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ENVIRONMENTAL AND ENERGY STUDY CONFERENCE

WEEKLY BULLETIN

HIGHLIGHTS

Week of Feb. 15, 1993

Support builds for EPA elevation

Environmental Protection Agency chief Carol M. Browner is expected to appear on Capitol Hill Thursday to lay out the Clinton administration's plans for the agency and its expanded role under proposals to elevate EPA to formal Cabinet-level status. President Clinton last week urged quick action on an EPA-to-Cabinet bill, improving chances for early passage of legislation to create a new Department of Environment. The hearing Thursday also will give senators an opportunity to question Browner on the new environmental policy framework unveiled by the president last week (B6).

House panel reviews water treatment needs

A House Merchant Marine panel plans Thursday to explore ways to increase funding for sewage treatment and other water-related public works projects, one day after President Clinton reveals an economic plan that is expected to include more money for environmental infrastructure. The hearing is the first in a series the Merchant Marine subcommittee on environment and natural resources is holding to prepare for reauthorizing the Federal Water Pollution Control Act, better known as the Clean Water Act. (B2).

Quick action expected on whaling resolution

Quick House action is likely this week for a resolution that calls for maintaining the current U.S. policy of opposing the commercial harvesting of whales. The measure was prompted by the stated intentions of Norway and other nations to resume killing whales for profit, a practice banned by the International Whaling Commission in 1986. The resolution is expected to be approved by the Foreign Affairs Committee Tuesday and go to the House floor later the same day (A1, B3).

Babbitt to discuss Interior Department issues

Members of the House Natural Resources Committee will have their first formal meeting with newly confirmed Interior Secretary Bruce Babbitt at a hearing on Tuesday. The session is billed as an oversight hearing that will afford the former Arizona governor an opportunity to present his philosophy on a wide range of issues. Babbitt said in a recent interview that his top legislative priority is preparing the Clinton administration's position on wilderness proposals for the California desert (B1).

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**ENVIRONMENTAL AND ENERGY
STUDY CONFERENCE**

WEEKLY BULLETIN

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The Environmental and Energy Study Conference is a bipartisan legislative service organization with a membership of more than 390 Representatives and Senators. The Weekly Bulletin is the regular legislative report, published every Monday Congress is in session.

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In the House

Marine mammals

Calling for a continued U.S. policy of opposition to the resumption of commercial whaling — H. Con. Res. 34

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

Introduced Feb. 3 by House Merchant Marine and Fisheries Committee Chairman Gerry E. Studds (D-Mass.), this measure calls for continuing the current U.S. policy of opposing the

commercial harvesting of whales.

The resolution was prompted by repeated statements from Norway and other nations that they intend to resume killing whales for profit, a practice banned by the International Whaling Commission in 1986.

Several nations are expected to try again this year to formally overturn the ban when IWC member nations hold their annual meeting in Kyoto, Japan, in May.

The resolution is similar to measures considered during the 102nd Congress (H. Con. Res. 105, H. Con. Res. 177) calling for the indefinite continuation of the whaling ban.

H. Con. Res. 34 was scheduled at press time to be marked up by the House Foreign Affairs Committee Tuesday morning. (For details, see separate B-section story in this issue.) Report not filed. — *DR*

Parks and public lands

Babbitt to expound on goals for Interior

Members of the House Natural Resources Committee will have their first formal meeting with newly confirmed Interior Secretary Bruce Babbitt at a hearing on Tuesday.

The session is billed as an oversight hearing that will allow Babbitt "a chance to strut his stuff," according to one committee staffer.

An aide to Chairman George Miller (D-Calif.) described the event more formally. The hearing will provide the secretary "with an opportunity to come before the committee to testify about his philosophy, hopes and aspirations. ... It's Mr. Babbitt's hearing," the aide said.

Committee members will probably question Babbitt "right down the list" of controversial items facing his department, the aide said. Among those issues is implementation of the massive Western water bill passed in the 102nd Congress (HR 429, PL 102-575). Of particular interest will be efforts to fulfill provisions of the act requiring the department's Bureau of Reclamation to provide more water for fish and wildlife — and less to farmers — from the huge federal water delivery project in California's Central Valley.

Other hot topics for discussion are likely to include past managerial problems at some Interior Department agencies, as well as proposals to overhaul the General Mining Law of 1872 and to raise the fees for grazing livestock on the government-owned range, according to Miller's aide.

During his confirmation hearings last month before the Senate Energy and Natural Resources Committee, Babbitt spoke in fairly general terms about most of these issues.

But in a Feb. 10 interview with *The Associated Press*, the former Arizona governor provided some specific information about a number of matters before the department, including proposals to

block development on vast tracts of federal land in the California desert by designating those areas as federally protected wilderness.

Lands: Babbitt told *AP* that preparing the Clinton administration's position on wilderness proposals for the desert is his top legislative priority. Conservationists and many California legislators have long sought to set aside more than 8 million acres of Interior Department land as wilderness in the southeastern corner of the Golden State. Some of that land already is administered by the National Park Service, but the remainder belongs to the Bureau of Land Management and could be opened to mining, grazing and motorized recreation.

Wilderness protection bills (S 21, HR 518) were introduced Jan. 21 by freshman Sens. Dianne Feinstein and Barbara Boxer (both D-Calif.) and by Rep. Richard H. Lehman (D-Calif.). Among the co-sponsors of Lehman's bill are Miller and Rep. Bruce F. Vento, chairman of the parks and public lands subcommittee. (For more on those bills, see Jan. 28 *Special Report*, "Outlook: environment, energy and natural resources in the 103rd Congress," p. 16.)

Babbitt said he would tour the desert within the next two weeks before making his recommendations about how much BLM land should be transferred to the Park Service and how many acres should be designated as wilderness, according to *AP*.

Desert protection legislation is part of a broader goal to "do everything in my power" to expand and repair the national park system, Babbitt told *AP*.

Babbitt also said he wants to funnel more money to the U.S. Fish and Wildlife Service, which is charged with carrying out and enforcing the Endangered Species Act (PL 93-205 as amended), a task that is proving to be complicated, controversial and expensive.

