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Special Congressional Voting Record Issue

National Farmers Union News

For Family Farmers and Rural Americans

Volume 43, Number 10

October 1996

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NFU Reviews 1996 Congress



*By Larry Mitchell,
National Farmers Union
Vice President of
Government Relations*

The second session of the 104th Congress began only seconds after the first session ended. On Jan. 3, at 11:59 a.m., the House adjourned the first session *sine die* in order to convene the second session at 12:00 noon, as required by the U.S. Constitution. The Senate adjourned the first session and convened the second session at 12:00 noon.

Appropriations

The 1996 session began with only seven of 13 appropriations bills approved for fiscal year (FY) 1996, well past the Oct. 1, 1995, funding deadline. Congress faced yet another in a succession of government shutdowns which began on that date. On Jan. 26, Congress cleared and the president signed another stop-gap spending bill to finance the government until mid-March. Another such bill carried the government through April 24, when the 10th "continuing resolution," one which authorized spending for the balance of the fiscal year, passed Congress and was signed by the president. Lawmakers were only six months late, but the perseverance of negotiators resulted in a final agreement.

Only hours before the Oct. 1, 1996, deadline for the completion of the FY 1997, Congress avoided a government shutdown by passing an omnibus stop-gap spending bill. The bill contained spending authority for the six unfinished appropriations bills as well as

provisions for anti-terrorism incentives, student aid, anti-drug programs, troop deployment in Saudi Arabia, a pay raise for the military, assistance for fighting wildfires in the west and relief for victims of Hurricane Fran.

Farm Bill

The 1990 farm act terminated at the end of the 1995 crop. Since Congress had failed to pass a farm bill in 1995, Agriculture Secretary Dan Glickman was faced with implementation of permanent farm law for some commodities while searching for authority to provide programs for others.

GOP leadership in Congress had attempted to attach a crude version of Rep. Pat Roberts', R-Kan., "Freedom To Farm Act" to its balanced budget act in November 1995. Many Farmers Union members, including national President Lee Swenson and state Presidents Dennis Wiese and Alan Bergman, had met with the president to reinforce the need for a veto. When the president did veto the bill, he instructed Congress on the legislation's lack of a proper safety net for family farmers.

The Senate attempted to take action Feb. 1 on the farm bill, but citing the lack of proper hearings and debate on the measure, Democrats were successful in rejecting an attempt by Republicans to evoke cloture. Cloture limits debate and avoids the possibility of a filibuster. Cloture requires a three-fifths majority vote. Senate Republicans attempted cloture again on Feb. 6, and were again unsuccessful, but an agreement between GOP leaders and Sen. Patrick Leahy, D-Vt., ended any chance for a negotiated agreement between Senate Majority Leader Bob Dole, R-Kan., and Senate Minority Leader Tom Daschle, D-S.D.

continued on next page, column 2

August 29, 1996

MEMORANDUM FOR DOUG SOSNIK AND KAREN HANCOX

FROM: Debbie Fine

SUBJECT: FYI: Northeast Interstate Dairy Compact

On August 9th, Secretary Glickman announced that he was granting several New England states authority to implement the Northeast Interstate Dairy Compact. The Compact has developed over the past 8 years by several northeastern states because of their concern about the low milk prices dairy farmers were receiving. It is meant to be a transitional system to strengthen the milk industry in those states; the Compact would eventually be replaced by a Federal milk market order structure. The affected northeastern states are: CT, ME, MA, NH, RI and VT. Potential additional states are: DE, NJ, NY, PA, and MD.

Without going into detail about the policy, I wanted to let you know that this has become a serious point of contention for Senator Kohl in particular, as well as Senator Wellstone and Congressman Obey. They are concerned about the impact this will have on Midwestern dairy farmers, and believe that the decision to implement the Compact was made in order to please Senator Leahy, rather than being based on good policy. Others are concerned about the impact on low-income consumers in the Compact region. (Please note that there was overwhelming support from elected officials in the affected states and approximately 95% of the comments received by USDA have been supportive, as stated in the attached discussion by USDA.)

In response to above concerns, USDA will monitor the impact of the Compact on other regions and on low-income consumers through an interagency dairy task force. If negative impacts are felt, Sec. Glickman has the power to revoke authorization to implement the Compact.

