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Series/Staff Member: Kathleen (Katie) McGinty
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Folder Title:
Johnston Amendment S.171

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SENT BY:CEG

7-20-93 5:44PM

CEG-

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have to
list all

Jack -

Here are EPA's comments.
What are your thoughts?
Does it make sense not
to mention the Johnston
amendment,
given your
discussions
with
Waxman?

DRAFT DRAFT DRAFT

July 20, 1993

Dear Congressman Waxman and others:

Dear Gentlemen:
Thank you for giving me the benefit of your thoughts on the proposed Johnston Amendment to S. 171, the Department of the Environment Bill. I apologize for the delay in my response, but I wanted to explore this issue personally with the appropriate people on my staff and with the Vice President.

I share your enthusiasm for elevating the Environmental Protection Agency to cabinet level status. I also believe that this step will help us to ensure that environmental concerns are an integral part of decision-making at the highest level of the Executive Branch.

I also understand your concerns about the proposed Johnston amendment which would require that comprehensive risk analysis be performed before any rulemaking is finalized by the new Department.

~~The Administration opposes inclusion of the Johnston Amendment in this legislation. We do not believe that this addition would help us accomplish the reorganization of environmental functions, that we seek and therefore urge that neither the House nor the Conference include it in the Bill. More generally, it is our intention to oppose any amendments relating to policy or the substance of EPA's mission to protect human health and the environment. We urge, instead, that the focus of this legislation be kept on organizational and similar structural issues rather than on matters of environmental policy as such.~~

Again, thank you for sharing your concerns with me.

Sincerely,

BC

We do not believe that any specific reference to or comment on the Johnston Amendment is possible at this time, as we discussed yesterday given Senator Johnston's concern. Instead, we suggest discussing the Administration's goals in elevating EPA: to accomplish it expeditiously as a matter of structural change, and to do so with little cost.

any amendments in this legislation that are unrelated to

Executive Branch

DRAFT DRAFT DRAFT

July 20, 1993

Dear Congressman Waxman and others:

Thank you for contacting me regarding your thoughts on the proposed Johnson Amendment to S. 171, the Department of the Environment Bill. It was good to hear from you, and I apologize for the delay in my response.

As you know, I am committed to the preservation of our nation's environment. I share your enthusiasm for elevating the Environmental Protection Agency to cabinet level status. I also believe that the new Department of the Environment will ensure that environmental concerns are an integral part of decision-making at the highest level of the federal government.

I understand your concerns about the proposed Johnson amendment which will require that a cost-benefit analysis be performed before any final rulemaking is issued by the new Department.

Please be assured that this Administration opposed the Johnson Amendment on the Senate floor and will continue to oppose it in the House and in Conference. It is our view that while this Administration can accept the organization or operation of the Department, we will continue to oppose any amendments relating to policy or the substance of EPA's mission to protect human health and the environment.

Again, thank you for sharing your concerns with me.

Sincerely,

2

BC

9:15 7-21
Todd Stern ✓

July 20, 1993

MEMORANDUM FOR JACK QUINN
TRACY THORNTON

FROM: KATIE MCGINTY

SUBJECT: WAXMAN LETTER

Please review this draft response to Waxman's letter to the President regarding the Johnson Amendment to S.171 and return any comments to Trey Lindseth by 4:00 p.m. today. Many thanks.

Trey Lindseth
ph. 6531
fx. 2710



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

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ON A CANNON FAX-730

OFFICE OF CONGRESSIONAL
AND LEGISLATIVE AFFAIRS

TRANSMISSION NUMBER: (202) 260-4372

VERIFICATION NUMBER: (202) 260-5660

TO:

Trey Lindath

FROM:

Kate Perry

COMMENTS:

NUMBER OF PAGES TO FOLLOW:

1

DATE:

TIME:

MAIL CODE: A-103
ROOM: 803-WT

SENT BY:CEQ

: 7-20-93 : 5:44PM :

CEQ-

202 260 4046:# 3

DRAFT DRAFT DRAFT

July 20, 1993

Dear Congressman Waxman and others:

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I also understand your concerns about the proposed Johnston amendment which would require that comprehensive risk analysis be performed before any rulemaking is finalized by the new Department.

[The Administration opposes inclusion of the Johnston Amendment in this legislation. We do not believe that this addition would help us accomplish the reorganization of environmental functions that we seek and therefore urge that neither the House nor the Conference include it in the Bill. More generally, it is our intention to oppose any amendments relating to policy or the substance of EPA's mission to protect human health and the environment. We urge, instead, that the focus of this legislation be kept on organizational and similar structural issues rather than on matters of environmental policy as such.]

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Sincerely,

BC

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OFFICE ON ENVIRONMENTAL POLICY

