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Appropriations - Labor; HHS [Health and Human Services]

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Labor / HHS - Hrgs.

House

2358 Rayburn

3-23

Conference:

9-29 H 137 Capitol

H Rept. 102-974

HR 5677

H Rept. 102-708

S Rept. 102-397

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Labor/HHS

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

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

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

es in the superfund budget he administration have been n by Congress for the past For fiscal year 1993, the presi- his request from the previous st superfund spending from to \$1.8 billion.

ort of the Senate Appropria- ittee (S. Rpt. 102-107) on the 19) making 1992 appropria- A said that the agency has cent of superfund expendi- inistration, enforcement and es not directly related to the azardous waste sites.

ropriations Committee also not adequately monitoring dollar cleanup contracts.

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

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

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

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

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

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

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

Appropriations

Hearings set on money bills

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

House: Several Appropriations subcommittees in the House will meet.

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

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

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

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

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

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

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

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

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

Water resources

Cheyenne water rights markup set

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

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

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

was built in th the tribe and f

The proj and rehabilita in the early st Baucus said in the bill's intr strophic failu water that cou and wipe out Ashland, Mo: \$100 million t Burns said that it is suppe a water rights state Fish an people who liv Montana.

Opposit opposed to the

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

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

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

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

gathering, and permit limited commercial fishing.

Murkowski's draft as circulated would not require the study of commercial fishing called for by Young's bill. The study provision will probably be offered as an amendment to the bill, though it was not clear at press time which senator might do so, according to a committee aide.

Whether the committee will complete action on the bill is "questionable," according to another aide. The main issue will be balancing the interests of commercial fishermen with protecting the park, aides predicted.

The public lands subcommittee held a hearing on S 1624 on May 14.

Opposition: Perhaps the most controversial element of the Glacier Bay legislation had been the proposals to increase cruise ship traffic in the bay, which environmentalists vehemently oppose. Some even argue that fishing boats should be included in the tally of vessels allowed in the park.

The Sierra Club remains opposed to the two bills even without the provisions for cruise ship increases, according to club spokesman Jack Hession. The changes "do not make the bill the slightest bit more acceptable," Hession said. He called the proposed study of commercial fishing "meaningless," contending that it should be performed before Congress acted.

The bill would allow between 2,000 and 3,000 local residents to fish in the park, Hession estimated. He said that level of fishing would have a major negative impact on the park.

But Murkowski maintains that because his amendment would keep fishing at historic levels, and because local villagers have fished in Glacier Bay since before the park was created, the practice should be allowed to continue.

When: The Senate Energy Committee is scheduled to meet at 9:30 a.m. Wednesday, July 1, in 366 Dirksen. The committee also may take up separate bills to restrict geothermal development on the borders of Yellowstone National Park, to enlarge the Indiana Dunes National Lakeshore near Gary, Ind., and to improve federal management of the Pacific yew.

The committee also is expected to discuss amendments to the General Mining Law of 1872. (See separate stories in this issue.)

The Merchant Marine Committee is scheduled to begin its markup session at 10 a.m. Wednesday, July 1, in 1334 Longworth.

Other bills on the agenda include measures to create a national wildlife refuge at the Rocky Mountain Arsenal in Colorado, establish a program for responding to beachings of marine mammals, restrict imports of exotic wild birds, create a fish and wildlife tissue bank for the Great Lakes region, improve coordination of Great Lakes research programs, authorize spending to restore the National Oceanic and Atmospheric Administration's aging fleet of research ships, and restore dwindling stocks of New England groundfish. (See separate stories in this issue.)

Senate Energy contacts: Tom Williams, majority, x47145; Jim O'Toole, minority, x45161. House Merchant Marine contacts: Gina DeFerrari, majority, x63533; Rod Moore, minority, x63520. — LD

Appropriations

Markup likely for Labor-HHS bill

A House appropriations panel is expected this week to mark up a fiscal 1993 spending bill that includes funding for the National Institute of Environmental Health Sciences, low-income energy assistance grants, and a childhood lead poisoning prevention program.

NIEHS is one of the 12 institutes that make up the National Institutes of Health, the biomedical research arm of the federal government within the Health and Human Services Department.

HHS also administers the home heating assistance program for the poor and is the parent agency for the Centers for Disease Control, which, among other things, provide grants to state-run lead poisoning prevention and education programs and conducts lead research.

Funding for these programs is in-

cluded in the appropriations bill for the Labor and Education departments and HHS.

Details of the draft bill set for markup by the Labor-HHS subcommittee were unavailable at press time. However, the Bush administration has proposed that funding for NIEHS be increased 3.8 percent in fiscal 1993 to \$261.5 million.

NIEHS conducts research to identify and study substances in the environment that pose potential hazards to human health. Research is performed by the institute itself and by outside scientists through contracts and grants.

The administration also sought \$1.07 billion for the low-income home energy assistance program, or LIHEAP, about \$730 million less than the total amount appropriated for fiscal 1992. However, unlike this year, the entire sum proposed by the administration for fiscal 1993 could be made available without an emergency spending request of the president.

LIHEAP provides grants to states to help poor households pay for their heating and cooling bills. For fiscal 1992, Congress set aside \$300 million of the total \$1.8 billion LIHEAP appropriation for an emergency fund reserved exclusively to help low-income families pay for home heating oil in the event of a very cold winter combined with unusually high fuel oil costs. Money from this fund is only available if it is specifically requested by the president.

LIHEAP expenditures also were restricted this year by the congressional stipulation that a large chunk of the money not be obligated until the last day of fiscal 1992.

Elsewhere under its fiscal 1993 budget proposal, the administration requested \$40 million for a program by the Atlanta-based Centers for Disease Control to prevent childhood lead poisoning, \$18.7 million more than was appropriated last year.

NOAA: The Appropriations subcommittee on commerce, justice, state and the judiciary also may meet this week to mark up its spending bill, which includes funding for the National Oceanic and Atmospheric Administration. But no action had been scheduled at press time.

NOAA, an agency of the Commerce Department, received an appropriation of

\$1.6 billion for fiscal 1992. Agencies under the NOAA umbrella include the National Weather Service, the National Ocean Service, the National Marine Fisheries Service, the Office of Oceanic and Atmospheric Research and the National Environmental Satellite, Data and Information Service.

When: Aides said the Labor-HHS subcommittee markup is likely for this week but had not been formally scheduled at press time. Full committee action is likely to occur sometime after the Democratic National Convention, aides said.

House Appropriations contacts: Michael Stephens, majority, x53508; John Blazey, minority, x53481. — RH

Hazardous substances

Superfund cleanup process examined

A House Public Works panel Tuesday will examine a new General Accounting Office report that criticizes the Environmental Protection Agency's selection of cleanup methods at hazardous waste sites.

The hearing before the investigations and oversight subcommittee, chaired by Rep. Robert A. Borski (D-Pa.), also will examine EPA's choice of cleanup methods at three sites being cleaned up under the federal superfund program.

The GAO report, "Problems with the Completeness and Consistency of Site Cleanup Plans," was released June 25 at a hearing before the Senate Environment subcommittee on superfund. The report was requested by subcommittee Chairman Frank R. Lautenberg (D-N.J.).

