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[Climate Change] FY2001 Appropriations [1]

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S	61	7	11	2

2001 Approps

From: Randolph J. Steer on 09/27/2000 11:08:26 AM

Record Type: Record

To: Wesley P. Warren/OMB/EOP@EOP, David Gardiner/WHCCTF/EOP@EOP, Debra Reed/CEQ/EOP@EOP, Roger S. Ballentine/WHO/EOP@EOP

cc: Lori A. Krauss/OMB/EOP@EOP
Subject: Hints of Solar markup

Most of you probably received Scott Sklar's message, which included his estimate of conference action on three elements of the solar budget that he watched closely. In all three cases, the conference mark was exactly or almost identical to the House mark, which was lower than the Senate mark. If that is a signal that the entire conference mark will be close to the House mark, it means two things:

- The total for solar and renewable energy and related technologies will be about $33 million above FY 2000, but $54 million below the Senate and $67 million below our request.

- The conference mark will not include the unrequested increases over our budget in areas like hydrogen R&D and superconductivity, which means that if there is an opportunity for end-game negotiations, they can start from a "clean" mark in which we only want some additions, and we won't have to argue for **less** money in any areas.

Randy.

MEMORANDUM

DATE: Oct. 3, 2000

TO: John Podesta, Chief of Staff, The White House
Jacob "Jack" Lew, Director, Office of Management and Budget

CC: George Frampton, Chairman, Council on Environmental Quality
Sylvia Mathews, Deputy Director, Office of Management and Budget
Wesley Warren, Associate Director, Office of Management and Budget
Roger Ballantine, Dep. Asst. to the President for Environmental Initiatives
David Gardiner, White House Climate Change Task Force

FROM: David Nemtzow, President, Alliance To Save Energy
Howard Geller, Executive Director, American Council for an Energy-Efficient Economy
Brent Blackwelder, President, Friends of the Earth
Kalee Kreider, Campaign Director, National Environmental Trust
Alyssondra Campaigne, Legislative Director, Natural Resources Defense Council
Dan Becker, Director of Global Warming and Energy Programs, Sierra Club
Alden Meyer, Director of Government Relations, Union of Concerned Scientists
Gene Karpinski, Executive Director, U.S. Public Interest Research Group

RE: Climate Change Technology and Energy Efficiency Deployment Programs in the EPA Budget

We are writing concerning funding for the Climate Change Technology Initiative programs in the EPA budget, specifically the Energy Star and other energy efficiency deployment programs implemented by EPA's Climate Protection Division. These exemplary programs are saving consumers money, improving the reliability of the electric grid, and cutting pollutant emissions. With multiple "energy crises" now confronting the nation–high oil prices, rising natural gas prices, and power shortages in various regions--we think it is essential that the Clinton Administration insist on a substantial increases in funding for these programs in FY 2001.

We are raising this issue in part because of the outcome with respect to energy efficiency deployment programs managed by the Department of Energy. While the FY2001 Interior Appropriations bill increases funding for the low-income weatherization program and a variety of R&D programs, it fails to provide a funding increase for a number of critical deployment programs including the DOE Energy Star program, the Community Partnerships program, and industrial sector technical assistance programs. In fact, the bill <u>cuts</u> funding for both the Energy Star and industrial technical assistance efforts in FY 2001. Given the range of "energy crises" now occurring, these important deployment programs should be growing, not contracting. In short, we are very disappointed with this aspect of the FY 2001 Interior bill.

In light of this situation, we strongly urge the Administration to secure a significant increase in the Climate Change Technology Initiative (CCTI) programs in the EPA budget, with the majority of this increase dedicated to the highly effective Energy Star and other deployment programs operated by the Climate Protection Division. Your 2001 budget request providing an increase of $124 million is fully justified and could be put to good use by EPA. Moreover, there is considerable support for Energy Star and the other deployment programs on Capitol Hill this year, as indicated by the attached letters.

While the blame for underfunding these critical climate programs in the past undoubtedly lies with Congress, it is clear that an extra effort must be made by the Administration this year to accomplish the President's intention to place greater priority on innovative technologies for climate protection. Though our public support for the President's budget request remains strong – and was recently echoed by 45 House members in the enclosed letter -- an increase of at least $25 million in EPA's CCTI program appropriation would be warmly and publicly praised by our organizations. Conversely, we would be extremely disappointed in a VA-HUD agreement that continues flat funding or makes an inconsequential increase in these programs, in light of the need for additional action.

Congress of the United States

Washington, DC 20515
September 28, 2000

The Honorable William J. Clinton
The White House
1600 Pennsylvania Avenue, NW
Washington, DC 20500

Dear Mr. President:

We urge you to prioritize funding for the Environmental Protection Agency's Energy Star programs in negotiating the final content of the VA-HUD Appropriations bill.

The Energy Star programs help Americans decrease their energy bills, reduce air pollution, and extend our limited energy resources. With winter heating costs expected to rise at least 20 to 40%, Energy Star products can help consumers save energy and money.

As you know, these programs has a proven track record of success and are extremely cost-effective. Energy Star-labeled products now available to homeowners and small businesses include computers, furnaces, boilers, windows, lighting fixtures, insulation, refrigerators, office equipment, stereo equipment and more. Every federal dollar invested in Energy Star produces average energy bill savings of $70 and sparks $15 in investment in new technology. This investment in efficiency and conservation can deliver immediate benefits to consumers and is the best kind of insurance against higher energy prices and future supply problems. Moreover, it is an effective long-term strategy against increasing pollution from energy production facilities. And "lightening the load" on our national electric system will help increase the reliability of our electric grid when we experience supply shortages.

The Energy Star programs achieve results by applying the power of market drivers to the virtue of energy efficiency, and by overcoming market barriers through brand recognition and public education. As successful as the program has become, much more could be accomplished with increased funding, including:

- Assisting organizations of all kinds in cost-effectively improving building energy use -- working already with almost 20% of building square footage nationwide.

- Enhancing partnerships with governments, schools, and small businesses by delivering core energy efficiency information and tools to more than 1,000 schools and universities, 500 state and local governments, and 8,000 small businesses and organizations, helping them cut their energy bills and reduce air pollution.

- Assisting more homeowners by expanding Energy Star outreach to 80% of U.S. consumers who are unaware that purchasing Energy Star products can save them about 30% (or $400) on their home energy bills, while also protecting the environment.

- Expanding partnerships with States so that they can further leverage Energy Star in their residential efficiency programs.

- Developing new energy assessment tools for homeowners to give them the power to demand higher performing, more comfortable, and more efficient products for their homes during home renovations (Energy Star Home Improvement).

Energy Star is a strategic investment in our nation's future. These programs promote technologies that power economic growth and improve our energy security, while protecting our environment. We thank you for your past leadership and support of this program and urge that it be among your highest priorities during negotiations on the VA-HUD Appropriations bill.

Sincerely,

Ed Markey

Frank Pallone, Jr.

Sherrod Brown

John Baldacci

Dale E Kildee

Jim Oberstar

Ron Klink

Neil Abercrombie

Ron Kind

Ben Gilman

Jan Schakowsky

Barney Frank

Diana DeGette

Tom Barrett

John Lewis

Lynn Woolsey

Jim McGovern

Carolyn B. Maloney

James H. Maloney

Albert R. Wynn

Donald M. Payne

William J. Coyne

Rose L. DeLauro

United States Senate

WASHINGTON, DC 20510

September 21, 2000

The Honorable William Jefferson Clinton
President of the United States
The White House
1600 Pennsylvania Avenue, NW
Washington, DC 20500

Dear Mr. President:

We are writing to address what may become a serious situation this winter. As you may know, natural gas prices have doubled over the last year, oil prices have tripled over the last two, and heating oil stocks in the Northeast are still dangerously low. The Energy Information Administration and the American Petroleum Institute both have reported that, nationally, distillate stocks are down 13 percent from last year In anticipation of the impending energy emergency facing our nation, we are writing to urge increased funding for several targeted measures that have the potential of *immediately* lessening the impact on taxpayers, small businesses, the poor, elderly and disabled.

We are proposing the following funding increases listed below totaling $152 million. While these are not the only steps Congress and the Administration can take to address the energy emergency, these measures include the most immediate tools we have to address the situation. The funding level increases identified are based on historical funding levels and discussions with state officials concerning resource needs.

Interior

o $86 million above the $140 million provided in the House and Senate bills for the Weatherization Assistance Program would permit approximately 51,000 more homes to be weatherized this coming year. Through the installation of energy efficiency measures, this program helps the poor, elderly and disabled reduce their annual energy costs by over 23 percent.

o $19 million above the $34 million provided in the Senate bill to the State Energy Program would increase the ability of the states to increase energy efficiency in the agricultural and small business sectors, as well as publicly-supported institutions, such as schools and hospitals.

o $1 million above the $74 million provided in the Senate bill to the Energy Information Administration's Petroleum Division would provide additional resources necessary to maintain quality data and analysis on the nation's increasingly volatile energy markets.

o $25 million for a summer fill and fuel budgeting program. This program will be authorized shortly through reauthorization of the Energy Policy and Conservation Act. Public education and coordination of summer fill and fuel budgeting for propane, kerosene and heating oil can address the heating needs of our cold-weather states, as well as the fall crop fuel needs of our agricultural states.

VA-HUD

o $10 million above the $58 million provided in the Senate bill to the Energy Star Program, which promotes technology that improves energy efficiency. For every federal dollar spent on program costs, the Energy Star program produces average energy bill savings of $70 and sparks $15 in investment in new technology.

Energy and Water Development

o $11 million above the $444 million provided in the Senate bill for the renewable energy program. Specifically, we would like this additional funding directed to start-up renewable energy generation plants, and incentives for small wind, biomass, solar, and geothermal distributed generation systems.

While many of us believe other responses, including tax policies to create further fuel storage capacity and other programs on the demand and supply side would be productive, we wanted to focus on the last few weeks of this Session and final negotiations between Congress and the White House. We believe that these measures, with the additional appropriations necessary, would have a dramatic effect on our present energy emergency, as well as providing significant benefit for years to come. We need a national response. We look forward to working with you this month to address our nation's energy needs.

Sincerely,

Jim Jeffords

Susan Collins

Page Three
Energy Emergency Letter
September 21, 2000

Evan Bayh	Mike DeWine
Arlen Specter	Jack Reed
Charles Schumer	[illegible]
Herb Kohl	Rod Grams
Paul Wellstone	Carl Levin
Chris Dodd	Jeff Bingaman
Paul S. Sarbanes	Bob Smith
John F. Kerry	Dianne Feinstein

From: Randolph J. Steer on 09/29/2000 05:14:40 PM

Record Type: Record

To: Wesley P. Warren/OMB/EOP@EOP, Roger S. Ballentine/WHO/EOP@EOP

cc: Angela C. Mizeur/WHO/EOP@EOP, Janet Anderson/WHCCTF/EOP@EOP
Subject: New Conservation numbers

I just received the draft conference report on Interior, which does have increases for Conservation.

The total for Conservation is now $817 million, vs. request of $851 million and the FY 2000 level of $745 million.

In other words, we got:

- A $72 million increase, which is 10 percent;
- 68 percent of our requested increase;
- $167 million more than the House-passed level; and
- $53 million more than the Senate=passed level.

The R&D/grants split is:

- $626 million for R&D, vs. our request of $660 million
    - PNGV is essentially at our request of $143m -- maybe $1-2m down at most.
    - Funding for PATH, bioenergy/bioproducts initiative, and international clean energy initiative are all still well below our request.
    - Some increases are provided to help get the 21st Century Truck initiative going.
- $191 million for grants (same as our request)
    - The internal grants split is a little different than our request, for reasons that aren't clear: weatherization gets $1m less than we requested ($153m vs. $154m req.), and State Energy Programs gets $1m more ($38m vs $37m req.)
    - The cost-sharing requirement for Weatherization is softened slightly, but remains in force. Waivers can be made for half of the required cost-sharing, but can only be given twice to any one State. Indian Tribes have permanent waivers of the cost-sharing requirement.

Randy.

Priority Climate Change Budget Items – and Funding Status

INTERNATIONAL CLEAN ENERGY INITIATIVE

		REQUEST	HOUSE	SENATE
USAID	-- Foreign Ops	$109	$79	$79
DOE	-- Energy and Water	$32	$9	$7
	-- Interior	$20	$7	$2
DOC	-- CJS	$4	0	0
TDA	-- Foreign Ops	$21	$16	$16
EXIM	-- Foreign Ops	$15	0	0
	TOTAL	$201	$111	$104

Status:
Funding in both the House and Senate bills represents primarily base funding for this initiative, and very little of the additional $101 requested. Need to increase funding in all 4 bills.

BIOBASED PRODUCTS AND BIOENERGY

		REQUEST	HOUSE	SENATE
DOE	-- Energy and Water	$130	$107	$121
	-- Interior	$44	$26	$28
USDA	-- Agriculture	$93	$63	$61
	-- Interior	$19	$9	$14
	TOTAL	$286	$205	$224

Status:
These important programs are underfunded across the board, and represent lost energy and renewable products opportunities for the country.

CLIMATE CHANGE TECHNOLOGY INITIATIVE

		REQUEST	HOUSE	SENATE
DOE	-- Energy and Water	$451	$379	$437
	-- Interior	$718	$531	$649
EPA	-- VA/HUD	$227	$103	$101
USDA	-- Agriculture	$11	0	$2
	-- Interior	$13	0	$5
HUD	-- VA/HUD	$12	$10	$?

Status:
Senate numbers for DOE are good (need additional info. on specifics, however). EPA and USDA requests are woefully inadequate.

		REQUEST	HOUSE	SENATE
PNGV	-- DOE	$148	$5	$140
	-- NSF	$47	$42	$?
	-- EPA	$40	$26	$?
	-- DOC	$16	$6	$?
	-- DOT	$4	0	0

Status:
Senate number for DOE is good – (must still get additional Senate numbers for remaining agencies).

DOE PROGRAMS –
(Included in above numbers – reported differently here)

	REQUEST	HOUSE	SENATE
Solar and Renewable Energy R&D	$410	$343	$397
Energy Conservation and Efficiency	$851	$650	$762

Status:
Senate numbers are good.

MEMO:
TO: Rosina, Roger, Paul, Debbie, David
FROM: Sam
RE: Review of House and Senate Interior Appropriations and Report Language
DATE: September 16, 2000

BUDGETS are listed in the table below; report language follows. Particular problems/solutions include the following:

- House mark for PNGV (transportation; Vehicle Tech R&D) is extremely low; achieving at least the Senate number is critical. This is indicated in red in the table.
- House marks are generally somewhat below Senate marks. Areas where Senate numbers are $1M+ higher than House numbers are highlighted below in yellow.
- Both House and Senate numbers are often significantly lower than the Request. Priority areas deserving higher funding than either House or Senate marks are indicated by ++.

	FY97 App	FY98 App	FY99 Reqst	FY99 Omnbs	FY00 Reqst	FY00 Final	FY01 Reqst	FY01 House	FY01 Senate	FY01 Adder
BUILDINGS				**96.621**	**144.881**	**115.498**	**148.759**	**114.536**	**121.593**	
Roadmaps & comp R&D				6.385	7.500	6.885	11.000	6.623	6.885	++
Resid Bldgs Integration				9.582	13.538	11.948	13.480	11.948	13.048	
Comm'l Bldgs Integ.				2.544	6.325	4.244	6.460	4.244	4.944	++
Equip, Materials, Tools				43.014	60.800	52.331	69.160	52.131	60.526	++
Community Partnerships				18.801	35.400	18.235	27.500	18.235	18.235	++
Energy Star				2.724	6.000	2.724	6.500	2.224	2.724	++
Coop Prog w/ States						2.000		2.000	2.000	
E Efficiency Sciences						3.900		3.900		
Mgmt & Planning				13.571	15.318	13.231	14.659	13.231	13.231	
FEMP				**23.818**	**31.868**	**23.918**	**29.468**	**24.418**	**25.718**	
Program Activities				21.718	28.968	21.718	25.968	21.718	22.718	++
Program Direction				2.100	2.900	2.200	3.500	2.700	3.000	
INDUSTRY				**165.859**	**171.000**	**161.700**	**184.026**	**167.192**	**167.000**	
Ind of the Future (specif)				57.456	74.000	66.000	83.900	68.292	72.300	++
Ind of the Future (xcut)				100.052	87.600	86.800	90.826	84.100	83.600	++
Coop Prog. With States								2.000	2.000	
E Efficiency Science								3.900		
Mgmt & Planning				8.351	9.400	8.900	9.300	8.900	9.100	
TRANSPORTATION				**202.071**	**252.100**	**232.760**	**250.870**	**101.160**	[redacted]	
Vehicle Tech R&D				125.936	168.080	141.400	161.220	11.700		
Fuels Utilization R&D				17.785	23.500	21.600	24.500	22.600	23.100	++
Technology Deployment				12.950	17.700	12.840	17.000	12.840	15.140	++
Materials Technologies				37.475	33.000	42.500	38.500	39.600	42.500	++
Coop Prog w/ States						2.000		2.000	2.000	
E Efficiency Science						3.900		3.900		
Mgmt & Planning				7.925	9.820	8.520	9.650	8.520	8.520	
POLICY/MNGMNT				**38.021**	**46.666**	**42.866**	**46.377**	**42.866**	**42.466**	
State Grants	**150**	155	191.100	166.000	191.000	168.500	191.000	177.000	174.000	
(Amndmnt, undistributed)								21.5	-15.0	
EFFICIENCY NET	**540**	**591**	**773.500**	**628.390**	**812.515**	**720.242**	**850.500**	**649.672**	**763.937**	

The above budgets are drawn from the House and Senate Committee Reports and updated with Floor action from materials prepared by Randy Steer. Randy has developed an excellent spreadsheet for tracking CCTI budgets and can provide more history on the evolution of these budgets and more detail on the budgets themselves.

REPORT Language difficulties include the following:
HOUSE:

- International Clean Energy Initiative: Page 104 of the Committee Report, item 10 states that "No funds are provided for the international initiative or to increase biofuels programs." Both of these clauses need to be reversed with specific budget appropriations.
- Other reviewers should confirm that there is no other language requiring attention.

SENATE: there does not appear to be any language that won't be superceded by changes in the actual budget appropriations (other reviewers should confirm this).

Debra Reed
09/07/2000 10:23:04 AM

Record Type: Record

To: Roger S. Ballentine/WHO/EOP@EOP
cc:
Subject: Cheat Sheet on Conference Preference

fyi -- this is based on a longer document I did with OMB (that is going to Jack Lew), and is part of what I sent to Visclosky's staff. Mr. Visclosky will again talk to each ranking member prior to each conference......

DR

-------------------- Forwarded by Debra Reed/CEQ/EOP on 09/07/2000 10:21 AM --------------------------

Debra Reed
09/07/2000 10:00:20 AM

Record Type: Record

To: See the distribution list at the bottom of this message
cc:
Subject: Cheat Sheet on Conference Preference

Below is a "quick-and-dirty" version of Kyoto Language "preferences" for appropriations conferences, FYI. Also attached is a longer document that contains all Kyoto Provision house and senate bill and report language, by appropriations bill.
Please call if you have questions!

APPROPS UPDATE
-- DEBBIE

Conference Position on Approps Bills -- Kyoto Protocol Provisions

1. AGRICULTURE
- Prefer House bill language
- Strongly oppose House report language -- prefer no conference report language. NOTE: House report language should be omitted -- it referred to bill language that was replaced during floor deliberations (7/10/00).

2. VA/HUD
- Prefer House bill language

- Strongly oppose House report language -- prefer no conference report language.
- Re: House report langauge -- among objectionable provisions, for example, is the following excerpt: the "...language...prohibits use of funds to take certain actions....in contemplation of preparing to implement the Kyoto Protocol."

3. INTERIOR

- Agree to language as contained in both House and Senate versions (i.e., FY2000 language)
- Prefer no report language -- or if necessary, Senate report langauge.
- If report language is included, prefer also including language (below) reflecting Leahy/Byrd/Gorton colloquy (7/17/00) during floor deliberations:

  "The Committee supports an Administration approach to climate change that protects the economic interests of the United States and seeks commitments from developing countries to reduce greenhouse gas emissions. The Committee encourages the Administration to continue aggressively engaging developing countries to reduce greenhouse gas emissions through international projects and activities emphasizing market-based mechanisms and environmental technology. The Committee also clarifies that Section 329 bill language is not intended to restrict the Administration from engaging in international negotiations related to both the Framework Convention on Climate Change, which was ratified by the Senate in 1992, and the Kyoto Protocol to that Convention. Nor is the language intended to restrict international programs or activities to encourage commitments by developing countries to reduce greenhouse gas emissions."

4. TRANSPORTATION

- Prefer that bill language be changed to "Visclosky" amended bill language (i.e. bill language on Foreign Ops and others)
- If existing (FY2000) bill language is retained, prefer addition of conference report language (below) that clarifies prohibition (as per "Visclosky" language)

  "The Committee clarifies that the limitation established in this section shall not apply to any activity otherwise authorized by law.

5. FOREIGN OPERATIONS

- Prefer House bill language
- Prefer no report language; Strongly object to House report language
- If report language is included, prefer also including language (below) reflecting Leahy/Byrd/Mconnell colloquy (6/21/00) during floor deliberations:

  "The Committee supports continued Administration engagement in climate change negotiations to ensure meaningful participation of developing countries and to ensure that greenhouse gas emissions reductions are achieved in the most cost-effective manner. The Committee clarifies that the Section 576 provision is note intended to restrict the Administration from engaging in these international negotiations related to both the Framework Convention on Climate Change, which was ratified by the Senate in 1992, and the Kyoto Protocol to that Convention. Nor is the language intended to restrict international programs or activities to encourage commitments by developing countries to reduce greenhouse gas emissions."

6. CJS

- Support House bill language
- Prefer no report language; Strongly object to House Report language
- Re: House report langauge -- among objectionable provisions, for example, is the following excerpt: the "...language...prohibits use of funds to take certain actions....in contemplation of preparing to implement the Kyoto Protocol."

7. ENERGY & WATER

- Prefer House bill language
- Prefer no report langauge; strongly object to House Report language
- Re: House report langauge -- among objectionable provisions, for example, is the following excerpt:

the "...language...prohibits use of funds to take certain actions....in contemplation of preparing to implement the Kyoto Protocol."

8. TREASURY POSTAL
- Support House bill language
- Prefer no report language

Message Sent To:

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Angela C. Mizeur/WHO/EOP@EOP

MEMO:
TO: Rosina, Roger, Paul, Debbie, David
FROM: Sam
RE: Review of House and Senate E&W Appropriations and Report Language
DATE: September 6, 2000

BUDGETs are listed in the table below; report language follows. Particular problems/solutions include:

- House numbers are generally low. Senate numbers should be supported, plus $20M if possible.
- International solar is limited to JI and the ICEI is zeroed out. Most important is to support the +$7M in the international line item to demonstrably negate the Committee Report language (see below).
- Concentrating solar is reduced by about 7% from last year's level; a plus-up is indicated.
- Bioenergy is well below the request (but above last year); a plus-up is indicated.

BUDGET REQUESTS AND APPROPRIATIONS

	FY97 App	FY98 App	FY99	FY99	FY00	FY00	FY01	FY01	FY01	FY01
			Reqst	Omnbs	Reqst	Final	Reqst	House	Senate	Plus-up
Solar Buildings				3.556	5.500	1.968	4.500	3.95	4.5	
Photovoltaics				70.561	93.309	65.912	82.000	75.775	76.5	+4.0
(PV Research)								(2.847)	(2.847)	
(Solar Photoconversion Research)								(14.26)	(14.26)	
Concentrating Solar				16.791	18.850	15.168	15.000	13.8	14.0	+1.0
Biomass/Biofuels				72.052	92.391	70.727	102.44	79.62	91.35	+4.0
Power Systems				*30.816*	*38.950*	*31.835*	*48.000*	*33.46*	*47.6*	
Transportation				*41.236*	*53.441*	*38.892*	*54.441*	*46.16*	*43.75*	
(Energy Research)								(26.74)	(26.74)	
Wind				34.076	45.600	32.481	50.500	36.9	43.617	+4.0
(Wind Energy Research)								(0.283)	(0.283)	
REPI				4.000	1.500	1.500	4.000	3.925	4.0	
Solar Prog Support				0.000	10.000	4.936	5.000	4.0	3.0	
International Solar				6.272	6.000	3.819	13.000	4.0	6.0	+7.0
NREL				3.900	1.100	1.100	1.900	4.0	4.0	
Geothermal				28.150	29.500	23.621	27.000	26.92	28.00	
Hydropower				3.210	7.000	4.921	5.000	3.488	5.5	
Renewable Indian Energy				4.779	0.000	3.864	5.000	2.0	6.6	
Program Direction				18.100	19.171	17.720	18.159	18.159	18.0	
Hydrogen R&D				21.976	28.000	24.587	23.000	23.00	30.95	
(Hydrogen Research)								(2.97)	(2.97)	
Elec. Energy Sys & Storage				40.896	41.000	37.792	48.000	41.875	59.0	
Elec. Grid Reliability				*4.251*	*4.000*	*2.955*	*12.500*	*5.975*	*12.0*	
Hi-Temp Supercond				*32.100*	*31.000*	*31.408*	*32.000*	*31.9*	*41.0*	
Energy Storage				*4.445*	*6.000*	*3.429*	*3.500*	*4.0*	*6.0*	
Dept'l Energy Mgmt							5.000	2.0	2.0	
TOTAL SOLAR + Research							456.6	390.5	444.117	+20.0
(Energy Research)							(47.1)	47.1	47.1	
TOTAL SOLAR - Research	**270**	**272**	**372.00**	**335.52**	**398.15**	**310.11**	409.5	343.41	397.017	+20.0

COMMITTEE REPORT LANGUAGE: In addition to the above budget lines, for which a strong push in support of the Senate numbers plus the indicated $20M plus-up would be very helpful, the Committee Reports for the Energy and Water appropriations include some objectionable language, particularly for the International Clean Energy initiative. Given the importance of this initiative in terms of addressing global energy use, opening markets, reducing emissions, and strengthening the US position in global negotiations, it is very important to find a means in the budget endgame to support this initiative.

SENATE LANGUAGE problems include:

- **International renewable programs,** page 103-104. "The Committee strongly supports the U.S. international joint implementation program funded in this account and recommends only $6,000,000 for that purpose. **No funds are recommended for the international clean energy initiative.** The Committee supports efforts to increase international market opportunities for the export and deployment of advanced clean energy technologies -- end-use efficiency, fossil, renewable, and nuclear energy technologies. The Administration should improve the Federal Government's role in the national and international development, demonstration, and deployment of advanced clean energy technologies by **establishing an interagency working group jointly chaired by the Departments of Energy and Commerce and the U.S. Agency for International Development.** This working group should also include representation from the Departments of State and Treasury, Environmental Protection Agency, Export-Import Bank, Overseas Private Investment Corporation, Trade and Development Agency, and other departments and agencies, as appropriate. The Administration should also consult with the private sector and other interest groups on the export and deployment of clean energy technologies through the establishment of an advisory panel. **Progress on the international deployment of clean energy technologies should be reported annually to Congress by March 1. The Administration should analyze technology, policy, and market opportunities for further international clean energy program development and provide Congress a 5-year strategic plan by June 1, 2001.** This plan should be developed in consultation with the advisory panel."
    - PROBLEM: The language, in bold above, creates a situation where no new funds are provided the international renewable energy program—and may be interpreted to mean that even existing activities are not to be supported within the program line items—while requiring a number of new reporting requirements without the resources to develop them.
    - SOLUTION: Put funds specifically into the International Solar line item—which will demonstrate that the language in the conference report is invalid. Add clear direction that the PV, wind, and biomass programs themselves have funds to conduct international energy R&D and should do so. This would be particularly emphasized under the above plus-up scenario.
- **Basic Research**: page 102: "the Committee recommends basic research that will provide significant improvements over existing technologies rather than on the deployment or incremental improvement of commercial or near commercial technologies.... The Committee expects non-Federal financial to support the final stages of product development and all stages of market development".
    - PROBLEM: A limitation to basic research constrains the programs from conducting a variety of needed public-private partnerships to facilitate market entry by these new technologies.
    - SOLUTION: Establish language that notes the important role of public-private partnerships in facilitating the market entry of advanced clean energy technologies.

HOUSE LANGUAGE problems include:

- Laboratory-directed research and development, or LDRD, is limited to 4%.
    - PROBLEM. LDRD is the principle source of funds for exploring new innovative research areas.

In comparison, the Administration requested 6% and the Senate mark provided 6%. The 6% level was also recommended in external reviews by the Laboratory Operations Board Report and by the Stockpile Stewardship Program Review. The House also directs that LDRD be separately identified and broken out in the budgets rather than through overhead accounts, which will constrain the use of these funds to conduct innovative cross-cutting research or investigate new research areas outside traditional program lines.

  - SOLUTION: Language should be developed with Congress that specifically allows 6% LDRD rates.

- Contractor travel is limited to $150M for all DOE E&W programs, $50M below Administration request and Senate mark.
  - PROBLEM: The Senate Committee report notes "the fiscal year 2000 travel ceiling has caused an unintended reduction in programmatic and scientific travel that is necessary for fulfilling the Department's mission."
  - SOLUTION: Reference the Senate language which recommends the Administration's proposed level.

