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Appropriations - VA [Veteran's Affairs]/HUD [Housing and Urban Development]

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VA / HUD : Hearings

House
H 143 Capitol

3-10, 11, 12

Senate

Dirksen

3-25, 26

HR 5679

H. Rept. 102-710

S. Rept. 102-356

—

VA/HUD

—

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

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

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

Appropriations

Hearings set on money bills

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

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

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

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

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

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

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

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

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

servation programs at the Department of Energy.

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

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

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

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

Oceans

Joint panel reviews marine sanctuaries

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

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

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

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

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

ing authorizations for the reserves.

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

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

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

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

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

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

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

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

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

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

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

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

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

ropriations Committee also not adequately monitoring dollar cleanup contracts.

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

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

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

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

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

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

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

Appropriations

Hearings set on money bills

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

House: Several Appropriations subcommittees in the House will meet.

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

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

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

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

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

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

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

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

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

Water resources

Cheyenne water rights markup set

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

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

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

was built in the the tribe and

The proj- and rehabilita in the early st Baucus said in the bill's intr- strophic failur water that co and wipe out Ashland, Mo: \$100 million t

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

Opposit opposed to the

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

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

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

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

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

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 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-

Witnesses: In addition to Ridenour, Henry L. Diamond, general chairman of the Vail symposium, will testify.

When: The hearing will begin at 2:30 p.m. Wednesday, July 22, in 366 Dirksen.

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

Fossil fuels

Third panel to act on Colo. leasing bill

The House Armed Services Committee this week plans to mark up a bill that would allow the federal government to lease land in two naval oil shale reserves in Colorado for private natural gas development.

The bill (HR 3168), introduced by Rep. Ben Nighthorse Campbell (D-Colo.), was approved June 3 by the House Interior Committee and July 9 by the House Energy Committee.

The two versions differ significantly, however, and the House Armed Services Committee is expected to approve language similar to the House Energy Committee measure.

Once Armed Services dispenses with the bill, lawmakers from the three panels are expected to attempt to iron out their differences over the issue. If an agreement is not reached, the House Rules Committee may have to decide which version will serve as the vehicle for floor consideration and what amendments will be allowed.

At the Armed Services markup, Rep. Nicholas Mavroules (D-Mass.), chairman of the Armed Services subcommittee on investigations, plans to offer a substitute amendment that is nearly identical to the language approved by the Energy Committee, a majority subcommittee aide said.

Specifically, the substitute would authorize the Energy Department to lease natural gas drilling rights in the Colorado reserves. It also would require gas producers who drill in the Colorado reserves to pay the federal government a 20 percent

royalty on the value of the gas they extract.

The Interior Committee bill (H. Rpt. 102-610, Part I), in contrast, would give the Interior Department the authority to lease tracts in the Colorado reserves under the terms of the 1920 Mineral Leasing Act. As a result, under the Interior bill, producers would pay the government a 12.5 percent royalty, half of which would be shared with the state of Colorado.

The language adopted by Energy Committee originated as a substitute amendment offered by Rep. Philip R. Sharp (D-Ind.), chairman of the committee's energy and power panel. Sharp said during the Energy Committee markup that his amendment would provide the federal government with \$90 million to \$110 million more a year than the Interior Committee version would.

HR 3168, as approved by the Interior Committee, originally was included in comprehensive energy legislation (HR 776) that the House considered in May. But the provision was stripped from the bill at the Armed Services Committee's request before HR 776 was passed May 27, Sharp said.

The Armed Services Committee has primary jurisdiction over the naval oil shale reserves and has objected to what it considered to be an invasion of its jurisdiction by the Interior Committee, aides said.

None of the versions of the bill would affect the nation's third naval oil shale reserve, which is located in Utah.

Background: The two Colorado reserves are located in Garfield County, situated in the northern part of the state bordering Utah. The reserves, which together cover 56,000 acres, were established in 1916 and 1924 under presidential orders to give the Navy access to oil that could be extracted from shale deposits located there.

The Energy Department was given overall responsibility for administering the reserves in 1977, but the Interior Department has managed the surface resources of the sites since 1935, allowing activities such as livestock grazing and logging.

Under current law, the sites essentially are off-limits to private exploration

and production, according to natural gas producers.

There has been significant natural gas development on lands just outside the reserves, and the reserves themselves are believed to hold substantial amounts of gas. DOE has drilled and is operating 35 wells within one of the sites primarily to protect the gas reserves underlying the land from being drained by neighboring production operations.

There has been no open disagreement over whether the two sites should be open to private gas development. The only contention has been over how much the federal government should receive in royalties and whether it should share the proceeds with the state of Colorado.

Amendments: Colorado Reps. Patricia Schroeder (D) and Joel Hefley (R), both co-sponsors of Campbell's original version of HR 3168, may offer an amendment that would give Colorado some share of the leasing revenues. A Schroeder aide said last week, however, that no decision on whether to offer such an amendment would be made until this week.

When: The committee plans to act on the bill this week, staffers said, but no markup had been officially scheduled at press time.

House Armed Services contacts: Dave Price, majority, x51465; Wade Heck, minority, x59647. — Steve Daniels

Appropriations

Bill would freeze EPA spending

The overall funding for the Environmental Protection Agency would be frozen at current levels and superfund expenditures would be cut under a fiscal 1993 spending bill tentatively set for markup Thursday by the House Appropriations Committee.

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

The committee will consider a draft bill approved in closed session June 25 by

the VA-HUD subcommittee.

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

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

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

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

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

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

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

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

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

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

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

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

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

Appropriations

NOAA spending bill goes to markup

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

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

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

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

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

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

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

2360 Rayburn, a committee aide said.

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

Appropriations

Spending bills near action in Senate

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

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

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

House appropriators went through their own allocation process in June.

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

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

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

among a list of options for protecting the forest.

Background: Although none of Sterling Forest lies within New Jersey, the area is a significant watershed for much of the Garden State. The Forest Service found a number of threatened and endangered species in the forest, and the historic Appalachian Trail runs through the property.