The law: The superfund law — formally the Comprehensive Environmental Response, Compensation and Liability Act, enacted in 1980 (PL 96-510) and revised in 1986 (PL 99-499) — created a federal program to clean up hazardous waste sites and other chemical spills and releases.

The law requires EPA to determine the most dangerous sites and gives the agency power to order those responsible to undertake cleanup. To ensure prompt action, the law established a "superfund"

that EPA can use to conduct cleanup itself. The agency can later sue companies responsible for a waste site to recover the costs.

Money in the superfund comes primarily from special taxes on petroleum, hazardous chemicals and corporate income. The 1990 extension of superfund, contained in the fiscal 1991 budget reconciliation act (PL 101-508), set a ceiling on superfund appropriations of \$5.1 billion over three years.

Problems: One key finding of the GAO report is that in fiscal years 1987 through 1990, containment of waste was chosen as the sole cleanup method at 43 percent of the waste sites where cleanup was being managed by the polluters themselves. By contrast, only 25 percent of sites where EPA manages cleanup relied solely on containment, as opposed to treatment of the waste.

The superfund law directs EPA to favor treatment over containment because treatment permanently reduces waste toxicity, volume or mobility. Containment methods — such as placing waste in a landfill — are generally regarded as temporary because of the probability that wastes eventually will escape to the environment.

Don Clay, EPA's assistant administrator for solid waste and emergency response, said at the Senate hearing that EPA has adopted important program reforms that took effect after the time period covered by GAO's analysis. EPA's analysis of fiscal 1991 data shows that the difference identified by GAO has disappeared, Clay said.

For example, EPA no longer enters into settlements that allow potentially liable companies to conduct assessments of the hazards posed by sites. These assessments are part of the pre-cleanup studies that serve as the basis for EPA's cleanup decisions. Clay also instituted a requirement for special scrutiny of cleanup plans that call only for containment to ensure that treatment options were chosen as often as possible.

A second GAO allegation is that case studies of 34 cleanup plans detected problems that "raise serious questions about the completeness and consistency" of EPA's cleanup decisions.

In some cases, plans failed to set cleanup goals for hazardous contaminants, or for all pollution problems, such as soil or groundwater contamination. Other deficiencies included failure to sufficiently justify the cleanup method selected, and failure to document changes after the cleanup plan is approved, which may deny opportunities for public comment, GAO said.

Clay said EPA has taken several actions to improve the "records of decision" that document superfund cleanup decisions. Detailed guidance has been provided to regional offices. He said many regional offices have formed peer review teams to critique records of decision and improve the consistency of decision-making.

GAO also said EPA's efforts to manage the process of selecting cleanup methods are hampered by the lack of a centralized computer data base on cleanup decisions. Clay said he agreed a new national data base is needed and already has taken steps to develop it.

Three sites: The three sites to be examined at the hearing are the Brio Refinery and Crystal Chemical sites outside Houston, and the Southern Maryland Wood Treating site southeast of Washington, D.C. At all three sites, there is controversy over the cleanup methods chosen by EPA.

For example, at the Maryland site, local citizens are up in arms about EPA's proposal to incinerate waste, a committee staffer said. The state has informed EPA that because incineration is expensive, Maryland cannot afford to pay the share of the cleanup cost it is required to bear to qualify for federal superfund expenditures.

At the Crystal Chemical site, which lies in a flood plain, an initial attempt was made in the mid-1980s to contain the waste, primarily arsenic-contaminated soil. But a flood washed away part of the cap isolating the waste. Following that, EPA unsuccessfully tried "in situ vitrification," an innovative method of solidifying waste using electricity, the committee staffer said. Now, EPA is proposing again to try to contain the waste, but the state of Texas has strong concerns, he said.

When: The hearing is set for 10 a.m.

Co.; Cody L. Graves, a member of the Oklahoma Corporation Commission; Robert Gwyn, president of Agriculture Minerals Corp. in Tulsa, Okla.; and Ronald L. Kuehn Jr., chairman of the Interstate Natural Gas Association of America.

Expected to testify on the third and last panel are Eugene Threadgill, representing the Coalition Against Straight Fixed Variable; George Alcorn, president of Houston-based Alcorn Exploration Inc.; Bob Krueger, a member of the Texas Railroad Commission; and David D'Alessandro, representing the New York Public Service Commission.

When: The hearing is scheduled for 10 a.m. Wednesday, July 8, in 2322 Rayburn.

House Energy contacts: Tom Runge, majority, x62500; Cathy VanWay, minority, x63400. — *Steve Daniels*

Parks and public lands

Dry Tortugas park bill reviewed

A House Interior subcommittee has scheduled a Thursday hearing on legislation to create a national park in and around the Dry Tortugas, a remote group of islands located off Key West in Florida.

The bill (HR 5061) was introduced May 5 by Rep. Dante B. Fascell (D-Fla.), who represents the Florida Keys and is scheduled to testify in support of the legislation.

The proposed Dry Tortugas National Park is currently designated as the Fort Jefferson National Monument, named for a Civil War-era garrison on the islands that later served as a stockade.

The monument encompasses 64,000 acres of islands and ocean, including coral reefs, and is home to loggerhead and green sea turtles, sooty terns, frigate birds and other wildlife.

In addition to upgrading the monument to a national park, the legislation would authorize the National Park Service to establish an administrative office for the park in Key West.

Sen. Bob Graham (D-Fla.) has introduced companion legislation (S 2872) in the Senate.

Designated a national monument in 1935 by President Franklin D. Roosevelt, the Dry Tortugas received 27,000 visitors in fiscal year 1991, subcommittee staff said.

Witnesses: In addition to Fascell, Park Service officials have been asked to testify on the bill, staff said.

When: The hearing before the national parks and public lands subcommittee is set tentatively for 10 a.m. Thursday, July 9, in 340 Cannon.

House Interior contacts: Amy Holley, majority, x67736; Steve Hodapp, minority, x62311. — *Steve Cook*

Wildlife/forests/wetlands

Land trade would enlarge Ark. refuge

The House Agriculture subcommittee on forests will hold a hearing Wednesday on legislation that would add 56,000 acres of privately owned wetlands to two national wildlife refuges in Arkansas.

The bill (HR 5336), introduced June 5 by Rep. Beryl Anthony (D-Ark.), would carry out a complex land trade involving three federal agencies, a timber company and property in two states.

Under the bill, 56,000 acres of wetlands in east-central Arkansas currently belonging to the Potlatch Corp., a timber company, would be transferred to the U.S. Fish and Wildlife Service. These lands, located along the Cache and White rivers, are the winter home for numerous species of migrating waterfowl and have been designated as "wetlands of international importance" under an international wetlands preservation treaty.

The land would be added to the Cache River and White River national wildlife refuges. Senate aides working on a companion bill (S 2572) say the question of whether to allow hunting to continue on these lands is under discussion. Potlatch traditionally has given hunters free access to the land.

Potlatch's compensation for the Arkansas lands — and for some additional tracts the government would receive from the company in northern Idaho — would be numerous other parcels in Idaho's pan-

handle region. The complicated transaction would shuffle land between the timber company, the Bureau of Land Management and the Forest Service.