Legislative Affairs and Linda Moore have been working with the Members and supporters in Wisconsin on this to monitor the situation.

Attached is a good one-page internal summary of the Compact, as well as Secretary Glickman's press release announcing authority for the Compact.

cc: Barbara Chow
Kris Balderston
Elizabeth Drye

Draft--For Discussion Only--Northeast Interstate Dairy Compact--Not for Distribution

Background

In the 1996 Farm Bill, Congress consented to the Northeast Interstate Dairy Compact, a Compact which had been approved by the States of Vermont, Massachusetts, Rhode Island, Connecticut, Maine, and New Hampshire. Congress provided, however, that the Compact could only be implemented if the Secretary of Agriculture found a "compelling public interest in the Compact region" and authorized its implementation.

On August 8, 1996, Secretary of Agriculture Dan Glickman found a compelling public interest in the Compact region and authorized implementation of the Compact. Secretary Glickman also stated a number of concerns about potential effects of the Compact. He noted that the Department will monitor Compact implementation and that he will revoke his authorization to implement the Compact if his expectations are not met.

Compelling Public Interest

Congress provided no guidance to the Secretary in making the determination of whether a compelling public interest exists in the Compact region. Secretary Glickman's finding focused on the following key facts: all six State legislatures overwhelmingly approved the Compact; all six State governors signed a resolution supporting the Compact; the Congress consented to the Compact in the 1996 Farm Bill; and approximately ninety-five percent of the comments received by the Department of Agriculture supported the Compact.

Balanced against this overwhelming support of elected officials are the potential adverse effects of the Compact. The Compact will be implemented by a Commission, but no one knows at this time what specific steps the Commission will take to implement the Compact. The decision on compelling public interest was in essence, therefore, a decision between the overwhelming support of elected officials versus hypothetical or potential adverse effects, depending on how the Compact is implemented.

Monitoring and Revocation

To mitigate these potential adverse effects, Secretary Glickman stated a number of concerns and expectations that the Department of Agriculture will monitor. Secretary Glickman stated that if his expectations are not met, he will revoke his authorization to implement the Compact.

The Department of Agriculture has established an interagency dairy task force to monitor implementation of the Compact. The task force has already held two meetings and has established the process and criteria or baselines under which implementation of the Compact will be judged. For example, the task force has identified how it will monitor whether the Compact has an adverse effect on dairy producers in other regions of the country. The task force expects to be actively involved in evaluating proposed actions of the Compact Commission as well as monitoring the effects of Commission actions relative to the baseline criteria established by Secretary Glickman.

Note: Litigation is likely in the near future to prevent the Compact from going forward.

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NEWS

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INITIALS: PLC DATE: 11/08/13

Tom Amontree (202) 720-4623

Statement

by Secretary Dan Glickman on the
Northeast Interstate Dairy Compact
August 9, 1996

"The State legislatures in Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont have approved the Northeast Interstate Dairy Compact, the governor of each Compact State has signed a resolution supporting the Compact, and the Congress has consented to the Compact in the Federal Agriculture Improvement and Reform (FAIR) Act of 1996. In addition, approximately 95 percent of the comments the Department of Agriculture received regarding the Compact supported its implementation. For these reasons, I have found that a compelling public interest in the Compact region exists and have authorized the Compact States to implement the Northeast Interstate Dairy Compact. This finding and authorization became effective today and will be published in the Federal Register.

"While it is unclear what specific actions the Compact Commission will take to implement the Compact, I am concerned about the potential effects of the Compact in several respects. I intend, therefore, to monitor closely its implementation. I also encourage Congress to exercise its oversight function and monitor the implementation of the Compact. If my expectations are not met, or if conditions otherwise warrant, I will revoke this authorization to implement the Compact.

"I expect that the Compact Commission will implement the Compact in a way that does not burden other regions of the country, consistent with the provisions of the FAIR Act and the Compact. I would be greatly concerned if the Commission restricts in any way the ability of producers to ship milk into the Compact region. I will monitor whether the Compact has any adverse effects on the income of dairy producers outside the Compact region as well as the extent to which the Commission utilizes its authority to impose production controls to minimize the effect of the Compact on other dairy producing regions. I also expect the Commission to ensure that its actions are flexible and responsive to changing supply, demand and price conditions in milk markets.