The forest is currently owned by an American corporation of the same name; the Sterling Forest Corp. is a subsidiary of a Scandinavian development firm, according to an aide to Rep. Peter H. Kostmayer (D-Pa.). Kostmayer chairs the energy and the environment subcommittee, which is holding the Tuesday hearing.

The corporation has proposed building 14,200 homes and 8 million square feet of commercial space in the forest, according to Kostmayer's aide. The developers claim the proposed "hamlet" would leave 75 percent of the forest undeveloped, the aide said.

But a development of the size planned by the corporation would threaten watershed values and other resources, according to the aide.

Kostmayer has sought \$25 million for fiscal 1993 as the federal share of acquisition costs, the aide said. New Jersey Sens. Bill Bradley (D) and Frank R. Lautenberg (D) have made the same proposal, according to the aide. The money was not included in the first draft of the fiscal 1993 spending bill that covers the Interior Department and the Forest Service. The bill was marked up June 16 by the House Appropriations subcommittee on interior and related agencies.

The land is currently appraised at about \$50 million, though the developers claim that the land is worth about three times that much, according to the aide.

The hearing will "explore all the options" and look at alternative ways to protect the forest from development if the money is not appropriated this year, the aide said.

Witnesses: Several members of Congress from the area are expected to testify, as are representatives of the Forest Service, the New York and New Jersey state governments, elected officials of local towns, the owners of the forest and

environmental groups.

When: The hearing will begin at 9:30 a.m. Tuesday, June 23, in 1324 Longworth.

House Interior contacts: Judy Noritake, majority, x64085; Christopher Kearney, minority, x62311. — LD

Appropriations

Money bills move forward

The Environmental Protection Agency and a satellite program to study global climate change are likely to run up against tight spending limits this week at a markup of the fiscal 1993 appropriations bill that covers EPA and the National Aeronautics and Space Administration.

Both agencies are included in the bill that sets spending levels for the Veterans Affairs Department, the Department of Housing and Urban Development and several independent agencies. A markup by the Appropriations subcommittee on VA-HUD is expected this week, but no meeting was formally scheduled at press time.

In related action this week, the full Appropriations Committee is tentatively scheduled to mark up the fiscal 1993 agriculture spending bill, which includes soil conservation and related programs. The agriculture subcommittee approved a draft bill June 10, but no information on the measure was being released until the full committee acts. Nevertheless, funding for most programs under the bill was expected to be frozen at current levels.

The Appropriations subcommittee on commerce, justice, state and the judiciary also may meet "at a moment's notice," although no markup by that panel had been scheduled, a committee aide said. That subcommittee's bill includes spending authority for the Commerce Department, including the National Oceanic and Atmospheric Administration.

The subcommittee on interior and related agencies approved its bill June 16, but the \$13.2 billion spending blueprint for land-management agencies was not expected to go to the full committee until next week, an aide said.

The House June 17 passed a spending bill for energy and water development programs, including a hefty increase for cleanup of nuclear weapons facilities but without funding for the superconducting super collider. And the appropriations bill for foreign aid, including money for international environmental programs, is scheduled for House floor action Monday. (See separate story in this issue.)

Rep. William H. Natcher (D-Ky.), who has temporarily assumed the duties of the ailing Appropriations Committee chairman, Rep. Jamie L. Whitten (D-Miss.), said he hopes to complete floor action on all 13 annual appropriations bills by July 10.

But Natcher acknowledged that congressional appropriators face an especially lean year, due largely to ever constricting spending limits imposed under the Budget Enforcement Act of 1990 (PL 101-508).

Those limits are helping to force a \$720 million cut in newly approved outlays — money actually spent by federal agencies — compared with current spending levels, according to information released by the Appropriations Committee last week.

"This is going to be the most difficult year since I have been on this committee," Natcher said. (For more on spending squeeze, see June 15 *Weekly Bulletin*, p. B10.)

EPA-NASA: Money for the Environmental Protection Agency and NASA is particularly limited because they must compete for funding with a multitude of agencies under a bill that accounts for the biggest slice of a shrinking discretionary spending pie for domestic programs.

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

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 NASA's manned space station program. Last year, the Appropriations Committee voted to cut the space station altogether, but the full House restored most of the funding. If the committee decides to avoid that fight this year and fund the space station, less money would be left for other agencies and programs, including EPA and NASA's Earth Observing System satellite program.

Funding for the space station will be included in the VA-HUD draft bill, but the subcommittee or full committee may vote to eliminate it, a committee aide said.

Although the administration requested \$7 billion for EPA in fiscal year 1993, the discretionary spending caps may force the Appropriations Committee to keep overall spending for the agency at roughly the current level of \$6.7 billion, a committee aide said. This would end several years in which EPA has received substantial increases.

Popular EPA programs that may face a freeze, according to the aide, 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, which fall under the operating budget, would receive an 11 percent increase to \$1.16 billion under the administration request. This partly reflects increased resources needed to carry out and enforce the Clean Air Act amendments of 1990 (PL 101-549). If EPA spending is frozen, these requests for increases are not likely to be met.

NASA has requested \$391 million for the Earth Observing System 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.

When: The full Appropriations Committee is tentatively set to mark up the agriculture bill Thursday, June 25, in a room to be announced. The VA-HUD and commerce markups have not been scheduled.

House agriculture appropriations contacts: Tim Sanders, majority, x52638; Bill Warfield, minority, x53481.

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

Marine mammals

Dolphin beachings addressed in bill

A House Merchant Marine subcommittee is set Thursday to mark up legislation to coordinate the response of federal agencies, scientists and volunteers to beachings of dead or stranded marine mammals.

The bill (HR 3486) is to be considered by the fisheries and wildlife conservation subcommittee, chaired by Rep. Gerry E. Studds (D-Mass.).

Dolphins, whales, seals and other marine mammals often beach themselves on U.S. shores. In addition, large numbers of marine mammal carcasses are sometimes found floating in coastal waters. During the winter of 1987, thousands of bottlenose dolphins turned up dead along the mid-Atlantic coast.