The effect of the various transfers in Idaho would be to consolidate federal holdings in the state, particularly the Forest Service's ownership in the Kaniksu, Coeur D'Alene and St. Joe national forests.

The full magnitude of acreages and values in the complicated trade is not yet clear because the selection of some of the specific parcels and appraisals of the various tracts are not expected to be finished until later this month.

The companion bill is pending before the Senate Energy Committee. That panel's public lands subcommittee held a hearing on the bill May 21 and has scheduled a field hearing in Lewiston, Idaho, for July 14.

When: The House subcommittee hearing will begin at 10 a.m. Wednesday, July 8, in 1302 Longworth. Members of Congress and Bush administration officials are the only witnesses expected.

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

Appropriations

Markup likely for Labor-HHS bill

A House Appropriations subcommittee this week may resume its markup of a fiscal 1993 spending bill that includes funding for the National Institute of Environmental Health Sciences, low-income energy assistance grants and a childhood lead poisoning prevention program.

NIEHS is one of the 12 institutes that make up the National Institutes of Health, the biomedical research arm of the federal government within the Health and Human Services Department.

HHS also administers the home heating assistance program for the poor and is the parent agency of the Centers for Disease Control, which, among other things, provide grants to state-run lead safety and research programs.

Funding for these programs is in-

cluded in the appropriations bill for the Labor and Education departments and HHS.

The Labor-HHS subcommittee markup began July 1 in closed session, but the panel recessed before completing work on the bill. A continuation of subcommittee action is possible this week, aides said, but at press time Chairman William H. Natcher (D-Ky.) had not scheduled a date to resume the markup.

While details of the draft bill and markup were unavailable, the Bush administration has proposed that funding for NIEHS be increased 3.8 percent in fiscal 1993 to \$261.5 million.

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Elsewhere under its fiscal 1993 budget proposal, the administration requested \$40 million for a program by the Atlanta-based Centers for Disease Control to prevent childhood lead poisoning, \$18.7 million more than was appropriated last year.

When: Aides said the Labor-HHS

subcommittee markup may resume this week, but it had not been formally scheduled at press time.

House Appropriations contacts: Michael Stephens, majority, x53508; John Blazey, minority, x53481. — *Rich Hayes*

Water resources

Indian water bills to be examined

The House Interior Committee plans Wednesday to mark up two water resource bills that would benefit Indian reservations in New Mexico.

Both bills were introduced by Rep. Bill Richardson (D-N.M.) and have already cleared the Senate.

One bill (HR 4437) would implement an agreement between the Pueblo de Cochiti tribe and the Army Corps of Engineers to build an underground drainage system to correct seepage problems from the Cochiti Dam on tribal lands.

According to Richardson, the Pueblo de Cochiti have experienced extensive flooding of their fields since the Cochiti Dam was built in 1970, turning them into "ponds and marshlands."

At a May 29 hearing on the bill, an Army Corps of Engineers official raised concerns of the Justice Department regarding the potential claims against the United States by individuals affected by the seepage problems. The Justice Department wanted language included in the bill that would prevent individuals from continuing to file suit against the U.S. for damages.

However, an agreement has since been reached between the tribe and the Justice Department that would assign responsibility to the Pueblo tribe for settling any claims pursued by individuals after the legislation is passed. According to a Richardson staffer, the agreement was worked out in an effort to keep the bill identical to legislation (S 2245) that passed the Senate May 21, thereby hastening enactment of the legislation.

The committee also will mark up a bill (HR 4026) that would direct several agencies to conduct a study of the Zuni

River watershed, which encompasses the Zuni Pueblo Indian reservation and areas upstream. The bill calls for a plan for watershed protection and rehabilitation to be submitted to Congress within four years.

According to Richardson, there has been extensive damage during the past century to the Zuni River watershed, including erosion of farming and grazing lands, reduced productivity of renewable resources and loss of water.

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

A committee aide said the Zuni River bill is not controversial and was unaware of any amendments to be offered.

When: The markup is set for 9:45 a.m. Wednesday, July 8, in 1324 Longworth. The committee is also scheduled to consider two wilderness bills. (See separate stories in this issue.)

House Interior contacts: Steve Heeley, majority, x67393; Rich Houghton, minority, x62311. — *RH*

Wild and scenic rivers

Panel considers state of U.S. rivers

The House Interior subcommittee on energy and environment plans Wednesday to mark up a bill to establish a national data base listing the recreational values and other characteristics of rivers across the country.

The bill (HR 5001), introduced April 28 by subcommittee Chairman Peter H. Kostmayer (D-Pa.), would authorize the Interior Department to join with states in developing such a national inventory.

An aide to Kostmayer described the proposed inventory as a data base on the state of the nation's rivers. Under the bill, the inventory could include assessments of river water quality or resource potential, but it would emphasize recreational values, the staffer said.

Such a data base potentially could be used by states and local governments in determining whether to restrict land development in riverside areas in order to protect the recreational use of specific streams, the aide said.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Under the conservation reserve program, farmers contract with the federal

government to remove highly erodible cropland from cultivation for 10 years in exchange for government rental payments. The wetlands reserve program works essentially the same way. The House bill would prohibit the agency from entering into new contracts with farmers under the CRP.

When: At press time, markups by the agriculture subcommittee and the energy and water panel were considered possible this week, but neither was scheduled to meet.

Senate Appropriations contacts: Proctor Jones, x40335 (energy), Dave Gwaltney, x40332 (water), and Tim Sanders, x52638 (agriculture), majority; Mark Walker, x47261 (energy and water), and Bill Warfield, x53481 (agriculture), minority. — *Lucy Harvey, Jim Ketcham-Colwill, Steve Cook*

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Funding for these programs is included in the appropriations bill for the Labor and Education departments and HHS.

The Labor-HHS subcommittee finished marking up the bill July 2 in closed session. A committee aide said the bill is scheduled to go to the floor next Tuesday.

While details of the bill are embargoed until after full committee markup,

the Bush administration has proposed that funding for NIEHS be increased 3.8 percent in fiscal 1993 to \$261.5 million.

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LIHEAP expenditures also were restricted this year by the congressional stipulation that a large chunk of the money not be obligated until the last day of fiscal 1992.

LIHEAP provides grants to states to help poor households pay their heating and cooling bills. Elsewhere under its fiscal 1993 budget proposal, the administration requested \$40 million for a program by the Atlanta-based Centers for Disease Control to prevent childhood lead poisoning, \$18.7 million more than was appropriated last year.

When: A committee staffer said the full committee markup of the Labor-HHS bill will be held the morning of Thursday, July 23, in 2360 Rayburn.

House Appropriations contacts: Michael Stephens, majority, x53508; John Blazey, minority, x53481. — *Rich Hayes*

In the House

Appropriations

Labor-HHS appropriations for fiscal 1993 — HR 5677

Floor action: Scheduled for Tuesday.

Funding for the National Institute of Environmental Health Sciences would increase slightly but federal energy assistance to poor families would be cut sharply under a fiscal 1993 spending bill approved July 23 by the House Appropriations Committee.

