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Subgroup/Office of Origin:	WH Task Force on Climate Change
Series/Staff Member:	Roger Ballentine; Paul Bledsoe; Julie Anderson
Subseries:	

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Folder Title:
VA [Veterans Affairs], HUD [Housing and Urban Development] FY 2000

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White House Climate Change Task Force

734 Jackson Place, N.W. • Washington, DC 20503

FACSIMILE TRANSMISSION SHEET

To	Martha Foley	**From**	Julie Anderson
Office		**Date**	
Fax Number		**Fax Number**	395-2311
Office Number		**Office Number**	395-2310

Comments:

1. CJS - Emerson Amendment talking pts
2. VA-HUD - Response to Knollenberg charges about EPA activities
3. VA-HUD FY99 Conf. Report (Bill + Report)
   VA-HUD FY2000 Subcomm mark (Bill + Report)
   Latest Knollenberg report language proposal

Pages: ______________ **, including this cover sheet.**

IF TRANSMITTAL IS INCOMPLETE, PLEASE PHONE

White House Climate Change Task Force

734 Jackson Place, N.W. • Washington, DC 20503

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The Emerson amendment to Commerce, Justice, State Appropriations bill is unacceptable because:

- **The amendment, at best, will delay and, at worst, will stymie** efforts to conduct the national assessment of the consequences of climate change on the United States as required by Congress in the Global Change Research Act of 1990.

- **It will prevent the assessment from using the best available science.** Science is an on-going process. The amendment would force the assessment to ignore new scientific findings simply because they were not republished in the Federal Register. In addition, it could prevent the assessment from relying on peer reviewed scientific articles that cannot be republished because of copyright restrictions.

- **It will prevent the assessment from ensuring peer-review of science.** Part of preparing the assessment is ensuring that there has been adequate peer review of all research. The amendment, by prohibiting funds to "prepare" the assessment, would cut off this peer review process -- thereby working against the intent of the amendment to promote "sound science."

- **The amendment leads to useless duplication.** The assessment will rely on hundreds of articles that have already been published over a number of years in public, peer-reviewed scientific journals. The articles have therefore already been made available for public and expert scrutiny. It is a wasteful and duplicative exercise to require the publication of material already published. The assessment will cite the peer-reviewed scientific literature it relies upon so that the public and interested experts will be able to understand the scientific basis for the report.

- **The amendment fundamentally misunderstands the scientific peer review process.** For centuries, science has relied upon the expert peer-review process, and not public comment, to ensure scientific quality and integrity. Subjecting scientific articles to a further layer of "public comment" before they can be used is unnecessary and will do nothing to improve quality or integrity.

Response to Representative Knollenberg's Charges of Backdoor Implementation of the Kyoto Protocol

Charge: EPA's analysis of legislative options for credit for early action to reduce greenhouse gases constitutes implementation of the Kyoto Protocol

- Analyzing legislative proposals and making recommendations to the Congress regarding legislative proposals are activities clearly provided for the Executive Branch under the Constitution.

- The President introduced the concept of credit for early action -- giving credit to businesses for taking action now to reduce greenhouse gas emissions -- in 1997. In his State of the Union address in January 1999, the President re-stated his desire to work with Congress on legislation in this area. Bills have been introduced in both the House and the Senate this session.

- EPA participates in the Administration's efforts to analyze the credit for early action legislative proposals and develop Administration positions on this issue.

Charge: EPA's development of a prototype greenhouse gas registry constitutes implementation of the Kyoto Protocol

- EPA has developed a computer prototype of a *national registry system.* The prototype, which uses fictitious data, was designed to show other countries a practical way to keep track of emissions trading transactions in an accurate and transparent manner.

- This prototype is one of the many ways that the United States is using its expertise in these on-going negotiations to address legitimate concerns about how the elements of the Protocol would work, and what economic effects they would have, if the Protocol is ultimately ratified.

- In undertaking these discussions, and in developing the registry prototype to support its negotiating position, the Administration is simply carrying out its responsibilities to negotiate international treaties. Developing the prototype has involved no rulemaking activity and has imposed no burdens or obligations on the U.S. or any U.S. entity.

H.R. 4194. VA/HUD/Independent Agencies
Appropriations Act, FY 1999

H. R. 4194

One Hundred Fifth Congress of the United States of America

AT THE SECOND SESSION

Begun and held at the City of Washington on Tuesday, the twenty-seventh day of January, one thousand nine hundred and ninety-eight

An Act

Making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 1999, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 1999, and for other purposes, namely:

TITLE I—DEPARTMENT OF VETERANS AFFAIRS

VETERANS BENEFITS ADMINISTRATION

COMPENSATION AND PENSIONS

(INCLUDING TRANSFERS OF FUNDS)

For the payment of compensation benefits to or on behalf of veterans and a pilot program for disability examinations as authorized by law (38 U.S.C. 107, chapters 11, 13, 18, 51, 53, 55, and 61); pension benefits to or on behalf of veterans as authorized by law (38 U.S.C. chapters 15, 51, 53, 55, and 61; 92 Stat. 2508); and burial benefits, emergency and other officers' retirement pay, adjusted-service credits and certificates, payment of premiums due on commercial life insurance policies guaranteed under the provisions of Article IV of the Soldiers' and Sailors' Civil Relief Act of 1940, as amended, and for other benefits as authorized by law (38 U.S.C. 107, 1312, 1977, and 2106, chapters 23, 51, 53, 55, and 61; 50 U.S.C. App. 540–548; 43 Stat. 122, 123; 45 Stat. 735; 76 Stat. 1198), $21,857,058,000, to remain available until expended: *Provided*, That not to exceed $24,534,000 of the amount appropriated shall be reimbursed to "General operating expenses" and "Medical care" for necessary expenses in implementing those provisions authorized in the Omnibus Budget Reconciliation Act of 1990, and in the Veterans' Benefits Act of 1992 (38 U.S.C. chapters 51, 53, and 55), the funding source for which is specifically provided as the "Compensation and pensions" appropriation: *Provided further*, That such sums as may be earned on an actual qualifying patient basis, shall be reimbursed to "Medical facilities revolving fund" to augment the funding of individual medical facilities for nursing home care provided to pensioners as authorized.

FY99 Bill

issue publications to members only or at a price to members lower than to subscribers who are not members; construction, alteration, repair, rehabilitation, and renovation of facilities, not to exceed $75,000 per project; and not to exceed $6,000 for official reception and representation expenses, $1,848,000,000, which shall remain available until September 30, 2000: *Provided*, That the obligated balance of such sums shall remain available through September 30, 2007 for liquidating obligations made in fiscal years 1999 and 2000: *Provided further*, 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 which was adopted on December 11, 1997, in Kyoto, Japan at the Third Conference of the Parties to the United Nations Framework Convention on Climate Change, which has not been submitted to the Senate for advice and consent to ratification pursuant to article II, section 2, clause 2, of the United States Constitution, and which has not entered into force pursuant to article 25 of the Protocol: *Provided further*, That none of the funds made available in this Act may be used to implement or administer the interim guidance issued on February 5, 1998 by the Environmental Protection Agency relating to title VI of the Civil Rights Act of 1964 and designated as the "Interim Guidance for Investigating Title VI Administrative Complaints Challenging Permits" with respect to complaints filed under such title after the date of the enactment of this Act and until guidance is finalized. Nothing in this proviso may be construed to restrict the Environmental Protection Agency from developing or issuing final guidance relating to title VI of the Civil Rights Act of 1964.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, and for construction, alteration, repair, rehabilitation, and renovation of facilities, not to exceed $75,000 per project, $31,154,000, to remain available until September 30, 2000: *Provided*, That the obligated balance of such sums shall remain available through September 30, 2007 for liquidating obligations made in fiscal years 1999 and 2000.