Networks of volunteers and researchers often rescue and rehabilitate beached marine mammals, and collect

tissue samples from dead animals. These networks receive little information back from the National Marine Fisheries Service, while data on die-offs and strandings is scattered throughout obscure journals, committee staff said.

Sponsored by Rep. Thomas R. Carper (D-Del.), HR 3486 would amend the Marine Mammal Protection Act (PL 92-522) to better coordinate data collection and to provide for a centralized data base for marine mammal information so volunteers would be better able to draw on the experience of others, a staffer said.

A committee substitute will be offered that strengthens some elements of the bill, the staffer added.

The substitute would require the secretaries of commerce and interior to devise contingency plans for catastrophic die-offs, and would establish a working group of scientists, veterinarians and other experts to advise them. The plans would standardize procedures for responding to mass beachings and deaths of marine mammals to make the efforts of volunteer networks more effective and enhance scientific understanding of these events, staff said.

In addition, the measure would establish guidance and quality control for marine mammal tissue banking. Currently marine mammal tissue samples are stored at the National Institute of Standards and the Armed Forces Institute of Pathology, staff said, but no established procedure exists for standardizing tissue collection and uniform access to these samples. The legislation would establish these procedures and give the National Marine Fisheries Service responsibility for coordinating the tissue bank.

Furthermore, the substitute would authorize the government to accept private donations to a special \$500,000 fund the bill would establish to reimburse expenses that volunteers may incur in responding to beachings or in donating samples to the tissue bank.

The substitute also would authorize an additional \$500,000 appropriation to fund the programs in the bill.

Although the Office of Management and Budget was still reviewing the bill, committee staff said they expected administration support for the measure. The

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

LOOR

Atlanta-based Centers for Disease Control to prevent child-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. 102-3. — *Rich Hayes*

Appropriations

A-HUD and independent agencies appropriations for fiscal 1993 — HR 379

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

Funding for the Environmental Protection Agency would be \$9.7 million under a fiscal 1993 spending bill approved July 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.

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Appropriations Committee that he would raise a point of order on the House floor to effectively kill the provisions.

Traxler said he would then offer an amendment to cut most programs in the bill by 2 percent. He also said he would offer an amendment to cut funding for the space station.

The committee bill would increase the EPA operating budget by \$166.3 million to \$2.7 billion. The operating budget encompasses most EPA programs to combat air and water pollution. Under the operating budget, funding for research and development would increase \$15.5 million to \$338.5 million.

The operating account for buildings and facilities would be increased \$95 million to \$134.3 million. Most of the increase is due to \$85 million that would be devoted to EPA's Center for Ecology Research and Training.

Operating expenses for cleanup, pollution control and enforcement, except for salaries, would increase \$197.4 million to \$1.3 billion. Salaries would be funded at \$848.2 million, a reduction of \$192.3 million.

The bill would appropriate \$1.4 billion for superfund.

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

Under NASA, the bill would provide \$316 million for development of the satellite network called the Earth Observing System, \$45 million more than the current year but \$75 million less than requested by the president.

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. H. Rpt. 102-710. — *Steve Cook*

Forests

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

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

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

The 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

accumulated lands

Tim Gunniss' public insider's bulletin

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When: The hearing has been rescheduled for 9:30 a.m. Thursday, July 30, in 332 Russell.

Senate Agriculture contacts: Woody Vaughan, majority, x45207; Chuck Conner, minority, x40005. — *Steve Cook*

Oil spills

Vessel response plan rule debated

A House Merchant Marine subcommittee plans Tuesday to examine industry concerns about implementation of new federal requirements that tankers and other vessels submit oil spill response plans to the Coast Guard.

The Coast Guard subcommittee, chaired by Rep. W.J. (Billy) Tauzin (D-La.), wants to give the shipping and oil industries a chance to express their complaints in detail and to propose solutions, which could be administrative or legislative.

"There might need to be some kind of legislative fix, or technical changes" to the comprehensive oil spill law enacted in 1990, a subcommittee staffer said.

Vessel response plans: Congress passed the Oil Pollution Act of 1990 (PL 101-380) largely in response to the 11-million-gallon oil spill from the supertanker *Exxon Valdez* in Alaska's Prince William Sound in March 1989. That act established a national system to ensure that government agencies and industry are prepared for oil spills and can respond quickly to such accidents when they occur.

In part, the act requires owners or operators of vessels that carry oil and hazardous substances in bulk to develop spill response plans that must be submitted to the Coast Guard for approval.

Under a proposed rule the Coast Guard issued June 19 to carry out this requirement, oil spill response plans must be submitted by some 5,000 vessels, mostly oil tankers and barges that carry oil.

The act requires the response plans to ensure the availability of private personnel and equipment necessary to clean up a worst-case spill. Plans also must describe

actions to be taken in case of a spill, identify the individual in charge, describe training and equipment testing measures, and fit in with national and area spill response plans required under the act.

Vessels are prohibited from transporting or handling oil unless their response plans are submitted to the Coast Guard by Feb. 18, 1993. The prohibition also applies to vessels not operating in compliance with their plans after Aug. 18, 1993.

Once its plan is submitted, a vessel may continue to operate for up to two years while waiting for Coast Guard approval — if the owner or operator has certified the availability of private personnel and equipment sufficient to respond to a worst-case spill.

The Coast Guard estimates that complying with the proposed regulation would cost the shipping industry \$1.28 billion between now and 2015. Provisions to ensure adequate shore-based cleanup capabilities would account for most of that cost.

Issues: A subcommittee staffer said one major industry concern is that vessel owners and operators will have to submit their plans before the Coast Guard has issued related regulations that will be used in determining whether the plans are adequate. This could result in the plans having to be revised repeatedly after submission, he said.

For example, the staffer said, the Coast Guard has not issued regulations to revise the national contingency plan or to implement area response plan requirements of the 1990 act. Yet vessel response plans must be consistent with the national and area plans. Also in question are specific requirements for spill removal equipment to be carried aboard vessels and contracts with cleanup companies, he said.