The low-income energy assistance program and NIEHS, one of the 12 branches of the National Institutes of Health, both are administered under the Health and Human Services Department and both are funded through appropriations bill for the Labor Department and HHS.

Under the Labor-HHS bill approved by the Appropriations Committee, money for the low-income home energy assistance program, or LIHEAP, would be reduced \$309 million from fiscal 1992 levels. The Bush administration requested an even greater cut. The program provides grants to states to help poor individuals pay their heating and cooling bills.

The LIHEAP cut proposed in the committee bill would put fiscal 1993 funding for the program at \$1.5 billion, \$43 million above the administration's request.

However, of the total earmarked by the bill for LIHEAP, \$600 million would go to the energy emergency contingency fund, which was established in the fiscal 1992 Labor-HHS bill. This is a pool of money reserved specifically to help pay for home heating oil used by low-income families should there be a very cold winter combined with unusually high fuel oil costs. The money would become available only if the president makes an emergency request.

While the administration sought LIHEAP funding without an emergency request provision, the emergency funding in the bill is \$300 more than was appropriated last year. Therefore, the total amount earmarked for non-emergency funding for fiscal 1993 is \$600 million less than 1992 levels. According to a committee aide, the emergency funds for fiscal 1992 have not been spent.

Elsewhere under the bill, NIEHS would receive \$255.1 million in the coming fiscal year, a slight increase over current spending levels. This amount is \$6.4 million less than the president requested.

NIEHS, one of the 12 institutes that make up the biomedical research arm of the federal government, conducts research to identify and study substances in the environment that pose potential hazards to human health. Research is performed by the institute itself and by outside scientists through contracts and grants.

In addition to the money earmarked for NIEHS, the bill recommends that \$21.1 million be appropriated for a program by

the Atlanta-based Centers for Disease Control to prevent childhood lead poisoning, \$18.9 million less than the administration requested. The amount earmarked in the bill is approximately the same as the amount that was appropriated last year. H. Rpt. 102-708 — *Rich Hayes*

Appropriations

VA-HUD and independent agencies appropriations for fiscal 1993 — HR 5679

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

Funding for the Environmental Protection Agency would be cut \$9.7 million under a fiscal 1993 spending bill approved July 23 by the House Appropriations Committee. But the measure would provide a boost to an environmental satellite program being developed by the National Aeronautics and Space Administration.

Spending authority for EPA and NASA is provided in the appropriations bill that covers the Veterans Affairs Department, the Housing and Urban Development Department and several independent agencies.

Although the committee bill would enlarge several key elements of the EPA budget, a \$200 million cut slated for the hazardous waste superfund and a \$192.3 million reduction for salaries would result in total funding of \$6.6 billion — a slight decrease from current spending levels for the agency as a whole.

Spending levels for EPA were constrained by an overall freeze in domestic discretionary funds the committee had to work with. In addition, the committee had to strike a balance between popular programs competing for scarce dollars, such as NASA's space station *Freedom* and EPA funding for sewer construction grants and loans. In addition, the committee approved a \$1.1 billion increase requested by President Bush for veterans' medical care.

At the committee markup, VA-HUD subcommittee Chairman Bob Traxler (D-Mich.) raised the likelihood that the veterans medical care increase and the \$1.73 billion provided for the space station would come into conflict with other programs in the bill, forcing either the elimination of the station or a 2 percent across-the-board cut in funding for other programs and agencies, including EPA.

The bill would cover a \$600 million outlay shortfall resulting from veterans medical care by reducing NASA spending by \$359 million from current levels and by saving \$341.8 million through legislative changes in other VA programs and Federal Housing Administration mortgage loans.

However, making legislative changes in appropriations bills is a violation of House rules, and Veterans Affairs Committee Chairman G.V. (Sonny) Montgomery (D-Miss.) informed the

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

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

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

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

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

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

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

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

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

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

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

The House-passed bill features a number of provisions

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

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

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

Solid waste

RCRA bills run into obstacles

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

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

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

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

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

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

The Vento substitute also would create an independent panel to study the economy and ecology of national forests in the Northern Rockies, the Williams aide said. The purpose of the study is to examine the management of the forests and anticipate problems before they arise, the aide said. "It's like a spotted owl study before the crisis," the aide said, referring to the intractable controversy in the Pacific Northwest.

An aide to Marlenee was unavailable last week for more specific comments on possible amendments.

The subcommittee held a hearing on the bill on June 9.

The Agriculture Committee also has jurisdiction over the bill; that panel's forests subcommittee approved S 1696 without amendment June 24. A full committee markup has not been scheduled. The forests subcommittee held a hearing on the bill on June 10.

When: The Interior subcommittee markup will begin at 10 a.m. Thursday, Sept. 10, in a room to be announced. The subcommittee is also scheduled to mark up legislation designed to simplify the complex land ownership pattern in Utah. (See separate story in this issue.)

House Interior contacts: Jim Bradley, majority, x67736; Kurt Christensen, minority, x62311. — LD

Appropriations

Senate marks up Labor-HHS bill

A Senate Appropriations subcommittee is scheduled Thursday to mark up a House-passed spending bill that would significantly cut federal energy assistance to low-income families but boost funding slightly for the National Institute of Environmental Health Sciences.

Funding for these programs is included in the fiscal 1993 appropriations bill that covers the departments of Health and Human Services, Education and Labor.

Details about possible Senate subcommittee action on the bill were unavailable at press time.

Under the version passed by the

House July 28 (HR 5677, H. Rpt. 102-708), non-emergency funding for the low-income home energy assistance program, or LIHEAP, would be set at \$891 million in fiscal 1993, \$609 million below current spending levels. The House figure is \$174 million less than was sought by the Bush administration in its budget proposal. The program, administered by HHS, provides grants to states to help poor individuals pay their heating and cooling bills.

Total spending for the program, which includes money that would become available only if the president makes an emergency request, would be reduced \$309 million from fiscal 1992 levels to \$1.5 billion in fiscal 1993, which is \$430 million more than the administration proposed. However, the administration's budget request would delay obligation of nearly \$800 million until the last day of fiscal 1993 rather than set aside some of the money for emergency spending.

Several House members from northern states criticized the LIHEAP funding cuts during floor debate, bringing attention to the issue in hopes of having funds increased during a conference on the legislation.

Elsewhere under the Labor-HHS spending bill, NIEHS would receive \$255.1 million in the coming fiscal year, \$3 million above current spending but \$6.4 million less than the administration requested.

NIEHS is one of the 12 branches of the National Institutes of Health, the biomedical research arm of the federal government. NIEHS conducts research to identify and study substances in the environment that pose potential hazards to human health. Research is performed by the institute itself and by outside scientists through contracts and grants.

In addition to money earmarked for NIEHS, the House-passed bill would appropriate \$21.1 million for a program of the Atlanta-based Centers for Disease Control to prevent childhood lead poisoning, \$18.9 million less than the administration requested. The amount earmarked in the bill is approximately the same as the amount that was appropriated last year.

When: The markup tentatively has been set for 10 a.m. Thursday, Sept. 10, in 192 Dirksen.