BUILDINGS AND FACILITIES

For construction, repair, improvement, extension, alteration, and purchase of fixed equipment or facilities of, or for use by, the Environmental Protection Agency, $56,948,000, to remain available until expended.

HAZARDOUS SUBSTANCE SUPERFUND

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses to carry out the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), as amended, including sections 111(c)(3), (c)(5), (c)(6), and (e)(4) (42 U.S.C. 9611), and for construction, alteration, repair, rehabilitation, and renovation of facilities, not to exceed $75,000 per project; not to exceed $1,500,000,000, consisting of $650,000,000

VA HUD Conference Report
FY99

ozone formation in the ambient air, including the process that forms pollutants in rural and cleaner urban environments, as recommended by the 1991 National Academy of Sciences/National Research Council's "Rethinking the Ozone Problem in Urban and Regional Air Pollution." The new large chamber will provide information that EPA and state regulators can use to develop more cost-effective strategies for controlling pollution. In particular, this chamber will allow more accurate measurements of positive and negative reactivity of VOC emissions from architectural coatings.

Not later than 45 days after the date of enactment of this Act, the Administrator of the Environmental Protection Agency (EPA) shall enter into an agreement with the National Academy of Sciences (NAS) to conduct a comprehensive study of the effects of copper in drinking water on human health. Once completed, the Administrator of the EPA shall review the NAS study, and report to the Congress on what plans the agency has to review the copper action level pursuant to section 1412(b)(9) of the Safe Drinking Water Act.

ENVIRONMENTAL PROGRAMS AND MANAGEMENT

Appropriates $1,848,000,000 for environmental programs and management instead of $1,856,000,000 as proposed by the House and $1,840,500,000 as proposed by the Senate. The conferees have included bill language providing a limitation on the use of funds to implement or administer the interim guidance relating to title VI of the Civil Rights Act of 1964, with certain exceptions, as proposed by the House. The conferees note that this provision does not provide the Agency statutory authority to implement its Environmental Justice Guidance. Rather, it simply clarifies the applicability of the Interim Guidance with respect to certain pending cases as an administrative convenience for the Agency. With respect to any cases that may be pending before EPA and that are not or will not be covered by the Interim Guidance, the conferees urge EPA to resolve such cases as expeditiously as possible and without undue delay.

It is the conferees' understanding that the currently filed South Bronx complaint is covered by the Interim Guidance and should be dealt with expeditiously.

The conferees have also adopted new language prohibiting the use of funds to take certain actions for the purpose of implementing or preparing to implement the Kyoto Protocol, instead of language proposed by the House. The conferees note that this restriction on the use of funds shall not apply to the conduct of education activities and seminars by the Agency.

The conferees note that several programs funded through this Act conduct science and technology research that are associated partly with global climate change. To the extent that the conferees have funded this work, they have done so based on each program's individual merits of contributing to issues associated with domestic energy production, national energy security, energy efficiency and cost savings, related environmental assessments, and general energy emission improvements. The bill language is intended to prohibit funds provided in this bill from being used to implement ac-

tions called for solely under the Kyoto Protocol, prior to its ratification.

The Byrd-Hagel Resolution which passed in 1997 (S. Res. 98) remains the clearest statement of the will of the Senate with regards to the Kyoto Protocol, and the conferees are committed to ensuring that the Administration not implement the Kyoto Protocol without Congressional consent. The conferees recognize, however, that there are also longstanding energy research programs which have goals and objectives that, if met, could have positive effects on energy use and the environment. The conferees do not intend to preclude these programs from proceeding, provided they have been funded and approved by Congress.

To the extent future funding requests may be submitted which would increase funding for climate change activities prior to Senate consideration of the Kyoto Protocol (whether under the auspices of the Climate Change Technology Initiative or any other initiative), the Administration must do a better job of explaining the components of the programs, their anticipated goals and objectives, the justification for any funding increases, a discussion of how success will be measured, and a clear definition of how these programs are justified by goals and objectives independent of implementation of the Kyoto Protocol. The conferees expect these items to be included as part of the fiscal year 2000 budget submission for all affected agencies.

The conferees have agreed to the following increases to the budget request:

1. $2,500,000 for the Michigan Biotechnology Institute for continued development of viable cleanup technologies.
2. $1,300,000 for the Lake Wallenpaupack, Pennsylvania environmental restoration project.
3. $130,000 for the Saint Vincent watershed environmental restoration project.
4. $500,000 for continued activities of the Small Business Pollution Prevention Center at the University of Northern Iowa.
5. $1,300,000 for the Great Lakes National Program Office.
6. $750,000 for the painting and coating compliance project at the University of Northern Iowa.
7. $550,000 for continuation of the Idaho Water Initiative.
8. $1,700,000 for the Sacramento Regional County Sanitation District to continue the cost-shared Sacramento River Toxic Pollution Control Project. This appropriation and previously appropriated funds shall be administered by the Sacramento Regional County Sanitation District in accordance with the workplans submitted by the District.
9. $1,300,000 for continuation of a water reuse demonstration project in Yucca Valley ($500,000) and the continuation of a water distribution system study in Twentynine Palms ($800,000), California.
10. $600,000 for ongoing activities at the Canaan Valley Institute.
11. $8,000,000 for the Southwest Center for Environmental Research and Policy (SCERP).
12. $2,600,000 for the National Institute for Environmental Renewal to establish a regional environmental data center, and to de-

Latest Knollenberg Offer

-----Original Message-----
> From: Alman, Lee
> Sent: Thursday, July 29, 1999 10:43 AM
> To: Davis, Delacroix
> Subject: Knollenberg bending?
>
> Not that we want to accept this (in fact, I'm quite sure we may not), but
> here's the language they'll agree to so far. Note the inclusion of the
> word "solely," which until yesterday appeared to be anathema to
> Knollenberg:
>
> "The Committee has again this year included bill language which prohibits
> the use of funds to take certain actions for the purpose of implementation
> or in preparation for implementation of the Kyoto Protocol. The Committee
> is concerned with reports that, over the past year, the Agency may have
> strayed across the fine line separating education from advocacy. Although
> the Agency may under the current prohibition continue to conduct
> educational seminars and activities, it should ensure balance in those
> programs. Balance does not mean merely that there is an acknowledgement
> of viewpoints different from those of the Administration, but that
> qualified representatives of those viewpoints are included in the programs
> and in numbers roughly equal to the participants representing the
> Administration's positions. One dissenting voice in what is otherwise an
> obviously stacked or biased program does not constitute balance.
>
> The bill language is intended to prohibit funds provided in this bill from
> being used to implement programs and initiatives called for solely under
> the Kyoto Protocol, prior to its ratification. Based on an identical
> provision in the 1999 Appropriations Act, the bill language prohibits the
> development of rules, regulations, decrees, and orders for the purpose of
> implementing, or in preparation of implementing, directly or indirectly
> the Kyoto Protocol."