A second issue is whether vessels that carry fuel as a secondary cargo, rather than as their main cargo, should be considered "tank vessels," the staffer said. Under the act, tank vessels must have vessel response plans and are subject to tougher spill liability and insurance requirements than other vessels.

The staffer said this issue involves large fishing vessels that store fish and

transfer fuel to smaller fishing vessels. Also involved are vessels that supply offshore oil rigs, and certain towing vessels.

A third major issue is the meaning of the act's requirement that plans provide for removing a worst-case spill to the maximum extent practicable.

The Coast Guard's proposed rule is based partly on consensus recommendations of a regulatory negotiating committee involving 26 organizations. Some industry representatives say the proposed rule differs from the direction many participants understood the Coast Guard was going, the staffer said.

Witnesses: Expected to testify at the hearing are representatives of the Coast Guard, the American Petroleum Institute, The Transportation Institute, the American Waterways Operators, American Institute of Merchant Shipping, Offshore Marine Services Association, Intertanko, the Marine Spill Response Corp., and perhaps another spill control association.

When: The hearing is set for 10 a.m. Tuesday, July 28, in 1334 Longworth.

House Merchant Marine contacts: Bill Wright, majority, x63587; Harry Burroughs, minority, x63540. — *JKC*

Appropriations

VA-HUD markup possible in Senate

A Senate Appropriations subcommittee may meet this week to mark up the fiscal 1993 spending bill that includes funding for the Environmental Protection Agency, staff said, though floor action in the House was not due to begin until Wednesday.

Spending bills must originate in the House, so Senate appropriators usually wait until the House acts before marking up their versions of funding measures.

However, this year, with an election approaching and Congress feeling the pinch of a limited number of days before a hoped-for early adjournment, the Senate side is getting an early start on some of its appropriations bills. Committee staff said this may be the case with the bill that covers the Veterans Affairs Department,

the Housing and Urban Development Department and several independent agencies, including EPA.

Details on how the Senate's VA-HUD subcommittee may treat EPA or other agencies were unavailable at press time. But the overall amount to be provided for EPA is unlikely to differ much from the level slated under the bill approved by the House Appropriations Committee July 23 (HR 5679). This is because the total outlays available for discretionary programs under the VA-HUD bills in both houses — \$64.9 billion — are the same.

The House committee bill would cut EPA funding in fiscal 1993 by \$9.7 million to \$6.6 billion. (For more on the House bill, see separate A section story in this issue.)

In addition, the VA-HUD bill provides funding for the National Aeronautics and Space Administration, including a program to develop an environmental satellite network called the Earth Observing System.

Senate Appropriations contacts: Carrie Apostolou, majority, x47211; Stephen Kohashi, minority, x47253. — SC

Parks and public lands/ wild and scenic rivers

Public lands bills up in full Interior

The House Interior Committee is scheduled Wednesday to mark up several bills approved last week by the public lands subcommittee, including legislation to tighten procedures governing the use of public lands by the armed forces.

The committee also will mark up a bill that would direct the Interior Department to study 19.5 miles of West Virginia's New River for possible addition to the national wild and scenic rivers system, and a bill to rename the Fort Jefferson National Monument in Florida as Dry Tortugas National Park.

In addition, the committee is scheduled to mark up legislation to expand two military sites in Colorado. That measure was approved by the public lands subcommittee June 25.

Military withdrawals: HR 3564, drafted by subcommittee Chairman Bruce F. Vento (D-Minn.), would revise procedures governing the allocation of public lands for military uses. The legislation represents an attempt to "rationalize and regularize" how the federal government decides what land to turn over to military agencies, and what environmental values are taken into account in those decisions, Vento said when he introduced the bill Oct. 15.

As of 1990, the Defense Department was using nearly 17 million acres of lands owned by the Bureau of Land Management, plus 4.7 million acres of national forest lands, for training activities and other military uses. The military has requested the use of an additional 4.6 million acres of BLM lands in California, Colorado, Idaho, Montana, Nevada, Utah and Washington state.

If the military is using public land, the property is generally "withdrawn" from other public uses, meaning that activities such as mining, grazing, logging and recreation are prohibited.

Presently, BLM can make an interagency agreement with the military for withdrawals of less than 5,000 acres. Withdrawals of more than 5,000 acres must be approved by Congress.

However, state National Guard units are not considered a federal agency and are thus not subject to the requirement that Congress approve larger withdrawals.

The U.S. Forest Service regulates military use of its land through special-use permits. No congressional approval is required, but since 1988 the agency has included certain environmental standards in its permits.

Military land withdrawals have prompted complaints from all over the West about the loss of public lands for recreation, grazing and other commercial uses, of the noise and disruption of low-altitude military training flights, of serious environmental and safety hazards posed by practice bombing and other activities, and of the military's failure to take adequate care of the land it uses. Critics also have reported that the federal armed services were taking part in some state National Guard operations, thus circumventing the 5,000-acre limit.

Vento's bill was approved on a voice vote by his subcommittee July 23, with some technical changes intended to respond to concerns raised by the Bush administration.

But committee Republicans are expected to vote against the bill in full committee. A minority aide characterized the bill as "less egregious than before, but still highly objectionable."

The bill also has been referred to the House Armed Services Committee, and Rep. Robert J. Lagomarsino (Calif.), the ranking Republican on Vento's subcommittee, said he expected Armed Services would address many of the minority's concerns.

The administration opposed the bill at the public land subcommittee's May 19 hearing.

As approved by the Interior subcommittee, Vento's bill would:

- restrict National Guard activities on BLM land, requiring that any permitted activity protect natural, environmental, scientific and cultural resources. The bill also would subject state National Guards to the 5,000-acre withdrawal limit.

- prohibit the transfer of national forest wilderness areas and other lands set aside for conservation purposes to the Department of Defense, and restrict other exchanges between the Forest Service and DOD to those that would improve the protection and management of natural, cultural and other resources of the national forest system.

- require that DOD include its plans for use of federal lands in its annual "strategic defense plan," a long-term outlook report required by existing law.