Senate Appropriations contacts: Mike Hall, majority, x47288; Craig Higgins, minority, x47643. — RH

Hazardous substances/ solid waste

Federal facilities conferees to meet

Conferees may begin negotiating as early as this week to smooth out differences between House and Senate versions of legislation aimed at strengthening the enforcement of hazardous waste laws against federal agencies.

The legislation is aimed primarily at the departments of Energy and Defense, which have claimed immunity from fines and penalties the two agencies would otherwise face for violations of these laws.

For decades, both departments used waste disposal methods that allowed dangerous substances to pollute soil and groundwater, and many of the most contaminated sites in the country are located at DOE and DOD facilities.

One of the main sticking points in conference talks is likely to be a Senate-passed amendment that would give federal agencies extra time to comply with a rule governing the management of hazardous wastes when they are mixed with radioactive materials. This is a particular problem for the Department of Energy and its nuclear weapons plants.

The Senate bill (S 596, S. Rpt. 102-67), originally authored by Majority Leader George J. Mitchell (D-Maine), was passed Oct. 24, 1991. The House approved its version (HR 2194, H. Rpt. 102-111), introduced by Rep. Dennis E. Eckart (D-Ohio), on June 24.

Staff-level negotiations on the legislation have proceeded intermittently since February, and in early August House staffers sent the Senate side a comprehensive proposal for reconciling the two bills. The House has now asked for a direct meeting of the conferees.

A Senate committee staffer said a formal conference would be held and that the timing of the meeting was just a matter of scheduling.

No details of the offer have been

— were interpreted by Interior Secretary Manuel Lujan Jr. to mean that operation of the church's well would not pose a "discernible risk" to the park's thermal features.

A separate Park Service analysis urging that geothermal development on the park's borders be prohibited altogether was not transmitted by Lujan with the USGS study, leading some House members to accuse the Interior Department of deliberately withholding information. (For details, see Oct. 28 *Weekly Bulletin*, p. B4.)

On June 29, the church reopened its well and began pumping water at a rate of 32 gallons per minute for use in a swimming pool and for irrigation, according to the Senate Energy Committee report accompanying the bill. The well is capable of pumping water at a rate of 400 gallons per minute.

Church leaders have expressed adamant opposition to the House bill, saying it would violate their property rights. The Bush administration has recommended that the bill be changed to allow limited geothermal production in the Corwin Springs area. S. Rpt. 102-363. — *SD*

Wildlife/forests/wetlands

To authorize an exchange of lands in the states of Arkansas and Idaho — S 2572

Floor action: Possible this week.

This bill to carry out a complex land trade involving three federal agencies, a timber company and property in two states was approved Aug. 5 by the Senate Energy Committee.

Under S 2572, introduced April 9 by public lands subcommittee Chairman Dale Bumpers (D-Ark.), 40,922 acres of wetlands in east-central Arkansas currently belonging to the Potlatch Corp., a timber company, would be transferred to the U.S. Fish and Wildlife Service.

These lands, located along the Cache and White rivers, are the winter home for numerous species of migrating waterfowl and have been designated as "wetlands of international importance" under an international wetlands preservation treaty.

The land would be added to the Cache River and White River national wildlife refuges.

In Idaho, the complicated transaction would shuffle land between the timber company, the Bureau of Land Management and the Forest Service.

Potlatch's compensation for the Arkansas lands — and for an additional 1,170 acres the government would receive from the company in northern Idaho — would be numerous federally owned parcels in Idaho's panhandle region. Potlatch would receive a total of 17,625 acres of federal forest lands there.

The effect of the various transfers in Idaho would be to consolidate federal land holdings in the state, particularly the Forest Service's ownership in the Kaniksu, Coeur D'Alene and St. Joe national forests.

Bumpers' subcommittee held a hearing on the bill May 21 and a field hearing in Lewiston, Idaho, on July 14.

A companion bill (HR 5336) is pending before the House committees on Agriculture, Interior and Merchant Marine. The forests subcommittee of House Agriculture held a hearing on the bill July 8. The national parks subcommittee of House Interior held a hearing July 21 and has scheduled a markup for Sept. 22.

Amendments: The Senate Energy Committee approved a package of mostly technical and clarifying amendments.

The substitute contains two substantive provisions. Under one, the federal government would assume ownership of Potlatch lands on Grandmother Mountain in Idaho.

The second provision is not directly related to the Potlatch trades. It would expand the boundaries of the Ouachita National Forest in Arkansas by 17,000 acres.

The amendments package also would direct the Fish and Wildlife Service to prepare a management plan that allows for hunting to continue on the Arkansas wetlands. (For more on these three provisions, see Sept. 7 *Weekly Bulletin*, p. A4.) S. Rpt. 102-371. — *LD*

Appropriations

Labor-HHS appropriations for fiscal 1993 — HR 5677

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

Money available for home energy assistance to poor families would decline but funding for the National Institute of Environmental Health Sciences would increase slightly in fiscal 1993 under this spending bill, approved Sept. 10 by the Senate Appropriations Committee.

Funding for these programs is included in the appropriations bill that covers the departments of Health and Human Services, Education and Labor.

Added to the Labor-HHS bill by the Senate committee was language that would prevent the Bush administration from enforcing a regulation to ban abortion counseling in federally funded family planning clinics. If the abortion language remains in the bill, President Bush is expected to veto the legislation, as he did last year when an identical provision was included in the fiscal 1992 measure initially sent to the White House.

Under the version approved by the Senate committee last week, non-emergency funding for the low-income home energy assistance program, or LIHEAP, would be set at \$1.35 billion in fiscal 1993, \$466 million more than the House approved July 28 in its version of the bill (HR 5677, H. Rpt. 102-708).

The Senate figure is \$143 million below current spending levels and \$292 million more than was sought by the administration in its budget proposal. The program, administered by HHS, provides grants to states to help poor individuals pay their heating and cooling bills.

Total spending for the program, which includes money that would become available only if the president makes an emergency request, would be set at \$1.96 billion in fiscal 1993, \$157 million more than the current level and \$466 million more than the House bill would provide. The Senate figure is \$892 million more than the administration requested.

Of the Senate bill's non-emergency funding, obligation of \$688 million would be delayed until the last day of the fiscal year, meaning that the money would not actually be spent until fiscal 1994. This allows more funds to be appropriated in fiscal 1993 without being counted against caps on actual spending (outlays) imposed under the 1990 budget enforcement act. The House bill would not delay obligation of LIHEAP funding, while the president's budget request would have delayed obligation of nearly \$800 million until Sept. 30, 1993.

Both Senate and House bills set aside \$600 million for emergency spending, which would only become available at the President's request in the event of a very cold winter combined with unusually high fuel costs. The emergency spending amounts are not included under budget authority and would not count toward spending limits. The administration's budget request did not set aside any money for emergency spending.

Like its House-passed counterpart, the Senate committee bill also includes \$255.1 million in fiscal 1993 for NIEHS, one of the 13 branches of the National Institutes of Health, the biomedical research arm of the federal government. This amount is \$3 million above the current spending level but \$6.4 million less than the administration requested.

NIEHS conducts research to identify and study substances in the environment that pose potential hazards to human health. Research is performed by the institute itself and by outside scientists through contracts and grants.