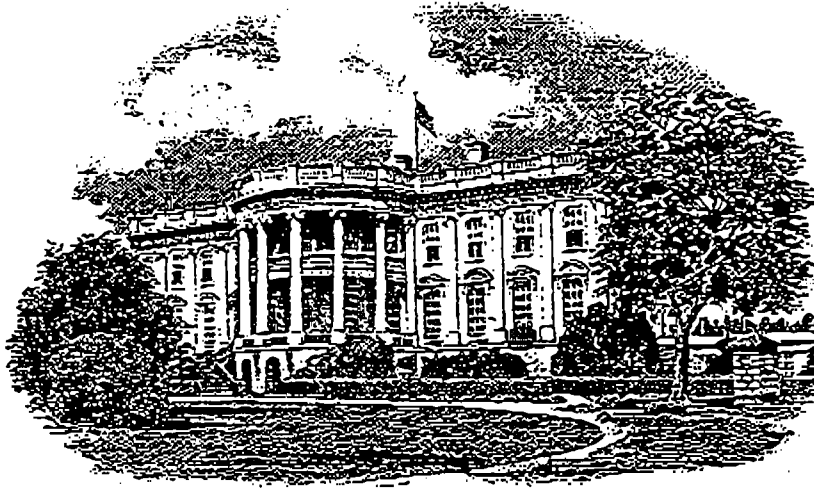
"Perhaps most significantly, I am deeply concerned about and will closely monitor the effect of the Compact on consumers, especially low-income families, within the Compact region. I expect that the Commission will pay close attention to and monitor the effects of its decisions on consumers before and after it takes any action. I also expect the Commission and the Compact States to provide assistance to offset any increased burden on low-income families in the Compact region. I am also concerned about the effect of the Compact on the Department of Agriculture's nutrition programs, and I expect the Commission to exercise its authority to reimburse participants in the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC) and to fulfill its obligation to reimburse the Commodity Credit Corporation, as provided in the Compact and in the FAIR Act.

"The Compact is a transitional milk marketing system for the region and will expire when a new nationwide Federal milk marketing order structure is implemented. I believe the approach outlined in this statement offers the best opportunity to strengthen the dairy industry in the Compact region during the transition to the reformed milk marketing order structure required by the FAIR Act."

Status of Agricultural Guestworker Issues

The White House Domestic Policy Council is directing an effort by USDA and the Department of Labor to streamline the existing H2-A guestworker program. This effort is intended to ensure that agricultural producers have a reliable supply of qualified workers and to continue protection and incentives for domestic farmworkers. At the same time, the Administration has continued to oppose the creation of a new guestworker program.

The Agriculture Appropriations Bill includes a provision that requires the General Accounting Office to conduct a study to assess the effectiveness and operation of the current H2-A program.

*EXECUTIVE OFFICE OF THE PRESIDENT**Office of Management and Budget**Natural Resources, Energy and Science**FAX TRANSMITTAL COVER SHEET*

Number of pages (including cover sheet) 13

Date: 4/3/96

To: Elizabeth Dye

Phone: _____ Fax: _____

From: T.J. Glauthier

Comments:

Phone: (202) 395-4561 Fax: (202) 395-4639

Distribution List for Western Issues Tracking Report

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Mtg Today - 4pm
Rm 180



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

April 2, 1996

MEMORANDUM FOR: Kathryn Higgins
Marcia Hale
John Angell
Katie McGinty
Ron Klain
Barbara Chow
Janet Murguia
Dan Tate
Jennifer O'Connor
Ray Martinez
Shelley Fidler
Tom Jensen
Kris Balderston

FROM:

T.J. Glauthier

A handwritten signature in dark ink, appearing to be "TJG", written over the printed name "T.J. Glauthier".

SUBJECT:

Meeting of the Western Issues Group

The next meeting of the Western Issues group is Wednesday, April 3, at 4:00 p.m. in room 180.

Attached is the latest Western Issues Tracking Report. The report has been updated to reflect new information since the January meeting. Changes from the last report are in bold.