COURT OF VETERANS APPEALS

SALARIES AND EXPENSES

For necessary expenses for the operation of the United States Court of Veterans Appeals as authorized by 38 U.S.C. 7251–7298, $10,195,000, of which $865,000, shall be available for the purpose of providing financial assistance as described, and in accordance with the process and reporting procedures set forth, under this heading in Public Law 102–229.

DEPARTMENT OF DEFENSE—CIVIL

CEMETERIAL EXPENSES, ARMY

SALARIES AND EXPENSES

For necessary expenses, as authorized by law, for maintenance, operation, and improvement of Arlington National Cemetery and Soldiers' and Airmen's Home National Cemetery, including the purchase of one passenger motor vehicle for replacement only, and not to exceed $1,000 for official reception and representation expenses, $11,666,000, to remain available until expended.

ENVIRONMENTAL PROTECTION AGENCY

SCIENCE AND TECHNOLOGY

(INCLUDING TRANSFER OF FUNDS)

For science and technology, including research and development activities, which shall include research and development activities under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), as amended; necessary expenses for personnel and related costs and travel expenses, including uniforms, or allowances therefore, as authorized by 5 U.S.C. 5901–5902; services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the maximum rate payable for senior level positions under 5 U.S.C. 5376; procurement of laboratory equipment and supplies; other operating expenses in support of research and development; construction, alteration, repair, rehabilitation, and renovation of facilities, not to exceed $75,000 per project, $650,000,000, which shall remain available until September 30, 2000: *Provided*, That the obligated balance of such sums shall remain available through September 30, 2007 for liquidating obligations made in fiscal years 1999 and 2000.

ENVIRONMENTAL PROGRAMS AND MANAGEMENT

For environmental programs and management, including necessary expenses, not otherwise provided for, for personnel and related costs and travel expenses, including uniforms, or allowances therefore, as authorized by 5 U.S.C. 5901–5902; services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the maximum rate payable for senior level positions under 5 U.S.C. 5376; hire of passenger motor vehicles; hire, maintenance, and operation of aircraft; purchase of reprints; library memberships in societies or associations which

~~To: Dina B.~~
~~Ashton B.~~
~~Fr: J.~~

FY2000 Subcom mark Bill

who are not members; construction, alteration, repair, rehabilitation, and renovation of facilities, not to exceed $75,000 per project; and not to exceed $6,000 for official reception and representation expenses, $1,850,000,000, which shall remain available until September 30, 2001: *Provided*, That the obligated balance of such sums shall remain available through September 30, 2008 for liquidating obligations made in fiscal years 2000 and 2001: *Provided further*, 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 which was adopted on December 11, 1997, in Kyoto, Japan at the Third Conference of the Parties to the United Nations Framework Convention on Climate Change, which has not been submitted to the Senate for advice and consent to ratification pursuant to article II, section 2, clause 2, of the United States Constitution, and which has not entered into force pursuant to article 25 of the Protocol: *Provided further*, That none of the funds made available in this Act may be used to implement or administer the interim guidance issued on February 5, 1998, by the Environmental Protection Agency relating to title VI of the Civil Rights Act of 1964 and designated as the "Interim Guidance for Investigating Title VI Ad-

VA-HUD: Knollenberg Rider

- During consideration of VA-HUD last year, we debated the need to prohibit EPA from implementing the Kyoto Protocol prior to Senate ratification of the climate change treaty.

- Last year, the House and the Senate agreed to language that would ensure that the Agency does not implement the Protocol while also clearly ensuring that the prohibition did not undermine EPA's voluntary programs or existing authorities to protect public health and the environment.

- The report language in today's bill breaches last year's agreement. Once again, attempts are being made to prevent activities that limit greenhouse gas emissions even if such activities are part of a voluntary program – such as Greenlights – or are fully authorized under existing law.

- These activities have many benefits, including reducing energy costs and helping fulfill the United States' obligations under the UN Framework Convention on Climate Change. I hope we can work with the Majority and the Senate in conference to maintain the careful balance that was reached last year.

FAX TRANSMISSION

UNITED STATES DEPARTMENT OF JUSTICE
Office of Legal Counsel

Daniel L. Koffsky
Special Counsel

950 Pennsylvania Avenue, NW
Washington, D.C. 20530
Phone: (202) 514-2030
Fax: (202) 305-8524

TO: Julie Anderson **DATE:** 11/5/99

OFFICE #: 395-2332

FAX#: 395-2342 **PAGES:** (including cover sheet)

SUBJECT:

COMMENTS:

Julie:

Here's a model, but it wouldn't quite reflect the reasonableness of our interpretation of Knollenberg's words. I'm also sending a short comment OLC wrote last summer.

Dan

U.S. Department of Justice

Office of Legal Counsel

Office of the Deputy Assistant Attorney General

Washington, D.C. 20530

August 2, 1999

**MEMORANDUM FOR ROZ RETTMAN
OFFICE OF THE GENERAL COUNSEL
OFFICE OF MANAGEMENT AND BUDGET**

From: Daniel Koffsky DK
Acting Deputy Assistant Attorney General

Re: Department of Veterans Affairs, Department of Housing and Urban Development, and Independent Agencies Appropriations Bill

This sets forth the comments of the Office of Legal Counsel on the Department of Veterans Affairs, Department of Housing and Urban Development, and Independent Agencies Appropriations Bill for FY 2000 ("Appropriations Bill"). Our comments are limited to provisions contained in Title III of the appropriations bill, which concerns independent agencies.

The subsection of Title III entitled "Environmental Programs and Management" provides, among other things, 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 which was adopted on December 11, 1997, in Kyoto, Japan at the Third Conference of the Parties to the United Nations Framework Convention on Climate Change. . . ." We would not interpret this provision to prevent the President from carrying out the functions committed to him by the Constitution. The Constitution, for example, gives the President, as Commander in Chief and the head of the executive branch, exclusive responsibility to negotiate with foreign governments. See Department of Navy v. Egan, 484 U.S. 518, 529 (1988) ("The [Supreme] Court . . . has recognized 'the generally accepted view that foreign policy was the province and responsibility of the Executive.'") (quoting Haig v. Agee, 453 U.S. 280, 293-94 (1981)); Alfred Dunhill of London, Inc. v. Republic of Cuba, 425 U.S. 682, 705-06 n. 18 (1976) ("[T]he conduct of [foreign policy] is committed primarily to the Executive Branch. . . ."); see also Earth Island Institute v. Christopher, 6 F.3d 648, 652-53 (9th Cir. 1993). Thus, interpreting the above provision to reach the President's ability to negotiate and enter into agreements with foreign nations would raise serious constitutional concerns.

Citation | Search Result | Rank(R) 6 of 7 | Database
3/18/96 WCPD 479 | WCPD
3/18/96 Wkly. Compilation Presidential Documents 479
1996 WL 13336252

Weekly Compilation of Presidential Documents

Monday, March 18, 1996

Vol. 32, No. 11, ISSN: 0511-4187

Statement on **signing** the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996. (Bill **Clinton**) (Transcript)

March 12, 1996

Today I have signed into law H.R. 927, the "Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996." This Act is a justified response to the Cuban government's unjustified, unlawful attack on two unarmed U.S. civilian aircraft that left three U.S. citizens and one U.S. resident dead. The Act imposes additional sanctions on the Cuban regime, mandates the preparation of a plan for U.S. assistance to transitional and democratically elected Cuban governments, creates a cause of action enabling U.S. nationals to sue those who expropriate or "traffic" in expropriated properties in Cuba, and denies such traffickers entry into the United States. It is a clear statement of our determination to respond to attacks on U.S. nationals and of our continued commitment to stand by the Cuban people in their peaceful struggle for freedom.

