of the Great Lakes as national 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, such as offshore oil and gas drilling and fishing, are allowed in some of these sanctuaries, resource protection is the main goal of the program.

Ten sanctuaries have been designated in waters off coastal

Interior

National Park Service

(Budget authority, dollars in millions)

	FY '92 estimated	Bush request	House bill	Senate bill	Final bill
Park system operations	953	1,032	992	989	992
National recreation and preservation	23	31	23	24	24
Historic preservation	35	41	37	37	37
Construction	272	138	238	206	232
Urban park and recreation	5	—	—	—	—
Land acquisition and state assistance	105	144	107	119	119
JFK Center	23	14	14	21	21
Land & water conservation fund (contract authority rescission)	(30)	(30)	(30)	(30)	(30)
Total	**1,387**	**1,369**	**1,381**	**1,366**	**1,395**

Bureau of Land Management

(Budget authority, dollars in millions)

	FY '92 estimated	Bush request	House bill	Senate bill	Final bill
Land and resource management	532	546	532	546	545
Fire protection	120	120	120	120	119
*Emergency firefighting fund	100	165	165	165	165
Construction and access	14	14	13	18	16
Payments in lieu of taxes	104	105	105	105	105
Land acquisition	25	42	26	25	28
Timber salvage fund	—	—	—	1	1
Oregon & California grant lands	89	84	83	84	83
Range improvements	11	11	11	11	11
Service charges	8	8	8	8	8
Miscellaneous trust funds	7	7	7	7	7
Total	**1,010**	**1,051**	**1,019**	**1,037**	**1,037**

*As in the administration request, $51 million of the amount provided for emergency firefighting would be available only under an emergency declaration by the president. Because this money is not counted against discretionary spending under the Budget Enforcement Act, it is not figured into the total for this table.

Fish and Wildlife Service

(Budget authority, dollars in millions)

	FY '92 estimated	Bush request	House bill	Senate bill	Final bill
Resource management	513	544	530	531	535
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Natural resource damage assessment & restoration	4	5	5	4	5
Land acquisition	98	80	67	78	76
National wildlife refuge fund	12	14	12	13	12
Coop. endangered species fund	7	6	7	7	7
Wetlands conservation fund	—	15	8	11	9
Rewards and operations	1	1	1	1	1
Total	**748**	**714**	**677**	**735**	**727**

DOE — fossil energy R&D
(Budget authority, dollars in millions)

	FY '92 estimated	*Bush request*	*House bill*	*Senate bill*	*Final bill*
Coal					
Control technology	51	32	43	44	42
Advanced research	30	22	26	26	26
Coal liquefaction	39	24	38	35	37
Combustion systems	38	21	38	39	37
Fuel cells	51	35	51	51	52
Heat engines	18	6	5	6	4
Magnetohydrodynamics	40	—	33	29	31
Surface coal gasification	11	15	9	13	11
Subtotal, coal	279	154	243	243	241
Petroleum					
Advanced process technology	14	8	9	12	11
Enhanced oil recovery	37	47	44	48	46
Oil shale	6	3	5	6	5
Subtotal, petroleum	57	57	57	65	63
Gas	13	40	23	34	30
Other	95	60	89	83	89
Total	**444**	**311**	**413**	**423**	**422**

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Land acquisition, special acts	1	1	1	1	1
Land acquisitions to complete exchanges	1	0.2	0.2	0.2	0.2
Range betterment	5	5	5	5	5
Total	**2,371**	**2,539**	**2,326**	**2,347**	**2,365**

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