INITIATIVE BRIEFS

International Clean Energy Initiative. To help accelerate the development and deployment of clean energy technologies around the world, President Clinton is proposing $201 million (a 100 percent increase over FY 2000 enacted levels) for a multi-agency initiative to encourage open competitive markets; remove market barriers in developing countries to clean energy technologies; and to provide new incentives for clean energy technology innovation and export. The initiative will promote U.S. clean energy exports, create high-value jobs, and assist developing countries in fighting air pollution and climate change.

- Status: Of the $100M new money requested, the House bill provides $12M, the Senate $2.5M, all for DOE (E&W plus Interior), while the USAID, ExIm, and TDA requests have been zeroed in both House and Senate.
- Importance: Developing country energy use is expected to account for three-fourths of the increase in global energy use between now and 2050. These energy technology markets are projected to cumulatively total $4 to $5 trillion over the next 20 years, $15 to $25 trillion over the next 50 years.

Bioenergy & Bio-based Products Initiative. The budget includes $289 million to accelerate the development of bio-based technologies, which convert crops, trees and other "biomass" into a vast array of fuels and products – an increase of $93 million over FY 2000 enacted levels. In addition to helping meet environmental challenges like global warming, this initiative will increase the viability of alternative energy sources, support farm incomes, and diversify and strengthen the rural economy.

- Status. Of the $93M request for new money, the House Bill provides $14M and the Senate $32M.
- Importance: The President's Executive Order 13134, established in August 1999, sets a goal of tripling use of bioenergy and biobased products by 2010. This would potentially increase farm income by as much as $20 billion per year and offset as much as 100 million metric tonnes of carbon emissions per year.

Climate Change Technology Initiative (CCTI). The CCTI is a package of R&D investments and targeted tax incentives aimed at increasing energy efficiency, spurring the broader use of renewable energy, maintaining the nuclear option, and reducing carbon emissions from fossil fuels. The package will save consumers money and reduce greenhouse gas emissions at the same time.

  - Importance: Advanced technology is the only viable means of significantly reducing greenhouse gas emissions—through energy efficiency and new energy supply that releases less carbon.

$1.4 billion for Energy Efficiency & Clean Energy RD&D. The proposed package contains over $1.4 billion in FY 2001 to research, develop, and deploy clean technologies for the four major carbon-emitting sectors of the economy -- buildings, transportation, industry, and electricity – a 30 percent increase over the amount appropriated in FY 2000. Highlights include:

- Status: (CCTI includes PNGV and parts of Bioenergy and ICEI). Overall CCTI mark (Energy and Water, Interior, EPA) is down from request of $1432 to $1023 in the House, pending in the Senate.

- Partnership for a New Generation of Vehicles. PNGV is a government-industry effort to develop comfortable, affordable cars that meet all applicable safety and environmental standards and get up to three times the fuel efficiency of today's cars. The combined proposal for PNGV in the FY 2001 budget is $255 million, an increase of $30 million over FY 2000 enacted levels.
  - Status: PNGV: Overall request of $255 is down to $79 in the House, pending in the Senate. House Mark cuts PNGV request for DOE from $148M to $5M; Senate provides $140M for DOE.
  - Importance: Given a summer of concern over gasoline prices, it must be noted that PNGV is the single most effective way to reduce U.S. oil imports and oil vulnerability. This is a flagship public-private partnership with huge public benefits.

- Partnership for Advancing Technology in Housing. PATH is a government-industry partnership to improve the energy efficiency of new homes by more than 50 percent and to retrofit 15 million existing homes to make them 30 percent more energy efficient within a decade. The FY 2001 budget request for building efficiency efforts, such as PATH, Energy Star, and Building America, totals $275 million, a 42 percent increase over FY 2000 appropriations.
  - Status:
  - Importance: The buildings industry is extremely fragmented and does very little research. This program offers a highly innovative means of redirecting this industry towards much more efficient and safer buildings, while significantly increasing productivity and reducing materials waste.

- Renewable Energy. The President proposes $410 million for the Department of Energy's solar and renewable energy programs, a 32 percent increase over the amount appropriated in FY 2000. The package includes expanded efforts in key renewable technologies, such as wind, bioenergy, photovoltaics, and geothermal energy.
  - Status: As discussed above.
  - Importance: Renewables have shown remarkable advances over the past two decades, with prices for PV and wind, for example, dropping by 90%. Market growth has been above 20% annually for both in recent years, with some 3.6 GW of wind energy generating capacity sold in 1999 and 200 MW of PV sold. Renewables offer the principal means of sharply reducing carbon emissions from energy supply; the alternatives are nuclear energy, which must overcome significant proliferation, waste disposal, and safety challenges before it can be economically, technically, and politically viable; and geological sequestration of carbon from fossil fuels, which also requires extensive research.

Debra Reed
09/13/2000 10:10:17 AM

Record Type: Record

To: Roger S. Ballentine/WHO/EOP@EOP, Martha Foley/WHO/EOP@EOP

cc: Robert J. Tuccillo/OMB/EOP@EOP
Subject: VA/HUD mark in Senate

Actually, the cut in CCTI budget in VA/HUD is even deeper -- there is an additional $28 M cut in CCTI funding in a second account.

In summary: EPA's CCTI request was $227 M; Senate mark is $101 M.

FYI: House mark is $103 M; FY00 enacted was $103 M.

---------------------- Forwarded by Debra Reed/CEQ/EOP on 09/13/2000 10:07 AM ---------------------------

Debra Reed
09/12/2000 06:38:07 PM

Record Type: Record

To: Roger S. Ballentine/WHO/EOP@EOP, Martha Foley/WHO/EOP@EOP

cc: Robert J. Tuccillo/OMB/EOP@EOP
Subject: VA/HUD mark in Senate

re: CCTI -- the mark cuts the request for CCTI by $98 M, citing: "GAO found that EPA provided not justification for the requested increase for CCTI."

I have asked EPA about this, and they are unaware of any report -- I'm still checking.

RE: Kyoto Language -- the mark includes FY00 bill language; same report language as last year (non-problematic).

Possible Elements for Energy Related Tax Credits Package

Tax Proposal	**FY01 5 yr. est.**
Credit for Purchase of Efficient Equipment for Homes (Fuel Cells, Heat Pumps, Water Heaters)	.201
Electricity Production from Biomass (including existing facilities)	.294
Consumer Credit for Purchases of Super Efficient Appliances	.272* (JTC)
Electricity Production from Landfill Methane	.320
Total (without Cars)	**1.087**
Consumer Tax Credit for Purchase of Efficient Vehicles	1.2* (JTC)
Total with Cars	**2.287**

This table represents the tax credits most likely to have traction with Congress this year. These packages differ significantly from the Administration's proposed package. Left out are: wind ($62 million; doesn't expire until 6/02); solar ($132 million; expands existing credit); energy efficient homes ($633 million; some interest on the Hill, but complicated and controversial); combined heat and power facilities ($10 million); co-firing biomass w/ coal ($300 million).

There are pending bills that contain similar or identical provisions for each of these items, including: biomass (Grassley); super energy efficient appliances (Grassley, Rockefeller, Nussle, Tanner); autos credit (the entire Michigan House delegation, and Democratic Senate Leadership bill); landfill methane (Camp, Johnson (CT) et al).

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* This assumes we would include the proposal supported by the auto industry and introduced by the Mich. Delegation. The scoring, therefore, is JTC scoring. The structure of the credit is identical to the Administration's except that theirs runs from 2000 to 2008, and ours runs from 2003 to 2008.

6

Close Hold. Not Administration Policy.

August 11, 2000

MEMORANDUM FOR JOHN PODESTA

CC: JACK LEW
GEORGE FRAMPTON
SYLVIA MATHEWS
GENE SPERLING
DAVID BEIER

FROM: ROGER BALLENTINE

RE: End Game Energy Tax Priorities

As you know, we have made our energy/climate change tax proposals a key part of both our domestic climate change policy and our response to claims that this Administration lacks a coherent energy policy. Treasury scored our total FY01 tax package at more than $4 billion over five years.

If there is a vehicle for some sort of tax package this year, and assuming that we could not add the entire energy tax package, I have attached two fallback scenarios. The first is a small package which scores at about $.896 billion (over five years), and a second package which scores at about $2.096 billion. The only difference in the two is that the latter contains the consumer auto tax credit – perhaps the most politically relevant of all. These proposals are either our exact proposals, or versions reflected in bipartisan bills pending in the Congress. For the latter, the scoring is done by the JTC.

Note that these two packages address our two most pressing energy issues. The smaller package is all about expanding capacity and forms of electricity generation. The autos package deals directly (albeit long term) with gas prices.

I designed these smaller packages by weighing the cost, the political support, and the environmental benefit of each. I believe it is critical that any larger tax deal that includes more than one discreet issue includes some portion of our energy/climate package. Such credits will be lasting and transformational, and would help significantly with our international negotiations.

Close Hold. Not Administration Policy.

KEY CLIMATE FUNDING INTIATIVES
SUMMARY OF PROGRESS
~~June 17, 2000~~ ?

July 31, 2000

The House has:

- Cut President's request for CCTI by $403 million – a 28% cut from the President's request and 120% of the requested increase. The program is $66 million below last year's enacted level.
- Cut the President's request for the International Clean Energy Initiative by $91 million – a 45% reduction from the President's request and 87% of the requested increase. The program is $12 million above last year's enacted level. In addition, report language prohibits funds to be set aside or designated in advance for clean energy projects.
- Cut the President's request for the Biobased Products and Bioenergy Initiative by $85 million – a 30% cut from the President's request and 85% of the requested increase. The program is $13 million above last year's enacted level.
- Cut the President's renewables request by $67 million – a 16% cut in his request and a cut of 71% in the requested increase. The program is $28 million above last year's enacted level.
- Cut the President's conservation and efficiency request by $201 million – 24% below his request. The program is $95 million below last year's enacted level, a reduction of 13%.
- Cut the President's request for PNGV by $176 million – a 69% cut from the President's request. The program is $147 million below last year's enacted level.
- Cut EPA's climate programs by $124 million – a 55% cut in his request and a cut of 100% of the requested increase. The program is funded at last year's enacted level.
- Zeroed funding for the Clean Air Partnership Fund Request of $85 million.

The Senate has:

- Cut the President's International Clean Energy Initiative by $97 million -- a 49% in his request and a cut of 95% in the requested increase. The program is $5 million above last year's enacted level of $98 million. The Senate is $7 million below the House action. The Senate included no increases in export assistance at DOE for solar and renewables or conservation, and only $2.5 million for fossil and nuclear combined.
- Cut the President's Bioenergy and Bio-based Products Initiative by $66 million – a 23% cut in his request and a 68% cut in the requested increase. The program is $15 million above last year's enacted level of $191 million.

Because the Senate has not acted HUD-Independent Agencies, which includes the EPA and HUD CCTI programs, it is impossible to calculate a total for the President's request in the Senate for CCTI. However, DOE's programs are up $100 million in the Senate actions to date, an increase over last year's levels of more than 10%.

Date?

	Final Add	
PCAST INTERNATIONAL		
Solar/Renewable Energy	**19.0**	
Resource mapping & database tools	1.0	Int'l: use
Distributed, grid-connected power - PV, wind, biomass	6.0	
Minigrid/Offgrid PV, wind, biomass	6.0	
Country-specific energy models	0.5	Int'l: give
Lab/institution relationships	1.5	Int'l: give
Tech assistance for regulatory reform: externality calculations	1.5	Int'l: give
Project prefeasibilty	2.5	Int'l: use
Energy Conservation	**7.0**	
Whole-bldg design tools, codes & stds.	3.0	
Biomass-fuel stoves	0.5	
ESPC training	0.0	
Energy Star	1.0	
Industry best practices; standards	2.5	
Fossil Energy R&D	**13.0**	?Why?
Combined Heat & Power	4.0	
Coal washing & repowering	0.0	
Fuel cells	0.0	
Adv coal power, hydrogen production	3.0	
Sequestration	0.0	
Methane leakage reduction	5.0	
Promote APEC natural gas initiative.	1.0	
Nuclear Energy R&D	**7.0**	
NERI International activities	7.0	
DOE TOTAL PCAST INTERNATIONAL	**46.0**	

	Final Add
BIOPRODUCTS/BIOFUELS	
Solar/Renewables	**18.0**
Ethanol Production	2.0
Biopower Systems Devel.	6.0
Bioenergy Initiative R&D - Power	5.0
Integrated Bioenergy R&D - Fuels	5.0
Conservation	**12.0**
Forest Products	2.0
Agriculture - renewable bioproducts	5.0
Integrated Bioenergy	5.0
DOE TOTAL BIOPRODUCTS/BIOFUELS	**30.0** what % of total?

facsimile

Date: 7/24/00

To: Roger Ballentine 456·1736

From: Roxanne Willis
Green Group Coordinator
1200 New York Avenue, NW
Suite 400
Washington, DC 20005
202.289.2384 (phone)
202.289.1060 (fax)

Pages (Including Cover Sheet): ~~4~~ 19

Notes: This letter went to the President on Friday.

7/25 - Riders list attached.

Anti-Environmental Riders on FY 2001 Appropriations and Other Bills

As of 7/14/00

This list was compiled by Defenders of Wildlife using write-ups received from numerous groups in the conservation community.

For the latest version of this list visit Defenders' web site at http://www.defenders.org/wildlife/riders/riders.html

SPECIAL NOTE: In many cases the conference committees were silent on report language which appeared in either the House or Senate committee reports. In such cases, the Statement of Managers indicates that unless the conference report specifically disagrees with, changes or rejects previous committee report language, that prior language is considered approved. For this reason, such provisions will remain as objectionable on the list of anti-environmental riders.

*) indicates a provision that has been deleted or amended and is no longer objectionable. Please consult the STATUS line for further details.

SENATE AGRICULTURE APPROPRIATIONS BILL (S. 2536)

FY2001 Anti-Environmental Rider Ticker

	Proposed	Deleted*
Senate Agriculture Appropriations	6	--
House Agriculture Appropriations	2	1
Senate Foreign Operations Appropriations	2	--
House Transportation Appropriations	2	--
Senate Interior Appropriations	17 (7)	--
House Interior Appropriations	14 (7)	4
House VA-HUD Appropriations	8	--
House Energy and Water Appropriations	2	1
House Commerce/State/Justice Appropriations	1	--
Military Construction Appropriations	1	--
House Defense Authorization	1	--
Senate Defense Authorization	1	--
Total:	58	6

Total # of Anti-Environmental Riders 52

* = includes provisions amended to be no longer objectionable.
( ) = indicates the number of identical provisions in both the House

1) **Division B, Title I, Chapter 2: Fund Environmentally-Damaging Devils Lake Project** - would provide $4.5 million for the Army Corps of Engineers to resume engineering and design of an outlet at Devils Lake in North Dakota. The project is designed to relieve rising water levels in Devil's Lake by pumping water into the Sheyenne River, a major tributary of the Red River. The associated pumping plant and 13 - 20 miles of pipes, dams and canals would cost the taxpayer an estimated $100 million while only reducing the water level of the lake by a few inches a year – less than 10 percent of the annual rise. In part because Devils Lake is a closed basin system, its water contains high accumulations of salts and pollutants. Releases from the lake into the Sheyenne and Red Rivers would damage water quality downstream, facilitate the potential transfer of damaging invasive species to the Hudson Bay drainage basin and could seriously harm regional fisheries. In a February 1999 letter accompanying the final scoping document for the Devils Lake project, the Army Corps of Engineers stated that the project " may result in greater than anticipated adverse downstream water quality effects." Outlet proponents are aggressively pushing the project despite the lack of economic, environmental and engineering justification and strong opposition from the state of Minnesota, the Province of Manitoba and the Canadian Government over environmental concerns. *(Originally attached to the FY2000 supplemental appropriations bill)*

STATUS: Unchanged as passed by the Senate Appropriations Committee on 5/9/00. This provision was added in subcommittee as part of the chairman's mark.

2) **Division B, Title I, Chapter 7: Transfer Historically Significant FWS Land to the Treasury Department** - would transfer 327 acres of U.S. Fish and Wildlife Service (FWS) land to the U.S. Department of the Treasury for the construction and operation of a national firearms training facility adjacent to Harpers Ferry National Historical Park (NHP). Although the land in question is a historically significant battleground and has been targeted for inclusion in any future park expansion, the rider would preclude this opportunity. Additionally, the land transfer is premature. FWS land is being transferred to Treasury – an agency with no land or preservation mandate – without any formal review or public input. NEPA review, which would address alternative sites for a firearms training facility, should occur before any land transfer happens. Finally, the provision leaves many questions unanswered, including the size of the proposed facility, detailed reasons for its need, safety issues, and what the Department of the Treasury intends to do with surplus land not used for the project. *(Originally attached to the FY2000 supplemental appropriations bill)*

STATUS: Unchanged as passed by the Senate Appropriations Committee on 5/9/00. This provision was included in subcommittee as part of the chairman's mark at the request of Senator Byrd.

3) **Division B, Sec. 3102: Block Reform of the Army Corps of Engineers** - would block any efforts to reform management and oversight functions of the Army Corps of Engineers, abolishing civilian control of the agency in direct violation of existing law and the U.S. Constitution. The rider is a reaction to recent efforts by Secretary of the Army Louis Caldera to reform the Corps internally by reasserting civilian oversight over the agency. Federal law is abundantly clear that the Corps and its Chief of Engineers work for, and under, the direction of the civilian Secretary of the Army and the Assistant Secretary of the Army for Civil Works. Congress has also delegated to the Secretary of the Army the duty to investigate and carry out navigation, flood control, and environmental restoration efforts. The provision would perpetuate the current situation where military officials make decisions affecting our nations's rivers, streams, wetlands, lakeshores and coasts without the benefit of civilian oversight. Efforts to reform the Corps emerged after the Washington Post reported earlier this year that top level Corps military leadership ordered personnel to manipulate a study to justify a $50 million seven-year project to expand barge facilities in the Upper Mississippi River. It also came to light that top military officials had launched a plan to grow the Corps budget to $2 billion by aggressively approving new water development projects without the knowledge of civilian appointees. *(Originally attached to the FY2000 supplemental appropriations bill)*

STATUS: Unchanged as passed by the Senate Appropriations Committee on 5/9/00. This provision was added in subcommittee as part of the chairman's mark at the request of Senators Ted Stevens (R-AK) and Pete Domenici (R-NM).

4) **Division B, Sec. 3105: Blocks Stronger Hardrock Mining Environmental Regulations** - would undermine the enactment of badly needed new regulations governing hardrock mining on public lands that would otherwise be released by the end of the year. This rider would eviscerate a bipartisan compromise attached to the FY2000 omnibus appropriations bill which would have allowed the Bureau of Land Management (BLM) to enact stronger environmental mining regulations so long as they are "not inconsistent" with a 1999 National Academy of Sciences study. The 3809 regulations, so-called because they are located in the code of federal regulations at 43 CFR 3809, are the only federal environmental oversight written specifically for hardrock mining on publicly-owned lands managed by the Interior Department. The existing 3809 regs, enacted under former Secretary of Interior James Watt, haven't kept pace with modern mining technologies and practices that involve massive open-pits and the extensive use of toxic chemicals such as cyanide and sulfuric acid in the open environment. Since their implementation in 1981, the 3809 regs have left taxpayers potentially liable for cleanup costs in excess of $1 billion at modern mines. Specifically, the rider would block any BLM hardrock mining regulations that did not address pages 7 through 9 of the National Academy of Sciences study. As written, the rider would prevent the BLM from improving taxpayer protection from bankrupt mining companies, denying mine proposals in environmentally or culturally sensitive areas, or establishing strong environmental performance standards to rein in the nation's largest toxic polluter. This rider is the fifth in a series of ploys on appropriations bills to block the BLM from enacting these important new hardrock mining regulations. *(Originally attached to the FY2000 supplemental appropriations bill)*

STATUS: Unchanged as passed by the Senate Appropriations Committee on 5/9/00. This provision was added in full committee at the request of Senators Larry Craig (R-ID) and Frank Murkowski (R-AK).

5) **Division B, Sec. 3108: Destroy Coastal Habitat in North Carolina** - would transfer jurisdiction of a minimum of 93 acres from Cape Hatteras National Seashore and 33 acres from Pea Island National Wildlife Refuge to the Army Corps of Engineers to construct two rock jetties, each more than a mile long, at North Carolina's Oregon Inlet to provide better access to the ocean for as few as 215 commercial fishing boats. The U. S. Department of the Interior, taxpayer groups and conservation organizations oppose the project because it would cause severe damage to the fragile barrier island ecosystem surrounding the inlet, increase impacts on an already threatened fishery and waste $108 million of taxpayer money in construction and another $5 to 10 million a year in maintenance. Three major scientific studies have indicated that the jetties would interrupt the natural flow of sand and further erode beaches on both sides of the inlet destroying breeding habitat for migratory birds and endangered species, such as the piping plover and loggerhead sea turtle. In 1988, an independent consultant for the Office of Management and Budget concluded project costs outweigh the benefits. Periodic dredging to maintain the existing navigation channel without building the destructive jetties could be accomplished for approximately the same cost as the annual maintenance of the jetties. This rider also sets a very troubling precedent for removing lands from our national parks and wildlife refuges. *(Originally attached to the FY2000 supplemental appropriations bill)*

STATUS: Unchanged as passed by the Senate Appropriations Committee on 5/9/00. This provision was added in subcommittee as part of the chairman's mark at the request of Senator Jesse Helms (R-NC).

IN SENATE AGRICULTURE APPROPRIATIONS COMMITTEE REPORT (Senate Report # 106-288):

6) **Using Taxpayer Dollars to Target Yellowstone Bison** - would fund the State of Montana's highly controversial practice of slaughtering bison that test positive in the field for exposure to brucellosis under the guise of providing funds to the Animal and Plant Health Inspection Service (APHIS) for the construction of a Yellowstone bison quarantine facility. Such testing does not reveal whether the animal is truly infected but merely determines if it has been exposed to the disease. As a result of this testing, hundreds of bison have unnecessarily been killed. This practice is inconsistent with APHIS policy, which states that 30 to 60 days of separation between bison and cattle is sufficient to ensure that the risk of transmission of the disease is avoided. Furthermore, millions of dollars have previously been appropriated and are being held in reserve to cover the construction and operation of a quarantine facility, part of a management strategy which has yet to be approved in the pending final EIS. **(REPORT LANGUAGE)**

STATUS: This language was added to the Senate Committee Report at the request of Senator Conrad Burns (R-MT).

HOUSE AGRICULTURE APPROPRIATIONS BILL (H.R. 4461)

1) **Sec. 734: Blocks Funding for Federal Efforts to Combat Global Climate Change** - would prohibit the use of any federal funds to be used for efforts to combat global climate change associated with the Kyoto Protocol, the international treaty on global warming. The bill language is so broad that it could be interpreted to prohibit virtually all U.S. participation in international activity to address climate change. The provisions would prevent U.S. involvement in encouraging the export of clean technology to developing countries and stop efforts to measure and verify the emission reduction potentials and costs of actions, such as increased energy efficiency, increased use of renewable energy, agricultural or forestry practices that store carbon, and to analyze how they should be regulated in the international context. Such restrictions would seriously harm both the environment and our country's ability to negotiate effective and fair international agreements on climate change. The language is an expanded version of the Knollenberg Climate Change rider which has been attached to a number of appropriations bills over the last two years. Similar language has been attached to the Interior, VA-HUD, Transportation, Energy and Water, Agriculture and Commerce/State/Justice appropriations bills.

STATUS: Amended but remains objectionable. On 7/10/00, Representatives Joseph Knollenberg (R-MI)) successfully offered an amendment by a voice vote on the House floor to modify this provision to specify that the limitation activities related to reducing global warming "shall not apply to activities specified in the proviso related to the Kyoto Protocol which are otherwise authorized by law." This provision was originally added as an amendment in subcommittee by Representative Jo Ann Emerson (R-MO) by a vote of 9-6.

*) **Title II: Prohibit Funding for Protection of America's Rivers** - would prohibit funds to carry out any activity related to the American Heritage Rivers Initiative (AHRI). The provision would eliminate funding to 25 states which contain all or portions of the designated AHRI Rivers, affecting 2,783 miles of rivers and 54,178 square miles of watershed areas. AHRI is a voluntary presidential initiative that was designed to coordinate the efforts of federal, state, and local agencies with interests in the economic, cultural, and ecological management of our nation's most heralded rivers. The program's purpose is to streamline management of river resources and facilitate efficient allocation of federal, state, and local funds. AHRI explicitly did not include any additional regulations or funding but instead relies on coordination of existing programs, staff, and funding The provision would likely eliminate the sharing of data and resources benefitting all river communities, cripple efforts to reduce soil erosion, improve water quality and conserve wetlands along stretches of designated rivers that intersect with AHRI initiatives and could be interpreted to prohibit Cabinet and Sub-cabinet officials from taking part in events on these rivers. Due to strong support from local politicians, report language was added to exempt the Hudson and Upper Susquehanna-Lackawanna Rivers.

STATUS: The provision was stricken from the bill by an amendment offered by Representative Sue Kelly (R-NY) on 6/28/00. The Kelly amendment passed on the House floor by a voice vote. This provision was added in subcommittee as part of the chairman's mark.

SENATE FOREIGN OPERATIONS APPROPRIATIONS BILL (S. 2522)

1) **Sec. 567: Burdens International Efforts to Reduce Greenhouse Gas Emissions** - would require the Agency for International Development (USAID) to catalog and report all of the agency's expenditures for climate change activities as well as all activities related to international participation in the Kyoto Protocol. Opponents of the Kyoto Protocol may use this information to attempt to intimidate and harass the agency if it tries to work with developing countries and the international community to reduce emissions of greenhouse gases.

STATUS: Unchanged as passed by the Senate Appropriations Committee on 5/9/00. The provision was added in subcommittee as part of the chairman's mark.

2) **Sec. 576: Limiting Preparation for Climate Protection** - would limit the federal government's ability to address the international implications of climate change and help other countries to reduce greenhouse gas emissions, thereby prolonging the emissions of dangerous carbon dioxide and other global warming pollutants. The rider ignores the United States' existing commitments to reduce emissions under the 1992 Senate-ratified Rio Treaty. Specifically the provision would prohibit use of federal funds by federal agencies "to propose or issue rules, regulations, degrees, or orders for the purpose of implementing, or in preparation for the implementation of the Kyoto Protocol." Identical language has been added in numerous appropriations bills over the past two years.

STATUS: Unchanged as passed by the Senate Appropriations Committee on 5/9/00. The provision was added in subcommittee as part of the chairman's mark at the request of Representative Joseph Knollenberg (R-MI).

HOUSE TRANSPORTATION APPROPRIATIONS BILL (H.R. 4475)

1) **Sec. 320: Freezes Existing CAFÉ Standards -** would ban the Department of Transportation from updating the Corporate Average Fuel Economy (CAFÉ) standards. These standards, aimed at reducing both fuel consumption and pollution, have not been updated since 1985. Current standards do not reflect available technology or the types of personal

vehicles on the road. For example, the current 27.5 mpg standard for passenger vehicles does not apply to sport utility vehicles despite their increasing passenger use. This provision prevents the Department of Transportation from using an effective tool to increase fuel economy, improve the environment and save money for consumers.

STATUS: Unchanged as passed by the House on 5/19/00. The provision was added in subcommittee as part of the chairman's mark.

2) **Sec. 329: Hamper Climate Protection** - would hamper U.S. participation in international activity on climate change. The language would hurt both the environment and this country's ability to negotiate effective and fair international agreements on climate change such as stifling U.S. involvement in finalizing rules that would enable the export of clean technology to developing countries, and hindering U.S. participation in discussions about cost effective measures. Similar language has been attached to the Interior, VA-HUD, Transportation, Energy and Water, Agriculture and Commerce/State/Justice appropriations bills.

STATUS: Unchanged as passed the House on 5/19/00. This provision was included in subcommittee as part of the chairman's mark at the request of Representative Joseph Knollenberg (R-MI).

SENATE INTERIOR APPROPRIATIONS BILL (H.R. 4578)

1) **Title I: Limit funding for Listing and Critical Habitat Designation Under the Endangered Species Act** - would cap funding for endangered species listing and designation of their critical habitat at only $6.395 million. The legislative language tries to set a cap on how much the Department of Interior can spend to add new species to the protected list. The cap language also limits designation of critical habitat, which identifies areas essential to species recovery, provides notice to the public and federal agencies, and incorporates economic analysis. The Fish and Wildlife Service needs additional money to deal with the backlog of more than 1,000 species (out of 1,200 listed in the U.S.) that still need critical habitat designation. In addition, final decisions are needed for more than 320 species currently proposed or candidates for protection. It is intended to prevent citizens, and the courts, from ordering Fish and Wildlife Service to complete its listing and critical habitat decisions. A similar provision was included in the final bill signed into law last year. *(A similar provision was also added in the House version).*

STATUS: The provision was added in subcommittee as part of the chairman's mark.