Immediately after Cuba's brutal act, I urged that differences on the bill be set aside so that the United States could speak in a single, strong voice. By acting swiftly--just 17 days after the attack--we are sending a powerful message to the Cuban regime that we do not and will not tolerate such conduct.

The Act also reaffirms our common goal of promoting a peaceful transition to democracy in Cuba by tightening the existing embargo while reaching out to the Cuban people. Our current efforts are beginning to yield results: they are depriving the Cuban regime of the hard currency it needs to maintain its grip on power; more importantly, they are empowering the agents of peaceful change on the island. This Act provides further support for the Administration's efforts to strengthen independent organizations in Cuba intent on building democracy and respect for human rights. And I welcome its call for a plan to provide assistance to Cuba under transitional and democratically elected governments.

Consistent with the Constitution, I interpret the Act as not derogating from the President's authority to conduct foreign policy. A number of provisions--sections 104(a), 109(b), 113, 201, 202(e), and 202(f)--could be read to state the foreign policy of the United States, or would direct that particular **diplomatic** initiatives or other courses of action be taken with respect to foreign countries or governments. While I support the underlying intent of these sections, the President's constitutional authority over foreign policy necessarily entails discretion over these matters. Accordingly, I will construe these provisions to the precatory.

The President must also be able to respond effectively to rapid changes in Cuba. This capability is necessary to ensure that we can advance our national interests in a manner that is conducive to a democratic transition in Cuba. Section 102(h), concerning the codification of the economic embargo, and the requirements for determining that a transitional or democratically elected government is in power, could be read to impose overly rigid constraints on the implementation of our foreign policy. I will continue to work with the Congress to obtain the flexibility needed if the United States is to be in a position to advance our shared interest in a rapid and peaceful transition to democracy in Cuba.

Finally, Title IV of the Act provides for the Secretary of State to deny visas to, and the Attorney General to exclude from the United States, certain persons who confiscate or traffic in expropriated property after the date of enactment of the Act. I understand that the provision was not intended to reach those coming to the United States or United Nations as diplomats. A categorical prohibition on the entry of all those who fall within the scope of section 401 could constrain the exercise of my exclusive authority under Article II of the Constitution to receive ambassadors and to conduct diplomacy. I am, therefore, directing the Secretary of State and the Attorney General to ensure that this provision is implemented in a way that does not interfere with my constitutional prerogatives and responsibilities.

The Cuban regime's lawless downing of two unarmed planes served as a harsh reminder of why a democratic Cuba is vitally important both to the Cuban and to the American people. The LIBERTAD Act, which I have signed into law in memory of the four victims of this cruel attack, reasserts our resolve to help carry the tide of democracy to the shores of Cuba.

Note: H.R. 927, approved March 12, was assigned Public Law No. 104-114.

---- INDEX REFERENCES ----

NAMED PERSON: BILL **CLINTON** ESSAYS, LECTURES ADDRESSES

KEY WORDS: UNITED STATES CUBA

NEWS CATEGORY: TRANSCRIPT

Word Count: 720

STATEMENT BY THE PRESIDENT

Today I have signed into law H.R. 2684, the "Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 2000."

This Act will fund vital housing, community development, environmental, disaster assistance, veterans, space and science programs. Specifically, it provides funding for the Departments of Veterans Affairs (VA) and Housing and Urban Development (HUD), the Environmental Protection Agency (EPA), the National Aeronautics and Space Administration, the Federal Emergency Management Agency (FEMA), the National Science Foundation, and several other agencies.

The Act funds a number of my Administration's high priorities, including the Corporation for National and Community Service at this year's current level. National Service gives young people the opportunity to obtain funding for a college education while serving the country in areas of great need, such as the environment, public safety, and human services. It would also allow them to participate in service-learning programs that provide substantial academic and social benefits, including the opportunity to learn responsible citizenship.

I am pleased to announce that the Act also provides full funding of HUD's highest priority: $10.9 billion for the renewal of all Section 8 contracts, assuring continuation of HUD rental subsidies for low-income tenants in privately owned housing. I am also pleased that the Act provides 60,000 housing vouchers for low-income families. In addition, the Act adequately funds programs to help distressed communities. These programs include my new initiative for America's Private Investment Companies (APIC), Community Development Block Grants, assistance to the homeless, the Community Development Financial Institutions (CDFI) Fund, Brownfields redevelopment, and rural/urban empowerment zones. The Community Development Block Grant program (CDBG) promotes housing and economic activity in low- and moderate- income areas. It provides funding for housing rehabilitation, construction, and homebuyer assistance. The CDFI Fund helps to create a network of community development banks across the country, thereby spurring the flow of capital to distressed neighborhoods and their currently underserved low-income residents.

The bill includes funding that could support part of my New Markets proposal, which will ensure that all Americans share in our economic prosperity. APIC and the rural and urban empowerment zones will help revitalize communities so that they take advantage of the strength of the economy and help those left behind in our economic boom. Additionally, $1,020 million is provided for homeless assistance grants, enabling localities to continue to shape and implement comprehensive, flexible, coordinated "continuum of care" approaches to solving homelessness.

I am pleased that the Act adequately funds Fair Housing programs, which will enable HUD to expand significantly its activities aimed at reducing the level of housing discrimination nationwide.

I am also pleased that the Act provides $19.8 billion for the medical care of our Nation's veterans. Since January, long waiting times in VA medical centers have disrupted the level and quality of medical care that veterans have received. This level of service is unacceptable, and the funding levels in the bill will allow us to address this issue. The bill will also allow for the provision of a range of home- and community- based care for those high priority veterans who do not have access to such services, and provides resources for the aggressive testing and treatment of Hepatitis C.

The Act provides $7.6 billion for the EPA, which will enable the agency to carry out our environmental laws adequately. I am pleased that H.R. 2684 adequately funds EPA's portion of Clean Water Action Plan and the Drinking Water State Revolving Fund, and the Montreal Protocol. However, I continue to believe that the bill language prohibiting implementation of the Kyoto Protocol is unnecessary, as my Administration has no intent of implementing the Protocol prior to ratification. This year's language is identical to last year's provision. Since this year's House and Senate report language is contradictory, we will implement the Kyoto provision consistent with the language in last year's conference report. I also am disturbed that the conference report includes new language that is aimed at restricting efforts to reduce smog by delaying EPA action on several States' clean air petitions. My Administration has a strong commitment to clean air and will continue to use the full range of authorities under the law to make our Nation's air safe to breathe for all Americans.

This bill adequately funds the Nation's investment in space and science programs in FY 2000. The Act provides $13.65 billion for NASA and $3.9 billion for the National Science Foundation, including $126 million at NSF for the Administration's Information Technology in the 21st Century Initiative (IT2). If we want to maintain our current economic prosperity, it is essential that we sustain our investment in long-term research in all scientific and engineering disciplines. This Act maintains the Nation's investment in discovery and education, which has fueled unprecedented economic growth for the past decade.