Also included in the bill is \$30 million earmarked for the Atlanta-based Centers for Disease Control to prevent childhood lead poisoning, \$10 million less than the president requested but \$11.1 million more than the House bill would appropriate. House figure is approximately the same as the amount that was appropriated last year. S. Rpt. 102-397. — *Rich Hayes*

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Appropriations

Commerce bill may go to conference

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

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

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

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

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

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

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

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

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

Appropriations

Labor-HHS bill goes to conference

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

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

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

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

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

tered by HHS, the program provides grants to states to help poor individuals pay their heating and cooling bills.

Under the Senate bill, total funding for LIHEAP would be set at \$1.96 billion in fiscal 1993, \$157 million above current levels and \$466 million more than the House bill would provide. The Senate figure is \$892 million more than the administration requested.

But both the Senate and House bills would set aside \$600 million of their LIHEAP totals for emergency spending, which could only become available at the president's request in the event of a very cold winter combined with unusually high fuel costs.

This would leave \$1.35 billion in non-emergency LIHEAP funds provided for fiscal 1993 under the Senate bill and \$891 million under the House bill.

But the amount of money that would actually be available starting in fiscal 1993 narrowed further under the Senate bill.

Of the Senate's non-emergency funding, obligation of \$688 million would be delayed until the last day of the fiscal year, meaning that the money would not actually be spent until fiscal 1994. This allows more funds to be appropriated in fiscal 1993 without being counted against caps on actual spending (outlays) imposed under the 1990 Budget Enforcement Act (PL 101-508).

The House bill would not delay obligation of LIHEAP funding. The president's budget request would have delayed obligation of nearly \$800 million until Sept. 30, 1993. For fiscal 1992, \$405 million was delayed until the last day of the year.

Like its House-passed counterpart, the Senate committee bill also includes \$255.1 million in fiscal 1993 for NIEHS, one of the 13 branches of the National Institutes of Health, the biomedical research arm of the federal government. This amount is \$3 million above the current spending level but \$6.4 million less than the administration requested.

However, the Senate figure does not reflect a committee amendment directing the HHS secretary to reduce salaries and expenses by \$125 million throughout the department. These cuts would be distrib-

uted among HHS agencies at the secretary's discretion.

Likewise, the House NIEHS figures does not reflect an across-the-board cut of \$2.5 million for all Public Health Service agencies. Money from this reduction would go into a fund for building construction and repairs.

NIEHS conducts research to identify and study substances in the environment that pose potential hazards to human health. Research is performed by the institute itself and by outside scientists through contracts and grants.

The Senate bill also would provide \$30 million for the Atlanta-based Centers for Disease Control to prevent childhood lead poisoning, \$10 million less than the president requested but \$11.1 million more than the House bill would appropriate. The House figure is approximately the same as the amount that was appropriated last year.

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

House Appropriations contacts: Michael Stephens, majority, x53508; John Blazey, minority, x53481. Senate Appropriations contacts: Mike Hall, majority, x47288; Craig Higgins, minority, x47643. — *Rich Hayes*

Research

Exploring role of DOE laboratories

The House Science Committee will consider various options for altering the role of the Energy Department's national laboratories, particularly three labs previously dedicated to the design of nuclear weapons, at a hearing Thursday.

Faced with changing energy priorities, the end of the Cold War and a tightening of the federal budget, DOE is currently attempting to reshape the agenda for the labs to ensure they are performing relevant, cost-effective and beneficial research.

More than \$3 billion is spent annually to run the weapons design centers — the Los Alamos, Lawrence-Livermore and Sandia national laboratories.

DOE administers twelve other major

laboratories that together conduct a large portion of the nation's federally funded energy research.

The Science Committee, chaired by Rep. George E. Brown (D-Calif.), will focus on various alternatives for reorganizing the structure and direction of these DOE labs.

Among the options under consideration is a plan that would permit the labs to expand federal energy research into a number of new areas. The Senate endorsed just such a plan by passing a bill (S 2566), introduced by Sen. J. Bennett Johnston (D-La.), that calls for the DOE labs to enter into partnerships with industry, academia, and other federal agencies for research and development of various technologies.

The Science Committee also will consider suggestions that the labs be limited to a small number of new missions based on scientific and technological priorities.

A third alternative would be to consolidate the activities of the research centers and possibly reduce the number of labs.

In addition, the committee will review the newly completed report of a DOE task force led by Energy Secretary James D. Watkins that lays out a "strategic vision" for the future of the labs. An earlier version of the report, released in January, recommended incremental changes at the labs and drew criticism from Brown, who said that the research centers should undergo more dramatic reorganization.

The committee also plans to examine a new report by the General Accounting Office citing redundant activities and facilities at the nuclear weapons laboratories, as well as a report on the federal labs prepared by the private Council on Competitiveness.

When: The hearing is scheduled for 12:30 p.m. Thursday, Sept. 24, in 2318 Rayburn.

Witnesses: Scheduled to provide testimony are: Edward Frieman, chairman of the DOE task force and director of the Scripps Oceanographic Institute at the University of California in San Diego; John Deutch, chemistry professor at the Massachusetts Institute of Technology;

judging the future performance of the World Bank and other multilateral development banks and alters some House-passed funding levels for environmental programs. (For details on Senate Appropriations action, see Senate floor story in this issue.)

When: The conference is expected to get under way following Senate floor action on the legislation, possibly Tuesday. — *DR*

Global environment

Greenhouse treaty to get vote

The Senate Foreign Relations Committee is expected to decide Tuesday whether to endorse an international agreement that, if ratified, would obligate participating nations to adopt policies limiting emissions of heat-trapping "greenhouse gases" associated with the threat of global warming.

The accord is expected to win the committee's approval, aides say, provided it is not used as a platform for criticizing the Bush administration's environmental record or performance at the U.N.-sponsored "Earth summit" in Rio de Janeiro, Brazil. If approved, the full Senate could vote on the accord before adjourning for the year, staff say.

President Bush joined other world leaders in signing the U.N. Framework Convention on Climate Change (Treaty Doc. 102-38) June 12 at the Earth summit. Although some have hailed the treaty as an historic step in addressing the potential impacts of global warming, many criticized the president for his role in keeping the treaty free of tougher emission-reduction provisions sought by other nations.

Negotiation of the treaty, which began in February 1991, was stalled for months by disagreement about whether to set specific "targets and timetables" for reducing carbon dioxide and other greenhouse gases. During the talks, the United States objected to requirements advocated by European nations to stabilize CO₂ emissions at 1990 levels by the year 2000.

Finally, in early May, negotiators

agreed to the non-specific provisions for greenhouse-curbing policy commitments that formed the centerpiece of the accord signed by 143 nations in Rio.

Environmental groups and their allies in Congress denounced the agreement as too weak and assailed Bush for his insistence that the accord not contain specific requirements for reducing greenhouse gas emissions.

But the administration defended the outcome as a more flexible treaty that would allow individual nations to adapt their own climate change strategies as new technologies and scientific understanding of global warming evolve.

In addition, supporters say the global warming treaty provides a mechanism to address climate change that, like the Montreal Protocol to protect the ozone layer, could lead to tougher actions in the future.