Attachment

cc: Ron Cogswell

Western Issues Tracking Report

April 1996
(Changes from last report in bold)

Issue	Current Status	Next Steps
Timber • 318 Sales	Court decision ordering release of more sales 10/25. Presidential statement 10/28. Judge Hogan ruling on 1/10; in Government's favor, that sales offered before 10/13/89 do not fall under the rider and where sales can't be offered due to physical impossibility (trees already cut); but the judge ruled against the Government that sales must be offered to second highest bidder and sales enjoined by other courts must be released. On 1/19, Judge Hogan ruled in the "known to be nesting" case. Judge Hogan did not rule in the Government's favor, but neither was it a full victory for industry plaintiffs. The decision requires that for a sale to be withheld there must be current nesting of endangered birds within the sale unit boundaries. To establish current nesting, the Forest Service and the Bureau of Land Management may rely on visual or auditory observations of birds that are under the tree canopy and engaging in behavior indicative of nesting. 1/25, the District Court granted a 60-day stay of the 1/19 order. Appeals hearing scheduled for 5/6, stay temporarily extended until 4/3.	Administration corrective language with buy out authority/ funding drafted but not active. Compliance Report due to Judge Hogan 3/28/96 (70mmbf meet Hogans protocol.) Replacement volume and voluntary contract modification issues continue under discussion with agencies and DOJ.

Issue	Status	Next Steps
Timber (continued) Salvage Program	Sen. Murray's amendment defeated 3/15. Sen. Hatfield's amendment pending in omnibus CR. Status report sent to Congress 3/21. Sales appear on track to reach 4.5 bbf. Hogan decision on 12/5 held that all Forest Plan sales fall under the "sufficiency" and judicial review provisions of the Rescission Act.	Next study report due to Congress 8/30/96 (FS, BLM).
Endangered Species Act (ESA) - Financial Incentives (estate taxes) - Problem Listings -- Fairy Shrimp -- Kangaroo Rats	DOI developing new proposal on estate taxes following 10/23 interagency discussion. Listed as endangered in 1994 in CA. Lawsuit pending against Fish and Wildlife Service (FWS). No funding specified for buy out of affected lands in DOI's FY 1997 budget request. Landowners recently petitioned FWS to have shrimp removed from list. Listed as endangered in 1988 in CA. Population status declining. Recent agreement reached with Riverside County and DOI on habitat conservation plan for kangaroo rats.	Administration interagency team is reviewing DOI's proposal. Treasury has no objection to new proposal (\$119 million over 7 years). Recovery plan under development. No specified date of completion. Recovery plan under development.

Issue	Status	Next Steps
Utah Wilderness • H. R. 1745 (same as Title XX of H.R. 1296) • H. R. 1296, Omnibus Lands Bill (includes Title XX of Utah Wilderness):	Pending House floor action since 12/95. Pending Senate floor action. Legislation would designate less than 2 million acres of BLM lands as wilderness, and open almost an equal amount of land currently protected as wilderness study areas for mining, grazing, and other uses. 3/25 SAP on H.R. 1296 indicated Sec. Babbitt would recommend veto if Utah Wilderness provisions were included. Bill pulled from Senate floor on 3/28 when cloture was not invoked on an unrelated Kennedy amendment to raise the minimum wage.	Senate could return to Omnibus bill after Easter recess. Sens. Bradley, Boxer, and Feinstein support a hold on the bill because of the Utah Wilderness provisions, even though it also includes other provisions (Sterling Forest and Presidio, respectively) that the Sens. support.
Montana Wilderness (Forest Service)	Montana wilderness bill, H.R. 2473, passed the House in 103rd Congress. A similar bill H.R. 2799 was introduced on 12/95 by Rep. Williams. Sec. Glickman announced 12/15/95 the administrative extension until 1/1/97 of a moratorium on altering Montana wilderness areas.	Rep. Williams, sponsor of H.R. 2473 and H.R. 2799, announced retirement. No action on H.R. 2799 expected in the 104th Congress.