- require an inventory of all public lands withdrawn for military use.

- allow public lands that are no longer being used for military purposes to revert to the Forest Service or BLM unless they are too contaminated, in which case DOD would have to clean up the land.

The bill as introduced also would have required congressional approval of military use of air space — or restriction of civilian use — over public lands that have not been withdrawn for military purposes. The subcommittee dropped that language, approving instead an amendment by Rep. Larry LaRocco (D-Idaho)

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

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

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

Appropriations

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

Floor action: Possible this week.

The Environmental Protection Agency would fare far better under a fiscal 1993 spending bill approved July 31 by the Senate Appropriations Committee than it would under corresponding legislation passed by the House two days earlier.

The Senate committee bill also would provide more generous treatment of the Earth Observing System, an environmental satellite program under development by the National Aeronautics and Space Administration.

Funding for both EPA and NASA is included in an \$89 billion appropriations bill the Senate may take up this week. The bill covers the Veterans Affairs Department, the Housing and Urban Development Department and several independent agencies.

In contrast to the House-passed VA-HUD bill (H. Rpt. 102-710), which would cut EPA spending \$9.7 million in fiscal 1993, the Senate committee bill would increase the agency's funding by \$336 million to \$7 billion, slightly less than the level the Bush administration requested.

In addition, the bill would provide the full \$391 million requested by the administration for the Earth Observing System. The House bill would allocate \$316 million for the program. The fiscal 1992 appropriation was \$271 million.

Greater funding for the hazardous waste superfund and for sewer construction grants under the Senate bill accounts for much of the \$346 million gap in proposed EPA spending between the two bills.

The Senate bill would provide \$2.65 billion for sewer construction grants to the states, \$250 million more than current spending. The House bill would freeze the grants at the current year level.

The measure would keep the superfund appropriation at the current level of \$1.6 billion. The House bill would cut the superfund by \$200 million.

However, the Senate bill would provide \$38 million for EPA buildings and facilities, \$96 million less than the House bill. The Senate committee did not include House provisions for an \$85 million environmental research and technology center and a \$10

million biomedical science and technology center.

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.

Within EPA's operating account, the Senate bill would provide \$1.1 billion for cleanup, pollution control and enforcement activities, not including salaries and expenses, down \$17 million from fiscal 1992. For salaries and expenses, the Senate bill would allocate another \$1.1 billion, up \$22.5 million from current spending. The House bill would fund salaries at \$848 million and operating expenses at \$1.3 billion.

Environmental research and development spending would be frozen at \$323 million under the Senate bill. The House bill would provide \$339 million.

A committee staffer said the committee voted full funding for the Earth Observing System because without the money, critical instruments may not be ready in time for the scheduled June 1998 launch of the first EOS satellite. 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. Senate committee report not filed. — *Steve Cook*

Global environment/solid waste

The Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal — Treaty Doc. 102-5

Floor action: Possible this week.

This treaty, which went into force May 5, regulates shipments of hazardous and solid wastes between countries.

The agreement was reached in March 1989 by a U.N.-sponsored conference of 116 nations in Basel, Switzerland. Australia became the 20th country to formally adopt the treaty on Feb. 5, giving the pact the number of ratifications needed for it to take effect 90 days later.

Several bills in both the House and Senate have been introduced to implement U.S. obligations under the accord (S 1082, HR 2358, HR 2580, HR 2398).

Treaty: The Basel Convention grew out of concern that the world's industrialized nations, faced with rising costs and limited options for disposing of waste in their own territory, were exporting more of their wastes to developing countries, many of which lack adequate environmental laws or the means to safely manage wastes.

Although U.N. officials have praised the treaty as a significant step in controlling the movement of hazardous wastes across international borders, a number of environmental groups and developing nations have criticized the convention as not going far enough.

Appropriations

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

Floor action: Possible this week.

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.

However, some environmentalists prefer the House bill because it would provide more money to pay agency employees, allowing for a larger staff.

The Senate committee bill also would provide more generous treatment of the Earth Observing System, an environmental satellite program under development by the National Aeronautics and Space Administration.

Funding for both EPA and NASA is included in an \$89 billion appropriations bill the Senate may take up this week. The bill covers the Veterans Affairs Department, the Housing and Urban Development Department and several independent agencies.

In contrast to the House-passed VA-HUD bill (H. Rpt. 102-710), which would cut EPA spending \$9.7 million in fiscal 1993, the Senate committee bill would increase the agency's overall funding by \$336 million to \$7 billion, slightly less than the level the Bush administration requested.

In addition, the bill would provide the full \$391 million requested by the administration for the Earth Observing System. The House bill would allocate \$316 million for the program. The fiscal 1992 appropriation was \$271 million.

Greater funding for the hazardous waste superfund and for sewer construction grants under the Senate bill accounts for much of the \$346 million gap in proposed EPA spending between the two bills.

The Senate bill would provide \$2.65 billion for sewer construction grants to the states, \$250 million more than current spending. The House bill would freeze the grants at the current year level.

The Senate measure would keep the superfund appropriation at the current level of \$1.6 billion. The House bill would cut the superfund by \$200 million.

However, the Senate bill would provide \$38 million for EPA buildings and facilities, \$96 million less than the House bill. Absent from the Senate committee bill are House provisions for an \$85 million environmental research and technology center and a \$10 million biomedical science and technology center.

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.

Within EPA's operating account, the Senate bill would

provide \$1.1 billion for cleanup, pollution control and enforcement activities, not including salaries and expenses, down \$17 million from fiscal 1992. For salaries and other expenses, the Senate bill would allocate another \$1.1 billion, up \$22.5 million from current spending. The House bill would fund salaries at \$848 million and operating expenses at \$1.3 billion.

However, all of the \$848 million in the House bill would be devoted to paying salaries and benefits for agency employees. A large portion of the \$1.1 billion for salaries and other expenses in the Senate bill would be devoted to paying administrative expenses and for work contracted to outside companies.