KATHLEEN A. McGINTY

DIRECTOR AND DEPUTY ASSISTANT TO THE PRESIDENT

TO: Bob Hickmott

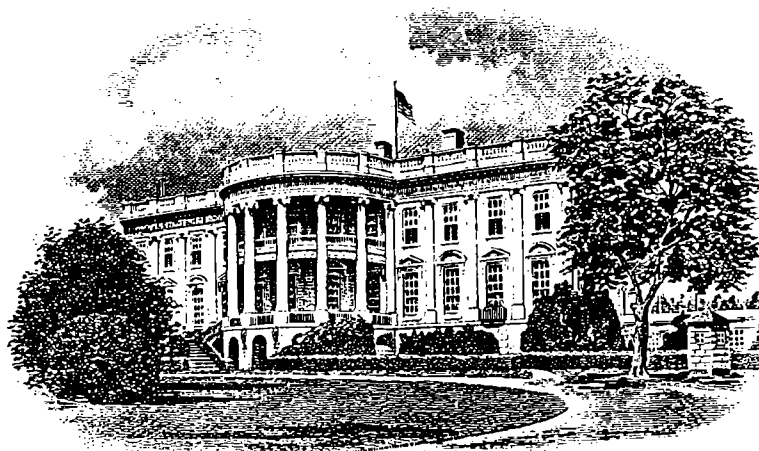
FROM: Late

DATE: _____

FAX: _____

Number of pages including cover: 5

COMMENTS: _____



PHONE - (202) 456-6224 FAX - (202) 456-2710
ROOM 360 OLD EXECUTIVE OFFICE BUILDING
WASHINGTON, DC 20501

THE WHITE HOUSE
WASHINGTON

July 20, 1993

MEMORANDUM FOR JOHN PODESTA
BOB HICKMOTT

FROM: KATIE MCGINTY

SUBJECT: WAXMAN LETTER

Please review this draft response to Congressman Waxman's letter to the President regarding the Johnston amendment to S.171 and return any comments to Trey Lindseth by 11:00 a.m. tomorrow, July 21. Many thanks.

Trey Lindseth
ph. 456-6531
fx. 456-2710

DRAFT DRAFT DRAFT

July 20, 1993

Dear Congressman Waxman and others:

Thank you for giving me the benefit of your thoughts on the proposed Johnston Amendment to S. 171, the Department of the Environment Bill. I apologize for the delay in my response, but I wanted to explore this issue personally with the appropriate people on my staff and with the Vice President.

I share your enthusiasm for elevating the Environmental Protection Agency to cabinet level status. I also believe that this step will help us to ensure that environmental concerns are an integral part of decision-making at the highest level of the Executive Branch.

I also understand your concerns about the proposed Johnston amendment which would require that comprehensive risk analysis be performed before any rulemaking is finalized by the new Department.

The Administration opposes inclusion of the Johnston Amendment in this legislation. We do not believe that this addition would help us accomplish the reorganization of environmental functions that we seek and therefore urge that neither the House nor the Conference include it in the Bill. More generally, it is our intention to oppose any amendments relating to policy or the substance of EPA's mission to protect human health and the environment. We urge, instead, that the focus of this legislation be kept on organizational and similar structural issues rather than on matters of environmental policy as such.

Again, thank you for sharing your concerns with me.

Sincerely,

BC

Congress of the United States

House of Representatives

Washington, D.C. 20515

May 20, 1993

The President
The White House
Washington, D.C. 20500

Dear Mr. President,

We are writing to convey our deep concerns regarding provisions added on the Senate floor to S. 171, the bill to elevate the Environmental Protection Agency to cabinet status. In particular, we want to urge that you firmly and clearly oppose the Johnston amendment which could undermine EPA's regulatory efforts.

We strongly support transforming EPA into a cabinet agency. Certainly, the Agency's vitally important mission and its broad range of mandates merits cabinet status, and the American public would benefit from greater EPA participation in deliberations at the highest levels of government.

It is not our view, however, that this is an objective which should be pursued at any price — especially not at the price of reducing EPA's effectiveness.

Unfortunately, this is the choice presented by the cabinet bill approved by the Senate earlier this month. Amendments added to this bill on the Senate floor impose insidious and burdensome new mandates designed to undermine the new Department's efforts to protect our nation's health and environment.

In particular, the Johnston Amendment directs that as part of any final regulation EPA must undertake an extensive cost/benefit analysis, and a broad comparison of the risks addressed by any new regulation with all other risks to which the public is exposed. This comparison is presumably to consider all forms of risks, including those wholly unrelated to the environment and EPA's mission, such as dietary risks, car accidents, and smoking.

We strongly oppose this new mandate. Time and again, Congress has concluded that devoting scarce federal resources to this type of analysis is not a sensible way to make public policy. Legislation we have adopted has provided more concrete guidance to assure that public health and the environment are protected. Our major environmental laws, such as the Clean Air Act and the Clean Water Act, use a mixture of health-based standards, technology-based standards, and standards based on economic and technical practicality. In each case, these are carefully considered judgments which Congress designed to fit the specifics of the problems in question.

We are adamantly opposed to throwing over the regime of existing health and environmental protection measures — not just in these statutes, but in all the statutes within EPA's jurisdiction — for the one-size-fits-all solution in the Johnston Amendment.

Cost/benefit analysis is not the precise science that the Johnston amendment presumes. In fact, it is an exercise where the results often depend on the assumptions that are put into the calculations.

This is so because fundamental questions remain unanswered concerning how the benefits of environmental and health protection initiatives should be quantified. For example, how much, in dollars and cents, is it worth to prevent one child from being lead poisoned? What is the price that we put on one life saved, one birth defect avoided, or one case where control of a toxic chemical has avoided permanent neurological damage? What is the value of a life made more enjoyable by virtue of cleaner skies and less polluted air and water? How many dollars is it worth if we are able to save a polluted river or prevent the ecosystem destruction and skin cancers expected to accompany depletion of the stratospheric ozone layer?

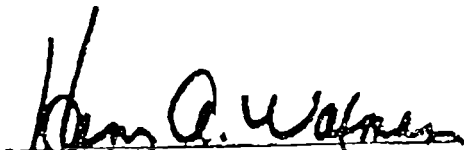
Such imponderable questions must be answered in dollars and cents under the regime imposed by the Johnston Amendment. When we look at the range of costs and benefits estimates which could be cited in support of a given result, it seems clear that in the end the result of any such cost/benefit exercise will be arbitrary - essentially depending on the biases of whoever is conducting the analysis.