Babbitt discussed various belt-tightening efforts that he expects to undertake at the department, such as cutting some management positions and perks, and streamlining the administration of the

Bureau of Indian Affairs. Babbitt told the wire service he also expects to realize some savings as the Bureau of Reclamation undertakes fewer massive irrigation projects.

Although money will be tight, Babbitt said he had been assured that part of President Clinton's economic stimulus package will be directed to the Interior Department for roads and other infrastructure and maintenance projects in national parks and on Indian reservations, *AP* reported.

Babbitt also hopes to increase the department's revenue picture by getting a better return from the sale of federally owned natural resources, such as grazing fodder, timber, and "hard-rock" minerals, such as gold, silver and copper, he told *AP*.

Endangered species: Although the Natural Resources Committee does not have jurisdiction over the Endangered Species Act, panel members are likely to be very interested in remarks Babbitt made Feb. 8 in a speech to the American Mining Congress.

The 1973 law is an integral part of the protracted controversy faced by the federal government as it attempts to manage forest lands in the Pacific Northwest. There, conservationists using the Endangered Species Act and other environmental statutes to protect rare forest species such as the northern spotted owl, have run headlong into loggers and the timber industry, who depend on timber from the same forests.

Miller's committee, which shares jurisdiction over national forests with the House Agriculture Committee, spent considerable time in the last Congress trying to devise a solution to the crisis in the Pacific Northwest.

The landmark Endangered Species Act "is soundly premised by the notion that it is very important that we maintain the biodiversity that supports the life systems of the planet," Babbitt told the mining congress.

Babbitt expanded on that theme in his interview with *AP*, saying that any plan for protecting the spotted owl will also

have to address the decline of other forest species in the Northwest, such as the region's salmon and the robin-sized marbled murrelet, many of which are protected, or proposed for protection, under the Endangered Species Act.

Only a comprehensive wildlife protection plan will head off more litigation, and more court orders against logging, as environmental groups seek to protect these other species, Babbitt told *AP*.

Babbitt also wants to conduct a "national biological survey" of natural resources to provide a more comprehensive scientific foundation for land management decisions, he told *AP*.

When: The hearing is scheduled to begin at 9:30 a.m. Tuesday, Feb. 16, in 1324 Longworth.

House Natural Resources contacts: Dan Beard, majority, x52761; Dan Kish, minority, x56065. — *LD*

Oil spills

Oil tanker safety reviewed by panel

Two high-ranking officers of the U.S. Coast Guard are scheduled to appear before a House Merchant Marine panel this week to answer questions about an overdue study ordered by Congress on tanker navigation safety and personnel.

Coast Guard subcommittee Chairman W. J. (Billy) Tauzin (D-La.) has asked the witnesses to discuss progress on the report, mandated by the Oil Pollution Act of 1990 (PL 101-380), and to talk about factors that affect safe shipping. The study was due for submission to Congress in August 1992.

Several questions the Coast Guard is studying relate to personnel and training matters, such as crew size, qualifications, emergency response, alcohol testing and the use of simulators in training. Personnel and training are considered crucial because most maritime accidents are the result of human error, according to Capt. Dennis Bryant, a member of the Coast Guard team responsible for carrying out provisions of the Oil Pollution Act.

Other parts of the study focus on navigational equipment, such as elec-

tronic charting and automatic piloting systems, Bryant said in a telephone interview.

The oil spill act also required an analysis of shipping trends over 20 years. Research has turned up evidence that increased use of supertankers has increased the practice of offshore transfers of cargo onto smaller vessels capable of entering the shallow waters of ports and harbors, Bryant said.

In addition, Congress ordered the Coast Guard to examine options for establishing tanker-free zones, but Bryant declined to name any specific areas under consideration. He said one of the consequences of banning tankers from certain waters may be a heavier concentration of tankers in other areas.

"California wants tanker-free zones off its coast, but if you drive tankers away from California, are you then driving them to Washington and Oregon?" Bryant said.

Bryant said the Coast Guard also is working with a U.N. maritime organization to establish international standards for tanker safety. He said the Coast Guard's objective is to encourage other nations to adopt safety standards comparable to those in the United States so that U.S. shippers will not be placed at a competitive disadvantage.

Besides questions about the Coast Guard study, subcommittee members are likely to ask about forthcoming regulations dealing with the use of automatic equipment and a new requirement that a second licensed officer be on the bridge of a tanker under certain conditions. These rules also are past due.

The Oil Pollution Act was passed by Congress largely in response to the March 1989 grounding of the supertanker *Exxon Valdez*, which spilled 11 million gallons of crude oil into Alaska's Prince William Sound. The accident was the worst oil spill in U.S. history. The act established a new liability and compensation system for oil spills and set new requirements for tanker safety and spill preparedness.

The Coast Guard contends that the act's two-year deadline for completion of the study was unreasonably short, but that progress is being made.

Witnesses: Expected to testify are

Coast Guard Adm. Arthur E. Henn, chief of the Office of Marine Safety, Security and Environmental Protection, and Adm. William J. Ecker, chief of the Office of Navigation Safety and Waterway Services.

When: The hearing is scheduled for 10 a.m. Wednesday, Feb. 17, in 1334 Longworth.

House Merchant Marine contacts: Jim Adams, majority, x63587; Rebecca Dye, minority, x63540. — *Erin McNeill*

Water pollution

Sewage treatment needs reviewed

A House Merchant Marine panel plans Thursday to explore ways to increase funding for sewage treatment and other water-related public works projects, one day after President Clinton reveals an economic plan that is expected to include more money for environmental infrastructure.

The hearing is the first in a series the Merchant Marine subcommittee on environment and natural resources is holding to prepare for reauthorizing the Federal Water Pollution Control Act (PL 92-500 as amended), better known as the Clean Water Act.

Next week, the House Public Works Committee, which has primary jurisdiction over the statute, will begin its series of clean water hearings with three days scheduled for testimony on rural wastewater treatment needs. The Public Works subcommittee on water resources and environment, under the leadership of new Chairman Douglas Applegate (D-Ohio), is holding the hearings.

For this week's hearing, Merchant Marine environment subcommittee Chairman Gerry E. Studds (D-Mass.) has asked witnesses to give their assessments of the need for additional water treatment projects nationwide, a subcommittee aide said. The hearing also will serve as a forum for new ideas on generating more revenue to address these needs.