A coalition of environmental groups, including Friends of the Earth, the National Wildlife Federation and the Natural Resources Defense Council, sent a letter Feb. 19 to Senate VA-HUD subcommittee Chairwoman Barbara A. Mikulski (D-Md.) urging greater funding for hiring more employees. The letter said that providing more money for personnel expenses is critical to the agency's effectiveness.

Environmental research and development spending would be frozen at \$323 million under the Senate bill. The House bill would provide \$339 million.

A Senate committee staffer said the panel voted full funding for the Earth Observing System because without the money, critical instruments may not be ready in time for the scheduled June 1998 launch of the first EOS satellite. 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. S. Rpt. 102-356. — *Steve Cook*

Hazardous substances/coasts

National Affordable Housing Act Amendments of 1992 — S 3031

Floor action: Possible this week.

If all potential points of controversy can be worked out, the Senate may take up this week a housing authorization bill that contains major initiatives to reduce hazards from lead-based paint in older homes.

The bill also could become a vehicle for flood insurance legislation introduced by Sen. John Kerry (D-Mass.). Kerry has said he hopes to offer his controversial flood insurance bill (S 2907), which includes provisions on coastal erosion, as an amendment to the housing bill.

The Banking Committee, which approved the housing bill June 18 by voice vote, wants to bring the legislation to the floor before the August recess, which is set to begin Wednesday night. A committee staffer said Aug. 7 the bill definitely would be considered before the recess.

However, the Senate will be busy with defense authorization and tax bills this week. An aide to the Democratic leadership said the Senate will have time to consider other measures only if they can be brought up by unanimous consent and passed in a matter of minutes.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The House-passed bill features a number of provisions

Amendments: 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 more cruise ships to ply the waters of Glacier Bay park during the summertime whale season. (For more on cruise ships, see June 29 *Weekly Bulletin*, p. B2.)

Left intact by both committees are the provisions that would allow subsistence fishing and gathering in the park by local residents, and both bills would allow commercial fishing in the park, except in wilderness areas. Report not filed at press time. — LD

Appropriations

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

Floor action: Scheduled for Tuesday under a unanimous consent agreement.

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However, some environmentalists prefer the House bill because it would provide more money to pay agency employees, allowing for a larger staff.

The Senate committee bill also would provide more generous treatment of the Earth Observing System, an environmental satellite program under development by the National Aeronautics and Space Administration.

Funding for both EPA and NASA is included in an \$89 billion appropriations bill the Senate is slated to take up this week. The bill covers the Veterans Affairs Department, the Housing and Urban Development Department and several independent agencies.

Funding levels: In contrast to the House-passed VA-HUD bill (H. Rpt. 102-710), which would cut EPA spending \$9.7 million in fiscal 1993, the Senate committee bill would increase the agency's overall funding by \$336 million to \$7 billion, slightly less than the level the Bush administration requested.

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the superfund by \$200 million.

However, the Senate bill would provide \$38 million for EPA buildings and facilities, \$96 million less than the House bill. Absent from the Senate committee bill are House earmarks for an \$85 million environmental research and technology center and a \$10 million biomedical science and technology center.

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.

Within EPA's operating account, the Senate bill would provide \$1.1 billion for cleanup, pollution control and enforcement activities, not including salaries and expenses, down \$17 million from fiscal 1992. For salaries and other expenses, the Senate bill would allocate another \$1.1 billion, up \$22.5 million from current spending. The House bill would fund salaries at \$848 million and other operating expenses at \$1.3 billion.

However, all of the \$848 million in the House bill would be devoted to paying salaries and benefits for agency employees. A large portion of the \$1.1 billion for salaries and other expenses in the Senate bill would be devoted to paying administrative expenses and for work contracted to outside companies.

A coalition of environmental groups, including Friends of the Earth, the National Wildlife Federation and the Natural Resources Defense Council, sent a letter Feb. 19 to Senate VA-HUD subcommittee Chairwoman Barbara A. Mikulski (D-Md.) urging greater funding for hiring more employees. The letter said that providing more money for personnel expenses is critical to the agency's effectiveness.

Environmental research and development spending would be frozen at \$323 million under the Senate bill. The House bill would provide \$339 million.

A Senate committee staffer said the panel voted full funding for the Earth Observing System because without the money, critical instruments may not be ready in time for the scheduled June 1998 launch of the first EOS satellite. 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.

Amendments: A unanimous consent agreement adopted by the Senate Aug. 12 allows for several EPA-related amendments to be offered on the Senate floor:

- Sen. Pete V. Domenici (R-N.M.) plans to offer an amendment that would place a one-year moratorium on new requirements under the Safe Drinking Water Act (PL 99-339) for communities to test drinking water for traces of toxic substances. Sen. Jeff Bingaman (D-N.M.) will offer a similar amendment.

- Sens. Quentin N. Burdick (D-N.D.), John H. Chafee (R-R.I.), Max Baucus (D-Mont.) and Dave Durenberger (R-Minn.) will seek to narrow the proposed moratorium under a second-degree amendment. Their proposal would delay testing requirements for radon and other radioactive substances in water. It also would ease testing requirements for small water systems, and would require EPA to report to Congress on the health benefits,

costs and implementation problems of the drinking water act.

- Mikulski will offer a floor managers' amendment including a provision to ensure that \$2.9 million is spent for the National Acid Precipitation Abatement Program (NAPAP), which studies the environmental effects of acid rain.

Mikulski's amendment also will include a proposal by Senate Minority Leader Robert Dole (R-Kan.) that would exempt phosho-gypsum — a fertilizer production byproduct — from treatment and disposal requirements under the Safe Drinking Water Act for one year.

- Another Chafee amendment would extend for five months two EPA rules that require special treatment for hazardous wastes. Those rules are scheduled to expire April 28, 1993.

- An amendment to be offered by Sen. John McCain (R-Ariz.) would provide up to \$120 million requested by EPA for wastewater treatment along the Mexican border. Specifically, the proposal would allow California and Arizona to draw money from sewer construction revolving loan funds to pay for four projects designed to protect water quality in those states.