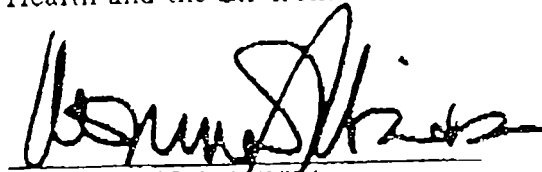
We therefore urge that you convey to the Congress your opposition to the Johnston amendment. It is important that this message is received in the very near future, so that we can be assured of your position on this vital issue prior to consideration of the cabinet bill in the House.

While we do favor EPA's elevation to cabinet status, we would not be able to support legislation that achieves that goal while sacrificing important health and environmental protection gains we have achieved for the American public through years of hard-fought battles here in Congress.

We look forward to working with you on this very important matter.

Sincerely,


HENRY A. WAXMAN
Chairman, Subcommittee on
Health and the Environment


NORMAN Y. MINETA
Chairman, Committee on
Public Works and Transportation


GEORGE E. BROWN JR.
Chairman, Committee on
Science, Space and Technology


GEORGE MILLER
Chairman, Committee on
Natural Resources


FERRY E. STUDDS
Chairman, Committee on
Merchant Marine and Fisheries

THE WHITE HOUSE
WASHINGTON

July 20, 1993

MEMORANDUM FOR JACK QUINN
TRACY THORNTON

FROM: KATIE MCGINTY

SUBJECT: WAXMAN LETTER

Please review this draft response to Waxman's letter to the President regarding the Johnson Amendment to S.171 and return any comments to Trey Lindseth by 4:00 p.m. today. Many thanks.

Trey Lindseth
ph. 6531
fx. 2710

Trey/Katie
① see her on subway that this is best
② pls be sure
pastor (and) and pastor
Thompson

DRAFT DRAFT DRAFT

Johnston

July 20, 1993

Dear Congressman Waxman and others:

Thank you for ^{Giving me the benefit of} ~~contacting me regarding~~ your thoughts on the proposed Johnson Amendment to S. 171, the Department of the Environment Bill. ~~It was good to hear from you, and I apologize for the delay in my response, but it has been, as you know, a busy few~~ weeks and I wanted to explore this issue personally with the appropriate people on my staff and with the Vice President.

~~As you know, I am committed to the preservation of our nation's environment. I share your enthusiasm for elevating the Environmental Protection Agency to cabinet level status. I also believe that the new Department of the Environment will ensure that environmental concerns are an integral part of decision-making at the highest level of the federal government.~~

^{this step will help us to} ~~I also would~~ I understand your concerns about the proposed Johnson amendment, which ~~will~~ require that a cost-benefit analysis be performed before any final rulemaking is ~~issued~~ by the new Department. ^{Executive Branch.} ~~to~~

^{The} ~~Please be assured that this Administration opposed the Johnson Amendment on the Senate floor and will continue to oppose it in the House and in Conference. It is our view that while this Administration can accept the organization or operation of the Department, we will continue to oppose any amendments relating to policy or the substance of EPA's mission to protect human health and the environment. We urge, instead, that the focus of this legislation be kept on organizational and similar structural~~ ^{5/7} ~~Again, thank you for sharing your concerns with me.~~ issues rather than on matters of environmental policy as such.

Sincerely,

BC

finalized

comparative risk

~~the environmental~~ reorganization of environmental functions that we seek and therefore urge that neither the House nor the Conference include it in the Bill. More generally, it is our intention

Inclusion of the Johnston amendment in this legislation. We do not believe that this addition would help us accomplish

Congress of the United States
Washington, DC 20515

July 16, 1993

Mr. Thomas F. "Mack" McLarty
Chief of Staff
The White House
Washington, D.C. 20500

Dear Mr. McLarty:

As you know, the Administration has proposed to abolish the Council on Environmental Quality (CEQ) and to transfer its functions under the National Environmental Policy Act (NEPA) of 1969 and other legislation to a new cabinet level Department on Environmental Protection based on the present Environmental Protection Agency (EPA). Legislation to accomplish this objective has passed the Senate in the form of S. 171, the Department of Environmental Protection Act of 1993.

In the House, action on an EPA cabinet bill is scheduled in the Committee on Government Operations but neither the CEQ provision passed by the Senate, nor any alternative to it, has yet been considered. Pending legislative action by the Congress, the CEQ, which is a permanent agency, would continue but it will obviously require funding to carry out its statutory responsibilities.

The Administration has not requested an appropriation for the CEQ for Fiscal Year 1994. As indicated in the enclosed letters to Subcommittee Chairman Stokes of the House Committee on Appropriations and to Vice President Gore, we are concerned that such lack of funding may leave the requirements of NEPA and other applicable provisions of law in a highly uncertain status.

In the enclosed June 8, 1993, colloquy on the House Floor, Chairman Stokes indicated that pursuant to an Administration request, funds were included in the Treasury, Postal Service Appropriations bill, H.R. 2403, for a new White House Office of Environmental Policy, which is not a statutory office but is supported by the Office of Policy Development. He suggests that the new office might carry out some of the functions now conducted by the Council. However, such a legislative directive is not and should not be a part of the appropriations bill. Those functions remain a statutory responsibility of the CEQ until the Congress enacts legislation to abolish it and transfers its NEPA functions.