Finally, I am pleased that this Act adequately funds FEMA to help cope with unforeseen disasters. The $2.5 billion in contingent emergency funds, along with the $821 million appropriated, ensures that the country is well prepared to deal with unforeseen natural disasters. This assistance will ensure the FEMA has adequate resources to respond to Hurricane Floyd and others disasters.

I am pleased that my Administration and the Congress were able to work together successfully on this bill -- in a spirit of cooperation -- to resolve our respective differences and produce an Act that is fully paid for and effectively addresses critical needs of the American people. We are especially pleased that we were able to achieve acceptable funding levels in a number of areas by providing offsets that were agreed on by both sides. I urge the Congress to work with the Administration in similar fashion in coming to mutually acceptable agreements on the remaining FY 2000 appropriations bills and to do so expeditiously. The American people deserve no less.

Daniel Sakura
10/21/99 06:25:40 PM

Record Type: Record

To: Julie M. Anderson/WHCCTF/EOP@EOP

cc:
Subject: POTUS signed VA-HUD bill

---------------------- Forwarded by Daniel Sakura/CEQ/EOP on 10/21/99 06:25 PM ---------------------------

Kymberly M. Escobar 10/21/99 11:22:46 AM

Record Type: Record

To: See the distribution list at the bottom of this message

cc:
Subject: POTUS signed VA-HUD bill

The President signed the bill that covers CEQ. Statement includes good langauge on Climate Change Technology Iinitiative, Clean Air Partnership Fund and the Kyoto ammendment.

THE WHITE HOUSE

Office of the Press Secretary

For Immediate Release October 20, 1999

STATEMENT BY THE PRESIDENT

Today I have signed into law H.R. 2684, the "Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 2000."

This Act will fund vital housing, community development, environmental, disaster assistance, veterans, space, and science programs. Specifically, it provides funding for the Departments of Veterans Affairs (VA) and Housing and Urban Development (HUD), the Environmental Protection Agency (EPA), the National Aeronautics and Space Administration (NASA), the Federal Emergency Management Agency (FEMA), the National Science Foundation (NSF), and several other agencies.

The Act funds a number of my Administration's high priorities, including the Corporation for National and Community Service at this year's current funding level. National Service gives young people the opportunity to obtain funding for a college education while serving the country in areas of great need, such as the environment, public safety, and human services. National Service also allows young people to participate in service-learning programs that provide substantial academic and social benefits, including the opportunity to learn responsible citizenship.

I am pleased that the Act also provides full funding of HUD's highest priority: $10.9 billion for the renewal of all Section 8 contracts, assuring continuation of HUD rental subsidies for low-income tenants in privately owned housing. I am also pleased that the Act provides 60,000 housing vouchers for low-income families. In addition, the Act adequately funds programs to help distressed communities, including my new initiative for America's Private Investment Companies (APIC), Community Development Block Grants (CDBG), assistance to the homeless, the Community Development Financial Institutions (CDFI) Fund, Brownfields redevelopment, and rural and urban empowerment zones. The CDBG program promotes housing and economic activity in low- and moderate-income areas. It provides funding for housing rehabilitation, construction, and homebuyer assistance. The CDFI Fund helps to create a network of community development banks across the country, spurring the flow of capital to distressed neighborhoods and their currently underserved low-income residents.

The Act includes funding that could support part of my New Markets proposal, which will help ensure that all Americans share in our economic prosperity. APIC and the rural and urban empowerment zones will help revitalize communities so that they can take advantage of the strength of the economy and help those left behind in our economic boom. Additionally, $1.02 billion is provided for homeless assistance grants, enabling localities to continue to shape and implement comprehensive, flexible, coordinated "continuum of care" approaches to solving homelessness.

I am pleased that the Act adequately funds Fair Housing programs, which will enable HUD to expand significantly its activities aimed at reducing the level of housing discrimination nationwide.

The Act provides $710 million, a significant increase, for elderly housing, recognizing the dramatic rise in our elderly population and the changing housing needs that accompany this unprecedented demographic shift. The Act replaces old models, which separated housing from services, with new models that bring services to elders where they live -- allowing seniors to remain in their homes and communities longer.

I am also pleased that H.R. 2684 provides $19.8 billion for the medical care of our Nation's veterans. Since January, long waiting times in VA medical centers have disrupted the level and quality of medical care that veterans have received. This level of service is unacceptable, and the funding levels in the Act will allow us to address this issue. The Act will also allow for the provision of a range of home- and community-based care for those high-priority veterans who do not have access to such services, and it provides resources for the aggressive testing and treatment of Hepatitis C.

The Act provides $7.6 billion for the EPA, which will enable the agency to adequately implement our environmental laws. I am pleased that H.R. 2684 adequately funds EPA's portion of the Clean Water Action Plan and the Drinking Water State Revolving Fund. However, the Act should have provided full funding for the Climate Change Technology Initiative and the new Clean Air Partnership Fund at the requested levels. Furthermore, I continue to believe that the provision pro-hibiting implementation of the Kyoto Protocol is unnecessary, as my Administration has no intent of implementing the Protocol prior to ratification. This year's language is identical to last year's provision. Since this year's House and Senate report language is contradictory, we will implement the Kyoto provision consistent with the language in last year's conference report. I also am disturbed that the conference report includes new language that is aimed at restricting efforts to reduce smog by delaying EPA action on several States' clean air petitions. My Administration has a strong commitment to clean air and will continue to use the full range of authorities under the law to make our Nation's air safe to breathe for all Americans.

The Act also adequately funds the Nation's investment in space and science programs. It provides $13.65 billion for NASA and $3.9 billion for the NSF, including $126 million for my Administration's Information Technology in the 21st Century Initiative. If we want to maintain our current economic prosperity, it is essential that we sustain our investment in long-term research across all the scientific and engineering disciplines. This Act maintains the Nation's investments in science, technology, and learning, which have fueled unprecedented economic growth for the past decade.

Finally, I am pleased that H.R. 2684 adequately funds FEMA to help cope with unforeseen disasters. The $2.5 billion in contingent emergency funds, along with the $821 million appropriated, ensures that the country is well prepared to deal with unforeseen natural disasters and that FEMA has adequate resources to respond to Hurricane Floyd and other disasters.

I am pleased that my Administration and the Congress were able to work together successfully on this bill -- in a spirit of cooperation -- to resolve our respective differences and produce a bill that is fully paid for and effectively addresses critical needs of the American people. I am especially pleased that we were able to achieve acceptable funding levels in a number of areas by providing offsets that were agreed on by both sides. I urge the Congress to work with my Administration in similar fashion in coming to mutually acceptable agreements on the remaining FY 2000 appropriations bills and to do so expeditiously. The American people deserve no less.

WILLIAM J. CLINTON

THE WHITE HOUSE,
October 20, 1999.

# # #

Message Sent To:

Ellen Athas/CEQ/EOP@EOP
Nancy Marlow/CEQ/EOP@EOP
Judy Jablow/CEQ/EOP@EOP
Dinah Bear/CEQ/EOP@EOP
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Wesley P. Warren/CEQ/EOP@EOP
Ian Bowles/CEQ/EOP@EOP
Daniel Sakura/CEQ/EOP@EOP

SEP-09-1999 14:13 HON HENRY WAXMAN 202 225 4099 P.01/01

ATTN: Julie [illegible]
From: Greg Dotson

TOTAL P.01

September 9, 1999

Dear Representative:

On behalf of the nearly 14,000 members of the National Association of Manufacturers (NAM), including approximately 10,500 small manufacturers, I urge you to cast a "no" vote against any amendment to the VA/HUD Appropriations Act (H.R. 2684) which would strike the bill's provision restricting implementation of the Kyoto Global Climate Protocol.