- Durenberger will offer an amendment expressing the sense of the Senate that ethanol-related rules proposed in March by EPA violate the Clean Air Act. Sen. Charles E. Grassley (R-Iowa) also is to offer an amendment related to ethanol.

- Sen. James M. Jeffords (R-Vt.) will offer an amendment that would prohibit funding of EPA research facilities that are not subject to competitive review.

- Sen. Timothy E. Wirth (D-Colo.) may offer an amendment that would continue funding at current levels for EPA's Green Lights program, under which the agency provides technical assistance to companies to install energy-efficient lighting. The committee bill would reduce funding for that program.

- Sen. Dennis DeConcini (D-Ariz.) is to offer an amendment related to water quality standards in arid regions and an amendment pertaining to the Southwest Environmental Research Center.

- An amendment by Sen. Bob Graham (D-Fla.) would freeze spending at current levels for administrative costs at EPA headquarters.

- Sen. Phil Gramm (R-Texas) may offer an amendment related to environmental protection, but no further details were available at press time. S. Rpt. 102-356. — *Steve Cook*

Water resources

Ak-Chin Water Use Amendments of 1992 — S 2507

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

This bill would allow the Ak-Chin Indian Community to market and lease water off the reservation in designated areas within Arizona.

Introduced April 1 by Sen. John McCain (R-Ariz.) and co-sponsored by Sen. Dennis DeConcini (D-Ariz.), the bill was approved without amendments June 16 by the Senate Indian

Affairs Committee. The committee held a hearing on the legislation June 11.

The legislation would expand on a 1984 law (PL 98-520) that gave the reservation authority to control its water entitlement. Specifically, the bill would permit the Indian community to sell or lease the water rights it gained under the 1984 law to water users outside the reservation.

With similar water rights legislation being passed for other Indian reservations, McCain said S 2507 would enable the Ak-Chin "to realize maximum economic benefits from their water entitlement."

No amendments are expected to be offered on the Senate floor. The measure is not considered controversial and is supported by the Bush administration.

Companion Ak-Chin water legislation (HR 4948) was introduced in the House April 9 by Rep. John J. Rhodes III (R-Ariz.) and was referred to the Interior Committee. S Rpt. 102-317. — *Rich Hayes*

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 in parcels the government would receive from the company in northern Idaho — would be numerous other 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

coup the federal share of costs associated with individual projects.

The conferees further agreed to language in the Senate bill that would authorize DOE to extend the existing clean coal technology program beyond its scheduled fifth and final round of cost-shared demonstration projects.

In addition, negotiators adopted language that would direct FERC to simplify its methodology for determining "just and reasonable" oil pipeline rates. FERC also would be required to streamline its procedures for hearing and considering proposed rate changes.

(For detailed outline of the energy bills, see June 10 *Special Report*: "Comprehensive National Energy Policy Act; House bill summary, comparison with Senate measure." For general comparison and history of the two bills, plus separate stories on tax packages and offshore drilling proposals, see Aug. 14 *Special Report*: "Environment, energy and natural resources status report: 2nd session, 102nd Congress.")

When: A conference meeting is tentatively scheduled for Wednesday, Sept. 23, at a time and in a room to be announced. — *Lucy Harvey, Steve Daniels*

Nuclear waste

Rocky Flats probe continues

A House Science panel plans to press ahead this week with its inquiry into allegations that the Justice Department mishandled the prosecution of a former government contractor convicted of illegally disposing of radioactive and hazardous waste at the Rocky Flats nuclear weapons plant near Golden, Colo.

The subcommittee on investigations and oversight, chaired by Rep. Howard Wolpe (D-Mich.), is focusing its probe on the Justice Department's recent settlement of criminal charges against the Rockwell International Corp., which operated the weapons plant for the Department of Energy from 1975 to 1989.

Following a three-year Justice Department investigation, Rockwell agreed to plead guilty to 10 violations of the

Resource Conservation and Recovery Act (PL 94-580, as amended) and the Clean Water Act (PL 95-217, as amended) and to pay a record \$18.5 million fine.

As part of the plea bargain announced in June, Rockwell admitted to illegally spraying sewage contaminated with hazardous and radioactive waste on a 17-acre portion of the plant. The company also admitted to illegally storing hazardous and radioactive wastes at the facility.

While newspaper headlines praised the Department of Justice for imposing the largest fine ever in a hazardous waste case, environmentalists and other critics accused the Justice Department of "going easy" on Rockwell and its employees to prevent a wider probe into DOE's management of the plant.

After preliminary inquiries into these allegations, the Science subcommittee launched its probe by subpoenaing three Justice Department officials and seven FBI agents, a committee staffer said. The panel took testimony from some of these witnesses in closed session during the past two weeks and will continue its hearings with two more sessions this week.

According to the aide, the panel is examining whether federal prosecutors dropped charges against individual Rockwell employees in order to avoid bringing similar charges against Energy Department personnel and to limit the potential for civil suits to be brought against the government by residents of the surrounding communities.

A Justice Department spokeswoman refused to comment on the Science panel's investigation. However, she said the department stands by its performance in the Rocky Flats case and is very proud of the result of its investigation.

An Energy Department spokesman reached for comment Friday declined to answer questions about the subcommittee inquiry.

When: Two hearings, likely to be held in closed session, have been scheduled for this week. They are planned for 11 a.m. Wednesday, Sept. 23, in 2318 Rayburn and 10 a.m. Thursday, Sept. 24, in 2325 Rayburn.

House Science contacts: Edith Holleman, majority, x54494; Dan Pearson, minority, x63641. — *LII*

Appropriations

EPA conference likely this week

Conferees are to meet this week to iron out differences between Senate and House versions of the appropriations bill that funds the Environmental Protection Agency.

EPA as a whole would receive more money under the fiscal 1993 spending bill (HR 5679, S. Rpt. 102-356) approved Sept. 9 by the Senate than under a House-passed version of the legislation (H. Rpt. 102-710).

However, some environmentalists prefer the House bill because it would provide more money to pay agency employees, allowing for a larger staff.