Mr. Thomas F. "Mack" McLarty
July 16, 1993
Page Two

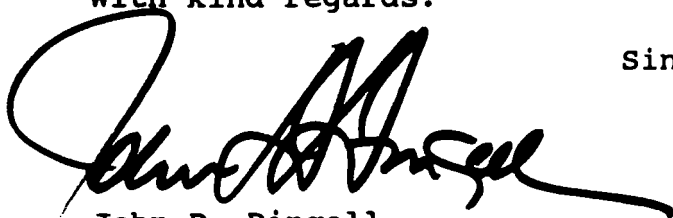
Although the Government Operations Committee may report an EPA cabinet bill next week, it is also likely that full House action and a conference with the Senate will not be completed until this fall, after Fiscal Year 1994 begins. While we reluctantly support abolishment of the CEQ as a cost saving measure, we have developed an alternative draft for retaining the NEPA functions in the Executive Office of the President, with authority to transfer some of those functions to the new department, and have provided it to the Vice President.

We are sure you agree that funding for the CEQ must be provided for Fiscal Year 1994 pending resolution of these legislative issues. Your cooperation in working with us and the House and Senate Appropriations Committees to ensure such funding and compliance with the law will be appreciated. Please advise the Appropriations Committees and us of the amounts needed for this purpose. Once legislation is enacted, provision can be made for a transfer of those funds as appropriate.

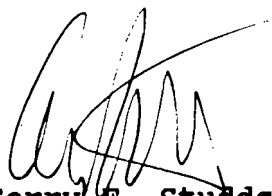
We are providing a copy of this letter to Chairman Stokes and Chairwoman Mikulski so they are aware of our concerns and in order to work with them in funding the CEQ.

With kind regards.

Sincerely,



John D. Dingell
Chairman
Committee on Energy
and Commerce



Gerry E. Studds
Chairman
Committee on Merchant
Marine and Fisheries

Enclosures

cc: The Honorable Albert Gore, Jr.
Vice President of the United States

The Honorable Louis Stokes, Chairman
Subcommittee on VA, HUD, and Independent Agencies
House Committee on Appropriations

The Honorable Barbara Mikulski, Chairwoman
Subcommittee on VA, HUD, and Independent Agencies
Senate Committee on Appropriations

The Honorable Leon Panetta, Director
Office of Management and Budget

GERRY E. STUDDS, MASSACHUSETTS, CHAIRMAN

WILLIAM J. HUGHES, NEW JERSEY
EARL HUTTO, FLORIDA
W. J. (BILLY) FAUZIN, LOUISIANA
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BENNE G. THOMPSON, MISSISSIPPI
MARIA CANTWELL, WASHINGTON
PETER DEUTSCH, FLORIDA
GARY L. ACKERMAN, NEW YORK

JACK FIELDS, TEXAS
DON YOUNG, ALASKA
HERBERT M. BATEMAN, VIRGINIA
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WAYNE T. GILCHREST, MARYLAND
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JACK KINGSTON, GEORGIA
TILLIE K. FOWLER, FLORIDA
MICHAEL N. CASTLE, DELAWARE
PETER T. KING, NEW YORK
LINCOLN DIAZ-BALART, FLORIDA
RICHARD W. POMBO, CALIFORNIA

U.S. House of Representatives Committee on

Merchant Marine and Fisheries

Room 1334, Longworth House Office Building
Washington, DC 20515-6230

STAFF DIRECTOR
JEFFREY R. PILE

CHIEF COUNSEL
WILLIAM W. STELLE, JR.

MINORITY STAFF DIRECTOR
HARRY F. BURROUGHS

MINORITY CHIEF COUNSEL
CYNTHIA M. WILKINSON

May 25, 1993

The Honorable Louis Stokes
Chairman
Subcommittee on VA, HUD, and
Independent Agencies
H-143, The Capitol
Washington, D. C. 20515

Dear Mr. Chairman:

As you know, the Administration proposes to abolish the Council on Environmental Quality (CEQ) and transfer functions to the Environmental Protection Agency (EPA). The Council is the institution that oversees implementation of the National Environmental Policy Act of 1969 (NEPA) by federal agencies and is critical to the continued administration of one of our most important environmental laws. Because CEQ was established by law as Title II of NEPA, this abolition will require appropriate legislation.

Such legislation, although not yet introduced in the House, is likely to be considered when our colleague John Conyers brings an EPA cabinet bill to the floor. As Chairman of the Committee with jurisdiction over these matters, I have been working on crafting a bill, in cooperation with Representative John Dingell who is the author in the House of NEPA and CEQ, and today we are sending a draft proposal to the Administration for review and comment.

Representative Dingell and I have developed an alternative to the procedure contained in S. 171, the Senate EPA cabinet bill, which would abolish the CEQ, retain the NEPA functions in the Executive Office of the President, but allow the transfer of some functions to EPA. This approach is favored by most environmental organizations but will require negotiations with the Administration.

John Dingell and I are concerned that your Committee may not include funds for the CEQ in the HUD appropriations bill for FY 1994, the result of which would be effectively to abolish this

The Honorable Louis Stokes
May 25, 1993
Page Two

important body without a clear replacement institution to implement NEPA. We and the environmental community do not favor such a back door approach to this problem.

We thus urge you to include funds for the CEQ, pending legislative resolution of this matter. With full appreciation for the budgetary constraints under which you are working, we are asking for an appropriation of only \$1.249 million for CEQ to concentrate its work in FY 1994 on NEPA-specific functions. This represents over a 50% reduction from the FY 1993 appropriation of \$2.560 million and is no more than a bare bones budget for the Council in the event that we are unable to resolve the issue of its replacement.

We assure you that it is our intent to settle this matter very promptly and we also want to work closely with you in this regard.

With kind regards.

Sincerely,


Gerry E. Studds
Chairman

cc: The Honorable John Dingell

Ohio, chairman of the VA, HUD, and Independent Agencies Subcommittee, to engage in a colloquy.

Mr. STOKES. Yes, Mr. Chairman, if the gentleman will yield, I will be happy to engage in a colloquy with the gentlemen from Florida.