In addition, there may be some reaction to Clinton's economic plans, which he is expected to broadly outline Wednes-

day night before a joint session of Congress. Among other things, Clinton reportedly is considering a \$31 billion economic stimulus package, which is likely to include spending for sewage treatment plants, highways and other public works projects.

Several groups, including the National Utility Contractors Association and the Association of Metropolitan Sewerage Agencies, are lobbying the Clinton administration to set aside \$3 billion to \$4 billion just for wastewater treatment in his stimulus package. Coupled with the \$2.55 billion Congress appropriated last year for sewage treatment, that would bring total funding for clean water projects to about \$6 billion in the current fiscal year.

Under the Clean Water Act, federal grants to states are placed in state-established funds used to provide loans to communities for wastewater treatment projects. As loans are paid back, generally at below-market interest rates, the money is distributed to other communities, creating a revolving system.

These "state revolving funds," established under the 1987 Clean Water Act amendments (PL 100-4), replaced an older system whereby states distributed federal grant money to localities without requiring them to pay it back. Federal grants for the revolving loan funds are set to expire in 1994.

The Clean Water Act is scheduled to be reauthorized in this Congress, and at the top of the list of issues to be addressed is the future of federal assistance to states. There is general consensus in Congress that a federal funding role should continue but disagreement over what form it should take and whether grants should be increased, aides have said.

By all accounts, the amount of money needed during the next 20 years to build new treatment plants and upgrade older ones is staggering. More than \$80 billion is necessary to meet wastewater treatment needs alone, according to estimates by the Environmental Protection Agency. In addition, states have told EPA they need another \$30 billion for other water quality improvement projects. Some groups say these estimates are conservative.

Some states and localities want Congress to resume making direct grants, say-

ing the revolving loan system is inefficient and too restrictive.

Additionally, the National Governors' Association and other groups have called on the federal government to increase its annual contribution for sewage treatment to \$5 billion. In recent years, Congress has provided between \$2 billion and \$2.5 billion annually to the states.

The cry for help is echoed by localities, which are legally obligated to make wastewater treatment improvements but often can only meet a fraction of the expense with loans from the state revolving funds. The burden then usually falls on ratepayers who local officials say are experiencing "rate shock" in some areas because of skyrocketing water and sewer fees.

While not abandoning environmental arguments in making their case to the administration and Congress, many trade groups are focusing more on job creation. They cite EPA figures showing that 58,500 jobs are created for every \$1 billion invested in sewage treatment projects.

In addition, they argue that money for sewage treatment will be an immediate economic shot in the arm because there is a substantial backlog of projects simply waiting for funding. Nearly \$12 billion worth of wastewater projects are ready for construction this year, they say.

Last year Studds floated a proposal to impose new taxes on dischargers of toxic pollutants and manufacturers of pesticides in order to provide more funding for the state loan funds. Studds envisioned that the new taxes, coupled with \$2 billion in annual appropriations, would generate \$5 billion a year for wastewater treatment.

Two Merchant Marine subcommittees held a joint hearing last August on the proposal (for more, see Aug. 10 *Weekly Bulletin*, p. B3).

Studds, who last month was named to chair the full Merchant Marine Committee, plans to introduce similar legislation this year. But he also wants to add a separate tax on common household, commercial and industrial products known to contribute substantially to water pollution, such as detergents, cleaners and photographic chemicals, an aide said. Details of how such a tax would be configured

have not yet been worked out.

Witnesses: Expected to testify are Martha G. Prothro, acting assistant administrator for EPA's office of water; West Lafayette, Ind., Mayor Sonya L. Margerum, representing the National League of Cities; John Spencer, director of the Water Pollution Control Department for the Seattle metropolitan area; Gerry Dorfman, president of the National Utility Contractors Association; Don Ostler, president of the Association of State and Interstate Water Pollution Control Administrators; Dennis Hart, New Jersey's administrator for environmental protection and energy; and other witnesses.

When: The hearing is scheduled to begin at 10 a.m. Thursday, Feb. 18, in 1334 Longworth.

House Merchant Marine contacts: Barbara Jean Polo, majority, x63543; Laurel Bryant, minority, x63492. — *Steve Daniels*

Marine mammals

Measure supports ban on whaling

The House Foreign Affairs Committee plans Tuesday to mark up a resolution that calls for maintaining the current U.S. policy of opposing the commercial harvesting of whales.

No amendments are expected, committee aides said. The resolution is expected to be approved by the committee and taken up on the House floor later the same day.

Introduced Feb. 3 by House Merchant Marine Committee Chairman Gerry E. Studds (D-Mass.), the measure (H. Con. Res. 34) comes in response to continued indications by Norway and other nations that they intend to resume killing whales for profit, a practice banned by the International Whaling Commission in 1986.

Several nations are expected to try again this year to formally overturn the ban when IWC member nations hold their annual meeting in Kyoto, Japan, in May.

Efforts in recent years to lift the ban have been defeated. However, Norway

announced at last year's meeting in Glasgow, Scotland, that it intended to resume commercial whaling, and Iceland withdrew from the whaling commission altogether, saying that it also wanted to resume the practice.

In addition to calling for the United States to uphold the whaling ban, Studds' resolution urges establishment of international sanctuaries where whaling would be prohibited and negotiation of a similar moratorium on commercial harvesting of dolphins and porpoises.

In a statement accompanying the introduction of the measure, Studds said, "If we do not repeat the mistakes of our whaling ancestors, we may yet see a day when we don't always hear 'endangered' and 'whales' in the same sentence."

Background: H. Con. Res. 34 is similar to resolutions introduced last Congress (H. Con. Res. 105, H. Con. Res. 177) by former Rep. Gus Yatron (D-Pa.), which called for the indefinite continuation of the whaling ban. H. Con. Res. 177 was amended to include a provision offered by Studds calling for a ban on dolphin and porpoise harvesting. The measure passed the House last May but died in the Senate Foreign Relations Committee.

More than 8,000 whales were killed in 1985, the year before the ban went into effect. Since then, conservationists have charged that several nations, including Iceland, Japan, Norway and South Korea, have continued commercial harvesting of whales under a loophole in the IWC ban that allows the taking of whales for the purpose of "scientific research."