The Senate bill also would provide more generous treatment of the Earth Observing System, an environmental satellite program under development by the National Aeronautics and Space Administration.

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

Funding levels: In contrast to the House-passed VA-HUD bill, which would cut EPA spending \$9.7 million in fiscal 1993, the Senate bill would increase the agency's overall funding by \$336 million to \$7 billion, slightly less than the level requested by the president.

In addition, the Senate bill would provide the full \$391 million requested by the president for the Earth Observing System. The House bill would allocate \$316 million for the program. The fiscal 1992 appropriation was \$271 million.

Full funding of the Earth Observing System is considered crucial by NASA because without the money, critical instruments may not be ready in time for the scheduled June 1998 launch of the first EOS satellite. The project calls for launching a series of satellites equipped with instruments to collect atmospheric, oceanic and other data used to measure global climate change, including evi-

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Feb. 19 to Senate VA-HUD subcommittee Chairwoman Barbara A. Mikulski (D-Md.) urging greater funding to hire more agency employees. The letter said that providing more money for personnel expenses is critical to the agency's effectiveness.

Environmental research and development spending would be frozen at \$323 million under the Senate bill. The House bill would provide \$339 million, not including the construction funds for the research and technology centers.

Amendments: Besides grappling with different funding levels in the two bills, conferees face several points of contention created by a series of Senate-passed EPA amendments that would:

- delay water testing requirements under the Safe Drinking Water Act (PL 99-339) for radon and other radioactive substances, ease testing requirements for small water systems, and require EPA to report to Congress on the health benefits, costs and implementation problems of the drinking water act.

- extend for five months two EPA rules that require special treatment for hazardous wastes. Those rules are scheduled to expire April 28, 1993.

- ensure that \$2.9 million is spent for the National Acid Precipitation Abatement Program (NAPAP), which studies the environmental effects of acid rain.

- provide up to \$120 million requested by EPA for wastewater treatment along the Mexican border by allowing California and Arizona to draw money from sewer construction revolving loan funds to pay for four projects designed to protect water quality in those states.

- prohibit funding of EPA research facilities that are not subject to competitive review, starting Oct. 1, 1993.

Likewise, the House bill includes provisions missing from the Senate bill, including amendments that would:

- prohibit federal agencies from implementing public improvements for the proposed Washington Redskins football stadium in Alexandria, Va., until EPA has prepared an environmental impact statement on the stadium.

- provide \$2.5 million to build water treatment works for Suwannee, Fla. — *Steve Cook*

Water resources

Indian water bill set for markup

The House Interior Committee plans Wednesday to mark up a bill that would authorize the Interior Department to carry out a water rights settlement with the Jicarilla Apache tribe.

The bill (HR 5122), introduced May 7 by Rep. Bill Richardson (D-N.M.), would give the force of law to a settlement reached between the Jicarilla tribe and the Interior Department quantifying the tribe's water rights from the Rio Chama and San Juan River as well as giving the reservation a secure supply of water. The House Interior Committee held a hearing on the bill May 29.

Companion legislation (S 2684) was introduced May 7 by Sen. Pete V. Domenici (R-N.M.) and is co-sponsored by Sen. Jeff Bingaman (D-N.M.).

The bill was originally scheduled to be marked up July 29, but action was postponed to work out objections the Justice Department raised to some provisions in the bill. House staff could not be reached for comment.

In August, a House aide said that Richardson would offer a package of amendments at the markup, including one that would explicitly dismiss the tribe's pending water rights lawsuit against the United States. Another would establish a developmental trust fund for the tribe. Additional technical amendments could be offered.

The Jicarilla Apache reservation lies between two federally constructed water projects — the San Juan-Chama Transmountain Diversion Project to the east and the Navajo Dam and reservoir on the San Juan River to the west.

But the Interior Department's Bureau of Reclamation, which controls the dam and the transmountain diversion, has not provided water to the tribe from either project.

The tribe's own water resources are scarce. More than half of the Navajo River, the only perennial flow of water currently on the reservation, is diverted away from the reservation to the San Juan-

Agriculture

Conservation programs (Budget authority, dollars in millions)

	<i>FY '92 estimate</i>	<i>Bush request</i>	<i>House bill</i>	<i>Senate bill</i>	<i>Final bill</i>
Office of assistant secretary for natural resources	1	1	1	1	1
Soil Conservation Service					
Conservation ops.	564	573	577	577	577
River basin	13	10	13	13	13
Watershed planning	10	6	10	10	10
Watershed, flood prevention	205	153	205	238	228
Resource conservation	33	24	33	33	33
Great Plains conservation	25	25	25	25	25
Total, SCS	850	791	862	895	885
Agricultural Stabilization and Conservation Service					
ACP	194	125	194	189	194
Forestry incentives	12	12	12	12	12
Water Bank	19	11	19	19	19
Emergency cons. program	6	0	3	3	3
Colo. River Basin	15	15	15	13	14
CRP	1,611	1,607	1,579	1,579	1,579
Wetlands reserve program	46	161	0	55	0
Total, ASCS	1,904	1,931	1,822	1,869	1,821
Total, conservation	2,755	2,723	2,685	2,765	2,707

VA, HUD and
independent
agencies

Environmental Protection Agency (Budget authority, dollars in millions)

	<i>FY '92 estimate</i>	<i>Bush request</i>	<i>House bill</i>	<i>Senate bill</i>	<i>Final bill</i>
Operating					
Program, research operations	1,041	1,157	848	1,063	824
Inspector general	41	45	42	43	43
Research and development	323	339	339	323	323
Abatement, control	1,134	1,092	1,331	1,117	1,319
Abatement loan account	0	0	31	32	32
Oil spill response	0	23	18	23	20
Buildings and facilities	39	42	134	38	134
Subtotal, operating programs	2,578	2,698	2,743	2,639	2,694
Superfund	1,616	1,750	1,416	1,616	1,574
Leaking underground storage tank fund	75	75	75	75	75
Construction grants	2,400	2,500	2,400	2,650	2,550
Total	6,645	7,023	6,635	6,981	6,893