Mr. DEUTSCH. Mr. Chairman, I would like to bring to the attention of all the Members here today the importance of the Florida Keys National Marine Sanctuary.

Congress, too, recognized the importance of this area in 1990 by enacting the Florida Keys National Marine Sanctuary Act. This sanctuary is one of the largest marine-protected areas in the United States, and undoubtedly, the most heavily used and threatened. It also protects America's most valuable marine ecosystem.

Mr. STOKES. It sounds as though the Florida Bay is extremely important to water quality in this area.

Mr. DEUTSCH. Yes, it is. Water quality was the driving concern which caused Congress to expeditiously designate the waters around the Florida Keys, including the only living coral reef in North America, as a marine sanctuary in 1990.

Over the past 2 years, a detailed research and monitoring plan has been developed with the participation of State and local governments. The highest priority identified in this plan is the crisis in Florida Bay. The water quality problems of the Florida Keys National Marine Sanctuary have geographic dimensions far greater than the 3,000-square-mile area within the boundaries of the sanctuary itself.

Further funding is necessary for the plan to begin scientific research and monitoring to guide and evaluate corrective actions that are moving ahead with the cooperation of many agencies. The Federal Government is not being asked to pay the entire cost of the needed actions, as the State of Florida and local governments are jointly involved.

It would seem to me that in order to fulfill our commitment to protecting this most valuable national resource, we must emphasize the need to fully support the water quality protection program now developed for the marine sanctuary.

I would ask my colleague for his assurance that, should additional funds for this project be provided later in the process, he will do everything he can to provide these funds.

Mr. STOKES. Mr. Chairman, the gentleman from Florida has my assurance that I will make every effort to provide additional funds for this purpose and to review this issue during conference with the other body.

□ 1310

Mr. LEWIS of California. Mr. Chairman, I yield 2 minutes to the gentleman from Indiana [Mr. BURTON].

Mr. BURTON of Indiana. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I would just like to say that the appropriations subcommittees this year appear to be headed in the right direction by scrutinizing projects and spending more closely than they have in the past. However, there are still some improvements that can be made.

For instance, this bill contains \$4.223 billion for community development block grants. That is up \$223 million from fiscal year 1993.

When the President brought his stimulus package to the floor, we had a lot of money in there for community development block grant programs. We are going to be spending this extra \$223 million on some of those programs.

Some of those programs included such things as a golf course, a beach parking garage at \$5 million, a cemetery, historic preservation of a movie theater at \$3.5 million, gym replacement at \$4.5 million, swimming pool renovation at \$3.22 million, and so forth.

So, I believe there is a need for community development block grant money. But to increase it at a time when we are having these severe fiscal problems is highly questionable, No. 1, and, No. 2, I question where this money is going to be spent and for what it is going to be spent.

In addition to that, I will be proposing an amendment that deals with the policy development and research at HUD. They are going to be requesting \$25 million more than in fiscal year 1993. That is \$50 million more than President Clinton has asked for. In addition to that, there is a real problem, because the spending in this area is going to be changed and it is going to be distributed at the Secretary of HUD's discretion. Do any of my colleagues remember the HUD scandal that we had before?

There should be congressional oversight of these spending programs, and we should not have a slush fund once again created at HUD. It appears as though that is what we are talking about doing.

So I would just like to say to my colleague, I will have two amendments dealing with these two areas, and I hope Members will look with favor upon both of them.

Mr. STOKES. Mr. Chairman, I yield 2½ minutes to the distinguished gentleman from Massachusetts [Mr. STUDD].

Mr. STUDD. Mr. Chairman, I would like to engage the chairman of the subcommittee in a colloquy about the Council on Environmental Quality [CEQ].

Mr. STOKES. If the gentleman will yield, Mr. Chairman, I would be happy to engage in a colloquy with the gentleman from Massachusetts.

Mr. STUDD. As you know, the administration has proposed to abolish CEQ and transfer many of its functions to a new Department of Environmental Protection.

CEQ oversees the implementation of the National Environmental Policy Act [NEPA] by Federal agencies. It, or some successor institution, must continue to administer NEPA, one of this Nation's most important environmental laws.

I believe that none of us want to see the Council abolished without a suitable replacement to implement NEPA. Terminating the Council will require appropriate legislation, which is likely to be considered when this House takes up the EPA-Cabinet bill.

The father of NEPA and CEQ here in the House, our esteemed colleague, JOHN DINGELL, and I have been working on a proposal for a responsible replacement for CEQ and the transfer of some NEPA functions to the new Environmental Protection Department. I believe that we will be able to reach an agreement that is satisfactory to the administration, the Congress, the environmental community, and others.

Mr. Chairman, there remains the possibility that the EPA-Cabinet bill or the CEQ legislation will not be enacted by the end of this fiscal year. In that event, CEQ will need to be continued into fiscal year 1994 to carry out essential NEPA-related work.

I note that your bill, in conformance with the request of the administration, does not include an appropriation for the Council. Is my understanding correct?

Mr. STOKES. That is correct.

Mr. STUDD. It was expected that the CEQ matter and the NEPA-related responsibilities would be completed by now. Unfortunately, these issues are not resolved.

Therefore, Mr. Chairman, I would like your assurance that, pending the enactment of a bill to replace CEQ, you will work with the other body in conference to address this matter and to support the Council for 1 more year until this issue can be worked out with all parties concerned.

Mr. STOKES. Mr. Chairman, I want to assure the gentleman from Massachusetts, the chairman of the authorizing committee that has jurisdiction over NEPA and CEQ, that I recognize the importance of the Council for the implementation of NEPA.