Some scientific studies have suggested that certain whale populations, such as the Minke whale, have recovered and can withstand limited harvesting without reductions in their numbers. This prompted Iceland, Norway and other pro-whaling nations to openly break with the United States and other countries favoring continuation of the IWC ban.

The United States has authority under a law known as the "Pelly amendment" to ban imports into the United States of fish products from countries that violate international fisheries agreements. However, the United States has never exercised this authority, preferring instead to use it only as a threat and to

resolve disputes through diplomatic channels.

When: The committee is scheduled to meet at 9:30 a.m. Tuesday, Feb. 16, in 2172 Rayburn. The committee is scheduled to mark up at the same time a bill to extend and authorize appropriations for the Export Administration Act of 1979 (HR 750).

House Foreign Affairs contacts: Nancy Carman, majority, x59198; Frank Record, minority, x56735. — DR

Parks and public lands

Panel eyes youth corps for parks

For nine years beginning in 1933, the young men of the Civilian Conservation Corps labored across America, fighting fires, halting erosion, building lodges and picnic shelters, and weaving a network of roads and trails everywhere they went.

One of the most popular and successful creations of Franklin Delano Roosevelt's presidency, the CCC provided jobs in the nation's parks, forests and wildlife refuges for legions of unemployed during the Great Depression.

The corps was perhaps best known for its feat of planting 2 billion trees, earning the CCC the nickname "Roosevelt's Tree Army."

There have been several efforts to revive the program on a national scale, and many states and localities operate youth service programs, often with a conservation component.

On Thursday, a House Natural Resources subcommittee will hold an oversight hearing on the history and current status of various federal and state corps that succeeded the CCC.

History: The Civilian Conservation Corps operated from 1933 to 1942, employing a total of 3.2 million young men who worked on state and federal lands.

The corps' work included public recreation projects such as construction of roads and trails, bridges, picnic shelters, restroom facilities, lodges and cabins. Forestry work included not only tree planting, but firefighting, timber-stand improvement and salvage logging.

Many of the CCC's buildings, bridges, roads and trails are still in use in municipal, state and federal parks and forests. The structures were generally made out of locally available materials: granite in New England, for example, or adobe in the Southwest.

The corps also undertook erosion control work, stream bank stabilization and disaster relief.

CCC participants were young men between the ages of 18 and 25, whose families were on government relief. They were paid \$30 a month, and all but \$5 of that money was sent directly to their families.

At its peak in 1937, the CCC employed 502,000 men throughout the 48 states and three territories. But Congress balked at making the program permanent, and the U.S. entry into World War II brought an end to funding for the corps. The last camp was boarded up in June 1942.

In 1970, Congress created the Youth Conservation Corps, providing summer work for 15- to 18-year-olds, and the Young Adult Conservation Corps, which gave year-round employment to young men and women aged 16 to 23. The two corps were modeled after the CCC.

Throughout the 1970s Congress provided significant funding for both groups. Much of their work was done in national and state parks, federal forests and national wildlife refuges.

The YACC was phased out in 1980. The Reagan administration never requested any money for the YCC, and its work has been greatly curtailed since 1981.

Congress has kept the YCC alive by directing the National Park Service, the U.S. Forest Service and the U.S. Fish and Wildlife Service to provide enough money to keep minimal programs operating. For example, the Park Service provides between \$1 million and \$3 million annually out of its operating budget.

In 1984, Congress passed HR 999, which would have established an American Conservation Corps. The corps was to be made up of 16- to 24-year-olds who would perform conservation-related work on the nation's public lands, parks and forests.

But President Reagan vetoed the bill. The measure was reintroduced the following year, but died when the two Houses could not agree on a vehicle to move the legislation.

In 1990, Congress passed — and President Bush signed into law — a measure (PL 101-610) that created a Commission on National and Community Service. That commission provides grants to state and local service corps, including various youth conservation corps. In 1992, the commission granted \$75 million to corps across the country. But little of the work done under those grants occurs on federal lands.

Hearing: The national parks, forests and public lands subcommittee will be examining the conservation aspects of youth service, according to a subcommittee aide.

The subcommittee also will look at how conservation corps could tie into President Clinton's national service initiative, according to the aide. To address that question, the panel has invited a representative of the White House Office on National Service to testify.

Of particular interest to subcommittee Chairman Bruce F. Vento (D-Minn.) is the role conservation corps — with more funding — could play in addressing the backlog of maintenance and other needs facing the national parks and other federal lands, the aide said.

That additional funding could come as part of Clinton's economic stimulus package, which the president is expected to unveil Wednesday night in a speech to a joint session of Congress.

Interior Secretary Bruce Babbitt told *The Associated Press* Feb. 10 that he had been assured that part of the stimulus package will be directed to his department for roads and other infrastructure and maintenance projects in national parks and on Indian reservations.

Other issues likely to be discussed at the hearing are the reauthorization of the 1990 community service law, and whether there is support for reviving the CCC itself as the American Conservation Corps, according to the aide.

The subcommittee will solicit legislative and policy recommendations, the aide said.

Witnesses: Among those expected to testify are: Forest Service Chief F. Dale Robertson; David Moffitt, assistant director of the National Park Service for visitor services; a representative of the Commission on National and Conservation Service; and representatives of the California and Minnesota conservation corps, the East Bay (Calif.) Conservation Corps, the National Association of Service and Conservation Corps, and the Student Conservation Association.

The subcommittee also will hear from a panel of young people who have been or are part of various state corps, and from an alumnus of the original Civilian Conservation Corps.

When: The hearing is scheduled for 10 a.m. Thursday, Feb. 18, in 1324 Longworth.

House Natural Resources contacts: Stan Sloss, majority, x67736; Kurt Christensen, minority, x62311. — *Leslie Ann Duncan*

Wildlife

Panel examines Indian wildlife

Indian reservations, unlike states, are largely excluded from assistance the federal government provides for the management and protection of fish and wildlife, a situation that a House Natural Resources panel plans to investigate this week.

Representatives of several Indian tribes will voice their needs and concerns on this issue at an oversight hearing Thursday before the subcommittee on Native American affairs, chaired by Rep. Bill Richardson (D-N.M.). The hearing will lay the groundwork for legislation that may be offered later this year to enhance fish and wildlife management on Indian reservations, including the possible establishment of a new federal Indian fish and wildlife program.