2) **Section 116: Allows Damaging Grazing on Public Lands to Continue Without Environmental Review** - would allow grazing on public lands to continue without environmental review – regardless of the environmental damage that is occurring and notwithstanding the congressional commitment last year *not* to enact this rider again. This rider would allow the Bureau of Land Management and other Interior Department agencies to extend indefinitely grazing permits that expire or are transferred in the coming fiscal year without reviews required under federal environmental statutes, including the National Environmental Policy Act (NEPA), the Federal Land Policy and Management Act and the Endangered Species Act – even though last year, Congress explicitly stated, in the report that accompanied the appropriations bill, that it would suspend these laws for one year only. Despite that promise, the FY01 rider, just like its predecessor, requires that expiring or transferred permits be reissued on their original terms regardless of the resource damage that has resulted. This year's rider, like last year's, prohibits *any* changes in existing practices, including any interim changes, unless and until the agency has complied completely with all applicable laws and regulations – even when there is a resource emergency or when change is required to comply with the Interior Department's 1994 range reforms. Like last year's rider, this rider will prevent the public from being able to force Interior Department agencies (through appeals or litigation) to take action while allowing ranchers to always challenge the "completeness" of the process. In short, this provision would preserve the status quo for livestock at the expense of the public's lands and resources for a second year in a row – exactly what Congress said it wouldn't do. A similar provision was included in the final bill signed into law last year. *(A similar provision was also added in the House version).*

STATUS: Unchanged as passed by the Senate Appropriations Committee on 6/22/00. On 7/12/00 Senator Richard Durbin (D-IL) offered an amendment on the Senate floor to strike this provision from the bill. The amendment was *defeated by a vote of 62-38. The provision was added in subcommittee as part of the chairman's mark.*

3) **Section 119: Give U. S. Army Corps Veto Authority Over New National Wildlife Refuge** - would prohibit use of funds made available in the act from being "used to establish a national wildlife refuge in the Kankakee River basin that is inconsistent with U.S. Army Corps of Engineers efforts to control flooding and siltation in that area." The Grand Kankakee Marsh in northwestern Indiana and northeastern Illinois was once one of the largest and most important freshwater wetland ecosystems in North America, providing essential habitat to a spectacular variety of waterfowl, wading birds and other wildlife. Today, however, 95-percent of the Grand Kankakee Marsh has been drained for agriculture and development. The U.S. Fish and Wildlife Service has proposed establishing the Grand Kankakee National Wildlife Refuge along the Kankakee in order to restore and preserve 30,000 acres (less than one-percent of the land within the river basin) of wetlands, oak savannas, and native tallgrass prairies. Although the public overwhelmingly supports the proposed refuge, for the third year in a row, certain members of Congress are attempting to hinder the proposal by including a legislative rider in the House Interior Appropriations bill. The current language sets a dangerous precedent of essentially giving veto authority to another agency (the Corps) over establishment of a National Wildlife Refuge. A similar provision was included in the final bill signed into law last year. *(A similar provision was also added in the House version).*

STATUS: The provision was added in subcommittee as part of the chairman's mark.

4) **Sec. 123: Prevent Restoration of Glen Canyon and the Colorado River** - would prevent land managers from studying or implementing any plan to drain Lake Powell or to reduce the water level in Lake Powell below the range required to operate Glen Canyon dam. This effectively prevents any restoration efforts for Glen Canyon and the Colorado river near the Utah-Arizona border. Glen Canyon, one of America's greatest natural treasures, was flooded in 1963 by the construction of the Glen Canyon Dam and Lake Powell. The dam has also caused environmental damage to fish and wildlife downstream on the Colorado River. This rider would tie the hands of land managers, prevent full consideration of restoration options, and prohibit meaningful scientific review of the dam.

STATUS: The provision was added in subcommittee as part of the chairman's mark.

5) **Title II: Return of Timber Targets Means "Get the Cut Out"** - would direct the Forest Service to reprogram additional funds if the agency fails to meet a congressional target of 3.6 billion board feet in timber sales. The Forest Service will have to shift additional money out of other programs to pay for more logging if they can't reach the target. Mandatory timber targets set by Congress used to be the norm. These targets were often responsible for bad management decisions because the agency was under pressure to "get the cut out," to meet the target. Timber targets were abolished and replaced by the Allowable Sale Quantity (ASQ) which is supposed to provide guidance, but is not considered a mandatory target that must be accomplished. The Senate language would once again make logging the dominant use of the National Forests, and potentially rob other programs to pay for more logging.

STATUS: The provision was added in subcommittee as part of the chairman's mark.

6) **Sec. 320: Delay National Forest Planning** - would impose a funding limitation to halt the revision of any forest plans not already undergoing revision, except for the forests legally mandated to have their plans completed during calendar year FY2001, until final or interim final planning regulations are adopted. There is concern that this provision will put pressure on the Forest Service to hastily promulgate new regulations, rather than carefully incorporating recent recommendations developed by an independent Committee of Scientists. **Sec. 321** in the bill would halt funding to carry out strategic planning under the Forest and Rangeland Renewable Resources Planning Act (RPA). Similar provisions were included in the final bill signed into law last year. *(A similar provision was also added in the House version).*

STATUS: The provision was added in subcommittee as part of the chairman's mark.

7) **Sec. 326: Undermine Consensus-Based River Management** - would inhibit the cooperation and support of Federal resource agencies such as the Fish and Wildlife Service, US Forest Service, National Park Service and others, in the work of the American Heritage Rivers Initiative (AHRI). This voluntary presidential initiative was designed to

coordinate the efforts of federal, state, and local agencies with interests in the economic, cultural, and ecological management of our nation's most heralded rivers. AHRI's purpose is to streamline management of river resources and facilitate efficient allocation of federal, state, and local funds. This program explicitly does not include any additional regulations or funding but instead relies on coordination of existing programs, staff, and funding. In 1998, 14 rivers were selected from around the nation that reflected broad political support. This rider would essentially end agency coordination with other river managers at a time when citizens are working toward improving local/federal coordination to improve their river-based economies and communities. It would cripple the management fund of the Council on Environmental Quality (CEQ))/ Executive Office of the President for the American Heritage Rivers Initiative and set a dangerous precedent for coordinating other cross-agency environmental programs. A similar provision was included in the final bill signed into law last year. *(A similar provision was also added in the House version).*

STATUS: The provision was added in subcommittee as part of the chairman's mark.

8) **Sec. 328: Tongass Red Cedar Rider** - would continue the failed policy of exporting wood and jobs off the Tongass National Forest by leveraging the amount of Western Red Cedar available for export to the lower 48 and international markets against the percentage of the Tongass' allowable sale quantity (ASQ) that is actually sold. Alaska's Western Red Cedar is a valuable export item and has become scarce in the forest as it only grows in the southern Tongass. The remaining old-growth Red Cedar provides important habitat for brown bears and wolves. The rider stipulates that the only way in which interested manufacturers in the lower 48 can have access to all of the surplus Alaska Red Cedar logged in FY 2001 is if the forest's entire allowable sale quantity is sold. A similar provision was included in the final bill signed into law last year. *(A similar provision was also added in the House version).*

STATUS: The provision was added in subcommittee as part of the chairman's mark.

9) **Sec. 329: Hamper Climate Protection** - would hamper U.S. participation in international activity on climate change. The language would hurt both the environment and this country's ability to negotiate effective and fair international agreements on climate change such as stifling U.S. involvement in finalizing rules that would enable the export of clean technology to developing countries, and hindering U.S. participation in discussions about cost effective measures. This is identical to language in the House VA-HUD appropriations bill. A similar provision was included in the final bill signed into law last year. *(A similar provision was also added in the House version).*

STATUS: The provision was added in subcommittee as part of the chairman's mark.

10) **Sec. 335: Allow Lead Mining in Ozark National Scenic Riverways** - would prohibit the Secretary of the Interior from taking any action to prohibit mining activities in the Mark Twain National Forest and the watersheds of the Current, Jacks Fork, and the Eleven Point rivers in the Missouri Ozarks. Under the Federal Land Policy and Management Act, the Secretary of the Interior may remove federal lands from access by mining companies. This provision, added by Senator Bond (R-MO) in full Committee, would block the Secretary from exercising that authority. Missouri conservation organizations, Missouri's Attorney General Jay Nixon, and the National Park Service had requested that Secretary Babbitt begin procedures to prohibit mining activities in these critical watersheds. The Doe Run Company had targeted the area for exploratory drilling, but withdrew the applications under protest. These lands were purchased for watershed and forestry resource protection - and the groups and entities requesting the withdrawal are concerned that lead mining would conflict with these purposes.

STATUS: The provision was added in subcommittee as part of the chairman's mark.

11) **Sec. 336: Stewardship and End Result Contracting Demonstration Project** - would authorize the Forest Service to enter into an additional 28 stewardship contracts nationwide, while requiring that no less than 12 contracts be allocated to FS Regions 1 and 3. The Forest Service has only begun similar pilot projects authorized in FY 1999, and has yet to evaluate their effectiveness. Expanding these types of projects without evaluating and learning from the pilot stage would make the program appear less about stewardship and more as an a new vehicle for increased timber production from national forests. Under this provision, the Forest Service is allowed to trade trees for service contracts and keep timber sale receipts creating a powerful incentive for more logging on the National Forests. One current "stewardship project" in

Idaho is proposing to log 173 million board feet of timber. Unlike the stewardship contracts authorized in FY 1999, no particular projects have been identified for these additional contracts. Therefore, there is no limitation on the size of a stewardship contract. A stewardship contract could cover an entire forest, leading to significantly increased timber production. A forest can also retain all the proceeds from timber sales -- none of the funds would be paid to the Trust Funds or the Treasury. Instead, all funds would be retained at the local forest for determination as to how the funds would be used. As a result an incentive is created: more timber production leads to increased forest revenues; harvesting more timber offers a way to fund personnel and operations.

STATUS: The provision was added in subcommittee as part of the chairman's mark.

12) **Sec. 341: Continue Delays for Colorado Forest Protection** - would delay a final decision on the White River National Forest Plan by forcing the Forest Service to spend months or years preparing a 'regulatory flexibility analysis' to analyze the Plan's impact on small business. The White River National Forest in Colorado has proposed modest improvements in its current, outdated Forest plan by limiting ski area expansions and closing some motorized trails that harm wildlife, water quality or other values. The White River NF has already spent 2 years analyzing the Plan's impact, including economic impacts, and nearly a year soliciting public comment. The Forest's analysis shows significant economic growth under all alternatives. This amendment will set a terrible precedent because the Regulatory Flexibility Act was never meant to apply to Forest Plans (which only regulate agency, not business, decisions), but instead to rulemakings that directly regulate business. This amendment follows a rider in last year's bill which forced the Forest to add an additional 3 months to the public comment period in an attempt to delay a decision that could better protect forest resources until after the November elections.

STATUS: The provision was added in subcommittee as an amendment by Senator Ben Nighthorse Campbell (R-CO).

13) **Sec. 342: Block Roadless Area Protection for the White Mountain National Forest** - would prohibit the application of the Forest Service's Roadless Area Conservation policy on the White Mountain National Forest in New Hampshire. The White Mountain National Forest is widely used by citizens throughout New England. By prohibiting the application of any final roadless policy decision to this forest, the rider interferes with the currently open public comment period on the DEIS. Moreover, it legislatively negates the participation of hundreds of thousands of Americans around the country, including New Hampshire, who support the development of this policy. The development of a roadless area protection policy for our national forests is one of the top priorities of the environmental community.

STATUS: The provision was added in subcommittee as an amendment by Senator Judd Gregg (R-NH).

14) **Sec. ___: Open the Door to Increased Logging in National Forests Under the Guise of Emergency Fire Management** - would provide $240.3 million to the Wildland Fire Management line-item to remove hazardous material in the wildland urban interface zone. This amendment is largely in response to recent wildfires which have burned thousands of acres of public lands in New Mexico and other western states. While the general goal of reducing hazardous materials by targeting small diameter trees and brush near urban areas is an important one, the language of the amendment is far too broad. The provision includes language allowing the Forest Service to have unlimited contracting authorities including the use of commercial timber sales and stewardship contracting. The provision states that "the Secretary of the Interior and the Secretary of Agriculture may hereafter conduct fuel reduction treatments on Federal lands using all contracting and hiring authorities available to the Secretaries." Adequate safeguards need to be added to the amendment to ensure that only very small diameter materials and old slash piles from past logging are removed. Prohibitions on the logging of large trees, entry into roadless areas, and road construction are essential to ensure the projects under this amendment will not cause more harm than good. In addition, the amendment should be limited to service contracts paid for with this appropriation. Commercial timber sales and "goods-for- services" stewardship contacts create an economic incentive to remove large logs instead of the small fuels which are the problem. The amendment also includes vague, expensive, and redundant reporting requirements that force the agencies to spend limited resources writing unnecessary reports and explanations rather than addressing fire concerns.

STATUS: This provision was offered as an amendment on the Senate floor on 7/13/00 by Senator Pete Domenici (R-NM) by a voice vote.

IN SENATE INTERIOR APPROPRIATIONS COMMITTEE REPORT (Senate Report # 106-312):

14) **Use Taxpayer Money To Fund Private Lobbying Initiaitive** - would allocate $1,000,000 to a program identified as Undaunted Stewardship, "...which will allow local control over grants to protect historic sites along the historic Lewis and Clark Trail by implementation of best management practices, evaluation of easement alternatives, and a stewardship certification program." Undaunted Stewardship is a non-government initiative sponsored by the Montana Stockgrowers Association and other opponents of a potential designation of a National Monument along the Upper Missouri River in Montana. Undaunted Stewardship has led the opposition to Monument designation in close alliance with Sen. Burns. It is unclear how the $1,000,000 allocated to this initiative will actually be used. The money instead should be used by the Bureau of Land Management to purchase lands or conservation easements along the Upper Missouri River corridor to assure permanent protection of the region's wild landscape from potential development. The House provided $3 million for this purpose in its bill, as requested by the Administration, who has identified several willing sellers in the area. Taxpayers' money should not be used to fund a private lobbying initiative like Undaunted Stewardship. **(REPORT LANGUAGE)**

STATUS: The language was inserted into the subcommittee report at the request of Senator Conrad Burns (R-MT).

15) **Delay Grizzly Bear Recovery Efforts** - would prohibit funds to be used for physically reintroducing grizzly bears in the 18-million-acre Selway Bitterroot ecosystem during fiscal year 2001 as part of a federal recovery program. The language also calls for an unnecessary peer review process to establish "conclusive evidence" that enough habitat exists to support bears in the Selway Bitterroot wilderness. The proposed peer review process repeats what has already been done and also assigns this task to the Citizens Management Committee, a body that lacks the scientific credentials to undertake such a review. The ability of threatened grizzly bears to live and thrive in this remote area, roughly twice the size of the greater Yellowstone ecosystem, has been established repeatedly by scientists including most recently by Dr. Mark Boyce of the University of Alberta in a study requested via Senate appropriations report language in 1998. The Bitterroot grizzly recovery effort is an experimental approach advocated by a diverse coalition of timber, environmental, and labor interests and designed to incorporate citizens input to allay local concerns about bear management. **(REPORT LANGUAGE)**

STATUS: The language was inserted into the subcommittee report at the request of Senator Conrad Burns (R-MT).

16) **Needlessly Thwart Wolf Recovery in Oregon** - would direct the U.S. Fish and Wildlife Service to automatically remove endangered gray wolves which enter Oregon from neighboring Idaho. The language is contrary to the intent of the Endangered Species Act and the purpose of the federally funded reintroduction of wolves to central Idaho and Yellowstone National Park five years ago. Scientific studies have shown that Oregon has adequate habitat to support a viable population of wolves and recolonization of that habitat supports wolf recovery in the lower 48 states. In addition, a survey of Oregon's voters taken last year when a female wolf crossed the Idaho border indicated that those supporting leaving recolonizing wolves in Oregon outnumbered those favoring removal by more than a two to one margin. Moreover, the US Fish and Wildlife Service in conjunction with the Confederated tribes of the Umatilla and Nez Perce Nations and conservationists have already initiated a series of public meetings designed to educate and inform Oregonians about wolves and living in wolf country. A conservation group has also agreed to extend its wolf compensation trust to these newly recolonized areas. The highly effective program reimburses ranchers in the event that a reintroduced wolf is verified to have killed livestock. **(REPORT LANGUAGE)**

STATUS: The language was inserted into the subcommittee report.

17) **Support Road to Ruin in Denali National Park** - would direct the National Park Service (NPS) to work with the State of Alaska to study and explore options for the siting of campgrounds, trails, and visitor facilities along the Stampede Road. This old mining trail crosses state and NPS lands in the northern section of Denali National Park and Preserve in Alaska, one of the nation's premiere wildlife viewing and scenic destinations. While use of the word "study" conveys the sense of a benign project, this is hardly the case. Because the Stampede Road is only passable by car for 8 miles, any facilities suggested by the study would necessitate a transportation route, thus

linking this provision to a broader northern road/railroad vision being pushed by Semator Frank Murkowski (R-AK). The NPS has already indicated its opposition to a northern access route and has said that the costs of the project--estimated to be $100 million for a road and $200 million for a railroad--would cost more than its 10-year visitor development program for the entire State of Alaska. Senator Murkowski has repeatedly sought to push forward his vision of a new access route through the northern section of Denali. Through various avenues -- a mandated feasibility study, a $1.5 million earmark in TEA-21, a $1.5 million amendment filed (but never formally offered) with last year's Interior Appropriations measures and state legislation -- Senator Murkowski has tried over the last several years to promote the construction of a road or railroad through proposed wilderness to the heart of the park at Wonder Lake. This latest rider is yet another clever attempt to move this controversial project forward. **(REPORT LANGUAGE)**

STATUS: The language was inserted in the committee report.

HOUSE INTERIOR APPROPRIATIONS BILL (H.R. 4578)

1) **Title I: Limit funding for Listing and Critical Habitat Designation Under the Endangered Species Act** - would cap funding for endangered species listing and designation of their critical habitat at only $6.395 million. The legislative language tries to set a cap on how much the Department of Interior can spend to add new species to the protected list. The cap language also limits designation of critical habitat, which identifies areas essential to species recovery, provides notice to the public and federal agencies, and incorporates economic analysis. The Fish and Wildlife Service needs additional money to deal with the backlog of more than 1,000 species (out of 1,200 listed in the U.S.) that still need critical habitat designation. In addition, final decisions are needed for more than 320 species currently proposed or candidates for protection. It is intended to prevent citizens, and the courts, from ordering Fish and Wildlife Service to complete its listing and critical habitat decisions. A similar provision was included in the final bill signed into law last year. *(A similar provision was also added in the Senate version).*

STATUS: *Unchanged as passed the House on 6/16/00. This provision was included in subcommittee as part of the chairman's mark at the request of the Fish and Wildlife Service.*

2) **Section 116: Allows Damaging Grazing on Public Lands to Continue Without Environmental Review** - would allow grazing on public lands to continue without environmental review – regardless of the environmental damage that is occurring and notwithstanding the congressional commitment last year *not* to enact this rider again. This rider would allow the Bureau of Land Management and other Interior Department agencies to extend indefinitely grazing permits that expire or are transferred in the coming fiscal year without reviews required under federal environmental statutes, including the National Environmental Policy Act (NEPA), the Federal Land Policy and Management Act and the Endangered Species Act – even though last year, Congress explicitly stated, in the report that accompanied the appropriations bill, that it would suspend these laws for one year only. Despite that promise, the FY01 rider, just like its predecessor, requires that expiring or transferred permits be reissued on their original terms regardless of the resource damage that has resulted. This year's rider, like last year's, prohibits *any* changes in existing practices, including any interim changes, unless and until the agency has complied completely with all applicable laws and regulations – even when there is a resource emergency or when change is required to comply with the Interior Department's 1994 range reforms. Like last year's rider, this rider will prevent the public from being able to force Interior Department agencies (through appeals or litigation) to take action while allowing ranchers to always challenge the "completeness" of the process. In short, this provision would preserve the status quo for livestock at the expense of the public's lands and resources for a second year in a row – exactly what Congress said it wouldn't do. A similar provision was included in the final bill signed into law last year. *(A similar provision was also added in the Senate version).*

STATUS: Amended but remains objectionable. In lieu of an amendment to strike the provision on the House floor by Representative Jay Inslee, an agreement was reached by the bill managers to amend the provision to give discretion to the Secretary of the Interior whether or not to renew expired grazing permits, rather than simply mandate that the permits are renewed. However, the provision remains objectionable because it still authorizes the suspension of applicable environmental laws, such as the NEPA from applying to the permit renewal process. This provision was *originally included in subcommittee as part of the chairman's mark.*

3) **Section 119: Give U. S. Army Corps Veto Authority Over New National Wildlife Refuge** - would prohibit use of funds made available in the act from being "used to establish a national wildlife refuge in the Kankakee River basin that is inconsistent with U.S. Army Corps of Engineers efforts to control flooding and siltation in that area." The Grand Kankakee Marsh in northwestern Indiana and northeastern Illinois was once one of the largest and most important freshwater wetland ecosystems in North America, providing essential habitat to a spectacular variety of waterfowl, wading birds and other wildlife. Today, however, 95-percent of the Grand Kankakee Marsh has been drained for agriculture and development. The U.S. Fish and Wildlife Service has proposed establishing the Grand Kankakee National Wildlife Refuge along the Kankakee in order to restore and preserve 30,000 acres (less than one-percent of the land within the river basin) of wetlands, oak savannas, and native tallgrass prairies. Although the public overwhelmingly supports the proposed refuge, for the third year in a row, certain members of Congress are attempting to hinder the proposal by including a legislative rider in the House Interior Appropriations bill. The current language sets a dangerous precedent of essentially giving veto authority to another agency (the Corps) over establishment of a National Wildlife Refuge. A similar provision was included in the final bill signed into law last year. *(A similar provision was also added in the Senate version).*

STATUS: Unchanged as passed the House on 6/16/00. This provision was included in subcommittee as part of the chairman's mark.

4) **Sec. 321: Delay National Forest Planning** - would impose a funding limitation to halt the revision of any forest plans not already undergoing revision, except for the forests legally mandated to have their plans completed during calendar year FY2001, until final or interim final planning regulations are adopted. There is concern that this provision will put pressure on the Forest Service to hastily promulgate new regulations, rather than carefully incorporating recent recommendations developed by an independent Committee of Scientists. **Sec. 322** in the bill would halt funding to carry out strategic planning under the Forest and Rangeland Renewable Resources Planning Act (RPA). Similar provisions were included in the final bill signed into law last year. *(A similar provision was also added in the Senate version).*

STATUS: Unchanged as passed the House on 6/16/00. This provision was included in subcommittee as part of the chairman's mark.

5) **Sec. 327: Undermine Consensus-Based River Management** - would inhibit the cooperation and support of Federal resource agencies such as the Fish and Wildlife Service, US Forest Service, National Park Service and others, in the work of the American Heritage Rivers Initiative (AHRI). This voluntary presidential initiative was designed to coordinate the efforts of federal, state, and local agencies with interests in the economic, cultural, and ecological management of our nation's most heralded rivers. AHRI's purpose is to streamline management of river resources and facilitate efficient allocation of federal, state, and local funds. This program explicitly does not include any additional regulations or funding but instead relies on coordination of existing programs, staff, and funding. In 1998, 14 rivers were selected from around the nation that reflected broad political support. This rider would essentially end agency coordination with other river managers at a time when citizens are working toward improving local/federal coordination to improve their river-based economies and communities. It would cripple the management fund of the Council on Environmental Quality (CEQ))/ Executive Office of the President for the American Heritage Rivers Initiative and set a dangerous precedent for coordinating other cross-agency environmental programs. A similar provision was included in the final bill signed into law last year . *(A similar provision was also added in the Senate version).*

STATUS: Amended but remains objectionable. The provision was amended on the House floor by Representative Sue Kelly (R-NY) on 6/15/00 to change technical elements of the provision. The Kelly amendment passed by voice vote. This provision was originally included in subcommittee as part of the chairman's mark.

6) **Sec. 334: Unduly Burdens Federal Land Use Planning** - would expand a left-over provision of the Contract With America, the Small Business Regulatory Enforcement Fairness Act, so that it applied to federal land use planning. It could set a dangerous precedent requiring burdensome analyses and processes for land management plans developed by the U.S. Forest Service and Bureau of Land Management. These plans already receive analysis and broad public review pursuant to the agencies' planning statutes and the National Environmental Policy Act.

STATUS: Unchanged as passed the House on 6/16/00. The provision was stricken from the bill as part of an amendment offered by Representative Norm Dicks (D-WA) on 6/15/00. The Dicks amendment passed on the House floor by a vote of 243 - 177. However, Representative George Nethercutt (R-WA) offered a subsequent amendment to reinsert the provision into the bill. The Nethercutt amendment passed by a vote of 197 – 180. This provision was included in subcommittee as part of the chairman's mark.

7) **Sec. 329: Tongass Red Cedar Rider** - would continue the failed policy of exporting wood and jobs off the Tongass National Forest by leveraging the amount of Western Red Cedar available for export to the lower 48 and international markets against the percentage of the Tongass' allowable sale quantity (ASQ) that is actually sold. Alaska's Western Red Cedar is a valuable export item and has become scarce in the forest as it only grows in the southern Tongass. The remaining old-growth Red Cedar provides important habitat for brown bears and wolves. The rider stipulates that the only way in which interested manufacturers in the lower 48 can have access to all of the surplus Alaska Red Cedar logged in FY 2001 is if the forest's entire allowable sale quantity is sold. A similar provision was included in the final bill signed into law last year. *(A similar provision was also added in the Senate version).*

STATUS: Unchanged as passed the House on 6/16/00. This provision was included in subcommittee as part of the chairman's mark.

8) **Sec. 330: Hamper Climate Protection** - would hamper U.S. participation in international activity on climate change. The language would hurt both the environment and this country's ability to negotiate effective and fair international agreements on climate change such as stifling U.S. involvement in finalizing rules that would enable the export of clean technology to developing countries, and hindering U.S. participation in discussions about cost effective measures. This is identical to language in the House VA-HUD appropriations bill. A similar provision was included in the final bill signed into law last year. *(A similar provision was also added in the Senate version).*

STATUS: Unchanged as passed the House on 6/16/00. This provision was included in subcommittee as part of the chairman's mark at the request of Representative Joseph Knollenberg (R-MI).

*) **Title I: Allow the Oil Industry To Pay Lower Oil and Gas Royalties** – would set a precedent by making marketing, gathering and aggregation costs allowable deductions from oil and gas royalty payments. In recent legal challenges, oil companies have attempted to establish these deductions in order to pay less money for drilling oil from public lands. Although this language is aimed at royalty-in-kind programs (where the companies pay royalties in oil rather than dollars), this nose-under-the-tent could be used to unravel some aspects of the new oil valuation rule. Legislative language codifying these deductions will bolster the oil industry's claims that these are legitimate deductions from royalty payments.

STATUS: The provision was satisfactorily amended on the House floor by Representative Carolyn Maloney (D-NY) on 6/14/00 to prevent Congress from expanding potential deductions for the oil industry from royalty payments. The Maloney amendment passed on the House floor by voice vote. This provision was originally added as an amendment in subcommittee by Representative Joe Skeen (R-NM).

*) **Section 122: Prohibit Establishment of New National Wildlife Refuge in the Yolo Bypass of California** - would prevent the establishment of the North Delta National Wildlife Refuge near Sacramento, California. Establishment of this proposed refuge is an important component of the CALFED Ecosystem Restoration Program being implemented by the federal and state government to restore the fish, wildlife, and ecology of the Sacramento-San Joaquin Delta. The proposed refuge would help restore and sustain native fish and wildlife within the Yolo Bypass flood control conveyance while allowing the Bypass to continue to operate to manage flooding.

STATUS: The provision was stricken from the bill as part of an amendment offered by Representative Doug Ose (R-CA) on 6/14/00. The Ose amendment passed on the House floor by a voice vote after the sponsor reached an agreement with thte U.S. Fish and Wildlife Service. Unchanged as passed the House Appropriations Committee on 5/25/00. This provision was originally included in subcommittee as part of the chairman's mark at the request of Rep. Ose (R-CA).

*) **Sec. 335: Prohibit Expenditure of Appropriated Funds to Plan, Design and Manage National Monuments** - would prohibit the use of appropriated funds by the Department to plan, design and manage all National Monuments designated after 1999. Via the Antiquities Act of 1906, Congress delegated the President the authority to establish national monuments to protect valuable resources from degradation and destruction. Fourteen of seventeen presidents have utilized the authority granted to them to protect vulnerable natural, cultural and historic resources throughout the United States. In effect, this rider would block management of recently designated national monuments and dissolves monument status because funds are unavailable for management of affected monuments. The rider is an attempt by Congress to undermine President Clinton's efforts to protect threatened landscapes during the remainder of his presidency. Such a precedent may prompt further congressional initiatives to weaken, if not completely repeal, the Antiquities Act and may prevent the completion of the President's Lands Legacy program. The rider is one of numerous recent attempts to limit President Clinton's ability to create new protected areas and threatens to severely limit the effectiveness of a critical piece of conservation legislation. Other attacks on the Antiquities Act and the President's National Monument campaign include Senator Larry Craig's (R-ID) pending bill, S. 729 and the unsuccessful Rep. Chenoweth-Hage (R-ID) amendment regarding the funding of national monuments introduced during debate on the Conservation and Reinvestment Act.

STATUS: The provision was stricken from the bill as part of an amendment offered by Representative Norm Dicks (D-WA) on 6/15/00. The Dicks amendment passed on the House floor by a vote of 243 - 177. This provision was originally included in subcommittee as part of the chairman's mark.