It is my understanding that, in the Treasury-Postal Service appropriations bill passed in the House recently, funds were provided for the new Office of Environmental Policy. This new entity was, in part, created to carry out some of the activities now conducted by the Council on Environmental Quality.

The gentleman has my assurance that, if a legislative resolution of this matter has not been found by the time this bill goes to conference with the other body, and the issue of the roles of the Office of Environmental Policy and CEQ have been resolved—including funding and staffing issues, I will make every effort to support CEQ at the time of conference. I would hope that I might get the gentleman's assurance too that he will do what he can to set-

tle this matter legislatively as soon as possible.

Mr. STUDDS. The gentleman from Ohio has my assurance that Chairman DINGELL and I will make every effort to resolve the CEQ issue well before this appropriations bill is in conference. I thank the chairman of the subcommittee for his time and for his expression of support for CEQ.

Mr. LEWIS of California. Mr. Chairman, I yield such time as he may consume to the gentleman from Nebraska [Mr. BEREUTER].

(Mr. BEREUTER asked and was given permission to revise and extend his remarks.)

Mr. BEREUTER. Mr. Chairman, I rise in strong support of this appropriation legislation.

Mr. Chairman, I rise in strong support, in general, of H.R. 2491—the important exception being the proposed funding for the space station.

This Member would also like to direct commendations to the distinguished gentleman from Ohio [Mr. STOKES], the chairman of the subcommittee, and the distinguished gentleman from California [Mr. LEWIS], the ranking member of the subcommittee for their exceptional work in bringing this bill to the floor.

Mr. Chairman, the 1994 VA/HUD/Independent Agencies appropriations bill for fiscal year 1994 includes funding in the amount of \$257,320,000 for Indian housing new construction. That amount is the level requested by the administration and is the same amount as last year's appropriation.

Balancing the great need for new housing in Indian country with the imperative facing us to reduce our budget deficit, a freeze at last year's funding level is entirely appropriate and the members of the committee should be commended for funding this program at this level. This Member also supports the appropriations level for the Community Development Block Grant Program, which is among the most effective and important to the Nation's municipalities of all sizes.

Again, Mr. Chairman, this Member commends the distinguished gentleman from Ohio [Mr. STOKES], the chairman of the subcommittee, and the distinguished gentleman from California [Mr. LEWIS], the ranking member of the subcommittee for their continued support of this important project.

Mr. STOKES. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from California [Mr. BROWN].

(Mr. BROWN of California asked and was given permission to revise and extend his remarks.)

□ 1420

Mr. LEWIS of California. Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. BROWN], and I do so by expressing my deep appreciation to my colleague from California for his leadership on the authorizing committee.

I must say to the gentleman from California [Mr. BROWN], if he had not gone through the extended process, holding separate hearings, inviting Members not on the committee in to hear expert testimony, we would not

have had the kind of support we had during the authorizing process. Indeed, I think the contribution he has made to this appropriations process is very important. I want the Members to know that, and I want to express my appreciation for that.

Mr. BROWN of California. Mr. Chairman, I certainly am grateful to the gentleman for his expression. Of course, since he participated in these activities, he knows how hard we worked. He also knows how much I appreciate the contribution that he has made to getting a better understanding of these programs and helping to support them.

I thank the gentleman for yielding time to me.

Mr. LEWIS of California. Mr. Chairman, I yield such time as he may consume to my colleague, the gentleman from Texas [Mr. DELAY].

Mr. DELAY. Mr. Chairman, I thank the gentleman for yielding time to me.

Let me just start out by associating myself with what the gentleman from California [Mr. LEWIS], has said about the chairman of the Committee on Science, Space, and Technology, and along with that my congratulations to the chairman of this committee on his maiden voyage as chairman of this subcommittee. I have thoroughly enjoyed serving with him.

I must say that the chairman is very much a breath of fresh air when it comes to NASA.

The gentleman from Ohio, Chairman STOKES, has been very open and honest with those of us that support the space program in this country and has been very cooperative. Our ranking member, the gentleman from California [Mr. LEWIS] has done a yeoman's job in supporting NASA. And, of course, the gentleman from California, Chairman BROWN and the gentleman from Pennsylvania [Mr. WALKER] have been just fantastic.

All four of these gentlemen understand how important to this country a space program is, how important it is to our young people, how important it is to our technology race in the world, and how important it is in developing new products and new services that create jobs in this country.

The President has recognized the importance of investing in our future through the space station program. He has also recognized the wisdom of selecting an option that preserves as much of the current space station Freedom design as possible, building upon the investment we have already made toward the goals of permanent human presence in space and full scientific capability in the orbiting laboratory.

Through the space station redesign process, billions of dollars have been targeted as savings. This is one Member that criticized the redesign process, when it was started by the President, but I must admit here and now that I was wrong. The redesign process has done some excellent work, particularly in the area of redesigning the manage-

ment of our space program and bringing us a model of management that will make the space program run more efficiently. And we will be able to get the biggest bang for the buck.

But the space station funding in this bill represents more than \$4 billion reduction over the next 5 years. That is at least a 25-percent savings. The annual cost of operating the station, once it has been in orbit, has been cut in half from \$2 billion to about \$1 billion. We can have a real space station and contribute to deficit reduction at the same time.

As a result of the redesign process, NASA plans to make major management restructuring, which they estimate will save \$300 million a year. The Vest Committee believes savings from management changes alone can add up to anywhere between \$700 million to \$1 billion per year for NASA overall.

NASA, with a budget at seven-tenths of 1 percent of the Federal total, generates about \$7 in return for every dollar invested by the Government. Dollars return in jobs, reinvestment in communities, and spin-off technologies.