While tribes have generally stepped up efforts to improve their own fish and wildlife resources, they have done so largely without federal assistance, a committee aide said. Because reservations are not treated as states, the only federal authority to help manage fish and wildlife on

Indian reservations comes from spending authorized in annual appropriations for the Interior Department and related agencies, which funds the department's Bureau of Indian Affairs.

The interior appropriations act for fiscal 1993 (PL 102-381) provided \$35 million to the BIA for fish and wildlife assistance to Indian reservations. Much of the funding was earmarked to protect tribes from the loss of, or infringement on, their fishing rights as established under separate treaties or laws.

The Bureau of Indian Affairs also lends fish and wildlife assistance to reservations by contracting with tribes to provide them with agency experts, a BIA official said. Currently, five BIA biologists have been hired by various tribes as consultants. However, a House aide said the amount of money appropriated for Indian fish and wildlife assistance does not meet the needs facing Indian reservations as a whole.

While the condition of fish and wildlife varies from one reservation to another, many tribes lack the money to effectively manage these resources. Their difficulties are similar to those faced by many states, including the protection of endangered species and proper management of fish hatcheries.

However, Indian reservations do not share in revenues from state-collected excise taxes on fishing and hunting equipment that are earmarked for fish and wildlife enhancement, said Gloria Notah, wildlife manager for the Navajo Nation and a witness at the Thursday hearing.

The Navajo reservation, located primarily in Arizona, has experienced increasing industrial development in recent years, and tribal officials are concerned they are unable to adequately evaluate the impact of this growth on fish and wildlife habitat, Notah said in a telephone interview.

She added that due to a lack of funding, her tribe has had difficulty recruiting and retaining qualified Native Americans to work in this field. Notah suggested that additional money could be used to pay for education and training programs.

Notah said she hopes the hearing will lead to legislation that would establish a federal Indian fish and wildlife program.

A BIA official said such a bill would be a "step in the right direction."

Witnesses: Invited to testify at the hearing are Notah; Leonard Atole, president of the Jicarilla Apache Tribe in New Mexico; Thomas Maulson, chairman of the Lac du Flambeau Tribe in Wisconsin; James Schlender, executive administrator of the Great Lakes Indian Fish and Wildlife Commission in Wisconsin; Ken Poynter, executive director of the Native American Fish and Wildlife Society in Colorado; Fred DuBray, coordinator of the Administration for Native Americans Bison Enhancement Project in South Dakota; Nelson Wallulatum, chief of the Wasco Tribe in Oregon; Billy Frank, chairman of the Northwest Indian Fisheries Commission in Washington state; and Gary Morishima of the Quinault Nation in Washington state.

When: The hearing is set for 9:30 a.m. Thursday, Feb. 18, in a room to be announced.

Native American Affairs contact: Steve Healey, x67393. — *Rich Hayes*

Environmental policy

Support builds for EPA elevation

President Clinton last week urged quick action to elevate the Environmental Protection Agency to formal Cabinet-level status, improving chances for early passage of legislation creating a new Department of the Environment.

EPA Administrator Carol M. Browner is scheduled to testify Thursday before the Senate Governmental Affairs Committee to lay out the Clinton administration's plans for the new department and its expanded role in the federal government. The hearing also will give senators an opportunity to question Browner and other witnesses on the new environmental policy framework unveiled by the president last week.

Clinton announced the creation of a new White House Office of Environmental Policy to integrate environmental considerations into all aspects of decision-making by his administration.

"We are changing the way govern-

ment works," Clinton said.

"This new framework will ensure that environmental considerations are brought to bear at the earliest stages in the development of every policy that the president and his staff and Cabinet look at," Vice President Al Gore said at the Feb. 8 announcement.

The director of the office, Katie McGinty, will sit on the National Security Council, the Domestic Policy Council and the new National Economic Council. Clinton intends for the new environmental policy office to replace the Council on Environmental Quality, which serves a purely advisory function.

Abolishing CEQ would require congressional approval, an action that could run into significant opposition, several sources in both houses said. A key concern is deciding how to carry out the National Environmental Policy Act (PL 91-190), which established CEQ to review assessments by federal agencies of the environmental impacts of their actions.

An attempt to attach provisions abolishing CEQ to an EPA-to-Cabinet bill could slow down passage, a Governmental Affairs Committee staffer said. However, lawmakers may see the bill as a good vehicle to carry controversial proposals because elevating EPA enjoys wide support.

Governmental Affairs Committee Chairman John Glenn (D-Ohio) Jan. 21 introduced a "clean" bill (S 171) to elevate EPA to the Cabinet without addressing other issues.

The bill, which is co-sponsored by 17 senators, is almost identical to a bill (S 533) passed by the Senate in October 1991, except that it leaves out an amendment won by former Sen. Steve Symms (R-Idaho) that would have required compensation for any government action that amounted to a "taking" of private property.

Potential riders: Senate Minority Leader Robert Dole (R-Kan.) introduced a similar takings proposal (S 177) Jan. 21, and may try to attach it to an EPA elevation bill if the measure sees floor action, a Governmental Affairs aide said. Environmentalists opposed this amendment, arguing that it would have severely re-

stricted the ability of the federal government to enforce environmental laws and regulations.

Another issue that may be attached to Environment Department legislation is a proposal to allow states or local governments to restrict interstate shipments of solid waste. Sen. Dan Coats (R-Ind.) is planning to introduce such a bill in the near future, an aide said.

He was one of the chief sponsors of legislation the Senate passed last year (S 2877) that would have enabled governors to ban disposal of out-of-state garbage in a landfill or incinerator at the request of the local government, with some restrictions. The House never acted on the bill.

Testimony: Word on the contents of Browner's testimony was unavailable at press time, but the Clinton administration may lean toward supporting the Glenn bill as the vehicle with the best chance for quick passage, an EPA official said.

Three Republicans from the Senate Environment Committee, ranking member John H. Chafee (R-I.), Dave Durenberger (Minn.) and James M. Jeffords (Vt.), will testify in favor of Glenn's bill, a committee minority aide said. Environment Committee Chairman Max Baucus (D-Mont.) also is set to testify, however, information on his position was unavailable.