IN HOUSE INTERIOR APPROPRIATIONS COMMITTEE REPORT (House Report # 106-646):

9) **Increase in Logging Roads Subsidy** - The Committee has also consolidated road construction with road maintenance and decommissioning into one line-item totaling $208 million. The report includes potentially harmful roads language: "The Committee directs that the road funding allocation is sufficient to provide needed road support to maintain the timber sales and salvage program at the fiscal year 2000 target level." This could allow the Forest Service to spend more than the $43 million for timber road support included in the President budget request. In fact if this "roads rider" were to pass, the agency would have to spend up to the entire $208 million on logging road support until they reach the 3.6 billion board foot target. This would be a massive increase in logging subsidies at great expense to the environment due to foregone road maintenance and decommissioning. **(REPORT LANGUAGE)**

STATUS: This language was included in the House Committee Report.

10) **Allows Incompatible Military Training Activities on Little Pend Orielle National Wildlife Refuge** - would allow the U.S. Air Force to continue using areas of the Little Pend Orielle National Wildlife Refuge in Washington State for Fairchild Air Force Base Survival School even though this use was found incompatible with the wildlife conservation purpose for which the refuge was established. The survival school involves low-level helicopter flights and landings, use of ATV's and snowmobiles in areas closed to the public, and is responsible for 2-3 fires per year. All of these activities impact wildlife and habitat integrity for sensitive wildlife species, such as lynx, bald eagles and other wide-ranging carnivores. As part of the comprehensive conservation plan (CCP) developed for the refuge and mandated under the 1997 National Wildlife Refuge System Improvement Act, the U.S. Fish and Wildlife Service (FWS) found the military training activities to be incompatible. The Refuge Improvement Act requires the Fish and Wildlife Service to terminate expeditiously any use found to be incompatible with the wildlife conservation purposes of the refuge and the mission of the Refuge System As a result, FWS discontinued granting permission to the Air Force to use the refuge for their survival school. This provision would set a terrible precedent by subverting the FWS's CCP planning process that was mandated by the bi-partisan Refuge Improvement Act. **(REPORT LANGUAGE)**

STATUS: This language was included in the House Committee Report.

*) **Impedes Wilderness Inventories** - would block the Bureau of Land Management (BLM) from engaging in any additional wilderness inventories without first obtaining approval of the House and Senate appropriators. Across the West, BLM's wilderness inventories are outdated and seriously flawed, as some 100 conservation, faith, hunting, fishing and business organizations recently documented for the Secretary of the Interior. Unless the

BLM's existing inventories are updated, millions of acres of public land that may qualify as wilderness will not receive the protections Congress intended. The appropriations committee report states that "should the Department or the Bureau decide that additional inventories are warranted, it must first notify the House and Senate Committees on Appropriations through the normal reprogramming process." This language would appear to preclude the BLM from acting to address threats to roadless areas even when it determines that such action is warranted, whether on its own motion or in response to citizen inventories or petitions from scientists and others. If so, the language would appear to ensure that these areas and their resources will not be protected, but rather will suffer otherwise avoidable harms. **(REPORT LANGUAGE)**

STATUS: On 6/14/00 a colloquy on the House floor between Representatives Regula (R-OH) and Hinchey (D-NY) clarified the report language stating that "nothing in the committee report is intended to interfere with BLM's normal process in revising its management plans or keeping its resource inventory current" This language was originally included in the House Committee Report.

HOUSE VA-HUD & INDEPENDENT AGENCIES APPROPRIATIONS BILL (H.R. 4635)

1) **Title III: Prevents the EPA From Investigating Civil Rights Claims** - would effectively block EPA from enforcing the Title VI civil rights prohibition against using federal funds in a discriminatory fashion. EPA has a backlog of complaints alleging discrimination under federal programs that states administer. These complaints assert that when issuing some environmental permits (such as for air emissions or waste facility siting) state actions have resulted, for example, in the disproportionate location of transportation or hazardous waste facilities in communities of color, violating the civil rights law. EPA developed a guidance for investigating the backlog of cases, but this rider would gut EPA's ability to scrutinize any claims filed after October 1998. A similar provision was included in the final bill signed into law last year.

STATUS: Unchanged as passed by the House on 6/21/00. This provision was included in subcommittee as part of the chairman's mark.

2) **Title IV, General Provisions: Impacts Implementation of Needed Pesticide Protections** - would prohibit funds for promulgating a new rule to implement changes in the payment of pesticide tolerance processing fees. Recognizing the large workload facing the agency under the stronger safety standard in the Food Quality Protection Act (FQPA) in 1996, Congress provided explicitly for increased fees in the new law, and allowed EPA to keep those fees to use for pesticide programs and FQPA implementation. The fee rule proposed last year to implement this provision would provide the Office of Pesticide Programs (OPP) with an additional \$20-\$30 million for pesticide programs over the course of a full fiscal year. This rule was blocked last year, however, by a Congressional rider similar to this one. This rider would continue the resource squeeze in the pesticide program, at a time when the work of re-evaluating pesticides under a new standard is increasing the need for resources. This rider blocks the new rule that would provide additional, much needed funding for the pesticide program and could impact implementation of the FQPA

STATUS: Unchanged as passed by the House Appropriations Committee on 6/21/00. This provision was included in subcommittee as part of the chairman's mark.

3) **Title III: Hamper Climate Protection** - would hamper U.S. participation in international activity on climate change. The language would hurt both the environment and this country's ability to negotiate effective and fair international agreements on climate change such as stifling U.S. involvement in finalizing rules that would enable the export of clean technology to developing countries, and hindering U.S. participation in discussions about cost effective measures. This is identical to language in the House Interior appropriations bill.

STATUS: Amended but remains objectionable. Representatives John Olver (D-MA) and Inslee (D-WA) successfully offered an amendment by a vote of 314 - 108 to modify this provision to specify that the limitation "shall not apply to activities specified in the proviso related to the Kyoto Protocol which are otherwise authorized by law." This provision was originally included in the House Committee.

4) **Title III: Blocks EPA's Proposed New TMDL Rule and Discourages Regional Guidance on this Clean Water Act Program** - would block the EPA from implementing new Total Maximum Daily Load (TMDL) regulations that were proposed on August 23, 1999. TMDLs are part of the 1972 Clean Water Act's strategy for attaining and maintaining water quality standards in polluted waters. The TMDL program requires states (or the EPA) to identify polluted waters and to restore the health of these waters. Currently, over 20,000 waters around the country do not meet clean water standards. The TMDL program requires limits on all sources of pollution that impair the uses of water bodies, such as drinking, swimming or aquatic habitat. A similar rider was passed as part of the Military Construction Appropriations bill. While some environmental groups are opposed to the EPA's new rule and other groups support the proposed rule, no environmental group supports the rider. Therefore, this rider should be dropped. The VA-HUD committee report also contains language that would undermine implementation of the TMDL program by encouraging EPA to revoke a Clean Water Act guidance document issued by the agency's Region IX, This document, related to the TMDL program is deemed by the House Appropriations Committee to be too "stringent" for the business community.

STATUS: Unchanged as passed the House on 6/21/00. The provision was included in the bill and accompanying report in subcommittee.

5) **Sec 426: Block EPA from Designating Geographical Areas That Violate the New 8-hour Ozone Air Quality Standard** - would prohibit the Environmental Protection Agency (EPA) from designating high smog areas as "non-attainment areas" under the new 8-hour ground level ozone air quality standard. This rider is a gag rule, preventing EPA from even telling people that they are being exposed to air that can be harmful to their health. The provision would delay the EPA's implementation of the Clean Air Act, put the people who live in smog areas at higher risk for respiratory diseases, keep from the public important information about the health risks they face, and interfere with business' compliance planning.

STATUS: The provision was added on the House floor by Representatives John Linder (R-GA) and Mac Collins (R-GA) by a vote of 226 - 199.

IN HOUSE VA-HUD APPROPRIATIONS COMMITTEE REPORT (House Rpt. 106-674):

6) **Stops Clean Ups of Contaminated Rivers** – This language accompanying the 2001 VA-HUD Appropriations bill stops the EPA from cleaning up contaminated sediments until a National Academy of Sciences report on sediment remediation technologies is completed and incorporated into the agency's decision making process. The only exception would be if the polluter actually volunteered to clean up, or where the EPA could prove there is an "urgent case where contaminated sediment poses a significant threat to public health." Currently, EPA can clean up contamination when it may present an imminent and substantial endangerment to public health or the environment. The new and undefined standard is drastically less protective to public health than current law and fails to consider any harm to the environment. The report's language could also impede future attempts to clean up beyond the completion and incorporation of the NAS study because polluters could argue that the agency failed to incorporate the findings of the study. This language would benefit General Electric, which is contaminating 200 miles of the Hudson and large stretches of the Housatonic River with toxic PCBs. **(REPORT LANGUAGE)**

STATUS: Unchanged as passed by the House on 6/21/00. An amendment by Representatives Maurice Hinchey (D-NY), Sherrod Brown (D-OH) and Henry Waxman (D-CA) to strike this provision from the House report failed on the House floor by a vote of 208 - 216. This language was originally included in the House Committee Report.

7) **Seeks to Delay Arsenic Tap Water Standards for Safer Drinking Water** - would impede EPA from completing regulations that would substantially cut allowable levels of arsenic, a known human carcinogen, in tap water. It also "strongly urges" EPA to "cease all actions" enforcing even the incredibly weak current "interim" standard. The current arsenic standard was set in 1942, and EPA has now missed at last <u>three</u> statutory deadlines to update it. In 1996 Congress amended the Safe Drinking Water Act and required EPA to propose a new standard for arsenic by January 1, 2000, and to finalize it one year later. The world's leading scientific experts on arsenic issued a National Academy of Sciences' report in 1999 that found unanimously that the current arsenic tap water standard is unsafe,

and should be revised downwards "as promptly as possible." Despite compelling scientific evidence that arsenic causes cancer and other diseases, the House Appropriations Committee believes that EPA's proposed standard of 5 parts per billion is unacceptable, because "the costs associated with having to mitigate this natural [sic] occurring substance twice [sic] is more than many of these communities can afford, and is not justified by any definitive health studies associated with the citizens located in any of these communities." This uninformed Congressional second-guessing of the scientific findings of the National Academy of Sciences, EPA scientists, and virtually every independent expert on arsenic is outrageous from a policy perspective, and would undercut public health protection. **(REPORT LANGUAGE)**

STATUS: Unchanged as passed by the House on 6/21/00. An amendment by Representatives Maurice Hinchey (D-NY), Sherrod Brown (D-OH) and Henry Waxman (D-CA) to strike this provision from the House report failed on the House floor by a vote of 208 - 216. This language was originally included in the House Committee Report.

8) **Seeks to Delay Radioactive Tap Water Standards for Safer Drinking Water** - would "direct" EPA to delay promulgation of a drinking water standard for radon. In 1996, Congress' Safe Drinking Water Act amendments ordered EPA to issue a radon rule for tap water by August, 2000. As in the case of arsenic, this flies in the face of two 1999 National Academy of Sciences studies that found that radon is known to cause cancer in people, and poses very real risks, both in tap water and when it seeps into basements. Congressional attempts to block EPA's radon standard that is designed to protect public health by addressing this radioactive health threat in tens of millions of Americans' tap water are scientifically unjustifiable and undermine health protection. **(REPORT LANGUAGE)**

STATUS: On 6/20/00 a colloquy on the House floor between Representatives Jerry Lewis (R-CA) and Henry Waxman (D-CA) clarified the intent of the language. This language was originally included in the House Committee Report.

HOUSE ENERGY AND WATER APPROPRIATIONS BILL (H.R. 4733)

1) **Sec. 605: Hamper Climate Protection** - would hamper U.S. participation in international activity on climate change. The language would hurt both the environment and this country's ability to negotiate effective and fair international agreements on climate change such as stifling U.S. involvement in finalizing rules that would enable the export of clean technology to developing countries, and hindering U.S. participation in discussions about cost effective measures. This is identical to language in the House Interior and House VA-HUD appropriations bills.

STATUS: Amended but remains objectionable. On 6/27/00, Representatives Peter Visclosky (D-IN) successfully offered an amendment by voice vote on the House floor to modify this provision to specify that the limitation shall not apply to activities specified in the proviso related to the Kyoto Protocol which are otherwise authorized by law. This provision was originally included in subcommittee as part of the chairman's mark.

*) **Title I: Undermines Existing Wetland Permitting Reforms** - attacks the Clean Water Act and the recent reforms of the Army Corps' wetlands permitting program that would provide greater public scrutiny of attempts by developers to destroy wetlands. Instead of a thorough and careful review, the rider forces the Corps to expedite the processing of permits – regardless of environmental impacts or the potential for increased flooding. This is a blatant attempt to roll back a recent victory for greater wetlands protection won by the environmental community. The rider will place a "cap" on the number of individual (i.e. publicly reviewable) permits that may be "pending" at any time. The arbitrarily set cap will force the Corps to process more permit applications as general permits, which are not publicly reviewed. Moreover, in a clever sleight of hand, the rider unfairly changes the way permit applications are processed. Currently, permits are only considered "pending" once a developer has submitted all the required information. Under the House rider, incomplete applications must also be considered "pending." This will immediately and artificially inflate the number of permits "pending" and thus quickly push the Corps to bumping against the Congressionally mandated "cap." Finally, the rider will require the Corps to report to Congress four times a year on their progress in speedily processing permits. In contrast, no reports are required regarding the Corps' implementation of their Clean Water Act authority to protect waters of the United States. This is

despite the fact that the Corps currently denies fewer than one percent of permit applications, and that, more than a decade after President Bush declared a national goal for no-net-loss of wetlands, our nation continues to lose over 117,000 acres of wetlands per year.

STATUS: This provision was added in subcommittee as part of the Chairman's mark. Satisfactorily amended and no longer objectionable. On 6/27/00, Representative Sherwood Boehlert (R-NY) successfully offered an amendment to removed the cap on individual permits pending by the Army Corps of Engineers and remove other objectionable language while including other additional language to balance out the remainder of the provision. The Boehlert provision was agreed to on the House floor by a voice vote. This provision was added in subcommittee as part of the Chairman's mark.

HOUSE COMMERCE/STATE/JUSTICE APPROPRIATIONS BILL (H.R. 4690)

1) **Sec. 622: Hamper Climate Protection** - would hamper U.S. participation in international activity on climate change. The language would hurt both the environment and this country's ability to negotiate effective and fair international agreements on climate change such as stifling U.S. involvement in finalizing rules that would enable the export of clean technology to developing countries, and hindering U.S. participation in discussions about cost effective measures. This is identical to language in the House Interior and House VA-HUD appropriations bills.

STATUS: Amended but remains objectionable. Representative John Olver (D-MA) successfully offered an amendment by a vote of 217 - 181 to modify this provision to specify that the limitation "shall not apply to activities specified in the proviso related to the Kyoto Protocol which are otherwise authorized by law." This provision was originally included in subcommittee as part of the chairman's mark.

MILITARY CONSTRUCTION APPROPRIATIONS BILL (H.R. 4425)

1) **Title II, Chapter 8: Blocks EPA's Proposed New TMDL Rule -** would block the EPA from implementing new Total Maximum Daily Load (TMDL) regulations that were proposed on August 23, 1999. TMDLs are part of the 1972 Clean Water Act's strategy for attaining and maintaining water quality standards in polluted waters. The TMDL program requires states (or the EPA) to identify polluted waters and to restore the health of these waters. Currently, over 20,000 waters around the country do not meet clean water standards. The TMDL program requires limits on all sources of pollution that impair the uses of waterbodies, such as drinking, swimming or aquatic habitat. A similar rider was passed in the House as part of the VA-HUD-Independent Agencies Appropriations bill. While some environmental groups are opposed to the EPA's new rule and other groups support the proposed rule, no environmental group supports the rider. Therefore, this rider should be dropped.

STATUS: Unchanged as passed by the full House and Senate on 6/29/00 and 6/30/00 respectively. The provision was originally added to the bill in the Military Construction Appropriations House-Senate conference committee.

SENATE DEFENSE AUTHORIZATION BILL (S. 2549)

1) **Sec. 342: Hinders Defense Department From Paying Large Environmental Fines.** This year, a damaging legislative provision was inserted on behalf of Appropriations Chair Senator Ted Stevens (R-AK) into the Defense Department's authorization bill that seeks to delay and even block the payment of environmental fines over $1.5 million or fines that are assessed to recoup the economic benefit that the violating facility gained as a result of noncompliance with environmental laws. This rider requires pre-authorization by Congress before the Defense Department can pay these environmental fines. Providing a special exemption from state and federal environmental fines for the military creates a disincentive for compliance with environmental laws and regulations and sends an unacceptable Congressional message relating to responsible stewardship of our

environment.

STATUS: This provision was included in subcommittee as part of the chairman's mark at the request of Senator Ted Stevens (R-AK).

HOUSE DEFENSE AUTHORIZATION BILL (H.R. 4205)

1) **Sec. 312: Block Lawsuit on Low-Altitude Military Overflights** - would exempt the Air Force from environmental review of the impacts of low-level training flights. In an attempt to head off a lawsuit filed by the Western Environmental Law Center, this rider declares that existing Environmental Impact Statements shall be deemed to fulfill all NEPA requirements for all "special use airspaces" used by the military for low-level training flights. Subsequent route changes, or new flight paths, would only be reviewed if individually they were determined to be a "major Federal action significantly affecting the quality of the human environment," otherwise would be exempt from review; and no review would be required of cumulative effects of additions and changes. The rider is the latest in a series carving out special-interest exceptions from NEPA – previously creating loopholes for the Sand Hollow Reservoir project and the controversial Snowbasin ski development, both in Utah. This time the special interest is the Air Force, especially Hill Air Force Base. Low-level flights may be a training necessity, but they also generate tremendous noise, disturbing wildlife and people unlucky enough to live in their path. The effects on wildlife are severe and may result in disruption of birth or nesting activities for various species including eagles, falcons, bighorn sheep and antelope; collisions with birds; and deafness to birds. Archeological resources such as Anasazi granaries and other structures including ancient pueblos are rattled and in some case destroyed due to the vibrations. Rural residents experience loss of sleep, loss of solitude, increased stress, and even structural damage to homes due to low level flights. The ear-splitting noise from low-level flights also vastly diminishes the nature experience of visitors to wilderness, national parks, national wildlife refuges, and national forests.

STATUS: Unchanged as passed the House on 5/18/00. This provision was included in subcommittee as part of the chairman's mark at the request of Rep. James Hansen (R-UT).

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FY 2001 KYOTO PROTOCOL PROVISIONS -- July 24, 2000				
Bill (sponsor)	**FY 2001 HOUSE**	**FY 2001 SENATE**	**ADMIN. POSITION ON WHY THE PROVISION IS OBJECTIONABLE**	**CONFERENCE/ FINAL**
Agriculture (Emerson, R-MO)	Bill and report language prohibit funds from being used to implement the Kyoto Protocol, including activities specified in the Protocol, such as carbon emissions trading. This provision would become permanent as written. A House floor amendment (Rep. Knollenberg, R-MI) was approved on 7/10 by voice vote that had the effect of overriding objectionable Committee report language that attempted to expand the scope of the rider. (Sec.734)	No provision.	Full Committee provision may be unconstitutional in restricting the President's authority to negotiate international agreements. Could also limit ongoing and authorized activities that reduce greenhouse gases. Broader and more egregious than enacted FY 2000 language. The Adm. has no intent to implement the Protocol prior to Senate ratification. While the House floor amendment clarifies that the funding prohibition does not apply to authorized programs, the Adm. still objects to the bill language as being unnecessary.	

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FY 2001 KYOTO PROTOCOL PROVISIONS -- July 24, 2000				
Bill (sponsor)	**FY 2001 HOUSE**	**FY 2001 SENATE**	**ADMIN. POSITION ON WHY THE PROVISION IS OBJECTIONABLE**	**CONFERENCE/ FINAL**
VA/HUD (Knollenberg, R-MI)	Bill language prohibits funds from being used to propose or issue rules, regulations, decrees or orders for the purpose of implementing or in preparation for implementing the Kyoto Protocol prior to Senate ratification. Bill language is the same as enacted FY 2000 language. A House floor amendment (Rep. Olver, D-MA) was approved 314-108 on 6/21 that had the effect of overriding objectionable Committee report language that attempted to expand the scope of the rider. (EPA Env Programs/Mgmt section)	No bill yet.	The Full Committee provision may well be unconstitutional if read to prevent EPA from assisting the President in carrying out his constitutional authority to conduct international negotiations. The language is unnecessary since the Adm. has no intent to implement the Protocol prior to Senate ratification. While the House amendment clarifies that the funding prohibition does not apply to authorized programs, the Adm. still objects to the bill language as being unnecessary.	

FY 2001 KYOTO PROTOCOL PROVISIONS -- July 24, 2000				
Bill (sponsor)	**FY 2001 HOUSE**	**FY 2001 SENATE**	**ADMIN. POSITION ON WHY THE PROVISION IS OBJECTIONABLE**	**CONFERENCE/ FINAL**
Interior (Knollenberg, R-MI)	Bill and report language prohibit funds from being used to propose or issue rules, regulations, decrees or orders for the purpose of implementing or in preparation for implementing the Kyoto Protocol prior to Senate ratification. Same as enacted FY 2000 language. (Sec. 330)	Bill and report language prohibit funds from being used to propose or issue rules, regulations, decrees or orders for the purpose of implementing or in preparation for implementing the Kyoto Protocol prior to Senate ratification. Same as enacted FY 2000 language. Report language clarifies that the prohibition applies only to actions called for solely in the Protocol and not to authorized programs. Also, a floor colloquy (Sens. Leahy, Byrd, Gorton) clarifies that the prohibition does not apply to international negotiations or programs with other countries. (Sec. 329)	House and Senate provision may well be unconstitutional if read to prevent DOE or DOI from assisting the President in carrying out his constitutional authority to conduct international negotiations. The language is unnecessary since the Adm. has no intent to implement the Protocol prior to Senate ratification. Senate report language is preferred for the Conf. Rept. If that fails, no rept language is the next best alternative.	

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FY 2001 KYOTO PROTOCOL PROVISIONS -- July 24, 2000				
Bill (sponsor)	**FY 2001 HOUSE**	**FY 2001 SENATE**	**ADMIN. POSITION ON WHY THE PROVISION IS OBJECTIONABLE**	**CONFERENCE/ FINAL**
Transportation	No provision.	Bill and report language prohibit funds from being used to propose or issue rules, regulations, decrees or orders for the purpose of implementing or in preparation for implementing the Kyoto Protocol prior to Senate ratification. Same as enacted FY 2000 language (Sec. 337).	May well be unconstitutional if read to prevent DOT from assisting the President in carrying out his constitutional authority to conduct international negotiations. The language is unnecessary since the Adm. has no intent to implement the Protocol prior to Senate ratification. The Adm. prefers bill language adopted in the House VA/HUD, Foreign Ops, C/J/S, Ag, and E/W bills that clarifies that the prohibition does not apply to authorized programs.	

FY 2001 KYOTO PROTOCOL PROVISIONS -- July 24, 2000				
Bill (sponsor)	**FY 2001 HOUSE**	**FY 2001 SENATE**	**ADMIN. POSITION ON WHY THE PROVISION IS OBJECTIONABLE**	**CONFERENCE/ FINAL**
Foreign Operations (Knollenberg, R-MI)	Bill language prohibits funds from being used to propose or issue rules, regulations, decrees, or orders for the purpose of implementing or in preparation for implementing the Kyoto Protocol prior to Senate ratification. Same as enacted FY 2000 language. An amendment offered 6/27 in Full Committee (Rep. Knollenberg) was approved (51-1) that had the effect of overriding objectionable report language that attempted to expand the scope of the rider. (Sec. 577)	Bill language prohibits funds from being used to propose or issue rules, regulations, decrees, or orders for the purpose of implementing or in preparation for implementing the Kyoto Protoccl prior to Senate ratification. Same as enacted FY 2000 language. (Sec. 576)	May well be unconstitutional if read to prevent State or USAID from assisting the President in carrying out his constitutional authority to conduct international negotiations. The language is unnecessary since the Adm. has no intent to implement the Protocol prior to Senate ratification. While the House amendment clarifies that the funding prohibition does not apply to authorized programs, the Adm. still objects to the bill language as being unnecessary.	

FY 2001 KYOTO PROTOCOL PROVISIONS -- July 24, 2000				
Bill (sponsor)	**FY 2001 HOUSE**	**FY 2001 SENATE**	**ADMIN. POSITION ON WHY THE PROVISION IS OBJECTIONABLE**	**CONFERENCE/ FINAL**
Com/State/Justice (Knollenberg, R-MI)	Bill language prohibits funds from being used to propose or issue rules, regulations, decrees, or orders for the purpose of implementing or in preparation for implementing the Kyoto Protocol prior to Senate ratification. Same as enacted FY 2000 language. A 6/26 House floor amendment (Rep. Olver, D-MA) was approved 217-181 that had the effect of overriding objectionable Committee report language that attempted to expand the scope of the rider. (Sec. 623)	Not in Senate bill.	May well be unconstitutional if read to prevent State, DOJ, or DOC from assisting the President in carrying out his constitutional authority to conduct international negotiations. The language is unnecessary since the Adm. has no intent to implement the Protocol prior to Senate ratification. While the House amendment clarifies that the funding prohibition does not apply to authorized programs, the Adm. still objects to the bill language as being unnecessary.	

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FY 2001 KYOTO PROTOCOL PROVISIONS -- July 21, 2000				
Bill (sponsor)	**FY 2001 HOUSE**	**FY 2001 SENATE**	**ADMIN. POSITION ON WHY THE PROVISION IS OBJECTIONABLE**	**CONFERENCE/ FINAL**
Energy/Water (Knollenberg, R-MI)	Bill language prohibits funds from being used to propose or issue rules, regulations, decrees or orders for the purpose of implementing or in preparation for implementing the Kyoto Protocol prior to Senate ratification. Biil language is the same as enacted FY 2000 language. A 6/27 House floor amendment (Rep. Visclosky, D-IN) was approved that had the effect of overriding objectionable Committee report language that attempted to expand the scope of the rider. (Sec. 605)	Bill language prohibits funds from being used to propose or issue rules, regulations, decrees or orders for the purpose of implementing or in preparation for implementing the Kyoto Protocol prior to Senate ratification. Bill language is the same as enacted FY 2000 language. (Sec.705)	May well be unconstitutional if read to prevent DOE from assisting the President in carrying out his constitutional authority to conduct international negotiations. The language is unnecessary since the Adm. has no intent to implement the Protocol prior to Senate ratification. While the House amendment clarifies that the funding prohibition does not apply to authorized programs, the Adm. still objects to the bill language as being unnecessary.	

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FY 2001 KYOTO PROTOCOL PROVISIONS -- July 21, 2000				
Bill (sponsor)	**FY 2001 HOUSE**	**FY 2001 SENATE**	**ADMIN. POSITION ON WHY THE PROVISION IS OBJECTIONABLE**	**CONFERENCE/ FINAL**
Treasury/Postal (Emerson, R-MO)	Bill and report language prohibits funds from being used to propose or issue rules, regulations, decrees or orders for the purpose of implementing or in preparation for implementing the Kyoto Protocol prior to Senate ratification. The prohibition does not apply to authorized programs or international negotiations related to the Kyoto Protocol. (Sec.518)	Report language prohibits funds from being used solely for implementing the Kyoto Protocol. The language clarifies that the prohibition does not apply to longstanding and authorized energy programs that benefit the environment provided they are funded.	While the bill and report language clarifies that the funding prohibition does not apply to authorized programs or international negotiations, the Adm. still objects to the bill language as being unnecessary.	

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Tracking of FY 2001/FY 2000 Supp Environmental Funding and Riders

Second Session/106th Congress

July 24, 2000

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(close hold; not for general distribution; changes in bold)

Copies of the final SAPS are available at: http://www.whitehouse.gov/OMB/legislative/SAP/index.html

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FY 2001/FY 2000 Supp Appropriations and Riders

ENVIRONMENTAL SCORECARD -- FY 2001 BUDGET
NRES AND NOAA AGENCY TOTALS
AS OF JULY 21, 2000
(Discretionary budget authority and tax incentives unless otherwise noted; in millions of dollars)

	1999	2000	2001					
	Actual	Enacted	Budget	House Action	Mark-up Status	Senate Action	Mark-up Status	Conf
USDA (NRD Programs)								
Agriculture & Rural Development	7,934	8,259	8,660	8,045	F	8,407	F	
Interior and Related Agencies	2,652	2,812	3,110	2,738	F	3,102	F	
Total	**10,586**	**11,071**	**11,770**	**10,783**		**11,509**		
DOI								
Interior and Related Agencies	7,010	7,394 1/	8,333	7,318	F	7,784 2/	F	
Energy and Water (BuRec & CUP, Net)	789	764	804	733	F	756	FC	
Total	**7,799**	**8,158**	**9,137**	**8,051**		**8,540**		
DOE								
Interior and Related Agencies	1,251	1,236	1,298	1,339	F	1,355	F	
Energy and Water	16,603	16,104	17,641	16,739	F			
Total	**17,854**	**17,340**	**18,939**	**18,077**				
EPA (VA/HUD Bill)								
EPA (without Superfund HHS funding)	**7,453**	**7,433**	**7,144**	**7,144**	F			
HHS Superfund funding	**136**	**130**	**113**	**130**	F			
EPA (with Superfund HHS funding)	**7,589**	**7,563**	**7,257**	**7,274**	F			
ARMY CORPS								
Energy and Water	**3,990**	**4,113**	**4,064**	**4,124**	F	**4,100**	FC	
NOAA								
Commerce, State, Justice	**2,212**	**2,328**	**2,784**	**2,231**	F			

Mark-up Status
SC -- Subcommittee mark-up
FC -- Full Committee mark-up
F -- Floor action

Notes
1/ Includes $2 million for BLM land acquisition in the FY 2000 Emergency Supplemental.
2/ Does not include effect of across-the-board travel rescission. Includes $120 million in emergency funds contingent on POTUS designation.