Nationally, 75,000 people in 40 States are employed in space station-related jobs. At a time of cutbacks in defense spending and a weak airline industry, we cannot afford to deal yet another blow to the aerospace industry.

The space station is absolutely vital if human beings are to learn to live and work in space so that we return permanently to the Moon and go to Mars and explore outer space. We need the station to study the effects on the human body of long-term exposure to the rigors of space and a gravity-free environment.

Americans have always been pioneers. With the space station, we can explore the most challenging frontier of all.

But as important as all this, space exploration has long served as an inspiration to our children. At a time when interest in math and science are waning, the exciting conquest of space has inspired many engineers and scientists. We cannot afford not to be in space and developing a space program in this country.

I appreciate our subcommittee and our full committee for supporting the space station and supporting NASA programs.

Mr. STOKES. Mr. Chairman, I reserve the balance of my time.

Mr. LEWIS of California. Mr. Chairman, I yield 2 minutes to the gentleman from Florida [Mr. MICA].

Mr. MICA. Mr. Chairman, I rise in opposition today to this legislation. Most specifically, I rise in opposition to the expenditure of \$1.4 billion to the EPA's Superfund.

I serve as a member of the Committee on Government Operations. As a new member, I have been appalled by the amount of waste, fraud, abuse, and lack of oversight of EPA.

JOHN D. DINGELL, MICHIGAN, CHAIRMAN

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U.S. House of Representatives
Committee on Energy and Commerce
Room 2125, Rayburn House Office Building
Washington, DC 20515-6115

June 17, 1993

ALAN J. ROTH, STAFF DIRECTOR AND CHIEF COUNSEL
DENNIS B. FITZGIBBONS, DEPUTY STAFF DIRECTOR

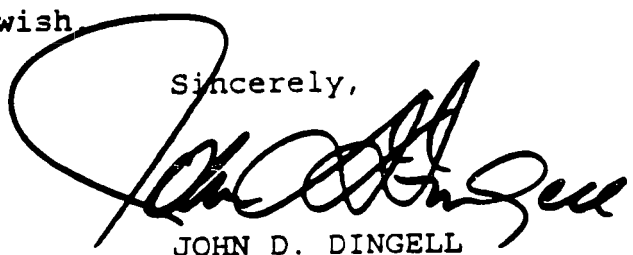
The Honorable Al Gore
Vice President of the United States
Old Executive Office Building
Washington, D.C. 20501

Dear Mr. Vice President:

Enclosed is a letter I received from two former Senate staff members who were counsels to the then Senate Committee on Interior and Insular Affairs when the late Senator Scoop Jackson was Chairman. Their letter expresses deep concern about the Administration's proposal regarding the Council on Environmental Quality (CEQ) and the National Environmental Policy Act (NEPA) of 1969. Also enclosed is my response in which I indicate a desire to work together with Chairman Gerry Studds and the Administration to resolve this matter.

With every good wish,

Sincerely,



JOHN D. DINGELL
CHAIRMAN

cc: The Honorable Gerry Studds, Chairman
Committee on Merchant Marine and Fisheries

The Honorable Carol M. Browner, Administrator
Environmental Protection Agency

JOHN D. DINGELL, MICHIGAN, CHAIRMAN

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MICHAEL D. CRAPO, IDAHO

U.S. House of Representatives
Committee on Energy and Commerce
Room 2125, Rayburn House Office Building
Washington, DC 20515-6115

June 17, 1993

ALAN J. ROTH, STAFF DIRECTOR AND CHIEF COUNSEL
DENNIS B. FITZGIBBONS, DEPUTY STAFF DIRECTOR

Mr. William J. Van Ness
Mr. Grenville Garside
Van Ness, Feldman and Curtis
1050 Thomas Jefferson Street, N.W.
Seventh Floor
Washington, D.C. 20007

Dear Bill and Gren:

I appreciate and welcome your timely letter reminding me of the historic development and enactment of the National Environmental Policy Act (NEPA) of 1969. I am saddened, however, to be reminded that the other NEPA leaders, "Scoop" Jackson, Ed Muskie, and Mo Udall, are no longer here to also remind everyone of the significance, importance, and effectiveness of NEPA.

I share your obvious concern and frustration, as does the Chairman of the Committee on Merchant Marine and Fisheries, Representative Gerry Studds, about the Administration's proposals regarding NEPA. Enclosed is Chairman Studds' letter to the House Committee on Appropriations regarding funding for the Council on Environmental Quality (CEQ) pending a legislative solution.

We want to work closely with the Clinton Administration on this matter. In fact, we recently shared with Vice President Gore and Environmental Protection Agency (EPA) Administrator Browner an alternative legislative proposal that would retain the important NEPA functions in the Executive Office of the President. While I can reluctantly support termination of the Council on Environmental Quality (CEQ) and the ending of CEQ's annual report, I cannot support a transfer of the CEQ's statutory functions to an agency to which NEPA applies, directly or indirectly, regardless of whether that agency is a cabinet-level department. Folding NEPA into any of these agencies, such as proposed in the Senate-passed EPA Cabinet bill, S. 171, would diminish "the NEPA importance" that you so succinctly describe.

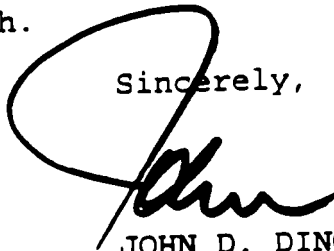
Mr. William J. Van Ness
Mr. Grenville Garside
Page 2

I believe that most environmental groups share the views you express. It is my hope that we can convince the Administration that either CEQ not be abolished at all or that the approach we suggest or one very similar to it should be adopted separately or as part of an EPA cabinet bill.