<u>Issue</u>	<u>Status</u>	<u>Next Steps</u>
New World Mine (WY/MT)	POTUS announced on 8/95 a two-year moratorium on new mining claims in the Gallatin National Forest near Yellowstone (about 19,000 acres).	USDA has two years to determine, using an EIS, if the land should be permanently restricted from mining. No EIS has been developed yet on the area under the moratorium, but Montana and U.S. Forest Service are working on an EIS for the actual mine (completion of draft EIS for the mine expected this spring).
Grazing (rangeland reform)	DOI regs. implemented 8/95. Several bills pending in Congress that would alter regs. containing such things as limited public participation in decision-making and waiving of NEPA requirements. S. 1459 (Domenici) passed Senate on 3/21 (51-46). Bill would limit public involvement in the management of lands and resources; compromise environmental protection, and elevate a single use of public lands above other multiple uses. DOI/USDA veto threats.	Continue implementation of regs, with establishment of "regional resource advisory councils". Work to defeat/revise legislation.

Issue	Status	Next Steps
Hardrock Mining	FY 96 Interior Appropriations bill includes provisions to continue moratoria on new patents; requires the use of third-party contractors if companies request them; and directs DOI to plan to process 90% of pending applications in five years. Reconciliation bill (Conference) includes provisions to charge a minimal net royalty; continue patenting; require companies to pay for surface value of land; and extend current holding fee. 3/19 Administration budget plan: extend current holding fee and location fees (adjusted annually for inflation) and repeal hardrock percentage depletion allowance.	WH/DOI working to defeat revised/pending mining law "fixes" in Congress.
Takings (private property rights) Generic bills (H.R. 9 and S. 605) and provisions in other bills.	H.R. 9 passed House; Administration H.R. 9 paygo estimate \$28B. OMB sent letter to Hill on CBO vs OMB scoring on 12/5. POTUS letter on takings sent to Senate Judiciary Committee on 12/13 prior to markup, threatening veto. OMB handout on major problems with S. 605 provided to the committee on 12/14. Committee finished markup of S. 605 (a bill with broader scope than H.R. 9) on 12/21. Draft SAP on S. 605 has been prepared.	WH/LA has asked agencies to resubmit letters on S. 605 to OMB. Clearance progressing, but letters will be held until needed. Senate floor action scheduled for 5/6-7.

Issue	Status	Next Steps
Wetlands - Administration 8/93 Wetlands Plan small landowners 1/2- acre exemption issued 9/95 by Corps of Engineers. Final mitigation banking policy issued 11/95. - H.R. 961 House Clean Water Act (CWA) revisions. Could remove over 50% of wetlands from existing protection. S. 851 Senate (Faircloth) wetlands bill. Could remove 60 - 76% of wetlands from existing protections; special interest exemptions for remaining wetlands; reduced protective authority for remainder.	40-Point Plan announced 8/93; substantial progress on Plan implementation. Passed House 5/95. Administration veto threat. Senate Environment and Public Works (SEPW) hearing 11/1/95. Testimony expressed strong opposition.	COE/EPA/USDA/DOI continue to implement Plan and exemption. SEPW mark-up not scheduled. (Chafee (R-RI) and Graham (D-FL) likely to introduce more moderate bill next session.)
Methyl Bromide	USDA, EPA, CEQ, and CEA met on 12/95 to discuss legislative changes to allow for continued use of methyl bromide beyond the 2001 phaseout date in domestic law. House Commerce oversight hearing held 1/25. EPA, USDA, and State testified.	

Issue	Status	Next Steps
Pesticide Regulatory Reform • Delaney Clause • Minor Use Pesticides	As part of comprehensive food safety reform Adm. proposed legislation replacing Delaney Clause with negligible risk standard (9/93). Adm. opposes stand-alone reform of Delaney without comprehensive reform of pesticide and food safety laws in Senate regulatory reform bill and FDA reform proposals. Adm. proposed legislation to assist minor use pesticides 9/93 and expressed concerns about House minor use provisions (H.R. 1627) (5/95)	Work with Congress to get acceptable replacement of Delaney Clause through reauthorization channels. Work with Congress to improve minor use provisions in pending legislation. (H.R. 1627, S. 1166)

<u>Issue</u>	<u>Status</u>	<u>Next Steps</u>
Water Runoff from Rice Farms ("constructed conveyances")	Language included in H.R. 961 (CWA), which passed the House 5/95. Administration veto threatened. Rep. Condit introduced H.R. 2567, stand-alone legislation with several minor changes from H.R. 961. This bill would streamline the water quality standards process to make it less onerous for constructed water conveyances that have never been natural waterways. House Transportation/Infrastructure Committee markup made several changes that go in the opposite direction from what the Administration recommended. Passed the House by voice vote on 1/23/96 as a Corrections Day change.	Work with Senate to narrow bill to the arid West agricultural conveyances, and those that did not previously support wildlife. EPA drafted letter expressing concerns with the House bill; suggests legislative changes. Undergoing inter-agency review; will be sent to Sen. Chafee.