ENVIRONMENTAL SCORECARD -- FY 2001 BUDGET

(Discretionary budget authority and tax incentives unless otherwise noted; in millions of dollars)

	1999	2000	2001					
	Actual	Enacted	Budget	House Action	Mark-up Status	Senate Action	Mark-up Status	Conf
MULTI-AGENCY INITIATIVES:								
Lands Legacy Initiative								
DOI	240	346 1/	735	193	F	189	F	
USDA								
Interior and Related Agencies	155	217	236	94	F	137	F	
NOAA	78	165	429	159	F	181	FC	
Total	473	728	1,400	446		507		
Farm Conservation Initiative (USDA)								
Conservation Security Program	—	—	600	0	F	0	F	
Wetlands Reserve Program	113	165	259	46	F	46	F	
Conservation Reserve Program	1,462	1,477	1,690	1,690	F	1,690	F	
Environmental Quality Incentives Program	174	174	325	174	F	174	F	
Farmland Protection Program	—	—	65	0	F	0	F	
Wildlife Habitat Incentives Program	20	0	50	0	F	0	F	
Technical Assistance	28	35	110	0	F	0	F	
Total (mandatory)	1,797	1,851	3,099	1,910	FC	1,910	FC	
International Clean Energy Initiative								
USAID	68	79	109	79	FC	79	F	
DOE								
Energy and Water	6	3	32		F			
Interior and Related Agencies	—	—	20	13	F		FC	
DOC	—	—	4	0	F			
Trade & Development Agency	16	16	21	16 2/	F	16	F	
Eximbank	—	—	15	0 3/	F	0	F	
Total	90	98	201					
Biobased Products & Bioenergy								
DOE								
Energy and Water	99	100	130	102	F		FC	
Interior and Related Agencies	10	25	44	26	F		F	
USDA								
Agriculture & Rural Development	60	57	96	63	F	60	F	
Interior and Related Agencies	9	9	19	9	F	14	F	
Total	178	191	289	200				

ENVIRONMENTAL SCORECARD -- FY 2001 BUDGET

(Discretionary budget authority and tax incentives unless otherwise noted; in millions of dollars)

	1999	2000	2001					
	Actual	Enacted	Budget	House Action	Mark-up Status	Senate Action	Mark-up Status	Conf
Greening the Globe Initiative								
USAID	60	64	100	64	FC	100	F	
Treasury	---	13	37	13	FC	0	F	
USDA	3	3	10	5	F	5	FC	
DOI	2	2	3	2	F	3	FC	
Total	65	80	150	84		108		
Livability Initiative								
Mass Transit (DOT)	5,390	5,785	6,321	6,271	F	6,271	F	
Congestion Mitigation & Air Quality (DOT)	1,408	1,509	1,557	1,636	F	1,661	F	
Transportation Enhancements (DOT)	632	685	719	719	F	749	F	
Trans. & Comm. & System Presev. Pilot (DOT)	14	35	52	27	F	25	F	
C/FIP								
DOI	2	2	32	0	F	0	FC	
USDA	0	0	5	0	F	0	FC	
Other	15	13	13					
Non-Environmental Components	65	125	618					
Total	7,526	8,154	9,317					
Climate Change Technology Initiative								
DOE								
Energy and Water	345	348	451	385	F			
Interior and Related Agencies	545	632	718	531	F	643	F	
EPA	109	103	227	103	F			
USDA								
Agriculture & Rural Development	0	0	11	0	F	2	F	
Interior and Related Agencies	0	0	13	0	F	5	F	
DOC	0	2	0	0	F	0	FC	
HUD	10	10	12	10	F			
Tax Incentives	0	0	(201)					
Total (excludes tax incentives)	1,009	1,095	1,432	1,029				

ENVIRONMENTAL SCORECARD -- FY 2001 BUDGET

(Discretionary budget authority and tax incentives unless otherwise noted; in millions of dollars)

	1999 Actual	2000 Enacted	2001 Budget	2001 House Action	2001 Mark-up Status	2001 Senate Action	2001 Mark-up Status	2001 Conf
Partnership for a New Generation of Vehicles								
DOE	134	135	148	5	F	140	FC	
NSF	40	42	47	42	F			
EPA	28	26	40	26	F			
DOC	30	23	16	6	F			
DOT	3	0	4	0	F	0	F	
Total	235	226	255	79				
Clean Water Action Plan								
EPA	605	603	762	767	F			
USDA								
Agriculture & Rural Development 4/	38	57	105	71	F	78	F	
Interior and Related Agencies	503	617	720	627	F	682 5/	F	
DOI	348	362	395	363	F	367	F	
NOAA	17	15	22	15	F			
Corps	106	117	145	125	F	120	FC	
Everglades	221	284	334	243	F			
-- DOI	(144)	(145)	(144)	(73)	F	(75)	F	
-- Corps	(45)	(114)	(158)	(140)	F	(117)	FC	
-- Other	(32)	(29)	(34)	(30)	F			
California Bay-Delta Ecosystem Restoration	75	60	60	0	F	0	FC	
Total (minus double counts)	1,907	2,109	2,538					
Montreal Protocol								
EPA	11	12	21	12	F			
State	34	28	28	26 6/	FC	23 6/	F	
Total	45	40	49	38				
GLOBE								
NASA	5	5	5	5	F			
NOAA	3	3	5	0	F			
EPA	0	1	1	0	F			
NSF	2	2	2	2	F			
Total	10	11	13	7				

ENVIRONMENTAL SCORECARD -- FY 2001 BUDGET

(Discretionary budget authority and tax incentives unless otherwise noted; in millions of dollars)

	1999	2000	2001					
	Actual	Enacted	Budget	House Action	Mark-up Status	Senate Action	Mark-up Status	Conf
Endangered Species Act								
DOI	91	108	115	112	F	119	FC	
NOAA	38	44	55	43	F			
Total	129	152	170	155				
Salmon								
NOAA	0	68	160	58	F			
Corps	95	68	91	80	F	81	FC	
DOI	0	5	0	0	F	0	FC	
State	0	10	0	0	F			
Total	95	151	251	138				

ENVIRONMENTAL SCORECARD -- FY 2001 BUDGET

(Discretionary budget authority and tax incentives unless otherwise noted; in millions of dollars)

	1999	2000	2001					
	Actual	Enacted	Budget	House Action	Mark-up Status	Senate Action	Mark-up Status	Conf
AGENCY PROGRAMS								
EPA:								
Operating Program	3,496	3,532	3,917	3,687	F			
State Revolving Funds (SRFs):								
Clean Water	1,350	1,345	800	1,200	F			
Drinking Water	775	820	825	825	F			
Superfund	1,492	1,400	1,450	1,270	F			
Polluted Runoff Control Grants (Sec. 319)	200	200	250	220	F			
Clean Air Partnership Fund	---	0	85	0	F			
Great Lakes Initiative	18	17	67	17	F			
Superfund Orphan Share (mandatory)	0	0	150	0	F			
Total, EPA	7,589	7,563	7,257	7,144	F			
DOI:								
National Park Service Operating Program	1,286	1,364	1,454	1,502	F	1,444	F	
Bureau of Land Management Operating Program	708	743	819	772	F	793	F	
Fish and Wildlife Service Operating Program	660	715	762	731	F	758	F	
USDA:								
Forest Service Operating Program	1,595	1,585 7/	1,711 7/	1,642	F	1,679	F	
Nat. Resources Conservation Serv. Op. Program	641	661	747	677	FC	714	FC	
Water/Wastewater Grants and Loans	645	631	648	669	FC	634	FC	
NOAA (DOC):								
Fisheries and Protected Species	350	396	431	379	F			
Oceans and Coastal Management	178	188	314	173	F			
Ocean and Atmospheric Research	287	301	303	252	F			
DOE:								
Cleanup (Env. Mgmt. Program)	5,843	5,878	6,318	5,985	F	6,229	FC	
Solar and Renewable Energy R&D (net)	336	315	410	343	F			
Energy Conservation and Efficiency (gross)	692	745	851	650	F	738	FC	
DOD:								
Cleanup	1,962	1,634	2,136	2,146	F	2,179	F	
Env. Compliance/Pollution Prevent/Conserv	2,434	2,337	2,180	2,180	F	2,215	F	

ENVIRONMENTAL SCORECARD -- FY 2001 BUDGET

(Discretionary budget authority and tax incentives unless otherwise noted; in millions of dollars)

	1999	2000	2001					
	Actual	Enacted	Budget	House Action	Mark-up Status	Senate Action	Mark-up Status	Conf
Army Corps of Engineers:								
Clean Water Action Plan	106	117	145	125	F	120	FC	
Everglades	45	114	158	140	F	117	FC	
Salmon	95	68	91	80	F	81	FC	
TREASURY:								
Global Environmental Facility (GEF)	168	36	176	36	FC	50	F	
STATE/AID:								
Multilateral and Bilateral Assistance	278	279	301	304 8/	FC	266 8/	F	
NASA:								
Earth Science (Global Change Research)	1,155	1,173	1,149	1,149	F			
CEQ:	2.7	2.8	3.0	2.9	F			

Mark-up Status
SC -- Subcommittee mark-up
FC -- Full Committee mark-up
F -- Floor action

Notes:
1/ Includes $2 million for BLM land acquisition in the FY 2000 Emergency Supplemental.
2/ Estimate based on pro-rata reduction in account.
3/ Report language prohibits funds be set aside or designated in advance for clean energy projects.
4/ Numbers revised to include base funding not originally counted as part of CWAP.
5/ Reflects FY 2000 reprogramming and FY 2001 revised budget structure used by House/Senate appropriators.
6/ Estimate based on pro-rata reduction in IO&P account.
7/ FY 2000 enacted and the FY 2001 request is adjusted for comparability purposes to reflect the budget structure adopted by the House, rather than the structure proposed in the budget.
8/ $100 million is double counted with USAID Greening the Globe funding.

$1.4 BILLION LANDS LEGACY INITIATIVE

(Discretionary budget authority, in millions of dollars)

	1993 Actual	1999 Actual	2000 Estimate	FY 2001 Proposed	House Mark 2/	Senate Mark	Senate from Request $	Senate from Request %
Federal Land Acquisition (LWCF)	**255**	**329**	**421**	**450**	**174**	**179 3/**	**-271**	**-60%**
Federal Land Acquisition (DOI)*	193	211	265 5/	320	122	103	-217	-68%
Federal Land Acquisition (FS/USDA)*	62	78	95	130	52	76	-54	-41%
Baca Ranch NM One-time Acquisition (FS/USDA)*	0	40	61	0				
DOI/USDA State Conservation Programs	**79**	**67**	**142**	**521**	**113**	**147 3/**	**-374**	**-72%**
Subtotal DOI	***44***	***29***	***81***	***415***	***71***	***86 3/***	***-329***	***-79%***
LWCF State Conservation Grants (NPS/DOI)*	28	0	41	150	31	41	-109	-73%
State Non-Game Wildlife Grants (FWS/DOI)	--	--	--	100	--	--	-100	-100%
State Planning Partnerships (USGS/DOI)	--	--	--	50	--	--	-50	-100%
Coop. Endangered Species Conservation Fund (FWS/DOI)	7	14	23	65	23	27	-38	-59%
North American Wetland Conservation Fund (FWS/DOI)	9	15	15	30	15	17	-14	-45%
Urban Parks and Recreation Recovery Grants (NPS/DOI)	0	0	2	20	2	2	-18	-90%
Subtotal USDA	***35***	***38 1***	***61***	***106***	***42***	***61 3/***	***-45***	***-43%***
Forest Legacy Program (FS/USDA)	10	7	30	60	10	30	-30	-50%
Urban and Community Forestry (FS/USDA)	25	31	31	40	32	31	-9	-23%
Smart Growth Partnership (FS/USDA)	--	--	--	6	--	--	-6	-100%
NOAA/DOC Coastal Programs	**46**	**78**	**165**	**429**	**159**	**181 4/**	**-248**	**-58%**
National Marine Sanctuary Program	7	14	26	35	26	24	-12	-33%
Coastal Zone Management Act (CZMA) Program	35	58	59	159	62	65	-94	-59%
Coastal Impact Assistance Grants	--	--	--	100	--	--	-100	-100%
Pacific Northwest Salmon Fund	--	--	58	100	58	58	-42	-42%
National Estuarine Research Reserves System	3	4	12	20	12	27	7	35%
Coral Restoration	0	0	6	15	0	6 6/	-9	-60%
Dredging and other NOAA Programs	0	2	5	0	2	2	2	na
Total Lands Legacy Discretionary Funding	**380**	**473 1**	**729 4/**	**1,400 1/**	**446**	**508**	**-892**	**-64%**

$1.4 BILLION LANDS LEGACY INITIATIVE
(Discretionary budget authority, in millions of dollars)

Lands Legacy Discretionary Funding By Agency

	1993 Actual	1999 Actual	2000 Estimate	Request	House Mark 2/	Senate Mark 3/	Senate Mark from Request $	Senate Mark from Request %
Department of the Interior	237	240	346	735	193	189	-546	-74%
Department of Agriculture (Forest Service)	97	155 1	217	236	94	137 3/	-99	-42%
Department of Commerce (NOAA)	46	78	165	429	159	181 4/	-248	-58%
Total	380	473 1	729 4/	1,400 1/	446	508	-892	-64%
Lands Legacy Funding By Appropriations Committee								
Interior and Related Agencies	334	395	563	971	287	327 3/	-645	-66%
Department of the Interior	*237*	*240*	*346*	*735*	*193*	*189*	*-546*	*-74%*
Department of Agriculture (Forest Service)	*97*	*155* 1	*217*	*236*	*94*	*137*	*-99*	*-42%*
Commerce/Justice/State (NOAA)	46	78	165	429	159	181 4/	-248	-58%
Total	380	473 1	729 4/	1,400 1/	446	508	-892	-64%

* Federal land acquisition and state conservation grant funds are derived from the Land and Water Conservation Fund (LWCF).

1/ In addition, while part of the Lands Legacy Initiative, USDA's Farmland Protection Program would be funded in 2001 at $65m in mandatory funding within the Administration's Farm Safety Net Initiative. The 2000 request was $50m in discretionary funding; $250k was appropriated.

2/ House Floor action

3/ Senate Floor action on Interior and Related Agencies

4/ Senate Committee action on Commerce/Justice/State.

5/ The FY 2000 supplemental added $2m for BLM land acquisition (MD).

6/ The Committee action on Coral Reefs is unclear.

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FY 2000 EMERGENCY SUPPLEMENTAL APPROPRIATIONS -- July 24, 2000				
RIDER	**FY 2000 HOUSE**	**FY 2000 SENATE**	**ADMIN. POSITION ON WHY THE PROVISION IS OBJECTIONABLE**	**CONFERENCE/ FINAL**
Army Corps of Engineers Mgt. Reforms **(Sen. Stevens, R-AK)** **(Sen. Domenici, R-NM)**	No provision	Prohibits funds to be spent to restructure, reorganize, abolish, transfer, consolidate, or otherwise modify the organizational or management structure of the Army Corps of Engineers. (Sec. 3102)	Prohibits clarifying accountability of senior Corps officials in accordance with existing law. Also, attempt to micromanage executive agency and impede Administration's ability to implement management reforms and organizational changes.	Final supp deleted bill language; report language blocking mgt. reforms until "all" investigation are completed remains objectionable, but non-binding per OMB GC.
Oregon Inlet (NC) Jetty **(Sen. Helms, R-NC)**	No provision.	Requires, within 60 days of enactment, Interior to transfer lands within a national seashore and a national wildlife refuge to the Army Corps of Engineers for a jetty and sand transfer system. (Sec. 3108) In a June 26 letter to Chairman Regula, Sec. Babbitt said that if the provision was included in the final bill, he would recommend that the President veto the bill.	Prejudges and overrides an ongoing EIS process and ignores potential detrimental environmental impacts to a national seashore and a national refuge.	Dropped in Conference. **Included on 7/20 in the FY01 Ag approps bill on the Senate Floor as amended by Sen. Baucus (D-MT) by voice vote, and may be acceptable.** **The Baucus amendment calls for another study of the project and alternatives, to be conducted within 180 days. Sen. Helms stated this would be the last such study and then supported the amendment.**

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FY 2000 EMERGENCY SUPPLEMENTAL APPROPRIATIONS -- July 24, 2000				
RIDER	**FY 2000 HOUSE**	**FY 2000 SENATE**	**ADMIN. POSITION ON WHY THE PROVISION IS OBJECTIONABLE**	**CONFERENCE/ FINAL**
Hardrock Mining Surface Management Rule, "Section 3809" **(Sen. Craig, R-ID)** **(Sen. Murkowski, R-AK)**	No provision.	Limits modifications to the current rules to only the specific regulatory gaps identified at pages 7 through 9 of the NRC report, preventing Interior from adopting all of the NRC's recommendations. (Sec. 3105)	Would result in weakened and inadequate rules governing the management of hardrock mining on public lands. Similar riders in the last four Interior and Related Agencies appropriations bills have delayed this rulemaking.	Dropped in Conference. **Included in FY01 Senate Ag approps bill. A Sen. Durbin (D-IL) amendment to modify the provision was voted non-germane by 56-37 on 7/20 in Senate Floor action**
Central Arizona Project (CAP) **(Sen. Kyl, R-AZ)**	No provision	Limits the Interior Secretary's CAP authority in FY 2000 to reallocate Central Arizona Project water or to complete related NEPA analyses. (Sec. 3103)	Creates adverse precedent of interfering with Sec. of the Interior's existing authority. Undermines NEPA process, recent court-approved settlement, and Secretary's Tribal trust responsibilities.	Objectionable bill language included in the final supp.
Glacier Bay National Park (AK) Fishing Compensation **(Sen. Stevens, R-AK)**	No provision.	Requires interim compensation be made by June 15, 2000, to anyone negatively affected by the crabbing closures and fishing restrictions in Glacier Bay park waters. (Sec. 3107)	Administratively unattainable to make interim payments before a process to determine eligibility has been completed. The process is estimated to be finished by 12/00, with payments made by 6/01. The timing of the process was determined in part by the fishing industry.	Final Conference included a modified version that was acceptable, since the interim payments were now limited to a defined set of recipients that Interior already knows would qualify for compensation, rather than the undefined universe included in the Senate version.

FY 2000 EMERGENCY SUPPLEMENTAL APPROPRIATIONS -- July 24, 2000				
RIDER	**FY 2000 HOUSE**	**FY 2000 SENATE**	**ADMIN. POSITION ON WHY THE PROVISION IS OBJECTIONABLE**	**CONFERENCE/ FINAL**
Hazardous Fuels Reduction Language Issues **(Sen. Domenici, R-NM)**	Never included in the House supplemental.	Draft bill language would: authorize the use of hazardous fuels reduction funds for timber production; require the Administration to submit reports, including list of communities that may not receive hazardous fuels reductions because of the presence of endangered species; and publish a pending Forest Service Cohesive Fire Strategy report in the Federal Register with a 30-day comment period, along with analysis on the Strategy's relationship to pending Administration policy efforts, like the FS roadless proposal and ICBEMP. [The draft language was never formally included in the Senate FY00 supp, but was a candidate for inclusion in the conference version of the supp.]	Section 2 of the draft Sens. Domenici/Bingaman bill included environmental riders that were unacceptable to USDA and CEQ. The comment period for the explanation of policy differences with the Cohesive Fire Strategy could have resulted in priority Administration proposals (i.e., the final roadless rule) being delayed. Also, expanding the contracting authorities for hazardous fuels reductions could have opened up new funding sources for the timber program, causing the fuels reduction program to lose focus, targeting priority fuels risks less (e.g., wildland/urban interface), and more toward lands with timber harvest potential.	Not included in the final supplemental bill. On July 12, Sen. Domenici added this rider to the FY01 Interior Appropriations Bill on the Senate Floor. The amendment was adopted by voice vote.

FY 2000 EMERGENCY SUPPLEMENTAL APPROPRIATIONS -- July 24, 2000				
RIDER	**FY 2000 HOUSE**	**FY 2000 SENATE**	**ADMIN. POSITION ON WHY THE PROVISION IS OBJECTIONABLE**	**CONFERENCE/ FINAL**
EPA's Total Maximum Daily Load (TMDL) Water Pollution Rule **(Sen. Crapo, R-ID)** **(Sen. Lincoln, D-AR)** **(Rep. Dickey, R-AR)**	No provision.	No provision.	The Conference provision will significantly slow the cleanup of the almost 40% of the nations waters that are still polluted for fishing and swimming. The President announced the proposed TMDL rule in Aug. 1999. The final rule (expected to be promulgated in FY 2000) would clarify and strengthen the existing TMDL water pollution planning program, while giving states flexibility in cleaning up waters. The rider will encourage further litigation, which the rule was attempting to avoid, and potentially put the courts in charge of the cleanup process. (Note: EPA has signed consent decrees requiring it to do TMDLs in approximately 20 states if the state doesn't.)	No FY 2000 or FY 2001 funds can be used to make a final determination on or implement any new EPA TMDL water pollution rule; enacted on 7/13/00. The EPA on 7/11 signed a final TMDL rule, effective 30 days after the congressional rider expires. The rider currently ends on 10/1/01. In the interim, states will develop their clean-up plans under existing clean water rules.

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FY 2001 INTERIOR BILL APPROPRIATIONS RIDERS -- July 24, 2000				
RIDER	**FY 2001 HOUSE**	**FY 2001 SENATE**	**ADMIN. POSITION ON WHY THE PROVISION IS OBJECTIONABLE**	**CONFERENCE/ FINAL**
Limitations on National Monuments Authority **(Rep. Hansen, R-UT)**	Would prohibit funds to be used for the purposes of design, planning, or management of Federal Lands as Nat'l Monuments under the 1906 Antiquities Act that have been designated Monuments since FY 1999. (Sec. 335). By a 243-177 margin, the House on June 15 deleted the rider, approving an amendment offered by Rep. Dicks (D-WA).	No Committee provision. **Sen. Nickles (R-OK) floor amendment to deny funding for any new monuments was rejected (49-50) on 7/18/00.**	Undermines long-standing Presidential authority to establish national monuments to protect significant natural, prehistoric, historic, and scientific resources on Federal Lands. Would affect eight new designations, including the Sequoia and Hanford National Monuments, (plus one expanded monument -- Pinnacles).	**No provision.**

FY 2001 INTERIOR BILL APPROPRIATIONS RIDERS -- July 24, 2000				
RIDER	**FY 2001 HOUSE**	**FY 2001 SENATE**	**ADMIN. POSITION ON WHY THE PROVISION IS OBJECTIONABLE**	**CONFERENCE/ FINAL**
Interior Columbia Basin Ecosystem Management Project (ICBEMP), affecting WA/OR/MT/ID watersheds. **(Rep. Nethercutt, R-WA)**	Would prohibit ICBEMP Supplemental Environmental Impact Statement (SEIS) and Record of Decision (ROD) from being issued before the end of FY 2001, by subjecting ICBEMP to the Small Business Regulatory Enforcement Fairness Act (SBREFA) , and therefore requiring (1) a regulatory flexibility analysis, and (2) the proposal being sent to Congresss for a 60-day review period -- before publication of the final supplemental SEIS and ROD. (Sec. 334) During separate votes on June 15, the House first deleted (221-206) and then restored (197-180) this rider.	No provision.	Would block completion of ICBEMP, and therefore improvement of Federal agency land/environmental management in these WA/OR/MT/ID watersheds. USDA/DOI have invested $50 million in scientific analyses and public outreach, responded to thousands of public comments, and worked over seven years to complete ICBEMP, the most ambitious, comprehensive, and inclusive Federal land management planning effort ever undertaken by the Federal Government. Also, adverse precedent in applying SBREFA to Forest Service (and BLM) land-use planning.	

FY 2001 INTERIOR BILL APPROPRIATIONS RIDERS -- July 24, 2000				
RIDER	**FY 2001 HOUSE**	**FY 2001 SENATE**	**ADMIN. POSITION ON WHY THE PROVISION IS OBJECTIONABLE**	**CONFERENCE/ FINAL**
American Heritage River (AHR) **(Rep. Chenoweth - Hage, R-ID)**	Would prevent funds from being used to support CEQ in coordinating the AHR Program; would cover this and previous appropriations for agencies funded in this bill. The rider is identical to the FY 2000 enacted compromise provision. (Sec. 327). On June 15, a Rep. Kelly (R-NY) amendment was adopted by voice vote to modify the rider bill language to make it acceptable to the Administration.	Identical to House Appropriations Committee language before Floor amendment (Sec. 326). **Managers' amendment adopted on 7/18/00 makes language acceptable to the Administration. (Same language as Rep. Kelly amendment in the House).**	House Committee/Senate Committee version would unnecessarily restrict coordination of a major Administration initiative to improve waterways, coordinate federal actions, and enhance river communities.	**Both House and Senate modified versions acceptable.**

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FY 2001 INTERIOR BILL APPROPRIATIONS RIDERS -- July 24, 2000				
RIDER	**FY 2001 HOUSE**	**FY 2001 SENATE**	**ADMIN. POSITION ON WHY THE PROVISION IS OBJECTIONABLE**	**CONFERENCE/ FINAL**
Kyoto Protocol **Rep. Knollenberg (R-MI)**	Bill and report language prohibit funds from being used to propose or issue rules, regulations, decrees or orders for the purpose of implementing or in preparation for implementing the Kyoto Protocol prior to Senate ratification. Same as enacted FY 2000 language (Sec. 330).	**Bill and report language prohibit funds from being used to propose or issue rules, regulations, decrees or orders for the purpose of implementing or in preparation for implementing the Kyoto Protocol prior to Senate ratification. Same as enacted FY 2000 language.** **Report language clarifies that the prohibition applies only to actions called for solely in the Protocol and not to authorized programs. Also, a floor colloquy (Sens. Leahy, Byrd, Gorton) clarifies that the prohibition does not apply to international negotiations or programs with other countries. (Sec. 329)**	**House and Senate provision may will be unconstitutional if read to prevent DOE or DOI from assisting the President in carrying out his constitutional authority to conduct international negotiations. The language is unnecessary since the Adm. has no intent to implement the Protocol prior to Senate ratification.** **Senate report language is preferred for the Conf. Rept. If that fails, no rept language is the next best alternative.**	

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FY 2001 INTERIOR BILL APPROPRIATIONS RIDERS -- July 24, 2000				
RIDER	**FY 2001 HOUSE**	**FY 2001 SENATE**	**ADMIN. POSITION ON WHY THE PROVISION IS OBJECTIONABLE**	**CONFERENCE/ FINAL**
Prohibit Establishing Kankakee River (IL/IN) National Wildlife Refuge (NWR) **Rep. Buyer (R-IN)**	Would prohibit funds to be used to establish a NWR in the Kankakee River watershed in northern Illinois and Indiana that is inconsistent with Corps of Engineers flood control and siltation efforts. Identical to the final FY 2000 provision. (Sec. 119).	Identical to House provision (Sec. 119). **Managers' amendment adopted on 7/18/00 makes language acceptable to the Administration. Would require a new refuge to be consistent with an existing 4/16/99 agreement between the FWS and the Corps.**	Infringes on the Interior Department's ability to protect and preserve migratory bird species by circumventing the public process for establishing refuges.	**Senate version preferable.**
Prohibit Establishing North Delta/Yolo Bypass (CA) National Wildlife Refuge (NWR) **Rep. Ose (R-CA)**	Would prohibit funds to be used to establish a NWR in the Yolo Bypass in the North Delta area of the San Francisco Bay. (Sec. 122). During June 2000 House floor debate, Rep. Ose dropped this rider, following a discussion between the Rep. and Fish and Wildlife Service (FWS) Director Jamie Clark, who reportedly told him the FWS is not going to establish the refuge until flood control issues were worked out.	Not included.	Infringes on DOI's ability to protect and preserve migratory bird species by circumventing the public process for establishing refuges.	**No provision.**

FY 2001 INTERIOR BILL APPROPRIATIONS RIDERS -- July 24, 2000				
RIDER	FY 2001 HOUSE	FY 2001 SENATE	ADMIN. POSITION ON WHY THE PROVISION IS OBJECTIONABLE	CONFERENCE/ FINAL
Tribal Contract Moratorium	Would prohibit BIA, IHS, and other agencies from entering into new or expanded self-determination contracts or self-governance compacts with tribes. Existing contracts and compacts would not be affected by the tribal contract moratorium. The rider is identical to the FY 2000 Senate rider later dropped in end-game, and an enacted FY 1999 Supplemental rider. (Sec. 331).	No provision.	Interferes with the long-standing objective of tribal self-determination and self-governance. It is contrary to the government-to-government policy the Federal Government has with tribes.	