Again thank you for your helpful comments. I welcome any further suggestions you may have toward achieving our goal of keeping the NEPA institution created by Congress in 1969 alive and unencumbered. I have taken the liberty of sharing your letter with Chairman Studds and Vice President Gore.

With every good wish.

Sincerely,



JOHN D. DINGELL
CHAIRMAN

cc: The Honorable Al Gore
Vice President of the United States

The Honorable Thomas S. Foley, Speaker
U.S. House of Representatives

The Honorable Richard A. Gephardt, Majority Leader
U.S. House of Representatives

The Honorable David E. Bonior, Minority Whip
U.S. House of Representatives

The Honorable Gerry Studds, Chairman
Committee on Merchant Marine and Fisheries

The Honorable Louis Stokes, Chairman
Committee on Standards of Official Conduct

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BEN YAMAGATA

*RESIDENT MEMBER SEATTLE OFFICE

*NOT ADMITTED IN DISTRICT OF COLUMBIA

June 9, 1993

The Honorable John D. Dingell
Chairman
Committee on Energy and Commerce
United States House of Representatives
2125 Rayburn House Office Building
Washington, D.C. 20515-6115

Dear Mr. Chairman:

Twenty-four years ago a small group of Senators and Representatives, meeting in Conference Committee in the United States Capitol, reached agreement on the final text of the National Environmental Policy Act of 1969 (NEPA). This concluding meeting on the shape, content and policy of NEPA received scant attention from the media or representatives of industry, environmental organizations and major Federal agencies.

However, the decisions taken by the participants in this conference committee were both bold and far-reaching. They drew upon decades of legislative oversight and experience. They built upon the experience of the National Security Council and the Council of Economic Advisors. And finally, they reflected a hard-earned understanding of what is required to bring mission oriented agencies into compliance with national policies which change the thrust of historical agendas.

NEPA has had a profound and lasting effect on Federal policy over the past quarter of a century. It has opened agency decision-making to public review and accountability. Through the Council on Environmental Quality (CEQ), it has institutionalized concerns about the quality of the human environment in the White House.

NEPA and CEQ have shown the strength and resiliency to survive both public controversy and Presidential neglect. Today, however, NEPA faces the first real threat to its continued viability. The Clinton Administration has proposed, and the environmental community has largely acquiesced in, the abolishment of the CEQ and the transfer of its responsibilities for the annual report on the environment and regulatory oversight of the EIS process to the new Department of Environmental Protection. With little examination of the far reaching consequences of this proposed action, the Clinton Administration now stands close to achieving an objective which other Administrations hostile to NEPA objectives did not even dare to propose.

Of the four major sponsors of NEPA -- and the best witnesses of its purpose, intent and performance over the past twenty-five years -- three no longer serve in the Congress. Senator Jackson is deceased. Senator Muskie and Congressman Udall are retired.

Mr. Chairman, you alone provide the link, the sole institutional memory, for making informed judgments about the purpose of Congress in the late 1960's in enacting NEPA and the justification for the major changes now proposed. You alone have first hand knowledge of how Federal decision-making impacted the environment, before and after NEPA.

We respectfully urge you to bring the critical policy issues presented out into the open for full public debate and examination. If the institutional process and the policy mandated by NEPA are to be fundamentally changed, these changes should only be made after the same informed Congressional consideration and debate that put them in place a quarter of a century ago.

As attorneys who served as legal counsel to the Interior and Insular Affairs Committee and to Chairman Jackson in the 1960's and 1970's we were privileged to participate in the hearings, the analysis, the drafting and the implementation of NEPA. We saw Congress under your leadership declare and enact an enlightened and strong policy on the environment long before the environment became a fashionable and popular cause to champion.

NEPA's importance to the Nation lies in the fact that it does not focus on attaining any specific environmental goals or objectives. Instead, NEPA's focus is on disciplining the process of all Federal decision-making which impacts the environment. NEPA mandates that all of the relevant facts be placed on the record. Impacts, both economic and environmental, must be identified. Alternative courses of action must be considered. NEPA does not mandate which decision should be made. But NEPA does mandate that decisions be informed, rational, carefully considered and made on the record.

Finally, unlike many other environmental laws NEPA is not about opposing technology, limiting growth, or fostering preservation. NEPA is about restoring "balance" in Federal decisions. As set forth in the Policy Declaration of Section 101(a) NEPA's purpose is...

to foster and promote the general welfare, to create and maintain conditions under which man and nature can live in productive harmony, and fulfill the social, economic, and other requirements of present and future generations of Americans.

We are not satisfied that a strong or a compelling case has been made in support of the changes proposed by the Administration. We grant that transfer of CEQ function to EPA will result in some reduction in White House staff positions (and an offsetting or greater increase at the new Department of the Environment). It will also give greater discretion -- and less oversight and accountability to Congress and the public -- in White House decision-making on environmental issues. And it will surely reduce the level of responsibility for NEPA implementation from the highest levels of the White House to an unknown level of a very large, overtasked bureaucracy in a new Department of government.

There is no way that this new Department, however well organized or managed, can successfully oversee the environmental consequences of decision-making in all other Federal departments and agencies. Indeed, that was a fundamental reason for enacting NEPA and creating the CEQ in 1969.

One would have hoped that the new Administration would have come to office committed to restore and revitalize CEQ with renewed priority, adequate staff and talented leadership. Instead, it has proposed the abolition of an institution conceived by Congress to assure that all Federal agencies address the environmental consequences of their proposed actions in a credible manner and in public view.

Mr. Chairman, it is not too late to avert action which we believe will undermine our nation's most important environmental statute.

Sincerely,



William J. Van Ness



Grenville Garside