The chairman of the House Government Operations subcommittee on environment, Rep. Mike Synar (D-Okla.), will advocate management reforms at EPA as part of the agency's elevation, a subcommittee aide said. Synar wants Environment Department legislation to limit the practice of contracting agency work to private companies.

EPA has been criticized in recent years for large-scale use of outside contracting. Critics say that reliance on contracting has deprived the agency of the resources needed for building its own staff.

House Energy Committee Chairman John D. Dingell (D-Mich) said last year that EPA needs to reform contracting, and he wants the issue addressed this year, either through legislation or action by the administration, a committee aide said.

Dingell also wants a new Environ-

ment Department to have a better framework for disseminating environmental statistics and other information. Glenn's bill would create a new environmental statistics bureau within the department.

Rep. William F. Clinger Feb. 4 introduced what he described as "the cleanest EPA elevation bill." His bill, HR 824, would transform EPA into a Cabinet department with no other changes to the agency's structure.

Rep. Sherwood L. Boehlert (R-N.Y.) Jan. 5 introduced HR 109, a companion to the Glenn bill. Boehlert sponsored an EPA-to-Cabinet bill (HR 67) in the last Congress, but the measure never saw action.

The new Environment Department would be the 15th department in the president's Cabinet and the sixth to be added in the past 20 years. Although EPA has enjoyed quasi-Cabinet status in recent years, those advocating formal elevation of EPA argue that such a move would bolster the agency's status, especially in dealing with foreign countries.

Like Clinton, former President Bush supported elevation of EPA to the Cabinet. But his administration could not come to agreement with congressional Democrats on the new department's structure and authority.

For example, the Bush administration strongly objected to provisions in an EPA elevation bill passed by the House in 1990 that would have established an environmental statistics bureau as an independent agency within the new department. Glenn's bill would place the bureau under the control of the secretary, and ultimately the president.

Former President Nixon established EPA in 1970 by executive order as part of a government reorganization plan. Congress last expanded the president's Cabinet in 1988, when it elevated the Veterans Administration to the Department of Veterans Affairs.

Witnesses: Additional witnesses include former EPA Administrator Douglas Costle and National Wildlife President Jay Hair. Costle served as EPA chief during the Carter administration.

When: The hearing is scheduled for 9:30 a.m. Thursday, Feb. 18, in 342 Dirksen.

Senate Governmental Affairs contacts: Michael Slater, majority, x44751; Paul Kerkhoven, minority, x42441. — *Steve Cook*

Research

Panel views energy research

A House Science subcommittee has invited two panels of experts to testify Tuesday on the subject of federally funded research into emerging energy technologies.

The energy subcommittee, chaired by Rep. Marilyn Lloyd (D-Tenn.), will question the first panel about which new technologies are most worthy of continued federal investment in light of shrinking research dollars, a staffer said.

The second panel will be asked to explore how the products of promising federal energy research can be commercialized more effectively.

Among the experts scheduled to appear on the first panel is Terry Davies of Resources for the Future, who will present the findings of the National Commission on the Environment, an environmentalist-backed group that drafted a strategy for achieving a sustainable energy future.

Davies said the report lays out a three-step framework for developing new energy technologies. During the first phase, research would focus on increasing energy efficiency.

The second step would concentrate on developing alternative forms of energy, including compressed natural gas, hydrogen, alcohol fuels and other substitutes for gasoline, as well as renewable power sources, such as solar and wind energy.

According to Davies, these research programs would ultimately lead to the introduction of new, highly efficient, non-polluting energy technologies in the third and final phase of the strategy.

Another panelist, Kurt Yeager of the Electric Power Research Institute, is expected to address the electric utility industry's research priorities, and a third expert, Peter Blair of the congressional Office of Technology Assessment, plans

to discuss the forces driving the energy research and development agenda of the 1990s.

Blair noted that during the 1970s, energy security was the major imperative behind technology development. While the desire to curb U.S. reliance on foreign oil remains important today, the need to reduce air pollution has become more of a determining factor in the field of energy research, he said.

Blair also will join the second panel of witnesses in discussing how to translate a successful energy technology from the laboratory to the marketplace.

Witnesses: Others expected to testify include Norm Zigrossi, president of the Tennessee Valley Authority's resource group; Kathryn Jackson, vice president of Technology Advancements, based in Knoxville, Tenn.; and Edith Ritter, executive director of the Manufacturers Resource Center in Bethlehem, Pa.

When: The hearing is scheduled for 1 p.m. Tuesday, Feb. 16, in 2325 Rayburn.

House Science contacts: Kathy Wallace-Smith, majority, x58056; Mason Wiggins, minority, x56928. — *Lucy Harvey*

Global environment/pesticides

Trade pact raises pesticide concerns

A House Energy and Commerce subcommittee will hold a hearing Thursday to examine concerns that the recently signed free trade agreement between the United States, Mexico and Canada could undermine U.S. health standards regulating pesticide residues on fruits, vegetables and other foods.

Former President Bush signed the North American Free Trade Agreement in December, but the fate of the pact now lies in the hands of President Clinton and Congress. Final approval and implementation of the accord will depend largely on whether lawmakers believe the trade deal and legislation to carry it out can provide adequate protection for the environment, public health and U.S. jobs.

Concerns about the environmental consequences of a trade agreement with

Mexico first surfaced in the May 1991 congressional debate over whether to grant Bush his request to pursue the trade talks on a "fast-track" basis. Under current fast-track procedures, the two congressional tax-writing committees and the White House draft legislation to carry out the free trade agreement under U.S. law, and Congress has 90 working days to pass the bill from the time it is introduced. No amendments are allowed.

Congress gave Bush the go-ahead, but not until he promised to incorporate environmental considerations into the trade talks. Many environmentalists and policy-makers believe these promises were not kept.

While the final version of the accord includes language designed to prevent the weakening of U.S. environmental laws, some critics charge that it does not contain an adequate mechanism to enforce this provision.

Many environmentalists and consumer groups also fear that U.S. standards limiting pesticide residues on raw and processed foods will be challenged under the new trade deal as unfair barriers to trade, thereby forcing the United States either to accept food imports with higher pesticide levels or face retaliation from its trading partners for violating the agreement.

Still, some environmental groups and NAFTA supporters believe the accord is a positive step forward in incorporating environmental concerns into trade agreements, and believe pesticide safety and other environmental concerns can be addressed through "parallel" agreements. President Clinton has said he will support NAFTA if such agreements are reached.