FY 2001 INTERIOR BILL APPROPRIATIONS RIDERS -- July 24, 2000				
RIDER	**FY 2001 HOUSE**	**FY 2001 SENATE**	**ADMIN. POSITION ON WHY THE PROVISION IS OBJECTIONABLE**	**CONFERENCE/ FINAL**
Grazing Permits **(Sen. Domenici, R-NM)**	Appears to provide the Secretary the discretion to extend BLM/NPS grazing permits expiring in FY 2001 for 10 years under the current lease provisions, until environmental assessments are completed, at which time DOI can amend, suspend, or cancel the permit. However, the language of the provision could also leave the Secretary vulnerable to legal challenges regardless of the decisions made under the rule. Similar to the enacted FY 2000 provision. (Sec. 116).	Similar to House provision (before House Floor making it discretionary); appears to automatically extend permits but does not provide for 10 years, Secretarial discretion to renew (Sec. 116).	Extends grazing permits that are up for renewal for 10 years, even though all necessary NEPA requirements have not been completed. Could be incentive for grazing operations to delay processing to avoid NEPA compliance.	
Limitation of Tribal Priority Allocations (TPA) in the State of Alaska **(Sen. Stevens, R-AK)**	No provision.	Would prohibit direct distribution of TPA funds to tribes in Alaska with memberships of less than 25 individuals; funds would be redistributed to each regional Alaska Native nonprofit corporation. (Sec. 118).	Contrary to the government-to-government policy the Federal Government has with tribes. Fails to clarify that Native corporations should receive tribal input on the use of funds. Could set precedent for a minimum membership threshold for tribal self-determination.	

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FY 2001 INTERIOR BILL APPROPRIATIONS RIDERS -- July 24, 2000				
RIDER	**FY 2001 HOUSE**	**FY 2001 SENATE**	**ADMIN. POSITION ON WHY THE PROVISION IS OBJECTIONABLE**	**CONFERENCE/ FINAL**
Prohibition on Taking Land into Trust for Shoalwater Bay Indians **(Sen. Gorton, R-WA)**	No provision.	Would continue a FY00 provision prohibiting the use of Interior Dept. funds in the Act to transfer land into trust status for the Shoalwater Bay Indian Tribe, WA, until legally enforceable tax, zoning, and economic development impact issues between the tribe and the local government are agreed upon (Sec. 121).	Administrative procedures (25 CFR 151), which allow for state and local input, should determine if land is taken into trust. Provision would restrict the Interior Secretary's authority to accept tribal land into a trust status, and essentially grant a local government a veto over taking tribal land into trust.	
Endangered Species Act (ESA) Tribal Treaty Rights	No provision included.	Would continue a FY00 provision that allows funds to be expended to implement an Interior Secretarial Order, with the exception of two provisions that some Congressional members believe give preferential treatment to Indian activities and tribal lands—when Federal agencies determine conservation restrictions for listed species and designations of critical habitat—at the expense of non-Indians and non-tribal lands (Sec. 122).	The provision could impair the Interior Department's ability to implement its dual responsibilities under the ESA obligations to Indian tribes. Additionally, the provision implies that the Department is not administering the ESA consistent with current law.	

FY 2001 INTERIOR BILL APPROPRIATIONS RIDERS -- July 24, 2000				
RIDER	**FY 2001 HOUSE**	**FY 2001 SENATE**	**ADMIN. POSITION ON WHY THE PROVISION IS OBJECTIONABLE**	**CONFERENCE/ FINAL**
Restrictions on National Forest Management Plans	Limits the use of funds for new or revised plans until the pending final Forest Planning rule (to be promulgated this fiscal year) is completed. Similar riders enacted in FYs 1998, 1999, and 2000. (Sec. 321)	Same as House provision. (Sec. 320)	Should be moot if the final Forest Planning rule is issued on schedule. Otherwise in FY 2001, the rider would continue to block the Forest Service from incorporating the latest science into its forest plans.	
Pennsylvania Avenue Improvements (DC) **Rep. Norton (D-DC)**	Continues the FY 1998 prohibition on planning, design, or construction of improvements to the closed portion of Penn. Ave. without advance Committee approval. (Sec. 325).	Identical to House (Sec. 324).	This rider was accepted in previous years. It could preclude working with all parties to resolve concerns about the closure and review planning and design alternatives, but funding for projects would require Committee approval regardless of the rider.	

FY 2001 INTERIOR BILL APPROPRIATIONS RIDERS -- July 24, 2000				
RIDER	**FY 2001 HOUSE**	**FY 2001 SENATE**	**ADMIN. POSITION ON WHY THE PROVISION IS OBJECTIONABLE**	**CONFERENCE/ FINAL**
Alaska Red Cedar	Attempts to link the export of certain high-value timber from the Tongass National Forest, to attainment of the annual Tongas allowable sales quantity (ASQ). Identical to FY 2000 enacted compromise provision and similar to FYs 1998 and 1999 riders. (Sec. 329).	Same as House provision. (Sec. 328)	Establishes (under certain complex circumstances) incentives for non-Alaska interests to support reaching Tongass ASQ, by leveraging the amount of Western Red Cedar available for export to the lower 48 (mostly WA) and to international markets. Per Forest Service experts, provision is unnecessary and unmanageable.	
Lead Mining in Mark Twain National Forest (MO) **(Sen. Bond, R-MO)**	No provision included.	Would prohibit the withdrawal of lands in FY 2001 to prevent lead mining. Also, no new mining prospecting permits could be issued in FY 2001. (Sec. 335) Similar provision enacted in FY00 over Administration end-game objections.	Would again override the Interior Secretary's authority under the 1976 Federal Land Policy and Management Act (FLMPA) to withdraw lands from mineral development for environmental reasons. These national forest lands border the Ozark National Scenic Riverways National Park.	

FY 2001 INTERIOR BILL APPROPRIATIONS RIDERS -- July 24, 2000				
RIDER	**FY 2001 HOUSE**	**FY 2001 SENATE**	**ADMIN. POSITION ON WHY THE PROVISION IS OBJECTIONABLE**	**CONFERENCE/ FINAL**
Urban Resources Partnership	Forest Service appropriations language (plus report language) prohibits use of funds to carry out this portion of the Urban Community Forestry Program.	No provision.	The rationale for blocking the program - a damaging USDA OIG report - has been removed, with reforms initiated.	
Limitation on Prescribed Burns **(Rep. Wilson, R-NM)** **(Rep. Udall, D-NM)**	Prohibits Interior and Forest Service from conducting prescribed burns unless all provisions included in the Interior/USDA 1995 Federal Wildfire Policy Memorandum are implemented (Sec. 502). House Floor amendment added by Rep. Wilson and slightly modified by Rep. Udall approved by voice vote on 6/15.	No provision.	Interior (but not USDA) is concerned that the language may not allow agencies to make modifications to the 1995 fire policy. Interior is currently reviewing that 1995 policy to ensure that it is strict enough in its requirements.	
Fees for Right-of-Ways (ROW) Across Public Lands (Fiber optics) **(Sen. Campbell (R-CO)**	No provision.	Prevent BLM and the Forest Service from collecting fair market value and proceeding with a rulemaking to update an outdated 1987 ROW fee schedule for linear features, including fiber optics cables, utility corridors, roads, etc. (Sec. 339)	Would prevent the agencies from collecting fair market value when granting ROW across public lands. The 1976 Federal Land Policy and Management Act (FLPMA) requires collection of fair market value.	

FY 2001 INTERIOR BILL APPROPRIATIONS RIDERS -- July 24, 2000				
RIDER	**FY 2001 HOUSE**	**FY 2001 SENATE**	**ADMIN. POSITION ON WHY THE PROVISION IS OBJECTIONABLE**	**CONFERENCE/ FINAL**
Expanding Stewardship Pilot Projects (Sec. 336). **Sen. Burns (R-MT)**	No provision.	This provision would authorize the Forest Service to enter into an additional 28 stewardship "end-result" contracts nationwide. An FY 1999 Interior rider authorized 28 similar pilot projects. **No limitation is placed on the scope of a contract.**	The Forest Service has only begun the FY 1999 pilots, and has yet to implement the Congressional direction to include multi-party monitoring of the individual projects, and to evaluate their effectiveness. Each stewardship contract could cover an entire forest, potentially greatly expanding timber production.	
Recreation Fee Exemptions (Sec. 338). **Sen. Gregg (R-NH)**	No provision.	Would exempt residents who live within the White Mountain National Forest in New Hampshire from paying recreation fees.	The exemption would set an adverse precedent of requiring some Americans to pay more than others to use the same federal lands.	
White River (CO) National Forest Land Management Plan (Sec. 341). **Sen. Campbell (R-CO)**	No provision.	Would require implementation of a regulatory flexibility analysis for the White River National Forest in Colorado (same requirement as in the House ICBEMP rider)	Would unnecessarily delay the forest plan revision. A rider on last year's appropriations bill extended the comment period on the draft management plan for this national forest to a total of 270 days. Would also undermine the local, collaborative planning effort.	

FY 2001 INTERIOR BILL APPROPRIATIONS RIDERS -- July 24, 2000				
RIDER	**FY 2001 HOUSE**	**FY 2001 SENATE**	**ADMIN. POSITION ON WHY THE PROVISION IS OBJECTIONABLE**	**CONFERENCE/ FINAL**
Exemption from Roadless Area Protections (Sec. 342). **Sen. Gregg (R-NH)**	No provision.	Would prevent the Forest Service from protecting roadless areas in New Hampshire's White Mountain National Forest through its roadless area conservation proposal.	This exemption would, on a piecemeal basis, undermine the roadless proposal.	
Indian Gaming (Sec. 346) **Sen. Sessions (R-AL)**	**No provision.**	**Would prohibit the Secretary from using funds in the Act to publish Class III (casino) gaming procedures, when a State and tribe cannot agree on a compact and when the State asserts sovereign immunity. Added as a floor amendment on 7/12/00 by voice vote.**	**Unnecessary. Issue is currently being addressed in U.S. District Court in Florida. Secretary Babbitt has publicly committed (most recently in a 6/14/00 letter to Chairman Regula) to refrain from publishing procedures until the Court rules on pending legal issues.** **Court may view an enacted rider as a reason not to reach a decision, an outcome that Interior wants to avoid. The Administration has recommended veto on previous appropriations bills that contained riders obstructing implementation of Class III procedures.**	

FY 2001 INTERIOR BILL APPROPRIATIONS RIDERS -- July 24, 2000				
RIDER	**FY 2001 HOUSE**	**FY 2001 SENATE**	**ADMIN. POSITION ON WHY THE PROVISION IS OBJECTIONABLE**	**CONFERENCE/ FINAL**
Excessive Timber Targets. Forest Service Administrative Provisions (Title II).	No provision.	The appropriation language seeks to force the Forest Service to achieve an excessive timber target. "Requires" that the agency reprogram funds to achieve a timber target.	Unconstitutional -- Congress cannot require a President to reprogram funds. Also, would seek to divert funding for recreation, fish and wildlife, watershed restoration, and other important agency programs into the timber program.	
CFO Organization Limitation	No provision.	National Forest System (NFS) report language would limit the size of the Forest Service 's Chief Financial Officer (CFO) organization.	The report language regarding the size of the CFO's staff is excessive micro-management, representing an unwarranted intrusion into the agency's internal structure. Whereas it may be appropriate for Congress to address the number of employees agency-wide, it is inappropriate to address the size of a single office within the agency, particularly when the Forest Service's internal financial problems are well-documented.	

FY 2001 INTERIOR BILL APPROPRIATIONS RIDERS -- July 24, 2000				
RIDER	**FY 2001 HOUSE**	**FY 2001 SENATE**	**ADMIN. POSITION ON WHY THE PROVISION IS OBJECTIONABLE**	**CONFERENCE/ FINAL**
Prohibition on Wilderness Inventory Activities	Appropriations report language would deny funds for any additional Bureau of Land Management (BLM) wilderness reinventory activities unless the Interior Department requests a reprogramming for such funds. Interior regularly does such inventories as part of its base wilderness management program.	No provision.	The report language is ambiguous and unclear; it could have the effect of undoing existing Interior authority to conduct such activities. A 6/14 colloquy on the House Floor between Reps. Regula (R-OH) and Hinchey (D-NY) attempted (inadequately) to address these concerns, but Interior will work with the conferees to clarify their intent satisfactorily in the conference report language.	

FY 2001 INTERIOR BILL APPROPRIATIONS RIDERS -- July 24, 2000				
RIDER	**FY 2001 HOUSE**	**FY 2001 SENATE**	**ADMIN. POSITION ON WHY THE PROVISION IS OBJECTIONABLE**	**CONFERENCE/ FINAL**
Grizzly Reintroduction (Burns, R-MT)	**No provision.**	Report language would prohibit physical reintroduction of grizzly bears into the Selway-Bitterroot Ecosystem (ID/MO) during FY 2001 prior to the completion of a peer review linked to a finding that there is "conclusive evidence" that the recovery area can support the grizzly population.	The "conclusive evidence" requirement goes beyond the function of a peer review. The imposition of this subjective determination would undermine productive efforts to guide the recovery program. Previous Fish and Wildlife (FWS) studies determined that this area can support the grizzly population. Also, the language is unnecessary, since the FWS has no intent of physically reintroducing grizzlies in FY 2001. **Interior will work with conferees on acceptable conference report language.**	
Gray Wolf Recovery	No provision.	Report language directs Interior's Fish and Wildlife Service to return gray wolves that stray into Oregon back to the appropriate experimental recovery area in Idaho.	Would interfere with wolf recovery program by focusing resources on tracking, capturing, and returning wolves to Idaho, whether or not they cause problems in Oregon. **Interior will work with conferees on acceptable conference report language.**	

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FY 2001 INTERIOR BILL APPROPRIATIONS RIDERS -- July 24, 2000				
RIDER	FY 2001 HOUSE	FY 2001 SENATE	ADMIN. POSITION ON WHY THE PROVISION IS OBJECTIONABLE	CONFERENCE/ FINAL
Hazardous Fuels Reduction Language Issues **(Sen. Domenici, R-NM)**	No provision.	On July 12, Sen. Domenici added this rider to the FY01 Interior Appropriations Bill on the Senate Floor. The amendment was adopted by voice vote. Draft bill language would: expand Interior and Forest contracting authorities to use hazardous fuels reduction funds for commercial timber production; require the Administration to submit reports, including list of communities that may not receive hazardous fuels reductions because of the presence of endangered species; and publish a pending Forest Service Cohesive Fire Strategy report in the Federal Register with a 30-day comment period, along with analysis on the Strategy's relationship to pending Administration policy efforts, like the FS roadless proposal and ICBEMP.	Would expand the contracting authorities for hazardous fuels reductions to open up new funding sources for the timber program, causing the fuels reduction program to lose focus, targeting priority fuels risks less (e.g., wildland/urban interface), and more toward lands with timber harvest potential. Administration counter-offer being developed. The list and Strategy requirements in the Senate rider are unnecessary, but both probably can be addressed through changes in conference.	

FY 2001 INTERIOR BILL APPROPRIATIONS RIDERS -- July 24, 2000				
RIDER	**FY 2001 HOUSE**	**FY 2001 SENATE**	**ADMIN. POSITION ON WHY THE PROVISION IS OBJECTIONABLE**	**CONFERENCE/ FINAL**
Nye County Land Conveyance (Reid, D-NV)	No provision.	Adopted as part of the 7/18/00 managers' package. Would amend a rider accepted in FY00 that would require BLM to convey/sell lands to Nye County, Nevada, at a below-market rate for an educational facility. Rider would remove the stipulation that the lands must be used for educational purposes and drop NEPA and other requirements.	Would drop the requirements for the land conveyance that the Administration insisted on in FY00. Could allow the local government to acquire Federal lands at below cost and then use for commercial development. Would also circumvent important NEPA and other clearance processes.	
Restrictions on Everglades Land Acquisition (Rep. Regula, R-OH)	Interior funds provided to the State of Florida for land acquisition may not be used to acquire lands known as the Eight and One-Half Square Mile Area (Area). (National Park Service appropriations bill language)	No similar wording; funds may be used to acquire lands in the Area.	House version would limit the Federal Government's ability to assist the State in a solution to implement the Area's component for the Modified Water Deliveries Project. Would also unduly limit the ability to use State grant funding for this Project. The implications, however, are unclear because the Project is under revision.	

FY 2001 INTERIOR BILL APPROPRIATIONS RIDERS -- July 24, 2000				
RIDER	FY 2001 HOUSE	FY 2001 SENATE	ADMIN. POSITION ON WHY THE PROVISION IS OBJECTIONABLE	CONFERENCE/ FINAL
Prohibition on Use of Unapproved Pesticides on DOI Lands **(Sen. Boxer, D-CA)** **(Sen. Bond, R-MO)**	**No provision.**	**Original amendment from Sen. Boxer (D-CA) on the Floor would have prohibited the use of certain pesticides, including those approved by EPA, on areas owned or managed by DOI that may be used by children. It was modified by a Sen. Bond (R-MO) amendment to prohibit the use of pesticides not approved by EPA on areas owned or managed by DOI that may be used by children, including national parks.**	**Opposed the original amendment because of restrictions on federal land management agencies that exceeded EPA requirements. Approved amendment restates current requirements under the 1996 Food Quality Protection Act and the Federal Insecticide, Fungicide, and Rodenticide Act and is unnecessary. However, because it does not change current law, it is not objectionable.**	

FY 2001 INTERIOR BILL APPROPRIATIONS RIDERS -- July 24, 2000				
RIDER	FY 2001 HOUSE	FY 2001 SENATE	ADMIN. POSITION ON WHY THE PROVISION IS OBJECTIONABLE	CONFERENCE/ FINAL
Aircraft Landing Strips on Public Lands **(Sen. Crapo, R-ID)**	**No provision.**	**Adopted by voice vote as part of managers' package on 7/18/00. Would prohibit Interior and Agriculture Secretaries from using FY 2001 funds on any action to permanently close aircraft landing strips on Federal lands administered by the Secretaries.**	**Would undermine the ability of land management agencies to carry out resource protection, public safety, and law enforcement responsibilities, such as shutting down a site used for illegal drug smuggling. Would also impose new and expensive burdens in trying to implement the vague definition of what constitutes a landing strip.**	

FY 2001 AGRICULTURE BILL APPROPRIATIONS RIDERS -- July 24, 2000				
RIDER	**FY 2001 HOUSE**	**FY 2001 SENATE**	**ADMIN. POSITION ON WHY THE PROVISION IS OBJECTIONABLE**	**CONFERENCE/ FINAL**
American Heritage Rivers (AHR)	Would prohibit funds in bill from carrying out activities related to AHR (in NRCS bill language). On June 29, Rep. Kelly (R-NY)'s amendment to strike the AHR rider was adopted on voice vote.	Identical to House Committee version before the House Floor amendment (Sec. 326).	Would restrict Administration initiative to improve waterways, coordinate federal actions, and enhance river communities.	

FY 2001 AGRICULTURE BILL APPROPRIATIONS RIDERS -- July 24, 2000				
RIDER	**FY 2001 HOUSE**	**FY 2001 SENATE**	**ADMIN. POSITION ON WHY THE PROVISION IS OBJECTIONABLE**	**CONFERENCE/ FINAL**
Kyoto Protocol **(Rep. Emerson, R-8-MO)**	Bill and report language would prohibit funds in the bill from being used to implement the Kyoto Protocol before it is ratified by the Senate, including carbon emissions trading. This provision would become permanent as written. (Sec. 734) A House Floor amendment (Rep. Knollenberg, R-MI) was approved on 7/10 that had the effect of overriding objectionable Committee report language that attempted to expand the rider's scope.	No provision.	**Full Committee provision may be unconstitutional in restricting the President's authority to negotiate international agreements. Could also limit ongoing and authorized activities that reduce greenhouse gases. Broader and more egregious than enacted FY 2000 language. The Adm. has no intent to implement the Protocol prior to Senate ratification.** While the House amendment clarifies that the funding prohibition does not apply to authorized programs, the Adm. still objects to the bill language as being unnecessary.	
Farm Loans in Arkansas Flood Plains **(Rep. Dickey, R-4-AR)**	Would prevent USDA from barring agriculture loans for operations in floodplains. (Sec. 742)	No provision.	USDA environmental assessments needed for loan approval would be inconsistent with NEPA.	

FY 2001 AGRICULTURE BILL APPROPRIATIONS RIDERS -- July 24, 2000				
RIDER	**FY 2001 HOUSE**	**FY 2001 SENATE**	**ADMIN. POSITION ON WHY THE PROVISION IS OBJECTIONABLE**	**CONFERENCE/ FINAL**
Oregon Inlet (NC) Jetty **(Sen. Helms, R-NC)**	**No provision.**	**Included on 7/20 in the FY01 Ag approps bill on the Senate Floor as amended by Sen. Baucus (D-MT) by voice vote.** **The Baucus amendment calls for another study of the project and alternatives, to be conducted within 180 days. Sen. Helms stated this would be the last such study and then supported the amendment.**	**Prejudges and overrides an ongoing EIS process and ignores potential detrimental environmental impacts to a national seashore and a national refuge.** **Baucus compromise may be acceptable; still under review.**	
Hardrock Mining Surface Management Rule, "Section 3809" **(Sen. Craig, R-ID)** **(Sen. Murkowski, R-AK)**	**No provision.**	**Included in FY01 Senate Ag approps bill. A Sen. Durbin (D-IL) 7/20 Floor amendment to modify the provision was voted non-germane by 56-37.**	**Would result in weakened and inadequate rules governing the management of hardrock mining on public lands. Similar riders in the last four Interior and Related Agencies appropriations bills have delayed this rulemaking.**	

FY 2001 VA/HUD APPROPRIATIONS RIDERS -- July 24, 2000				
RIDER	**FY 2001 HOUSE**	**FY 2001 SENATE**	**ADMIN. POSITION ON WHY THE PROVISION IS OBJECTIONABLE**	**CONFERENCE/ FINAL**
EPA's TMDL Water Pollution Rule **(Rep. Dickey, R-AR)**	No FY 2001 or prior-year funds can be used in FY 2001 to make a final determination on or implement any new EPA TMDL (Total Maximum Daily Loads) water pollution rule. A similar rider included in the final FY00 supplemental.	No bill yet.	Would significantly slow the cleanup of the almost 40% of the nations waters that are still polluted for fishing and swimming. The President announced the proposed TMDL rule in Aug. 1999. The final rule (expected to be promulgated in FY 2000) clarifies and strengthens the existing TMDL water pollution planning program, while giving states flexibility in cleaning up waters. The rider would encourage further litigation, which the rule is attempting to avoid, and would potentially put the courts in charge of the cleanup process. (Note: EPA has signed consent decrees requiring it to do TMDLs in approximately 20 states if the state doesn't.)	

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FY 2001 VA/HUD APPROPRIATIONS RIDERS -- July 24, 2000				
RIDER	FY 2001 HOUSE	FY 2001 SENATE	ADMIN. POSITION ON WHY THE PROVISION IS OBJECTIONABLE	CONFERENCE/ FINAL
Kyoto Protocol **(Knollenberg, R-MI)**	Bill and report language prohibit funds from being used to propose or issue rules, regulations, decrees or orders for the purpose of implementing or in preparation for implementing the Kyoto Protocol prior to Senate ratification. Same as enacted FY 2000 language. A 6/21 House Floor amendment (Rep.Olver,D-MA) was approved 314-108 that had the effect of overriding objectionable Committee report language that attempted to expand the scope of the rider.	No bill yet.	**The Full Committee provision may well be unconstitutional if read to prevent EPA from assisting the President in carrying out his constitutional authority to conduct international negotiations. The language is unnecessary since the Adm. has no intent to implement the Protocol prior to Senate ratification.** While the House amendment clarifies that the funding prohibition does not apply to authorized programs, the Adm. still objects to the bill language as being unnecessary.	

FY 2001 VA/HUD APPROPRIATIONS RIDERS -- July 24, 2000				
RIDER	**FY 2001 HOUSE**	**FY 2001 SENATE**	**ADMIN. POSITION ON WHY THE PROVISION IS OBJECTIONABLE**	**CONFERENCE/ FINAL**
Pesticide Tolerance Fees	Prohibits EPA from promulgating a final rule that will significantly raise the user fees charged for issuing pesticide tolerances (i.e. the allowable level of residual pesticide on food). The provision is being scored as a $27 million outlay increase against the VA/HUD approps bill. (Sec.423)	No bill yet.	Would result in a significant funding shortfall for the program, and lets manufacturers off the hook for paying a statutorily required fee. The provision is also contrary to last year's conference report, which indicated that FY 2000 was the last year for such a rider.	
Title VI ("Environmental Justice") Interim Guidance (Knollenberg, R-MI)	Prohibits expenditure of funds to implement EPA's Feb. 5, 1998, Interim Title VI Guidance to resolve discrimination complaints related to environmental permitting for complaints filed after Oct. 21, 1998.	No bill yet.	Restricts EPA's ability to timely resolve 1964 Civil Rights Act Title VI discrimination complaints. EPA is working to finalize the Title VI Guidance, and could have it done before an appropriation bill is signed, making issue moot.	

FY 2001 VA/HUD APPROPRIATIONS RIDERS -- July 24, 2000				
RIDER	FY 2001 HOUSE	FY 2001 SENATE	ADMIN. POSITION ON WHY THE PROVISION IS OBJECTIONABLE	CONFERENCE/ FINAL
Radon in Drinking Water Multi-media Rule (Walsh, R-NY)	Report language directs that final promulgation of the radon in drinking water rule be postponed until Congress has time to consider legislation. There are currently bipartisan efforts to introduce such legislation.	No bill yet.	The bipartisan 1996 Safe Drinking Water Act Amendments require EPA to finalize a radon in drinking water rule by October 2000. The rule would give states statutorily authorized flexibility to implement a multi-media (drinking water and air) approach to reducing radon, which can reduce the risk at much lower cost than by only treating drinking water. When the Amendments passed, the multi-media approach to radon had bipartisan support and was considered very innovative.	

FY 2001 VA/HUD APPROPRIATIONS RIDERS -- July 24, 2000				
RIDER	FY 2001 HOUSE	FY 2001 SENATE	ADMIN. POSITION ON WHY THE PROVISION IS OBJECTIONABLE	CONFERENCE/ FINAL
Contaminated Sediments at Superfund Sites	Report language provides that EPA can take no action to order the use of dredging or other invasive remedial technologies for contaminated sediments at Superfund sites (with exceptions for voluntary agreements and urgent threats to public health) until the findings of a National Academy of Sciences study (expected September 2000) are incorporated into EPA procedures. A 6/21 House Floor amendment (Rep. Hinchey, D-NY) was rejected 208-216 that would have overridden this objectionable report language (and for enforcement of arsenic drinking water standards).	No bill yet.	Would prevent EPA from cleaning up contaminated sediments or ordering potentially responsible parties (PRPs) to conduct cleanups. This rider is more restrictive than FY 2000 language because it could restrict capping and contaminant sampling as well as dredging. The exception for urgent threats to public health does not define "urgent" or cover threats to the environment. EPA believes this rider could compromise cleanup at the Fox River site in Wisconsin, the Hudson River site in New York, and other Superfund sites nationwide.	
Limit CEQ to 22 FTE	Would limit CEQ to 22 FTE, below the 26 FTE it requested.	No bill yet.	Would hamper CEQ's ability to provide optimal number of employees to run the agency efficiently.	

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RIDER	FY 2001 HOUSE	FY 2001 SENATE	ADMIN. POSITION ON WHY THE PROVISION IS OBJECTIONABLE	CONFERENCE/ FINAL
Ozone Air Quality Designations **(Reps. Collins, R-GA and Linder, R-GA)**	Bill language prohibits EPA from using funds to designate non-attainment areas for the new ozone national ambient air quality standard (NAAQs) that has been stayed by the D.C. Court of Appeals and is awaiting Supreme Court decision on whether it will be allowed to take effect. This provision was approved as a House Floor amendment by a vote of 226-199 on 6/21.		Strongly oppose because it would stop the process of designating areas in non-attainment with EPA's new ozone air quality standard pending the outcome of litigation. This would delay achievement of cleaner air by blocking needed procedural steps while Supreme Court action is pending.	

FY 2001 TRANSPORTATION APPROPRIATIONS RIDERS -- July 24, 2000				
RIDER	**FY 2001 HOUSE**	**FY 2001 SENATE**	**ADMIN. POSITION ON WHY THE PROVISION IS OBJECTIONABLE**	**CONFERENCE/ FINAL**
Kyoto Protocol	No provision.	Bill and report language would prohibit funds from being used to propose or issue rules, regulations, decrees or orders for the purpose of implementing or in preparation for implementing the Kyoto Protocol prior to Senate ratification. Same as enacted FY 2000 language (Sec. 337).	May well be unconstitutional if read to prevent DOT from assisting the President in carrying out his constitutional authority to conduct international negotiations. The language is unnecessary since the Adm. has no intent to implement the Protocol prior to Senate ratification. **The Adm. prefers bill language adopted in the House VA/HUD, Foreign Ops, C/J/S, Ag, and E/W bills that clarifies that the prohibition does not apply to authorized programs.**	

FY 2001 TRANSPORTATION APPROPRIATIONS RIDERS -- July 24, 2000				
RIDER	**FY 2001 HOUSE**	**FY 2001 SENATE**	**ADMIN. POSITION ON WHY THE PROVISION IS OBJECTIONABLE**	**CONFERENCE/ FINAL**
Corporate Average Fuel Economy (CAFE)	Would prohibit funds to prepare, prescribe, or promulgate new CAFE Standards for automobiles (Sec. 318)	No similar provision. During bill Floor consideration on 6/14, the Senate adopted a motion to commission an NAS study of the safety, employment, and economic impacts of CAFE standards. A joint resolution to approve a change in the regulation would be required by Congress if the Adm. promulgated a rule during the FY.	The Administration strongly opposes the House provision restricting work on CAFE standards. Further, the Administration is concerned by the Senate instruction to the conferees to accept the House restriction with a new study. Anything short of lifting the House restriction would result in lost fuel economy, further dependence on foreign oil, and undue cost to the American consumer. The restriction's elimination would allow the Transportation Department to analyze this important issue fully.	