Manufacturers, especially small manufacturers, support limitations on EPA actions that violate the Administration's official pledge—and constitutional obligation—not to implement the Kyoto Protocol until and unless the Senate approves the treaty.

This is an opportunity of significant magnitude for the members of the U.S. House of Representatives to ensure that treaty obligations under the Kyoto Protocol are not imposed on America without the Congress being allowed to exercise its constitutional duty.

The vote on any such amendment to the VA/HUD Appropriations Act for FY2000 will be considered a Key Manufacturing Vote in the *NAM Voting Record* for the 106th Congress.

Sincerely,

Jerry J. Jasinowski

Jerry Jasinowski
President

Manufacturers Oppose "Back Door" Implementation of the Kyoto Protocol.

- Stephanie Leger

Conference VA-HUD Report

animal protection organizations, trade associations representing chemical companies, and other interested parties that will incorporate certain animal welfare concerns and scientific principles into the High Production Volume (HPV) testing program. It is the intention of the conferees that the HPV program, including the first test rule, should proceed in a manner that is consistent with those animal welfare concerns and that the EPA develop and validate within existing funds non-animal test methods for use in chemical toxicity testing.

The conferees are aware of concerns regarding the relationship between proposed regulatory standards for radium in drinking water and the actual risks to public health caused by the ingestion of low concentrations of radium in drinking water. The Administrator of the EPA is therefore directed to evaluate all direct human health impacts of low concentrations of radium in drinking water and ascertain at what level radium in water actually becomes a risk to public health. The EPA is expected to publish a summary of this information in a Notice of Data Availability before making decisions about final standards for Radium 226 and Radium 228 in drinking water.

The conferees have deleted bill language proposed by the House under General Provisions in title IV prohibiting the expenditure of funds to publish or issue an assessment required under section 106 of the Global Change Research Act of 1990 unless the supporting research has been subjected to peer review and, if not otherwise publicly available, posted electronically for public comment prior to use in the assessment, and the draft assessment has been published in the Federal Register for a 60 day public comment period. While the conferees have deleted this specific bill language, the Agency is nevertheless expected to adhere to this provision.

Unlike in the State and Tribal Assistance Grants account, the Agency has historically not required a cost-share component for specific grants provided through the Environmental Programs and Management (EPM) account, unless specifically required. In order to leverage better available financial resources, the Agency is directed to work with the Committees on Appropriations in the development of a proposal for a cost-share requirement to be included for projects funded within the EPM account, with the goal of having such an agreed upon proposal included in the fiscal year 2000 Operating Plan.

OFFICE OF INSPECTOR GENERAL

Appropriates $32,409,000 for the Office of Inspector General as proposed by the Senate instead of $25,000,000 as proposed by the House. In addition to this appropriation, $11,000,000 is available to the OIG by transfer from the Hazardous Substance Superfund account. The conferees agree that the increase above the budget request provided the OIG should be used to address major problems at EPA through the development of additional audits of grants and assistance agreements, and to form a new program evaluation unit to analyze environmental outcomes more effectively.

BUILDINGS AND FACILITIES

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CONFERENCE REPORT ON H.R. 2684, DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 2000 (House of Representatives - October 14, 1999)

Mr. M[illegible]SH. Mr. Speaker, I want to commend my colleague from New York (Mr. **Walsh**) for his lea[illegible] this VA-HUD bill, particularly for wrestling with many very difficult questions. One of them th[illegible] taken up in my oversight subcommittee is the question of the EPA's continued effort to imp[illegible] the Kyoto protocol, in spite of language that was put into the bill last year indicating that it was the intent of Congress not to use funds appropriated for that purpose.

I will re[illegible] to the body and to the gentleman from New York (Mr. **Walsh**) that during the conference on October [illegible] Gary Guzy, who is the EPA's general counsel, reported and stuck by their position that they have th[illegible] to regulate carbon dioxide, in spite of the fact that the structure of the statute, the intent of the Clean [illegible] is that they do not have the authority to regulate that substance.

A[illegible] would include a letter from the gentleman from Michigan (Mr **Dingell**), who is the ranking me[illegible] the Committee on Commerce and chaired the conference in 1990 when the Clean Air Act am[illegible] were passed. His letter said, in part, 'The House and Senate conferees never agreed to designate ca[illegible] as a pollutant for regulatory or other purposes.'

I will [illegible] that letter at this point in the **Record**.

Committee on Commerce,
Washington, DC, October 5, 1999.

Hon. [illegible] M. McIntosh,
Ch[illegible] Subcommittee on National Economic Growth, Natural Resources, and Regulatory Affairs,
C[illegible] Government Reform, Washington, DC.

Dear [illegible] Chairman: I understand that you have asked, based on discussions between our staffs, about the dis[illegible] by the House-Senate conferees of the amendments in 1990 to the Clean Air Act (CAA) regarding green[illegible] gases such as methane and carbon dioxide. In making this inquiry, you call my attention to an April [illegible] Environmental Protection Agency (EPA) memorandum entitled 'EPA's Authority to Regulate Pollutan[illegible] by Electric Power Generation Sources' and an October 12, 1998 memorandum entitled 'Th[illegible] of EPA to Regulate Carbon Dioxide Under the Clean Air Act' prepared for the National Mi[illegible]ciation. The latter memorandum discusses the legislative history of the 1990 amendments.

Fi[illegible]-passed bill (H.R. 3030) never included any provision regarding the regulation of any g[illegible] such as methane or carbon dioxide, nor did the bill address global climate change. The H[illegible] did include provisions aimed at implementing the Montreal Protocol on Substances that

Deple[illegible] Ozone Layer.

Secon[illegible] the Senate version (S. 1630) of the proposed amendments, the October 12, 1998 memorandum cor[illegible] out that the Senate did address greenhouse gas matters and global warming, along with pro[illegible] implementing the Montreal Protocol. Nevertheless, only Montreal Protocol related provisions were agre[illegible] the House-Senate conferees (see Conf. Rept. 101-952, Oct. 26, 1990).

Howe[illegible] should point out that Public Law 101-549 of November 15, 1990, which contains the 1990 amen[illegible] to the CAA, includes some provisions, such as sections 813, 817 and 819-821, that were enacted as free[illegible] provisions separate from the CAA. Although the Public Law often refers to the 'Clean Air Act A[illegible]ments of 1990,' the Public Law does not specify that reference as the 'short title' of all of the pa[illegible]cluded the Public Law.

O[illegible] free-standing provisions, section 821, entitled 'Information Gathering on Greenhouse Gases Con[illegible] Global Climate Change' appears in the United States Code as a 'note' (at 42 U.S.C. 7651k). It req[illegible]tions by the EPA to 'monitor carbon dioxide emissions' from 'all affected sources subject to title V[illegible] CAA and specifies that the emissions are to be reported to the EPA. That section does not de[illegible]arbon dioxide as a 'pollutant' for any purpose.