When: The business meeting is set for 10 a.m. Tuesday, Sept. 29, in 419 Dirksen.

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

Alternative fuels

DOE salvage plan for ethanol plant

A House Science panel this week will review the Department of Energy's efforts to recapture its investment in a bankrupt company that produced ethanol, a grain alcohol often blended with gasoline to form gasohol.

The energy subcommittee, chaired by Rep. Marilyn Lloyd (D-Tenn.) will consider DOE's attempts to sell the Tennol Ethanol plant in Jasper, Tenn.

The plant, built in the early 1980s, was financed with loans guaranteed by the Energy Department. When the company defaulted on those loans, DOE stepped in to pay off creditors and take possession of the facility. The department, which maintains and guards the closed plant at a cost of \$80,000 per month, has unsuccessfully sought to sell the plant to private investors for the past two years.

The House Science panel will look into why the plant has failed to attract buyers. One possibility is that the technology employed at the Tennol plant is not competitive with production methods used in other ethanol plants.

The subcommittee will consider additional options for disposing of the facility.

Witnesses: Scheduled to testify are Energy Secretary James D. Watkins; Howell Moss, county executive of Marion County, Tenn.; and John Waters, chairman of the Tennessee Valley Authority.

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

House Interior contacts: Katherine Wallace-Smith, majority, x58056; Mason Wiggins, minority, x56928. — *LH*

Appropriations

Labor-HHS bill goes to conference

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

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

Continuing resolution: Congress is not likely to complete action on the bill before current spending authority expires Sept. 30. 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 lower. House

floor action on the resolution is scheduled for Wednesday, an Appropriations Committee aide said.

Conference: One of the major differences that will need to be resolved in conference is funding for the low-income home energy assistance program, or LIHEAP. Administered by HHS, the program provides grants to states to help poor individuals pay their heating and cooling bills.

Under the Senate bill, total funding for LIHEAP would be set at \$1.96 billion in fiscal 1993, \$157 million above current levels and \$466 million more than the House bill would provide. The Senate figure is \$892 million more than the Bush administration requested.

But both the Senate and House bills would set aside \$600 million of their LIHEAP totals for emergency spending, which would only become available at the president's request in the event of a very cold winter combined with unusually high fuel costs.

This would leave \$1.35 billion in non-emergency LIHEAP funds provided for fiscal 1993 under the Senate bill and \$891 million under the House bill.

But the amount of money that would actually be available starting in fiscal 1993 is narrowed further under the Senate bill.

Of the Senate's non-emergency funds for the program, obligation of \$688 million would be delayed until the last day of the fiscal year, meaning that the money would not actually be spent until fiscal 1994. This allows more funds to be appropriated in fiscal 1993 without being counted against caps on actual spending (outlays) imposed under the 1990 Budget Enforcement Act (PL 101-508).

The House bill would not delay obligation of LIHEAP funding. The president's budget request would have delayed obligation of nearly \$800 million until Sept. 30, 1993. For fiscal 1992, \$405 million was delayed until the last day of the year.

Like its House-passed counterpart, the Senate committee bill also includes \$255.1 million in fiscal 1993 for NIEHS, one of the 13 branches of the National Institutes of Health, the biomedical research arm of the federal government.

This amount is \$3 million above the current spending level but \$6.4 million less than the administration requested.

However, the Senate figure does not reflect a committee amendment directing the HHS secretary to trim salaries and expenses by \$125 million throughout the department. These cuts would be distributed among HHS agencies at the secretary's discretion.

Likewise, the House NIEHS figures does not reflect an across-the-board cut of \$2.5 million for all Public Health Service agencies. Money from this reduction would go into a fund for building construction and repairs.

NIEHS conducts research to identify and study substances in the environment that pose potential hazards to human health. Research is performed by the institute itself and by outside scientists through contracts and grants.

The Senate bill also would provide \$30 million for the Atlanta-based Centers for Disease Control to prevent childhood lead poisoning, \$10 million less than the president requested but \$11.1 million more than the House bill would appropriate. The House figure is approximately the same as the amount that was appropriated last year.

When: The Labor-HHS conference will begin at 10 a.m. Tuesday, Sept. 29, in H-137 Capitol. — *Rich Hayes*

Hazardous substances/ nuclear waste

Defense cleanup under negotiation

House and Senate negotiators may continue meeting this week to reconcile two versions of a defense authorization bill that calls for increased funding of environmental cleanup at military bases and nuclear weapons facilities.

The Senate bill (S 3114, S. Rpt. 102-352), passed Sept. 18, also contains provisions to expedite the sale of uncontaminated portions of closed military bases and to create a national wildlife refuge at a former chemical weapons plant in Colorado.

No such provisions were included in

the House-passed defense bill (HR 5006, H Rpt. 102-527), which cleared the floor June 5. The House dealt with the issues in two separate bills, which Congress is likely to handle apart from the defense bill.

The defense bill, considered a high priority by congressional leaders and the White House, would authorize fiscal 1993 appropriations for the Defense Department and the defense-related programs of the Energy Department, namely DOE's nuclear weapons complex.

Conferees and their staffs began talks in closed session last week and few details of the negotiations were available at press time.

But a House Energy Committee staffer said disagreements over many of the provisions under that panel's jurisdiction were close to resolution Friday. The staffer said an offer had been forwarded to the Senate side Friday night, but no specifics were given.

Both versions of the bill call for augmented funding of environmental restoration and waste management at defense installations and nuclear weapons facilities around the country. But the Senate version would authorize a greater increase in DOE cleanup funding than the House bill, reflecting the Bush administration's revised budget request following a recent U.S.-Russian agreement on nuclear arms reductions.

The Senate version contains several environmental policy provisions absent from the House version, which cleared the floor. In addition to language designed to accelerate the sale of environmentally safe property on closing bases, the Senate bill would protect buyers from potential liability for damages caused by DOD hazardous waste that might be found there in the future. DOD also would be required to develop a program providing liability protection — indemnification — for hazardous waste contractors.

Furthermore, the Senate bill would authorize \$200 million for DOD's strategic environmental research program and require the Defense and Energy departments to make sure they use ozone-depleting substances only when necessary.

Other Senate provisions would bar DOE from contracting with cleanup com-

duction royalty from 8 percent to 12.5 percent. The second, which was defeated by voice vote during the Interior Committee's markup of HR 918, would prohibit foreigners or foreign-controlled corporations from holding mining claims. H. Rpt. 102-711, parts I and II. — *SD*

Wilderness

To designate certain national forest lands in the state of Montana as wilderness — S 1696

Senate action: The Senate may take up a House-modified version of legislation that would protect large tracts of federal forests in Montana from development. If enacted, the bill would become Montana's first statewide wilderness law.

Senators will have to decide whether to agree to some or all of the alterations adopted by the House Oct. 2 or insist on the version of the bill that originally cleared the Senate March 26.

The House version (H. Rpt. 102-970) would set aside 1.5 million acres in western Montana as federally designated wilderness, where no development is allowed. An additional 257,100 acres would be designated as "wilderness study areas" — potential wilderness managed in an undeveloped condition until Congress decides the final status of the land.