FY 2001 COMMERCE, STATE, JUSTICE BILL APPROPRIATIONS RIDERS -- July 24, 2000				
RIDER	**FY 2001 HOUSE**	**FY 2001 SENATE**	**ADMIN. POSITION ON WHY THE PROVISION IS OBJECTIONABLE**	**CONFERENCE/ FINAL**
Kyoto Protocol (Knollenberg, R-MI)	Bill language would prohibit funds from being used to propose or issue rules, regulations, decrees, or orders for the purpose of implementing or in preparation for implementing the Kyoto Protocol prior to Senate ratification. Same as enacted FY 2000 language. (Sec. 623) A 6/26 House Floor amendment (Rep. Olver, D-MA) was approved 217-181 that had the effect of overriding objectionable Committee report language that attempted to expand the scope of the rider.	**Not in Senate bill.**	May well be unconstitutional if read to prevent State, DOJ, or DOC from assisting the President in carrying out his constitutional authority to conduct international negotiations. The language is unnecessary since the Adm. has no intent to implement the Protocol prior to Senate ratification. While the House amendment clarifies that the funding prohibition does not apply to authorized programs, the Adm. still objects to the bill language as being unnecessary.	

DRAFT

FY 2001 FOREIGN OPS BILL APPROPRIATIONS RIDERS -- July 24, 2000				
RIDER	**FY 2001 HOUSE**	**FY 2001 SENATE**	**ADMIN. POSITION ON WHY THE PROVISION IS OBJECTIONABLE**	**CONFERENCE/ FINAL**
Kyoto Protocol	Bill language would prohibit funds from being used to propose or issue rules, regulations, decrees, or orders for the purpose of implementing or in preparation for implementing the Kyoto Protocol prior to Senate ratification. Same as enacted FY 2000 language. (Sec. 576) An amendment offered 6/27 in Full Committee (Rep. Knollenberg, R-MI) was approved (51-1) that had the effect of overriding objectionable report language that attempted to expand the scope of the rider. (Sec. 577)	Bill language would prohibit funds from being used to propose or issue rules, regulations, decrees, or orders for the purpose of implementing or in preparation for implementing the Kyoto Protocol prior to Senate ratification. Same as enacted FY 2000 language. (Sec. 576)	May well be unconstitutional if read to prevent state or USAID from assisting the POTUS in carrying out his constitutional authority to conduct international negotiations. **The language is unnecessary since the Admin. has no intent to implement the Protocol prior to Senate ratification.** While the House amendment clarifies that the funding prohibition does not apply to authorized programs, the Adm. still objects to the bill language as being unnecessary.	

FY 2001 ENERGY & WATER BILL APPROPRIATIONS RIDERS -- July 24, 2000				
RIDER	FY 2001 HOUSE	FY 2001 SENATE	ADMIN. POSITION ON WHY THE PROVISION IS OBJECTIONABLE	CONFERENCE/ FINAL
Kyoto Protocol **(Knollenberg, R-MI)**	Bill language would prohibit funds from being used to propose or issue rules, regulations, decrees or orders for the purpose of implementing or in preparation for implementing the Kyoto Protocol prior to Senate ratification. Bill language is the same as enacted FY 2000 language. A 6/27 House Floor amendment (Rep. Visclosky, D-IN) was approved that had the effect of overriding objectionable committee report language that attempted to expand the scope of the rider. (Sec. 605)	**Bill language prohibits funds from being used to propose or issue rules, regulations, decrees or orders for the purpose of implementing or in preparation for implementing the Kyoto Protocol prior to Senate ratification. Bill language is the same as enacted FY 2000 language. (Sec.705)**	May well be unconstitutional if read to prevent DOE from assisting the President in carrying out his constitutional authority to conduct international negotiations. The language is unnecessary since the Adm. has no intent to implement the Protocol prior to Senate ratification. While the House amendment clarifies that the funding prohibition does not apply to authorized programs, the Adm. still objects to the bill language as being unnecessary.	
National Monuments	Report language states there is no DOE funding in this bill to coordinate, integrate or implement a management plan or any other activity related to a national monument designated in Washington State.	No bill yet.	Would affect the recent Hanford Reach designation, and could affect DOE oversight and clean-up of contaminated lands within the external boundaries of the new Monument.	

FY 2001 ENERGY & WATER BILL APPROPRIATIONS RIDERS -- July 24, 2000				
RIDER	**FY 2001 HOUSE**	**FY 2001 SENATE**	**ADMIN. POSITION ON WHY THE PROVISION IS OBJECTIONABLE**	**CONFERENCE/ FINAL**
Rio Grande Silvery Minnow and Other Protected Species **(Sen. Domenici, R-NM)**	Includes a general provision constraining in FY 2001 the purchase or leasing of water by the Bureau of Reclamation (DOI) for the Middle Rio Grande and Carlsbad projects, by requiring such water acquisitions to comply with the state-approval provisions of the separate Drought Emergency Assistance Act.	Would prohibit permanently - beginning in FY 2000 - the use of funds to require the Middle Rio Grande Conservancy District to provide bypass flows to ensure the survival of the endangered Rio Grande Silvery Minnow or the Southwestern Willow Flycatcher, or to require the Fort Sumner Irrigation District to maintain flows for endangered species such as the Pecos bluntnose shiner.	Strongly oppose both provisions as substantially hindering ability to meet ESA requirements while maintaining services to project beneficiaries. The Senate amendment in particular would dramatically limit the way that the Fish and Wildlife Service and the Bureau of Reclamation can implement the ESA by preventing the use of certain Federal facilities to ensure adequate water flows to the fish in the Middle Rio Grande. The House provision is similar to language enacted in FY 2000.	
Central Arizona Project (CAP) Water Re-Allocation **(Sen. Kyl, R-AZ)**	**No provision.**	**Limits the Interior Secretary's authority in FY 2001 to reallocate Central Arizona Project water and complete related NEPA analyses.**	**Would create adverse precedent of interfering with the Secretary's existing authority. Undermines NEPA process, recent court-approved settlement, and the Secretary's tribal trust responsibilities.**	

DRAFT

FY 2001 ENERGY & WATER BILL APPROPRIATIONS RIDERS -- July 24, 2000				
RIDER	**FY 2001 HOUSE**	**FY 2001 SENATE**	**ADMIN. POSITION ON WHY THE PROVISION IS OBJECTIONABLE**	**CONFERENCE/ FINAL**
Prohibition on Changes in the Corps of Engineers' Missouri River Operating Manual **(Sen. Bond, R-MO)**	**No provision.**	**Would prohibit use of FY 2001 Corps funds to modify the Missouri River Master Control Manual in ways that would increase springtime water releases below Gavins Point Dam (Nebraska, Iowa, Kansas, Missouri) for Endangered Species Act (ESA) purposes.**	**Would undermine ESA implementation by preventing the adoption of an operating regime for the river that would help three Federally protected species. Also, the manual is outdated and does not appropriately balance competing commercial and recreational interests.**	

FY 2001 DEFENSE BILL APPROPRIATIONS RIDERS -- July 24, 2000				
RIDER	FY 2001 HOUSE	FY 2001 SENATE	ADMIN. POSITION ON WHY THE PROVISION IS OBJECTIONABLE	CONFERENCE/ FINAL
Prohibition on Use of Certain Pesticides at Dept. of Defense (DOD) Facilities **(Sen. Boxer, D-CA)**	No provision.	Would prohibit DOD from using appropriated funds for preventive application of certain classes of pesticides that are currently registered for use by EPA, in areas that may be used by children.	The Administration has not taken a public position. Within the Administration, DOD objects to the provision because it may limit its ability to protect against certain pests and to respond to emerging health risks, particularly to dependents on foreign bases. EPA supports the goal of the rider, but is reluctant to signal and opposition.	Provision dropped in conference report.

FY 2001 D.C. BILL APPROPRIATIONS RIDERS -- July 24, 2000				
RIDER	FY 2001 HOUSE	FY 2001 SENATE	ADMIN. POSITION ON WHY THE PROVISION IS OBJECTIONABLE	CONFERENCE/ FINAL

FY 2001 DEFENSE AUTHORIZATION BILL				
RIDER	**FY 2001 HOUSE**	**FY 2001 SENATE**	**ADMIN. POSITION ON WHY THE PROVISION IS OBJECTIONABLE**	**CONFERENCE/ FINAL**
Environmental Fines and Penalties (Stevens, R-AK)	No similar provision.	Sec.342 of S. 2549 would require DOD to seek specific Congressional authorization to pay legitimately imposed environmental fines and penalties whether assessed by Federal, State, or local jurisdiction, if the fine is greater than $1.5M or includes an economic benefit provision. Virtually all Federal fines include such a provision. Similar provision enacted in FY 2000.	Strongly oppose. Treats DOD differently than all other Federal agencies with regard to paying environmental fines and penalties. Creates an administrative burden for DOD to request specific authorization.	

FY 2001 DEFENSE AUTHORIZATION BILL				
RIDER	**FY 2001 HOUSE**	**FY 2001 SENATE**	**ADMIN. POSITION ON WHY THE PROVISION IS OBJECTIONABLE**	**CONFERENCE/ FINAL**
NEPA and Low Level Flight Training	Sec. 312 of H.R. 4205 states that environmental impact statements (EISs) prepared by the military are deemed to meet NEPA requirements, thus foreclosing legal challenge as to their adequacy. Actions may be defined so narrowly as to never trigger NEPA applicability.	No similar provision.	SAP urges deletion of this provision arguing that DOD believes its environmental documents comply with NEPA. It's important that the public has confidence in DOD's military preparedness and environmental concern. Separate application of NEPA would ignore cumulative effects.	

APPROPRIATIONS SCHEDULE

FRIDAY, JULY 21ST

Energy/Water Development

- Senate Floor action did not get off the ground. Sen. Bond (R-MO) rose in opposition to the Administration's objection to section 103 of the Senate Committee bill, which would undermine implementation of the Endangered Species Act by preventing the Corps of Engineers from funding reasonable changes to the operating manual for the Missouri River.

- Senate Majority Leader Lott (R-MS) and Minority Leader Daschle (D-SD) are meeting concerning the issue of section 103. The bill may come back to the Senate Floor on Monday or, if an agreement cannot be reached on the motion to strike section 103, the Senate may begin consideration of the Treasury/General Government bill.

TUESDAY, JULY 25TH

District of Columbia

- House Rules Committee scheduled to meet, 5:00 P.M.

  - ***House Rules SAP under development; to be in second-floor clearance noon, Monday.***

Legislative Branch

- Conference, 11:30 A.M.

Foreign Operations

- Conference (possible).

  - ***Conference letter sent, 7/21.*** Position: Senior advisers veto threat based on House/Senate inadequate funding of key international program priorities; highly objectionable language provisions of House bill (e.g., international family planning provision); numerous earmarks and restrictions in Senate bill.

Labor/HHS/Education

- Conference (possible).
  - ***Conference letter sent, 7/17.*** Position: Presidential veto threat based on inadequate funding levels for priority programs and objectionable language provisions across the bill.

WEDNESDAY, JULY 26TH

District of Columbia

- House Floor action.
  - ***House Rules SAP will need to be converted to House Floor SAP following Tuesday evening meeting of Rules Committee.***

WEEK OF JULY 24TH

Defense

- Senate Floor action on conference report (possible).

Energy/Water Development

- Senate Floor action (continued). If Sen. Lott and Sen. Daschle cannot reach agreement on how to proceed with respect to section 103, which would undermine implementation of the Endangered Species Act by preventing the Corps of Engineers from funding reasonable and much-needed changes to the operating manual for the Missouri River, the Senate may turn to the Treasury/General Government bill.
  - ***Senate Floor SAP sent, 7/21.*** Position: Senior advisers veto recommendation based on inadequate funding of key domestic priorities (e.g., $599 million cut to request for DOE domestic priorities; no funding for California Bay-Delta) and highly objectionable riders (prohibitions and restraints concerning National Nuclear Security Administration; Kyoto Protocol; various anti-ESA provisions).

Treasury/General Government

- Senate Floor action (possible)
  - ***Senate Floor SAP in second-floor clearance.*** Position: Under development.

Commerce/Justice/State

- Senate Floor action (possible).
  - ***Senate Floor SAP under development; to be in second-floor clearance Tuesday, noon.***

* * * * *

WHY THE KNOLLENBERG RIDER IN ANY FORM IS UNACCEPTABLE

Knollenberg's track record of using his rider language to frustrate the execution of mainstream policies demonstrates that the rider should be opposed in any form – not merely that it is unnecessary.

- In the past, the Administration has taken the position that the Knollenberg rider (prohibiting the use of appropriated funds to "propose or issue rules, regulations, decrees, or orders for the purpose of implementation, or in preparation for implementation, of the Kyoto Protocol") was unnecessary because the Administration has no intention of implementing the Protocol prior to Senate approval.
- But Knollengberg and other opponents of the Kyoto Protocol have a track record of using the rider language to harass Administration officials and to attempt to shut down programs and activities that, despite having multiple benefits, may help reduce greenhouse gas emissions. Straining both language and logic, they argue that such programs and activities constitute backdoor implementation of the Protocol.
- They have also used to the language to interfere with Administration attempts to complete negotiations on the Protocol, undermining U.S. interests and raising serious constitutional concerns.

The existing Knollenberg rider has led to harassment, expense, and delay – frustrating execution of programs and policies that save money for consumers and businesses.

- Knollenberg and others have abused the rider language by seeking to use it to interfere with programs and activities that have multiple benefits, one of which is reduced greenhouse gas emissions.
- In both oral and written questions to Administration officials, Knollenberg insists that the Administration is "ignoring" the rider language and that funds for these programs are actually being used for "pro-Kyoto lobbying." Numerous officials in agencies across the government are forced to spend a great deal of time defending their actions against these assaults.
- Leaving the existing rider in place or accepting any extension of its language will only give Knollenberg a legal fig leaf designed to give him cover in his campaign of harassment.

Most of the programs and activities targeted by Knollenberg have multiple benefits – including cleaner air and water, lower energy bills for consumers and businesses, and greater U.S. energy security and reliability.

- Most of the programs and activities which Knollenberg complains of take the form of R&D programs for cutting-edge technologies or voluntary partnerships with U.S. industry and are fully consistent with and supportive of U.S. obligations under the UN Framework Convention on Climate Change, ratified in 1992.
- Many of these same programs make a real and significant contribution to U.S. energy security and reliability by reducing the demand for oil and electricity.
- Climate naysayers in Congress should not be allowed to thwart implementation of these common-sense programs that save money for consumers and businesses by simply sticking a "Kyoto" label on it.

The existing rider language is being used to undermine the ability of the Executive Branch to conduct international climate negotiations.

- Knollenberg has abused the rider language by seeking to prohibit the Department of State and other departments and agencies of the Executive Branch from participating in negotiations on the principles, rules, and guidelines which relate to the Kyoto flexibility mechanisms.
- These negotiations will flesh out exactly how the Kyoto mechanisms will operate should the Protocol enter into force. How the mechanisms would operate will be something the Senate will need to understand fully in considering whether the U.S. should ratify the protocol.

The Administration is now engaged in a full court press in international negotiations to ensure that the Kyoto Protocol leads to cost-effective greenhouse gas reductions and fully engages developing countries in the fight against global warming. These negotiations include:

- Vigorously advancing US interests;
- Sharing with other countries the United States' successful experiences with market-based mechanisms as a tool for fighting pollution;
- Working with other countries to find ways that these lessons could be applied to efforts to reduce their own greenhouse gas emissions; and
- Providing technical assistance to developing countries so that they may build the capacity to more effectively limit greenhouse gas emissions.

These actions promote the U.S. national interest and the goals of S. Res. 98, the Byrd-Hagel resolution.

- Climate change is a global problem that requires a global solution. We can't solve this problem alone.
- Developing countries must be engaged; but many are unfamiliar with market-based mechanisms.
- The U.S. Senate recognized the importance of engaging developing countries in the Byrd-Hagel resolution. Byrd-Hagel called on the President to support an international approach to climate change that protects the economic interests of the United States and engages developing countries.
- The Administration actions listed above are essential to achieving the goals of the Byrd-Hagel resolution.

In no way do these actions "implement" the Kyoto Protocol.

- These actions advance the foreign policy objectives and interests of the United States.
- They will have no domestic impact unless and until the Protocol and any related agreements receive the Senate's advice and consent to ratification.
- No federal agency is proposing or issuing any rule, regulation, order or decree.
- The targeted activities are solely concerned with improving the Protocol through diplomacy, not enforcing it domestically.
- As the Administration has stated on numerous occasions, it has no intention of implementing the Protocol without the advice and consent of the U.S. Senate.

The proposed new rider language amounts to an unacceptable intrusion on the Constitutional authority of the Executive Branch to conduct diplomacy.

- New language being circulated by Knollenberg would, on its face, clearly detract from the Executive Branch's Constitutional authority to negotiate and discuss with other nations the flexibility mechanisms that would help to make the Kyoto Protocol cost-effective and operational, were it to be ratified.
- Any restrictions on the Administration's efforts to advance U.S. objectives in international negotiations would raise serious Constitutional concerns.
- Even if such restrictions were constitutionally permissible, they would be highly undesirable. Such restrictions could provide considerable assistance to countries (such as China) advancing views contrary to US interests in the international negotiations.

Reducing costs and engaging developing countries are bipartisan objectives.

- Key members of the Senate, led by Senator Byrd, have previously articulated their position that the U.S. must play a leadership role in international climate change negotiations pursuant to the 1992 UNFCCC obligations, and that this role does not 'implement' the Kyoto Protocol, but instead fosters cost-effective international solutions to climate change.
- These same Senators concluded that U.S. climate change diplomacy should not be restricted vis-a-vis fostering cost-effective solutions, and that any restrictions to such activities would appear to raise Constitutional concerns.

Allowing language that specifically prohibits work on Kyoto's market-based mechanisms will have serious international and domestic repercussions.

- It would likely ensure the failure of international efforts to complete work on the Protocol by the close of this year's UN climate conference at The Hague. Without the full engagement of the United States, negotiations will either grind to a halt or proceed without any consideration of U.S. interests.
- It would run directly contrary to the interests of the U.S. business and agricultural communities, both of which have a strong interest in seeing work on the Kyoto mechanisms completed in accordance with U.S. interests.
- It would also prevent U.S. involvement in finalizing rules that would enable the export of clean technology to developing countries, frustrating efforts to expand developing country participation in climate change mitigation.

BACKGROUND ON THE KNOLLENBERG RIDER

Existing Knollenberg Rider. The existing Knollenberg rider states that "...none of the funds appropriated by this Act shall be used to propose or issue rules, regulations, decrees, or orders for the purpose of implementation, or in preparation for implementation, of the Kyoto Protocol."

Proposed New Rider. Recently, Knollenberg has been circulating new language for possible attachment to appropriations bills which states: "Hereafter no funds shall be used for the Kyoto Protocol, including such Kyoto mechanisms as carbon emissions trading schemes and the Clean Development Mechanism that are found solely in the Kyoto Protocol and nowhere else in the laws of the United States." A full page of suggested accompanying report language is also being circulated which, among other things, directs that Administration submit the Kyoto Protocol to the Senate "within three years of the date of adoption." (i.e., December 11, 2000). (Attached).

History of the Rider on Appropriations Bills.

FY1999:

- Rider on VA/HUD only.
- VA/HUD conference report language clarifies intent of language is to prevent funds from being used "to implement actions called for **solely** under the Kyoto Protocol."

FY2000:

- Rider on VA/HUD as well as Foreign Ops; Commerce, Justice, State; Interior; Energy & Water; and Agriculture.
- No conference report language, but a Byrd/Bond/Mikulski colloquy makes clear that the rider doesn't restrict ongoing voluntary programs but only the proposal or issuance of "rules, regulations, decrees, or orders for the sole purpose of implementation of the Kyoto Protocol prior to its consideration by the Senate." (Sen. Bond). Full copy of the colloquy attached.

Knollenberg's Abuse of the Rider Language. It has become increasingly apparent that Rep. Knollenberg is using the rider language as a legal fig leaf to harass Administration officials at numerous agencies and to disrupt vital and legitimate agency activity. He and other climate naysayers in Congress have repeatedly sought to thwart execution of agency programs and activities – both domestic and international – by slapping a "Kyoto" label on them and claiming that the Administration is in violation of the rider.

Inspector General Investigations

In February of this year, Rep. Knollenberg wrote letters to the Inspector Generals (IG) of EPA, DOE and State. The letters claim that the participation of representatives from all three agencies at an international climate change workshop in Germany, and EPA participation in a domestic workshop constituted violations of the rider. His rationale was that in discussing the implementing mechanisms of the Protocol, and the necessary preconditions for successfully implementing the Protocol, staff were engaged in activities in violation of the rider. He requested IG investigations of these specific activities, as well as any other activities that may violate the legislative rider.

In response to the Congressman's letter to the IGs, Congressmen Waxman and Pallone sent their own letter in March of this year to the same IGs, disagreeing with Representative Knollenberg. They argue in a 7-page letter that: (1) the Constitution vests authority over foreign policy and the power to negotiation treaties in the Executive Branch, and that Rep. Knollenberg ignores this authority; (2) the United States has significant obligations and authorities under the United Nations Framework Convention on Climate Change (UNFCCC), and Rep. Knollenberg is trying to claim the appropriations rider "overrides" those authorities; and (3) that Mr. Knollenberg stretches the language of the appropriations rider past its literal and plain meaning or any reasonable interpretation of Congress' intent in passing it. The Congressmen's arguments are clearly laid out in the letters to the IGs, citing the Congressional Record, appropriations and conference report language, and floor statements to back their claims. They conclude: "...we see no basis for Rep. Knollenberg's concerns that the Administration is currently acting in violation of the Kyoto appropriations language. The activities discussed in Rep. Knollenberg's letter appear to be prudent activities, authorized by the Constitution, and called for by the UNFCCC."

To date, EPA and DOE's IGs have responded to Knollenberg, in writing, stating that they do not believe either agency's activities constitute a violation of the rider. The State Department's IG has yet to respond.

General Harassment

Rep. Knollenberg (and to a lesser extent others, including Rep. McIntosh) has been waging an unceasing battle against the Administration, claiming at numerous appropriations hearings and in writing that the Administration is "ignoring" the appropriations language and citing countless violations of that language. In both oral and written questions to Administration officials (e.g., EPA, DOE, State, and particularly AID), he insists that the Administration is using funds for "Pro-Kyoto Lobbying" of state and local entities and developing countries. This questioning has caused numerous of officials to expend a considerable amount of their time defending their actions against these assaults.

Attachments:
Byrd/Bond/Mikulski colloquy on FY 2000 Conference Report
Knollenberg letter to U.S. Department of State IG, 2/15/00
Waxman-Pallone letter to State Department, DOE, and EPA IGs, 3/28/00
DOE IG Report, [date]
EPA IG Report, [date]
Proposed New Knollenberg Rider Language w/proposed Conference Report language

$250 million.

Mr. McCONNELL. Thank you, Senator Abraham.

I, like you, am dismayed to learn that the Administration has not offered any budgetary amounts for an aid package to Lebanon. You are absolutely right that the current events in Lebanon demand that we reexamine our foreign aid package to that country.

As such, I pledge to work with you every step of the way to see that a more comprehensive aid package to Lebanon is considered here in the Senate. I appreciate your suggested amount, and would like to work with you once all the elements for a successive aid package are assembled. This requires input by the Administration, and a plan as to what programs would be funded and which ones would receive priority funding. It is my hope that the Administration will consult with us as soon as possible regarding figures for an assistance package. However, until the Administration produces a comprehensive package, I will have to lay your amendment aside.

Mr. ABRAHAM. I withdraw my amendment.

Mr. McCONNELL. The Senator's comments are appreciated. As always, I will work with you and consult you as we put this package together. I highly value your expertise on Lebanon.

Mr. ABRAHAM. I thank the Senator for that clarification. I also wish to commend him and his committee for their strong interest in a financial assistance package for Lebanon.

CLIMATE CHANGE LANGUAGE

Mr. BYRD. Mr. President, Sec. 576 of S. 2522 contains language regarding implementation of the Kyoto Protocol. I would like to ask the distinguished Chairman and Ranking Member of the Foreign Operations Subcommittee two questions to clarify their understanding of this provision.

The United States is currently engaged in climate change negotiations to ensure meaningful participation of developing countries and to ensure that greenhouse gas emissions reductions are achieved in the most cost-effective manner. Is my understanding correct that this provision is not intended to restrict the Administration from engaging in these international negotiations related to both the Framework Convention on Climate Change (FCCC), which was ratified by the Senate in 1992, and the Kyoto Protocol to that Convention?

As you also know, the Senate has clearly expressed its views regarding the Kyoto Protocol in S. Res. 98, adopted unanimously by the Senate on July 25, 1997. That resolution calls on the Administration to support an approach to climate change that protects the economic interests of the United States and seeks commitments from developing countries to reduce greenhouse gas emissions. The Administration is aggressively engaging developing countries to reduce greenhouse gas emissions through international projects and activities emphasizing market-based mechanisms and environmental technology. It is my understanding that this provision is not intended to restrict international programs or activities to encourage commitments by developing countries to reduce greenhouse gas emissions. Is my understanding correct?

[Page: S5537] GPO's PDF

Mr. McCONNELL. I thank the distinguished Senator from West Virginia for his questions. Your understanding is correct. Sec. 576 is not intended to restrict U.S. negotiations or activities such as you have described. Rather, it is intended to prevent the Administration from implementing the Kyoto Protocol prior to its ratification.

Mr. LEAHY. The Senator's understanding is correct. Sec. 576 is not intended to prohibit the United States from engaging in international climate change negotiations or activities that would encourage participation by developing countries.