Fi[illegible] IX of the Conference Report, entitled 'Clean Air Research,' was primarily negotiated at the time by [illegible] and Senate Science Committees, which had no regulatory jurisdiction under House-Senate R[illegible] amended section 103 of the CAA by adding new subsections (c) through (k). New subsection (g[illegible] 'Pollution Prevention and Control,' calls for 'non-regulatory strategies and technologies for air pol[illegible]evention.' While it refers, as noted in the EPA memorandum, to carbon dioxide as a 'pollutant,' H[illegible]Senate conferees never agreed to designate carbon dioxide as a pollutant for regulatory or other pu[illegible]

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CONFERENCE REPORT ON H.R. 2684, DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 2000 (House of Representatives - October 14, 1999)

Based on my review of this history and my recollection of the discussions, I would have difficulty concluding that the House-Senate conferees, who rejected the Senate regulatory provisions (with the exception of the above-referenced section 821), contemplated regulating greenhouse gas emissions or addressing global warming under the Clean Air Act. Shortly after enactment of Public Law 101-549, the United Nations General Assembly established in December 1990 the Intergovernmental Negotiating Committee that ultimately led to the Framework Convention on Climate Change, which was ratified by the United States after advice and consent by the Senate. That Convention is, of course, not self-executing, and the Congress has not enacted implementing legislation authorizing EPA or any other agency to regulate greenhouse gases.

I hope that this is responsive.

With best wishes,

Sincerely,

John D. Dingell,
Ranking Member.

[Page: H10055] GPO's PDF

Mr. McINTOSH. Mr. Speaker, the law and the legislative history is clear about this point, and there are some questions that still remain in this bill because it contains the language, which I wholly endorse, authored by the gentleman from Michigan (Mr. **Knollenberg**) saying that EPA cannot spend funds to further implement the Kyoto protocol, but there are some unanswered questions in the legislative report whether the House intent on that or the Senate intent prevails, or, as I would hope would happen, they would both be governing on the executive branch as they spend funds from this bill.

Mr. McGOHAN. Mr. Speaker, I yield myself such time as I may consume.

With regard to the previous speaker's comments, I would just like to make clear that there have been efforts as the process has moved forward, both this year and last year, to effect authorizations in the clean air area on our appropriation bill. It is a particularly complicated subject, difficult for the authorizers to deal with, as is evidenced by the way it is dealt with by them, and the appropriations bill is a particularly inappropriate place to try to deal with them.

The appropriations process is an inappropriate place to deal with clean air authorizing issues; trying to impact interpretations in that area and comments as we debate a conference report is equally or more inappropriate pla[illegible] al with it. There is a difference on the Kyoto issue between the House and the Senate report. The administration has its interpretation of that.

Going back to the compromise language on Kyoto that was contained in last year's appropriation report, they would maintain that that is the interpretation that applies this year. The gentleman can add his interpretation on that and they can debate it, but I would submit that comments offered in the course of this debate on this conference report do not impact the legislative intent in any way with regard to the Kyoto issue.

Mr. W[illegible]H. Mr. Speaker, I have no further requests for time at this time, so I will reserve the balance of my time.

Mr. M[illegible]OHAN. Mr. Speaker, I yield 1 1/2 minutes to the gentleman from New York (Mr. **Nadler**).

Mr. N[illegible]ER. Mr. Speaker, I rise in strong support for the VA-HUD conference report.

When [illegible] bill was debated on this floor, I offered two amendments. One would have restored funding for HOPW[illegible] Housing Opportunities for People With AIDS, to the level of the fiscal year 1999 budget which w[illegible] for in the Senate bill, but was not provided for in the House bill. The HOPWA amendment was acc[illegible] this body.

Un[illegible]ly, the second amendment which I offered which sought to increase funding for new Section 8 v[illegible] that is, to provide funding for new Section 8 vouchers and increase the public housing operating f[illegible] accepted.

I [illegible] that reason and compassion have prevailed in the conference report. The conference report pr[illegible] 47 million to fund 60,000 new Section 8 housing vouchers and to increase the public housing op[illegible]nd. Furthermore, HOPWA's funding was increased by $7 million above the Senate level. The re[illegible] long way in assisting people with AIDS and assisting people in finding affordable housing to m[illegible]cessary repairs they so desperately need. We have not provided new Section 8 housing vouchers for over [illegible] years.

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CONFERENCE REPORT ON H.R. 2684, DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 2000 (House of Representatives - October 14, 1999)

Mr. KNOLLENBERG. Mr. Speaker, I do appreciate the time. I just want to respond to the gentleman from Virginia, Mr. **Mollohan**. He and I have had a lot of agreements; we have had some disagreements. And I noticed that in his comments he made reference to language that appeared in the fiscal year 1999 report. I am here to say that we differ strongly on that; and I think as a Member of this committee, as a senior Member, that I would state that the language, the intent of both the House and the Senate should be referred to. It should be referenced, and it should not just simply be fiscal year 1999, because that language is in the ash can of history in my judgment. We should look at fiscal year 2000.

So my belief is that it is important that I at least get that out as an additional view of this report. It does not say that we are not going to have this debate in the future, but I do believe it is clear that he and I differ. And I think I should get that report, that comment on the record.

Mr. MOLLOHAN. Mr. Speaker, I yield myself such time as I may consume. Regrettably, I feel compelled to respond to the gentleman from Michigan.

If he is trying to establish a legislative history with regard to the Kyoto language, I repeat that I think this is a poor place to do it. The facts are that there is language in the House report on that subject. The language in the Senate report differs, and there could not be any consensus drawn of the congressional intent with regard to that topic by looking at the 2000 report, the report accompanying this bill. The language in the 1999 report accompanying the VA appropriations was agreed to by both the House and the Senate.

I leave it to the lawyers, if it gets to that, to debate what actually reflects the legislative intent of the Congress on that topic. However, I would note that the Senate worked long and hard for 2 years now on this language. The language was agreed to by both bodies in last year's report. This year there was not agreement on the Kyoto language between the House and the Senate. So that I do not think one can draw a conclusion that the Congress has spoken on that issue in unison this year.

[Page: H10056] GPO's PDF

[TIME: 1200]

On the other hand, one could draw a conclusion that the last time the Congress spoke on the issue in agreement was in the 1999 report.

Not that that clarifies anything, except to suggest that I would not agree with the gentleman that the language coming out of the report accompanying this year's bill would determine legislative intent in any way on this topic.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. WALSH. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would just take one second, once again, to thank my colleague, the gentleman from West Virginia (Mr. **Mollohan**), for his cooperation on this bill. I have enjoyed working with the gentleman.

Mr. MOLLOHAN. Mr. Speaker, will the gentleman yield?

Mr. WALSH. I yield to the gentleman from West Virginia.

Mr. MOLLOHAN. Mr. Speaker, I would like to conclude with similar expressions of appreciation for his many courtesies during this process, and for his allowing the minority all along the process to participate in a very meaningful way in bringing this bill to the floor.

Again, I repeat that it is a testament to his skill and legislative leadership that we are bringing this kind of a bill to the floor in a very bipartisan way in a year in which it is terribly difficult to do that.

If the gentleman would allow me to express appreciation to members on the minority side of the subcommittee, to the gentlewoman from Ohio (Ms. **Kaptur**), the gentlewoman from Florida (Mrs. **Meek**), the gentleman from North Carolina (Mr. **Price**), and the gentleman from Alabama (Mr. **Cramer**), they were all very hardworking members on the subcommittee throughout the year to bring this bill where we are today.