Witnesses: A final witness list was not available at press time. However, an aide to the commerce subcommittee said witnesses would include representatives from the Agriculture Department, the General Accounting Office and Public Citizen, a consumer advocacy and protection group.

When: The hearing is scheduled for 10 a.m. Thursday, Feb. 18, in 2226 Rayburn.

House Energy contacts: Bruce Gwinn, majority, x63160; Doug Bennett, minority, 63400. — DR

Nuclear waste

Energy contracts under review

A House Energy subcommittee plans to hold a hearing Wednesday on weaknesses in the Department of Energy's contract management.

The hearing is likely to launch a series of reviews by the oversight subcommittee into DOE contracting practices, said a staffer. The subcommittee, which is chaired by full committee Chairman John D. Dingell (D-Mich.), held four similar hearings on the Environmental Protection Agency's contract management last year.

The Energy Department, which hires private companies to manage and operate its laboratories, nuclear weapons plants and other facilities, is the largest civilian contracting agency in the federal government. The role of these contractors is changing as DOE puts greater emphasis on energy research, basic science and the cleanup of radioactive waste.

In 1991, DOE spent \$15.6 billion of its \$19 billion procurement budget on private contractors. Although the Energy Department directly employs 18,000 federal workers, the agency provides employment to nearly 141,000 individuals who are hired through private contractors.

The General Accounting Office and DOE's inspector general have long asserted that lax contract management by the department has cost the federal government millions of dollars. Representatives from both the inspector general's office and GAO will testify before the oversight panel. Both have issued numerous reports criticizing DOE's contract management.

In a December 1992 "transition" report prepared to assist newcomers to Congress and the Clinton administration, GAO noted that DOE and its predecessor agencies have given contractors wide latitude since World War II, when the government sought partners in private industry to undertake the task of building nuclear weapons. The GAO report notes that these private contractors operated for years under the veil of national security, without close oversight or financial risk.

This week's hearing will focus on the 52 contracts DOE currently has with private companies to manage and operate its facilities — called M&O contracts — and a new type of agreement the department has developed to hire companies to clean up contaminated nuclear weapons sites. These cleanup agreements are known officially as environmental restoration management contracts, or ERMCS.

The majority of M&O contracts compensate firms for costs they incur and pay them an additional award based on a DOE evaluation of their performance.

According to the GAO transition report, DOE does not provide sufficient oversight of its contractors' costs and fails to give them incentives to curb their expenses. In addition, the GAO report says DOE has not developed standardized criteria for calculating awards to contractors.

In one instance cited by GAO, the contractor operating the Rocky Flats nuclear weapons facility in Colorado was paid \$1.7 million in awards fees despite a finding by a DOE review board that no award should be granted.

The hearing also will explore DOE's use of indemnification clauses that require the agency to reimburse almost all of a contractor's cost unless the department can demonstrate the expenditures were the result of the contractor's willful misconduct or bad faith. The GAO report cites a case in which DOE reimbursed a contractor \$420,000 for materials that the contractor's own employee had stolen.

The GAO report acknowledges that DOE has made some progress in recent years in strengthening its oversight of independent contractors. In 1991, DOE introduced a new contract rule that holds most private contractors accountable for cost overruns which could have been avoided through proper contract performance.

However, the report states, "the systemic nature of [DOE's contract] weaknesses — insufficient oversight, lack of essential information, nonstandard contracts, and questionable fees — requires wholesale changes within DOE."

The oversight panel also will consider recommendations included in a report prepared by the White House Office of Management and Budget that high-

lights weaknesses in government contracting at all civilian agencies, a subcommittee staffer said.

When: The hearing is scheduled for 11 a.m. Wednesday, Feb. 17, in 2123 Rayburn.

House Energy contacts: Bob Roach, majority, x54441; Dennis Wilson, minority, x53641. — *LH*

STATUS OF MAJOR LEGISLATION

HOW TO USE THIS SECTION: Major bills are listed below alphabetically by subject. Each bill's current status is noted, followed by an index of key reports on each subject.

Appropriations

FY 1994 budget

Latest action: Before leaving office, President Bush sent his FY 1994 budget proposal to Congress 1/6/93. President Clinton is expected to send a revised budget proposal to Congress in mid-March 1993.

Agriculture

House action

House subcommittee schedule:

- 2/24/93 — Agriculture secretary
- 3/11/ — Alternative agriculture research
- 3/30 — Soil Conservation Service
- 3/31 — Agricultural Stabilization and Conservation Service

Commerce (NOAA)

House action

House subcommittee schedule:

- 3/2/93 — Marine Mammal Commission

Energy and water

House action

House subcommittee schedule:

- 3/24/93 — Members of Congress, outside witnesses
- 3/25 — Members of Congress, outside witnesses
- 3/29 — Members of Congress, outside witnesses
- 3/30 — Members of Congress, outside witnesses
- 3/31 — Members of Congress, outside witnesses
- 4/1 — Members of Congress, outside witnesses
- 4/14 — Assistant secretary of the Army for civil works, chief of engineers and director of civil works
- 4/15 — Assistant secretary of the Army for civil works, chief of engineers and director of civil works
- 4/19 — Interior secretary, Bureau of Reclamation
- 4/20 — Tennessee Valley Authority, Appalachian Regional Commission
- 4/21 — Nuclear Regulatory Commission, Federal Energy Regulatory Commission
- 4/22 — Energy secretary
- 4/26 — DOE: environment, safety and health; environmental restoration and waste management; general sciences; basic energy sciences; fusion; supporting technology
- 4/27 — DOE: solar and renewables; nuclear fission; uranium supply and enrichment activities; nuclear waste disposal fund
- 4/28 — DOE: atomic energy defense activities (closed)
- 4/29 — DOE: atomic energy defense activities (closed); power marketing administrations (open)

Interior and related agencies

House action

House subcommittee schedule:

- 2/3/93 — Energy Information Agency
- 2/23 — Minerals Management Service
- 2/24 — U.S. Geological Survey
- 3/10 — Navajo-Hopi

- 3/24 — Energy secretary
- 3/25 — Interior secretary
- 3/26 — Natural resources-outside witnesses
- 3/29 — Natural resources-outside witnesses
- 3/30 — Energy programs-outside witnesses
- 3/31 — Indian programs-outside witnesses
- 4/14 — National Park Service
- 4/19 — Office of Surface Mining
- 4/20 — Bureau of Indian Affairs
- 4/21 — Fossil energy, strategic petroleum reserve, Naval petroleum reserves, clean coal
- 4/22 — U.S. Fish and Wildlife Service
- 4/27 — U.S. Forest Service
- 4/28 — Energy conservation
- 5/3 — Bureau of Mines
- 5/6 — Bureau of Land Management
- 5/10 — Members of Congress

Clean Water Act

Latest action: House Merchant Marine subcommittee on environment hearing on clean water funding set for 2/18/93.