FINAL VOTE RESULTS FOR ROLL CALL 323

(Republicans in roman; Democrats in *italic*; Independents underlined)

H R 4690 RECORDED VOTE 26-JUN-2000 8:41 PM
AUTHOR(S): Olver of Massachusetts Amendment
QUESTION: On Agreeing to the Amendment

	AYES	NOES	PRES	NV
REPUBLICAN	44	164		13
DEMOCRATIC	172	16		23
INDEPENDENT	1	1		
TOTALS	**217**	**181**		**36**

--- AYES 217 ---

Abercrombie	Goss	*Olver*
Ackerman	*Green (TX)*	*Ortiz*
Allen	Greenwood	*Owens*
Andrews	Gutknecht	*Pallone*
Baca	*Hall (OH)*	*Pascrell*
Baird	*Hastings (FL)*	*Pastor*
Baldacci	*Hill (IN)*	*Payne*
Baldwin	*Hinojosa*	*Pelosi*
Barrett (WI)	Hobson	*Phelps*
Bass	*Hoeffel*	*Pickett*
Becerra	*Holden*	Porter
Bentsen	*Holt*	Portman
Bereuter	*Hooley*	*Price (NC)*
Berkley	Horn	Quinn
Berman	Houghton	*Rahall*
Bilbray	*Hoyer*	Ramstad
Blumenauer	*Inslee*	Regula
Boehlert	*Jackson (IL)*	*Reyes*
Bonior	*Jackson-Lee (TX)*	Reynolds
Borski	*Jefferson*	*Rivers*
Boyd	*Johnson, E. B.*	*Rodriguez*
Brady (PA)	*Kanjorski*	*Roemer*
Brown (OH)	Kelly	Ros-Lehtinen
Capps	*Kennedy*	*Rothman*
Capuano	*Kildee*	Roukema
Cardin	*Kind (WI)*	*Roybal-Allard*
Castle	King (NY)	*Sabo*
Clay	*Kleczka*	*Sanchez*

Clayton	Kolbe	Sanders
Clement	*Kucinich*	*Sawyer*
Clyburn	Kuykendall	Saxton
Conyers	*LaFalce*	*Scott*
Costello	LaHood	*Serrano*
Coyne	*Lampson*	Shays
Crowley	*Lantos*	*Sherman*
Cummings	*Larson*	Shuster
Davis (FL)	*Lee*	*Sisisky*
Davis (VA)	*Levin*	*Skelton*
DeFazio	*Lewis (GA)*	*Slaughter*
DeGette	LoBiondo	Smith (NJ)
Delahunt	*Lofgren*	*Smith (WA)*
DeLauro	*Lowey*	*Snyder*
Deutsch	*Lucas (KY)*	*Spratt*
Dickey	*Luther*	*Stabenow*
Dicks	*Maloney (CT)*	*Stark*
Dixon	*Maloney (NY)*	*Strickland*
Doggett	*Mascara*	*Stupak*
Dooley	*Matsui*	*Tanner*
Doyle	*McCarthy (MO)*	*Tauscher*
Edwards	*McCarthy (NY)*	*Thompson (CA)*
Ehlers	*McDermott*	*Thompson (MS)*
Ehrlich	*McGovern*	*Thurman*
Engel	McHugh	*Tierney*
Eshoo	*McKinney*	*Turner*
Etheridge	*McNulty*	*Udall (CO)*
Evans	*Meehan*	*Udall (NM)*
Farr	*Meek (FL)*	*Velazquez*
Fattah	*Meeks (NY)*	*Visclosky*
Filner	*Menendez*	*Waters*
Foley	*Millender-McDonald*	*Watt (NC)*
Forbes	*Miller, George*	*Weiner*
Ford	*Minge*	Weldon (FL)
Frank (MA)	*Mink*	Weldon (PA)
Franks (NJ)	*Moakley*	Weller
Frelinghuysen	*Mollohan*	*Wexler*
Frost	*Moore*	*Weygand*
Gallegly	*Moran (VA)*	Wilson
Ganske	*Murtha*	*Wise*
Gejdenson	*Nadler*	*Woolsey*
Gephardt	*Napolitano*	*Wu*

Gilchrest	*Neal*	*Wynn*
Gonzalez	*Oberstar*	
Gordon	*Obey*	

--- NOES 181 ---

Aderholt	Fowler	Paul
Archer	Gekas	Pease
Armey	Gibbons	*Peterson (MN)*
Bachus	Gillmor	Peterson (PA)
Baker	Gilman	Petri
Ballenger	Goode	Pickering
Barcia	Goodlatte	Pombo
Barr	Goodling	Pryce (OH)
Barrett (NE)	Graham	Radanovich
Bartlett	Granger	Riley
Barton	Green (WI)	Rogan
Bateman	*Hall (TX)*	Rogers
Berry	Hastings (WA)	Rohrabacher
Biggert	Hayes	Royce
Bilirakis	Hayworth	Ryan (WI)
Bishop	Hefley	Salmon
Bliley	Herger	*Sandlin*
Blunt	Hill (MT)	Sanford
Boehner	Hilleary	Scarborough
Bonilla	*Hilliard*	Schaffer
Bono	Hoekstra	Sensenbrenner
Boucher	Hostettler	Sessions
Brady (TX)	Hulshof	Shadegg
Bryant	Hunter	Shaw
Burr	Hutchinson	Sherwood
Burton	Hyde	Shimkus
Buyer	Isakson	Simpson
Callahan	Istook	Skeen
Calvert	Jenkins	Smith (MI)
Camp	*John*	Smith (TX)
Canady	Johnson, Sam	Souder
Cannon	Jones (NC)	Spence
Chabot	Kasich	Stearns
Chambliss	Kingston	*Stenholm*
Chenoweth-Hage	Knollenberg	Stump
Coble	Largent	Sununu

Coburn	Latham	Sweeney
Collins	LaTourette	Tancredo
Combest	Leach	Tauzin
Condit	Lewis (CA)	*Taylor (MS)*
Cooksey	Lewis (KY)	Taylor (NC)
Cox	Linder	Terry
Cramer	Lucas (OK)	Thomas
Crane	McCrery	Thornberry
Cubin	McInnis	Thune
Cunningham	*McIntyre*	Tiahrt
Danner	McKeon	Toomey
Deal	Metcalf	*Traficant*
DeLay	Mica	Upton
DeMint	Miller (FL)	Vitter
Diaz-Balart	Miller, Gary	Walden
Doolittle	Moran (KS)	Walsh
Dreier	Myrick	Wamp
Duncan	Nethercutt	Watkins
Dunn	Ney	Watts (OK)
Emerson	Northup	Wicker
English	Norwood	Wolf
Everett	Nussle	Young (AK)
Ewing	Ose	Young (FL)
Fletcher	Oxley	
Fossella	Packard	

--- NOT VOTING 36 ---

Blagojevich	*Jones (OH)*	Pitts
Boswell	*Kaptur*	*Pomeroy*
Brown (FL)	*Kilpatrick*	*Rangel*
Campbell	*Klink*	*Rush*
Carson	Lazio	Ryun (KS)
Cook	*Lipinski*	*Schakowsky*
Davis (IL)	Manzullo	*Shows*
Dingell	*Markey*	Talent
Gutierrez	*Martinez*	*Towns*
Hansen	McCollum	*Vento*
Hinchey	McIntosh	*Waxman*
Johnson (CT)	Morella	Whitfield

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 2001 (House of Representatives - June 26, 2000)

AMENDMENT NO. 72 OFFERED BY MR. OLVER

Mr. OLVER. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 72 offered by Mr. **Olver**:

On page 107, line 12, after the word `Protocol', insert: *Provided further,* That any limitation imposed under this Act on funds made available by this Act shall not apply to activities specified in the previous proviso related to the Kyoto Protocol which are otherwise authorized by law.

The CHAIRMAN. Pursuant to the order of the House of Friday, June 23, 2000, the gentleman from Massachusetts (Mr. **Olver**) and a Member opposed will each control 5 minutes.

The Chair recognizes the gentleman from Massachusetts (Mr. Olver).

Mr. OLVER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, last week Members will remember that as we were debating the VA, HUD, and Independent Agencies legislation, that the exact proviso that exists in section 107 was in that legislation, but attached only to the EPA title of the legislation. It serves to limit the use of funds that are provided by the Act within the EPA's title II in relation to the Kyoto Protocol.

Mr. Chairman, the proviso on page 107 is, as I say, exactly the same proviso that existed in the VA-HUD Act, but in this instance it is a general provision and so it affects every one of the titles of the bill.

I am offering an amendment which is the precisely parallel amendment to the amendment offered adopted by this House by a vote of 314 to 108 last week that simply makes clear that any of the activities that are part of that proviso, that any of those activities which are otherwise authorized in legislation, are not subject to the limitation that is proposed within the proviso.

That I think is precisely equivalent language that we adopted by a vote of 314 to 108 last week. I would hope that the amendment would be agreed to, as it was last week, and voted last week.

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

Mr. KNOLLENBERG. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from Michigan (Mr. **Knollenberg**) is recognized for 5 minutes.

Mr. KNOLLENBERG. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, unlike what the gentleman just said, this amendment is not the same as last week. This is totally different. This is a gutting amendment.

Last week's amendment had to do with EPA. Now what the attempt on the part of the gentleman from Massachusetts (Mr. **Olver**) is is to cut the heart out of the language that is law. This is law that was passed in 1999, and the law of last year. Seven times the President has signed language that is now in effect.

What H.R. 4690 is not about, it is not about funding of research and development for clean power with renewable energy, or funding to develop new homes that are more energy-efficient, or trying to reduce methane emissions.

In fact, what this amendment does is it trips through the year 2000, through the 1999 year, and brings us really back to a point where we were before we even started this language.

Incidentally, I would tell the Members, in 1997 the Senate unanimously, by a vote of 95 to nothing, instructed the Clinton-Gore administration not to sign the Kyoto treaty. They did. The United States Constitution requires the advice of the Senate to all treaties, requires the consent of the Senate to all treaties, and balances the power of government between the legislative, executive, and judicial branches.

This is not the same as the amendment last week. The gentleman from Massachusetts errs when he says it is, because this reaches in and takes away everything that we have done. This is not a modest amendment, it is not minor. It is destructive, and frankly, it slaps the Byrd-Hagel resolution in the face. It bypasses the Constitution, and it is wrong for America, it is wrong for the worker, wrong for the laborer, wrong for industry.

Along with a slap against the Constitution and the Byrd-Hagel resolution, I think we have to reject, reject strongly this amendment.

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

Mr. OLVER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I am really surprised by the argument that the gentleman from Michigan (Mr. **Knollenberg**) is making here. The proviso is precisely the same proviso that was in the VA-HUD bill, and the amendment, as I have offered it, is precisely equivalent to the amendment that was offered and voted 314 to 108 last week.

[TIME: 1915]

The only difference is that the proviso as it was on the VA-HUD bill applied to only one title of the bill, whereas this proviso now applies as a general provision to every title of this bill. And, therefore, the only thing that has been removed from this amendment is the particular application to the EPA title of the bill which, of course, would not make any sense in a piece of legislation that deals with Commerce and with the State Department and with the Judiciary and with the Justice Department.

So, I really do not understand where there is any difference in the import here. The only thing that is being done by this amendment is to make certain that those things otherwise authorized by law are, in fact, not subject to the limitation, which is precisely what was happening last week when we were saying that those things otherwise authorized by law, those activities that are part of the proviso which are otherwise authorized by law, were not subject to the limitation provision.

So I think that the gentleman voted for the amendment last week in exactly that form, as did the chairman of the Subcommittee on VA-HUD Appropriations.

Mr. Chairman, I yield the remainder of my time to the gentleman from Maryland (Mr. **Gilchrest**).

[Page: H5137] _GPO's PDF_

Mr. GILCHREST. Mr. Chairman, I thank the gentleman from Massachusetts (Mr. **Olver**) for yielding me this time.

Mr. Chairman, I would urge the gentleman from Michigan (Mr. **Knollenberg**), this is not a sleight-of-hand. This is not a maneuver to allow this President to implement anything in Kyoto. This is a provision that the entire executive branch, whether it is EPA, the Department of Energy, the Department of Justice, the State Department, or the Department of Commerce, will understand that the Kyoto Protocol has not been ratified by the Senate, it is not going to be implemented with this particular amendment.

It only allows what I think all of us do on this floor, what all of us want this Government to do and that is simply to exchange information, to have some sense of understanding about human activity, its impact on climate change and what we can do to share with our constituents what is coming down the road.

So I would urge the Members to vote for the Olver amendment. It is good, common, intelligent sense.

Mr. KNOLLENBERG. Mr. Chairman, I would like to be advised the amount of time remaining.

The CHAIRMAN. The gentleman from Michigan (Mr. **Knollenberg**) has 3 minutes remaining, and the time of the gentleman from Massachusetts (Mr. **Olver**) has expired.

Mr. KNOLLENBERG. Mr. Chairman, I yield 1 1/2 minutes to the gentleman from Pennsylvania (Mr. **Peterson**), who has been a strong, strong supporter of what I would call common sense.

Mr. PETERSON of Pennsylvania. Mr. Chairman, here we go again. Another effort to back-door the Kyoto treaty. The Knollenberg language that is in this bill is appropriate. It has been put into law year after year, and it says that we are not allowed to implement and spend billions of tax dollars implementing the Kyoto Protocol which has not been put before the Senate, when it has not been debated, when it is not in the appropriate setting.

There is no reason for the language that is being offered. There is no good reason. There is no prohibition of exchange of information. There is no prohibition of us doing the normal things that our environmental agencies do from country to country. This creates a loophole that one could drive a Mack truck through. This administration, year after year, has budgeted billions of dollars to sell their theories, to sell the American public on this concept.

Mr. Chairman, that is not what this is all about. Solemn science should rule and we should have a scientific debate. Most of America is concerned about this proposal that is before us right now. The people that create the jobs in this country realize that the Kyoto Protocol, as implemented by the back door as the Gore administration wants to do, will take jobs out of this country and put them into Third World countries faster than anything that has been done.

The Kyoto Protocol, as was mentioned the other day, is a horrible idea. It is a horrible concept. It leaves the Third World countries out and will have our businesses buying credits from them so they can continue to process and manufacture in this country. It makes no sense and we must not let this administration implement it in the back door.

Mr. OLVER. Mr. Chairman, I ask unanimous consent that each side be granted an additional 1 minute.

The CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts?

Mr. KNOLLENBERG. Mr. Chairman, reserving the right to object, how much time do I have remaining?

The CHAIRMAN. The gentleman from Michigan (Mr. **Knollenberg**) has 1 1/2 minutes remaining, and prior to this request, the time of the gentleman from Massachusetts (Mr. **Olver**) had expired.

Mr. KNOLLENBERG. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

Mr. KNOLLENBERG. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the gentleman from Massachusetts (Mr. **Olver**) contends that this is just again a very modest thing, a very moderate move, minor move. It is a gut-wrenching, cut-the-heart of the language that we have worked so hard to put in place. The gentleman from Maryland (Mr. **Gilchrest**) says that we are not going to implement the Kyoto Protocol. My colleagues must know that there are 24 instances on this sheet of paper where the State Department is implementing the Kyoto Protocol.

Mr. Chairman, all we are trying to do is say do not break the law. If it is authorized, do it. If it is not authorized, do not.

The gentleman from Massachusetts (Mr. **Olver**) and I have talked about this. But, frankly, the gentleman has crossed the line in terms of transgression. What he is doing is deceptive, disingenuous and it is wrong. It is wrong for this country.

Very honestly, if the gentleman thinks that he can change the language here, he can change it again on the next bill and the next bill, and pretty soon, by water torture, drip by drip, we have a bill, we have statutory language that gets pecked away, destroyed so that the administration, with the gentleman's leadership pushing it, can implement the Kyoto Protocol.

Mr. Chairman, I say again, this is not good for America, it is not good for the laborer, for the farmer, it is not good for industry. And, in fact, as has already been heard, it will jack up the price of a thing called gasoline 65 or 70 cents a gallon if we implement it. I suggest that we stop implementation. I urge my colleagues to vote against the Olver amendment.

-
- Mr. Chairman, I want to point out that the amendment by Mr. **Olver** regarding the Kyoto Protocol cannot, under the Rules of the House of Representatives, authorize anything whatsoever on this Commerce, Justice, State, Appropriations bill, H.R. 4690, lest it be subject to a point of order.
- The offerer of this amendment admits that it shall not go beyond a recognition of the original and enduring meaning of the law that has existed for years now--specifically that no funds be spent on unauthorized activities for the fatally flawed and unratified Kyoto Protocol.
- Mr. Chairman, I am grateful for the acknowledgement of Administration's plea for clarification. The whole nation deserves to hear the plea of this Administration in the words of the coordiantor of all environmental policy for this administration, George Frampton, in his position as Acting Chair of the Council on Environmental Quality. On March 1, 2000, on

behalf of the Administration he stated before this appropriations subcommittee, and I quote, `Just to finish our dialogue here, my point was that it is the very uncertainty about the scope of the language . . . that gives rise to our wanting to not have the continuation of this uncertainty created next year.'

- Mr. Chairman, I agree with Mr. **Obey** when he stated to the Administration, `You're nuts!' upon learning of the fatally flawed Kyoto Protocol that Vice President **Gore** negotiated.

- Mr. Chairman, I thank the gentleman for his focus on the activities of this Administration, both authorized and unauthorized.

- The offerer of this amendment admits that it shall be ready to be fully consistent with the provision that has been signed by President Clinton in six current appropriations laws.

- A few key points must be reviewed:

- First, no agency can proceed with activities that are not authorized and funded.

- Second, no new authority is granted.

- Third, since neither the United Nations Framework Convention on Climate Change nor the Kyoto Protocol are self executing, specific implementing legislation is required for any regulation, program, or initiative.

- Fourth, since the Kyoto Protocol has not been ratified and implementing legislation has not been approved by Congress, nothing contained exclusively in that treaty is funded.

- Mr. Chairman, as you know, the Administration negotiated the Kyoto Climate Change Protocol sometime ago but has decided not to submit this treaty to the United States Senate for ratification.

- The Protocol places severe restrictions on the United States while exempting most countries, including China, India, Mexico, and Brazil, from taking measures to reduce carbon dioxide equivalent emissions. The Administration undertook this course of action despite unanimous support in the United States Senate for the Senate's advice in the form of the Byrd-Hagel resolution calling for commitments by all nations and on the condition that the Protocol not adversely impact the economy of the United States.

- We are also concerned that actions taken by Federal agencies constitute the implementation of this treaty before its submission to Congress as required by the Constitution of the United States. Clearly, Congress cannot allow any agency to attempt to interpret current law to avoid constitutional due process.

- Clearly, we would not need this debate if the Administration would send the treaty to the Senate. The treaty would be disposed of and we could return to a more productive process for addressing our energy future.

- During numerous hearings on this issue, the administration has not been willing to engage in this debate. For example, it took months to extract the documents the administration used for its flawed economics. The message is clear--there is no interest in sharing with the American public the real price tag of this policy.

- A balanced public debate will be requried because there is much to be learned about the issue before we commit this country to unprecedented curbs on energy use while most of the world is exempt.

- Worse yet, some treaty supporters see this as only a first step to elimination of fossil energy production. Unfortunately, the Administration has chosen to keep this issue out of the current debate.

- I look forward to working to assure that the administration and EPA understand the boundaries of the current law. It will be up to Congress to assure that backdroor implementation of the Kyoto Protocol does not occur.

- In closing, I look forward to the report language to clarify what activities are and are not authorized.

[Page: H5138] GPO's PDF

Mr. OLVER. Mr. Chairman, I ask unanimous consent for 1 additional minute for each side.

The CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts?

Mr. KNOLLENBERG. I object.

The CHAIRMAN. Objection is heard.

The question is on the amendment offered by the gentleman from Massachusetts (Mr. **Olver**).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. KNOLLENBERG. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to House Resolution 529, further proceedings on the amendment offered by the gentleman from Massachusetts (Mr. **Olver**) will be postponed.

Robert G. Damus
06/21/2000 05:30:13 PM

Record Type: Record

To: Debra Reed/CEQ/EOP@EOP

cc: roger s. ballentine/who/eop@eop, martha foley/who/eop@eop
Subject: Re: Urgent - Amendment Adopted Today on VA/HUD

My reading of this language is that it limits, and for all practical purposes supersedes the Kyoto proviso. The new language says that other limitations in the Act (thereby including the Kyoto proviso) do not apply to anything that is authorized by law. We maintain, correctly, that we are not doing anything not authorized by law. The new language is, therefore, a helpful clarification that the Kyoto proviso, and the other provisions of the bill, are not intended to impose any new legal restrictions, but only to emphasize that the Executive Branch must stay within existing legal restrictions. Since we are already within those existing legal restrictions, no alteration of Executive Branch activity would be necessary to stay in compliance.

FINAL VOTE RESULTS FOR ROLL CALL 301

(Republicans in roman; Democrats in *italic*; Independents underlined)

H R 4635 RECORDED VOTE 21-JUN-2000 4:16 PM
AUTHOR(S): Olver of Massachusetts Amendment
QUESTION: On Agreeing to the Amendment

	AYES	NOES	PRES	NV
REPUBLICAN	118	97		6
DEMOCRATIC	195	10		6
INDEPENDENT	1	1		
TOTALS	**314**	**108**		**12**

--- AYES 314 ---

Ackerman	*Gordon*	*Oberstar*
Allen	Goss	*Obey*
Andrews	*Green (TX)*	*Olver*
Baca	Green (WI)	*Ortiz*
Baird	Greenwood	Ose
Baker	*Gutierrez*	*Owens*
Baldacci	Gutknecht	Oxley
Baldwin	*Hall (OH)*	Packard
Barcia	Hansen	*Pallone*
Barrett (NE)	*Hastings (FL)*	*Pascrell*
Barrett (WI)	*Hill (IN)*	*Pastor*
Bartlett	Hill (MT)	*Payne*
Bass	*Hilliard*	Pease
Becerra	*Hinchey*	*Pelosi*
Bentsen	*Hinojosa*	*Peterson (MN)*
Bereuter	Hobson	Petri
Berkley	*Hoeffel*	*Phelps*
Berman	Hoekstra	*Pickett*
Bilbray	*Holden*	*Pomeroy*
Bishop	*Holt*	Porter
Blagojevich	*Hooley*	Portman
Blumenauer	Horn	*Price (NC)*
Boehlert	Houghton	Pryce (OH)
Boehner	*Hoyer*	Quinn
Bonior	Hunter	*Rahall*
Borski	Hyde	Ramstad
Boswell	*Inslee*	Regula
Boyd	Isakson	*Reyes*
Brady (PA)	*Jackson (IL)*	*Rivers*

Brown (FL)	*Jackson-Lee (TX)*	*Rodriguez*
Brown (OH)	*Jefferson*	*Roemer*
Bryant	*John*	Rogers
Calvert	Johnson (CT)	Ros-Lehtinen
Camp	*Johnson, E. B.*	*Rothman*
Cannon	*Jones (OH)*	Roukema
Capps	*Kanjorski*	Royce
Capuano	*Kaptur*	*Rush*
Cardin	Kasich	Ryan (WI)
Carson	Kelly	*Sabo*
Castle	*Kennedy*	*Sanchez*
Chenoweth-Hage	*Kildee*	Sanders
Clay	*Kilpatrick*	Sanford
Clayton	*Kind (WI)*	*Sawyer*
Clement	King (NY)	Saxton
Clyburn	*Kleczka*	Schaffer
Collins	*Klink*	*Schakowsky*
Condit	Knollenberg	*Scott*
Conyers	Kolbe	Shaw
Cooksey	*Kucinich*	Shays
Costello	Kuykendall	*Sherman*
Cox	*LaFalce*	Sherwood
Coyne	LaHood	Shimkus
Crowley	*Lampson*	*Shows*
Cummings	*Lantos*	*Sisisky*
Cunningham	Largent	*Skelton*
Danner	*Larson*	*Slaughter*
Davis (FL)	Latham	Smith (MI)
Davis (IL)	LaTourette	Smith (NJ)
Davis (VA)	Lazio	*Smith (WA)*
DeFazio	Leach	*Snyder*
DeGette	*Lee*	Spence
Delahunt	*Levin*	*Spratt*
DeLauro	Lewis (CA)	*Stabenow*
Deutsch	*Lewis (GA)*	*Stark*
Dickey	*Lipinski*	*Strickland*
Dicks	LoBiondo	*Stupak*
Dixon	*Lofgren*	Sununu
Doggett	*Lowey*	Sweeney
Dooley	*Lucas (KY)*	Talent
Doolittle	*Luther*	Tancredo
Doyle	*Maloney (CT)*	*Tanner*
Dreier	*Maloney (NY)*	*Tauscher*
Dunn	*Markey*	*Taylor (MS)*
Edwards	*Mascara*	Terry

Ehlers	*Matsui*	Thomas
Ehrlich	*McCarthy (MO)*	*Thompson (CA)*
Emerson	*McCarthy (NY)*	*Thompson (MS)*
Engel	McCollum	Thune
English	*McDermott*	*Thurman*
Eshoo	*McGovern*	*Tierney*
Etheridge	McHugh	Toomey
Evans	*McKinney*	*Towns*
Ewing	*McNulty*	*Turner*
Farr	*Meehan*	*Udall (CO)*
Fattah	*Meek (FL)*	*Udall (NM)*
Filner	*Meeks (NY)*	Upton
Fletcher	*Menendez*	*Velazquez*
Foley	Metcalf	*Visclosky*
Forbes	*Millender-McDonald*	Walsh
Ford	Miller (FL)	*Waters*
Fossella	*Miller, George*	*Watt (NC)*
Fowler	*Minge*	*Waxman*
Frank (MA)	*Mink*	*Weiner*
Franks (NJ)	*Moakley*	Weldon (FL)
Frelinghuysen	*Mollohan*	Weldon (PA)
Frost	*Moore*	Weller
Gallegly	*Moran (VA)*	*Wexler*
Ganske	Morella	*Weygand*
Gejdenson	*Murtha*	Wilson
Gephardt	*Nadler*	*Wise*
Gibbons	*Napolitano*	Wolf
Gilchrest	*Neal*	*Woolsey*
Gillmor	Nethercutt	*Wu*
Gilman	Northup	Young (FL)
Gonzalez	Nussle	

--- NOES 108 ---

Aderholt	Goode	Peterson (PA)
Archer	Goodlatte	Pickering
Armey	Goodling	Pitts
Bachus	Graham	Pombo
Ballenger	Granger	Radanovich
Barr	*Hall (TX)*	Riley
Barton	Hastings (WA)	Rogan
Bateman	Hayes	Rohrabacher
Berry	Hayworth	Ryun (KS)
Biggert	Hefley	Salmon
Bilirakis	Herger	*Sandlin*

Bliley	Hilleary	Scarborough
Blunt	Hostettler	Sensenbrenner
Bonilla	Hulshof	Sessions
Bono	Hutchinson	Shadegg
Boucher	Istook	Shuster
Brady (TX)	Jenkins	Simpson
Burr	Johnson, Sam	Skeen
Burton	Jones (NC)	Smith (TX)
Buyer	Kingston	Souder
Callahan	Lewis (KY)	Stearns
Canady	Linder	*Stenholm*
Chabot	Lucas (OK)	Stump
Chambliss	Manzullo	Tauzin
Coble	*Martinez*	Taylor (NC)
Coburn	McCrery	Thornberry
Combest	McInnis	Tiahrt
Cramer	*McIntyre*	*Traficant*
Crane	McKeon	Vitter
Cubin	Mica	Walden
Deal	Miller, Gary	Wamp
DeMint	Moran (KS)	Watkins
Diaz-Balart	Myrick	Watts (OK)
Dingell	Ney	Whitfield
Duncan	Norwood	Wicker
Everett	Paul	Young (AK)

--- NOT VOTING 12 ---

Abercrombie	Gekas	*Roybal-Allard*
Campbell	McIntosh	*Serrano*
Cook	*Rangel*	*Vento*
DeLay	Reynolds	*Wynn*

THE WHITE HOUSE

WASHINGTON

June 20, 2000

The Hon. W. C. "Bill" Young
Chairman
Committee on Appropriations
House of Representatives

The Hon. David Obey
Ranking Member
Committee on Appropriations
House of Representatives

Re: Climate Change Amendment: VA/HUD Appropriations Bill

Dear Messrs. Young and Obey:

I am writing to express the Administration's views on an extremely important issue that we understand will be considered during debate on the VA/HUD appropriations bill, currently before the House.

As I am sure you are aware, there now exists an overwhelming scientific consensus that climate change is real and that human activity is at least partly to blame. Seven of the ten hottest years ever recorded were in the 1990s, and this past decade was the hottest of the millennium. Mainstream opinion in the public and business communities now recognizes that our climate is changing and that prompt and prudent measures to meet this challenge are warranted.

The President and the Vice President have taken numerous steps to rise to this challenge, including substantial funding requests in our budget and a proposed a package of tax credits, all of which are aimed at commonsense, win-win steps to fight global warming like increasing energy efficiency and promoting renewable energy. Thankfully, we have been joined in many of these commonsense and proactive efforts by states, mayors and large segments of the business community. Just last week, the U.S. Conference of Mayors, recognizing the potential harm to communities across the country, called on Congress and the Administration to work together to strengthen efforts to reduce greenhouse gas emissions.

Unfortunately, this broad-based shift to forward-looking and commonsense action to meet the challenge of climate change has not included a significant faction of the Congress. Congress has repeatedly under funded our budget requests, has failed to act on our package of tax credits, and has passed legislative riders seeking to undercut our efforts. Perhaps the best example of this shortsighted approach is the language added to the Committee Report on the VA/HUD appropriations bill.

We understand that the rider to which this Report language applies is intended to prevent the Administration from implementing the Kyoto climate change treaty prior to Senate ratification. The Administration has no intention of doing this. But we do intend to continue to undertake agency efforts authorized under current law to reach out to the business community, the international community and others to discuss climate change and to conduct negotiations. Based on even existing rider language, agency participation in such efforts and meetings has been challenged and investigations threatened.

The Report language here, however, goes even further – and invites even more adversarial tactics – by suggesting that the rider is meant to prohibit the Administration from even taking actions *"in contemplation"* of the yet-to-be-completed treaty. The Report language also purports to require "balance" in educational seminars and activities engaged on the issue of climate change (perhaps suggesting that industry scientists advocating extreme minority views should be given equal time with mainstream experts?). Now is not the time to stifle commonsense efforts, both here and abroad, to address this global issue.

We understand that an amendment will be offered to the VA/HUD bill that seeks to clarify the effect of the report language. This amendment will make clear that prudent, commonsense steps to meet the challenge of climate change, either as part of existing agency authority or as part of the Administration's constitutional power to conduct foreign affairs, would not be undercut.

We strongly urge your support of this amendment, and we hope that you will join us in moving beyond the politics of the past on the issue of climate change and help us reach the solutions of the future.

Very truly yours,

Roger S. Ballentine

Chairman
White House Climate Change Task Force

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Unfortunately, this broad-based shift to forward-looking and commonsense action to meet the challenge of climate change has not included a significant faction of the Congress. Congress has repeatedly under funded our budget requests, has failed to act on our package of tax credits, and has passed legislative riders seeking to undercut our efforts. Perhaps the best example of this shortsighted approach is the language added to the Committee Report on the VA/HUD appropriations bill.

We understand that the rider to which this Report language applies is intended to prevent the Administration from implementing the Kyoto climate change treaty prior to Senate ratification. The Administration has no intention of doing this. But we do intend to continue to undertake agency efforts authorized under current law to reach out to the business community, the international community and others to discuss climate change and to conduct negotiations. Based on even existing rider language, agency participation in such efforts and meetings has been challenged and investigations threatened.

The Report language here, however, goes even further – and invites even more adversarial tactics – by suggesting that the rider is meant to prohibit the Administration from even taking actions *"in contemplation"* of the yet-to-be-completed treaty. The Report language also purports to require "balance" in educational seminars and activities engaged on the issue of climate change (perhaps suggesting that industry scientists advocating extreme minority views should be given equal time with mainstream experts?). Now is not the time to stifle commonsense efforts, both here and abroad, to address this global issue.

We understand that an amendment will be offered to the VA/HUD bill that seeks to clarify the effect of the report language. This amendment will make clear that prudent, commonsense steps to meet the challenge of climate change, either as part of existing agency authority or as part of the Administration's constitutional power to conduct foreign affairs, would not be undercut.

We strongly urge your support of this amendment, and we hope that you will join us in moving beyond the politics of the past on the issue of climate change and help us reach the solutions of the future.

Very truly yours,

Roger S. Ballentine

Chairman
White House Climate Change Task Force