Issue	Status	Next Steps
- Central Valley Project, CA Rep. Condit suggested: - Terminate study of improvements needed to restore anadromous fisheries of the San Joaquin River. - Limit water allocated for environmental requirements. - Grant irrigators a right to renew their current 25-year water contracts in perpetuity. - Eliminate "tiered pricing" by which irrigators pay more for the last increment of water used.	Congress terminated funding in the FY 1996 E&W Appropriations report language. The House Resources Committee approved a bill that deauthorizes the study (H.R. 2738). DOI is working with the affected parties on this and related issues through the CVP Improvement Act Forum meetings and the Bay/Delta Advisory Committee. The House Resources Committee vote to change current law (H.R. 2738) could undermine this effort. DOI sent letters on 10/24 and 12/12 opposing this and related proposals to House Resources Committee. The Committee reported out its bill on 12/13 (H.R. 2738) notwithstanding Administration objections. The Administration does not support this suggested change to the 1992 CVP Improvement Act.	Reclamation is closing down the study. DOI Deputy Secretary Garamendi is continuing to work with stakeholders. DOI developing a strategy to oppose enactment of these and other fundamental changes to the 1992 CVP Improvement Act. (See above.)
All American Canal, CA and NV	The water districts for Southern CA and Las Vegas want to transfer (within CA and interstate) certain water saved through conservation. DOI approval needed to bank unused water behind Hoover Dam.	Due to opposition from other CA water interests, the original proposal is not moving ahead. The CA entities continue to meet to see if they can reach a consensus.

<u>Issue</u>	<u>Status</u>	<u>Next Steps</u>
Central Arizona Project, AZ	After DOI's cost repayment negotiations with the CAP project sponsor broke down over Indian water and related issues, the local sponsor sued the U.S. on 7/10/95. The U.S. filed a countersuit on 8/17/95.	DOJ is defending the lawsuit. Negotiations are not likely at this point. DOI is working with the Arizona tribes to identify other ways to address their water right and water distribution concerns.
Reclamation Reform Act (RRA) Rulemaking	Environmental groups have criticized the preferred alternative announced by DOI in its final EIS.	DOI plans to submit draft of final rule for OMB review after addressing EPA and State Dept. concerns.
Glen Canyon Dam, AZ	On 3/22/96, DOI began releasing water to rejuvenate the environmental backwater areas of the canyon and rebuild its beaches.	DOI will monitor the effectiveness of the releases. It expects some preliminary scientific findings by late May and to issue a series of technical reports by the end of FY 1996.
Seasonal Agriculture Workers (H-2A program)	Presidential statement 6/23 opposing a new guest worker program. Sec. Reich testified on 9/28 opposing a new guest worker program (the last one was ended in the 60s). Administration restated its willingness to consider changes to the H-2A program if future immigration reform causes a labor shortage in the agricultural industry. DOL/DOJ letter sent (3/96) to the Senate threatening veto of the immigration bill (S. 1394) if it contained a new guest worker program.	

Issue	Status	Next Steps
Dairy Rep. Condit urges support for California's dairy marketing order, while pursuing new national dairy policy.	Farm bill conference adopted Solomon/Dooley provision to preserve California's marketing order while giving state producers the option to opt into Federal marketing order system under a California-only marketing order. The Administration proposed to reform (reduce the number of) marketing orders, after public hearings, and allow for reduction in support prices and marketing assessments. No change contemplated for California's (state, not Federal) marketing order.	USDA to monitor/enforce farm bill.
Bonneville Power Administration - Fish Budget - Comprehensive Review of BPA	Administration agreed with Hatfield 10/24. DOE announced 9/28 (completion set for 12/96). Regional working group met 1/4/96 to kick off the review effort.	DOE/OMB/Treasury continuing to work on implementation. Meet on an ongoing basis.