The House version also would give the U.S. Forest Service special instructions for managing another 154,620 acres, limiting some forms of development — particularly logging and mining — on those lands.

The version approved by the Senate (S. Rpt. 102-255) represents a compromise between the state's two senators, Democrat Max Baucus and Republican Conrad Burns. The Senate bill would create 1.2 million acres of wilderness and 215,000 acres of new study areas.

The Senate version also would impose less stringent special management directions on 285,200 acres.

Both bills would maintain the current status of another 550,000 acres of land previously designated for wilderness study, leaving those areas as de facto wilderness as well.

The Senate version of the bill would open — or "release" — some 4 million acres to logging, mining, oil drilling, road construction and other uses. The House bill would release an estimated 3.6 million acres.

Another major difference between the bills is their approach to the thorny issue of water rights. The Senate language sidesteps the issue with language that merely observes that all wilderness units involved encompass headwaters only, a situation that would not affect downstream water users in any case.

The House bill contains language expressly reserving water rights for the various wilderness areas designated under the legislation. (For more on House bill, see Sept. 21 *Weekly Bulletin*, p. A12. For more details and specific wilderness designations, see Sept. 14 *Weekly Bulletin*, p. B15.) — *LD*

Water resources

Reclamation Projects Authorization and Adjustments Act of 1992 — HR 429

Disagreement over a massive federal irrigation project in California's Central Valley continues to delay final action on a huge package of water projects and policy changes proposed for the Bureau of Reclamation, which delivers water to farms and municipalities in 17 Western states.

At press time, Senate conferees still had not responded to an offer by House Interior Committee Chairman George Miller (D-Calif.) that seeks to resolve many of the House and Senate disagreements over the bill, particularly the question of how to overhaul operations of the Central Valley Project to help improve fish and wildlife habitat in the region.

Miller is chairman of the conference, which formally met Sept. 15 for the first and only time to discuss the legislation (HR 429).

Negotiations dealing with the Central Valley Project have consistently slowed action on HR 429 in both chambers, and several staffers reported Friday that the matter remains the largest stumbling block to reconciling the two reclamation packages (H. Rpt. 102-114, S. Rpt. 102-267).

Miller's proposal also called for dropping two controversial House-passed provisions that would tighten the availability of federal irrigation subsidies to large farms in the West and would limit the use of federally subsidized irrigation water to grow surplus crops.

The proposed subsidy restrictions are anathema to the farming community and were considered by many to be the chief reason a Western water package died in the 101st Congress. (For more on Miller's offer, see Sept. 21 *Weekly Bulletin*, p. B13. For a more complete history of the two bills, see May 6 *Special Report*, "Western water package clears Senate," and June 15 *Weekly Bulletin*, pp. A6-7.) — *LD*

Appropriations

Conference report on Labor-HHS appropriations bill — HR 5677

The House and Senate are both expected Saturday to take up a final version of the fiscal 1993 appropriations bill for the departments of Labor, Education and Health and Human Services, committee staffers said.

Conferees reached agreement Sept. 30 on the Labor-HHS bill, which includes funding for low-income energy assistance, the National Institute of Environmental Health Sciences, and a childhood lead poisoning prevention program. All three of these items are administered by HHS.

The conference bill would provide \$255.1 million in fiscal 1993 for NIEHS, one of the 16 institutes of the National Institutes of Health. This amount is \$3 million above last year's spending level but \$6.4 million less than the Bush administration requested. An additional \$10 million is earmarked under the bill for NIEHS construction expenses.

The Low-Income Home Energy Assistance Program (LIHEAP) would receive a total of \$1.96 billion in fiscal 1993, about \$157 million more than was appropriated last year. Administered by HHS, this program provides grants to states to help poor individuals pay their heating and cooling bills.

Of the total funding level for LIHEAP in the conference bill, \$600 million would be set aside for emergency spending, which could only become available at the president's request in the event of a very cold winter combined with unusually high fuel costs.

This would leave \$1.35 billion in non-emergency funds, with the obligation of \$687.7 million delayed until the last day of fiscal 1993, meaning that the money could not actually be spent until fiscal 1994.

A program administered by the Centers for Disease Control to prevent childhood lead poisoning would receive \$30 million under the conference report, \$10 million less than the administration request but about \$11 million more than was appropriated last year.

After reaching agreement on funding for individual programs in the legislation, the conferees then trimmed the entire bill by 0.8 percent across the board, bringing the measure within the discretionary spending levels prescribed by President Bush in his budget proposal for fiscal 1993.

House and Senate passage of the conference report would send the bill to the White House. Bush is expected to sign the measure into law. (For comparison of funding levels in House and Senate bills, see Sept. 28 *Weekly Bulletin*, p. B3.) H. Rpt. 102-974. — RH

Hazardous substances/ solid waste

Community Environmental Response Facilitation Act — HR 4016

House and Senate conferees were nearing agreement Friday on legislation designed to expedite the commercial sale of uncontaminated property at federal facilities that are being shut down by the government, aides said.

The legislation is designed to help local communities quickly recover from job losses and other economic hardships that are suffered when nearby military bases or other federal installations are closed.

The bill (HR 4016, H. Rpt. 102-814) essentially would require that portions of closing federal facilities that are free of

environmental contaminants be identified in advance so these parcels of land can be sold or transferred for private development, without waiting until the entire facility has been cleaned up.

The legislation amends the Superfund Amendments and Reauthorization Act of 1986 (PL 99-499), which requires that all cleanup action "necessary to protect health and the environment" be conducted before federal land can be sold to local governments or private companies.

The legislation would require the federal government to identify land on properties before closure on which no hazardous substances or petroleum products are known to have been released, disposed of or stored for more than one year.

The bill cleared the House Aug. 10, and was approved with a package of amendments by the Senate Sept. 18.

One Senate amendment accepted by the conferees modifies the bill to require the Defense Department to identify only the clean parts of closing military installations, as opposed to other DOD property now involved in transfer agreements, according to a congressional aide.

The conferees have agreed to drop another Senate amendment that would extend the period for state and EPA concurrence on land transfers from 90 days to 180 days, according to the aide. (For more on the legislation, see Sept. 28 *Weekly Bulletin* p. B6.) — EM

Water resources

Water Resources Development Act — S 2734

Senate action: The House Sept. 23 cleared its version of a biennial authorization package of flood control, navigation and other water projects to be undertaken by the Army Corps of Engineers over the next two years. But a companion bill, approved last April by the Senate Environment Committee, appears to have stalled on its way to the Senate floor.

A Senate Democratic leadership aide said Thursday that the bill seemed to be "going nowhere," and added that she knew of no effort "on the part of the [Environment] committee to get that going."

The bill was stalled for months over controversial language dealing with the disposal of contaminated sediments dredged from waterways. But a compromise on that issue was reached by senators before the August recess.

The bill has not been declared dead and could still move in the final days of the session, the Senate leadership aide said.

At press time, Environment Committee staff could not be reached for comment on the outlook for floor action and what was holding up the bill.

If the Senate does pass the Environment Committee bill, differences with the House version will have to be resolved, probably in informal talks rather than in conference committee,