Story in this issue.

House history: Rep. Edwards 1/5/93 introduced environmentalist-backed wetlands bill (HR 350).

EESC publications: Following is a partial list of EESC publications on the Clean Water Act:

- Outlook for 103rd Congress — 1/28/93 *Special Report*, "Outlook: environment, energy and natural resources in the 103rd Congress," p. 12.

Environmental policy

Latest action: Senate Governmental Affairs Committee hearing set for 2/18/93 on bill to elevate Environmental Protection Agency to Cabinet level.

House history: Rep. Boehlert 1/5/93 introduced bill to elevate EPA to Cabinet (HR 109).

Senate history: Sen. Glenn 1/21 introduced EPA-to-Cabinet bill (S 171).

Story in this issue.

EESC publications: Following is a partial list of EESC publications on environmental policy:

- Outlook for 103rd Congress — 1/28/93 *Special Report*, "Outlook: environment, energy and natural resources in the 103rd Congress," p. 4.

Mining law reform

House history: Rep. Rahall 1/5/93 introduced mining law reform bill (HR 322).

Senate history: Sen. Bumpers 1/28 introduced reform bill (S 257).

EESC publications: Following is a partial list of EESC publications on mining law reform:

- Outlook for 103rd Congress — 1/28/93 *Special Report*, "Outlook: environment, energy and natural resources in the 103rd Congress," p. 5.

Pesticides

Senate history: Sen. Kennedy 2/4/93 introduced a food safety bill (S 331) that would set a uniform "negligible risk" standard to limit pesticide residues on food.

House history: Rep. Waxman 2/4 introduced House companion (HR 872) to Kennedy food safety bill.

EESC publications: Following is a partial list of EESC publications on pesticide issues:

- Outlook for 103rd Congress — 1/28/93 *Special Report*, "Outlook: environment, energy and natural resources in the 103rd Congress," p. 9.

Superfund

Senate history: Sen. Lautenberg 2/4/93 introduced legislation (S 343) to limit municipal liability for hazardous waste cleanup under superfund law.

House history: Rep. Smith (N.J.) 1/21/93 introduced municipal liability legislation (HR 540, HR 541).

Rep. Torricelli 2/4/93 introduced House companion (HR 870) to Lautenberg's municipal liability bill.

EESC publications: Following is a partial list of EESC publications on superfund:

- Outlook for 103rd Congress — 1/28/93 *Special Report*, "Outlook: environment, energy and natural resources in the 103rd Congress," p. 10.

Taxes

Latest action: President Clinton was expected to propose some form of a new energy tax when he outlines his economic plans in a

speech to Congress 2/17/93.

Senate history: Sen. Nickles 1/21/93 introduced a bill to impose an oil import fee (S 65). An oil import fee also was proposed 1/28 by Sen. Johnston (S 254).

House history: Rep. English 1/26 introduced an oil import fee bill (HR 600). Rep. Stark 2/3 introduced a bill to levy a new tax on the carbon content of fossil fuels (HR 804).

EESC publications: Following is a partial list of EESC publications on energy taxes:

- Outlook for 103rd Congress — 1/28/93 *Special Report*, "Outlook: environment, energy and natural resources in the 103rd Congress," p. 15.

Wilderness

Alaska: Bills to designate the 1.5-million-acre coastal plain of Alaska's Arctic National Wildlife Refuge were introduced 1/5/93 by Rep. Lehman (HR 39) and 1/21/93 by Sen. Roth (S 39).

California: Bills to create more than 8 million acres of wilderness in the California desert were introduced 1/21/93 by Rep. Lehman (HR 518) and by Sen. Feinstein (S 21).

Colorado: A bill to designate 648,600 acres of wilderness in national forest and BLM lands in Colorado was introduced 1/5/93 by Rep. Hefley (HR 195). Bills to set aside 611,730 acres of wilderness in Colorado were introduced 1/26/93 by Rep. Skaggs (HR 631) and by Sen. Brown (S 206).

New Mexico: A bill to designate 16,674 acres of wilderness in New Mexico was introduced 2/4/93 by Sen. Domenici (S 313).

EESC publications: Following is a partial list of EESC publications on wilderness issues:

- Outlook for 103rd Congress — 1/28/93 *Special Report*, "Outlook: environment, energy and natural resources in the 103rd Congress," p. 16.

COMMITTEE CALENDAR

In the House

Monday

No action

Tuesday

Foreign Affairs:	Whaling resolution mkup.	B3
	9:30 a.m., 2172 Rayburn	
Natural Resources:	Babbitt hg.	B1
	9:30 a.m., 1324 Longworth	
Science:	Energy technology hg.	B7
	1 p.m., 2325 Rayburn	

Wednesday

Energy:	DOE contracting hg.	B8
	11 a.m., 2123 Rayburn	
Merchant Marine:	Oil Pollution Act hg.	B2
	10 a.m. 1334 Longworth	

Thursday

Energy:	Free trade and pesticides hg.	B7
	10 a.m., 2226 Rayburn	
Merchant Marine:	Clean water funding hg.	B2
	10 a.m., 1334 Longworth	
Natural Resources:	Indian fish and wildlife hg.	B5
	9:30 a.m., room to be announced	
	Conservation corps hg.	B4
	10 a.m., 1324 Longworth	

Friday

No action

In the Senate

Monday

No action

Tuesday

No action

Wednesday

No action

Thursday

Govt Affairs:	EPA-to-Cabinet hg.	B6
	9:30 a.m., 342 Dirksen	

Friday

No action