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[illegible]ERENCE REPORT ON H.R. 2684, DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 2000 (House of Representatives - October 14, 1999)

Mr [illegible]ENBERG. Mr. Speaker, I do appreciate the time. I just want to respond to the gentleman from Vir[illegible] [illegible]r. **Mollohan**. He and I have had a lot of agreements; we have had some disagreements. And I notice [illegible] in his comments he made reference to language that appeared in the fiscal year 1999 report. I am here [illegible] that we differ strongly on that; and I think as a Member of this committee, as a senior Member, that [illegible] state that the language, the intent of both the House and the Senate should be referred to. It should [illegible] referenced, and it should not just simply be fiscal year 1999, because that language is in the ash can of hi[illegible] [illegible] my judgment. We should look at fiscal year 2000.

So my [illegible] that it is important that I at least get that out as an additional view of this report. It does not say [illegible] are not going to have this debate in the future, but I do believe it is clear that he and I differ. And I think [illegible] could get that report, that comment on the record.

Mr. M[illegible]OHAN. Mr. Speaker, I yield myself such time as I may consume. Regrettably, I feel compelled to respo[illegible] the gentleman from Michigan.

If he [illegible] to establish a legislative history with regard to the Kyoto language, I repeat that I think this is a po[illegible] to do it. The facts are that there is language in the House report on that subject. The language in the S[illegible] differs, and there could not be any consensus drawn of the congressional intent with regard to that [illegible] by looking at the 2000 report, the report accompanying this bill. The language in the 1999 report acc[illegible] the VA appropriations was agreed to by both the House and the Senate.

I leave [illegible] the lawyers, if it gets to that, to debate what actually reflects the legislative intent of the Congress on [illegible]. However, I would note that the Senate worked long and hard for 2 years now on this language. The [illegible] was agreed to by both bodies in last year's report. This year, there was not agreement on the Ky[illegible] between the House and the Senate. So that I do not think one can draw a conclusion that the Cong[illegible] spoken on that issue in unison this year.

[Page: H10056] *GPO's PDF*

[TIME: 1200]

On [illegible] hand, one could draw a conclusion that the last time the Congress spoke on the issue in ag[illegible] was in the 1999 report.

No[illegible] clarifies anything, except to suggest that I would not agree with the gentleman that the language con[illegible] the report accompanying this year's bill would determine legislative intent in any way on this top[illegible]

Mr. S[illegible] I have no further requests for time, and I yield back the balance of my time.

Mr. W[illegible]H. Mr. Speaker, I yield myself such time as I may consume.

Mr. S[illegible] I would just take one second, once again, to thank my colleague, the gentleman from West Vir[illegible] **Mollohan**), for his cooperation on this bill. I have enjoyed working with the gentleman.

Mr. M[illegible]OHAN. Mr. Speaker, will the gentleman yield?

Mr. W[illegible]H. I yield to the gentleman from West Virginia.

M[illegible]AN. Mr. Speaker, I would like to conclude with similar expressions of appreciation for his many [illegible] during this process, and for his allowing the minority all along the process to participate in a very [illegible] way in bringing this bill to the floor.

Again [illegible] that it is a testament to his skill and legislative leadership that we are bringing this kind of a bill to the [illegible] in a very bipartisan way in a year in which it is terribly difficult to do that.

If the [illegible] would allow me to express appreciation to members on the minority side of the subcommittee, to the [illegible]lewoman from Ohio (Ms. **Kaptur**), the gentlewoman from Florida (Mrs. **Meek**), the gentleman from [illegible] Carolina (Mr. **Price**), and the gentleman from Alabama (Mr. **Cramer**), they were all very hard[illegible] members on the subcommittee throughout the year to bring this bill where we are today.

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October 8, 1999

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

Dear President Clinton:

We would like to express our grave concern with the way events are unfolding with respect to climate change in the FY 2000 budget.

Although your budget requested additional funds and other policies to advance your Climate Change Technology Initiative (CCTI), negotiations with Congress so far appear to be quite unsuccessful. As the budget process finalizes, we most strongly and respectfully urge you to proceed immediately to reverse this alarming course to ensure success for your climate change initiatives.

Specifically, we are disturbed that:

- You have signed the FY 2000 Energy and Water Appropriations that cuts renewable energy funding by $25 million and includes severely restrictive language.
- OMB Director Jack Lew yesterday negotiated an agreement on the FY 2000 VA-HUD Appropriations bill that cuts EPA climate programs by $7 million.
- The Administration has not put significant effort toward building Congressional support for its $3.5 billion package of tax incentives.
- White House staff has indicated that you will not veto the FY 2000 Transportation Appropriations bill, despite the restrictive CAFE rider.

Your Administration has assured us time and again that the mitigation of climate change is a high priority for action through the budget process. However, missed opportunities and consistent attention to other priorities ultimately speak with a louder voice. There remain several key pivot-points in the FY2000 budget process through which you can make significant progress on climate change. We most strongly and respectfully urge you to:

- Veto the Transportation Appropriations bill in order to excise the CAFE rider.
- Negotiate with Congressional leaders to achieve funding at the level of your budget request for energy-efficiency programs at the Department of Energy in the FY2000 Interior Appropriations bill.

- In negotiations on any omnibus package, rectify the severe lack of funds for both renewable energy and EPA climate programs, in the same manner that Energy and Water was reopened for consideration in last year's negotiations.

We have strongly supported your well-designed initiatives with regard to climate change, and regret having to be critical at this juncture. However, decisions made in the next few weeks will have a huge impact on whether we are able to make progress on reducing greenhouse gas emissions in the next few years, or whether the political impasse on this issue will extend well into the next century. We believe that time is of the essence and once again appeal to you to take aggressive action on behalf of the environment and future generations.

Thank you for your consideration.

Sincerely,

Alliance to Save Energy
U.S. Public Interest Research Group
American Council for an Energy Efficient Economy
Business Council for Sustainable Energy
Americans for Clean Energy
Friends of the Earth
Greenpeace
Bob Lawrence & Associates, Inc.
Global Biorefineries, Inc.
Center for Safe Energy
Clean Fuels Development Coalition
Clean Fuels Foundation
American Biofuels Association
SUN DAY Campaign
National Environmental Trust
Natural Resources Defense Council
National Association of State Energy Officials
American Wind Energy Association
Public Citizen
Communications Consortium Media Center
Solar Energy Industries Association
Physicians for Social Responsibility
Environmental and Energy Study Institute
National BioEnergy Industries Association
Safe Energy Communication Council
American Solar Energy Society
Pellet Fuels Association
Union of Concerned Scientists

cc: John Podesta, Chief of Staff
Jacob Lew, Director, Office of Management & Budget
George Frampton, Chairman, Council on Environmental Quality
Roger Ballantine, Special Assistant to the President for Environmental Issues

NOT ADOPTED

Floor Colloquy :
Requirement for EPA Report on Global Climate Plans

Senator Craig:

Mr. President, I am pleased that the Senate FY2000 appropriations for VA-HUD includes a provision similar to last year's appropriations directing EPA to give a full accounting of how it plans to spend funds related to its global climate plans and initiatives. We clearly expect that EPA will meet our requirement that this data be filed in conjunction with the FY2001 budget request. Equally important, we expect that the Administration, including EPA, will fully comply with the spirit and letter of the Government Performance and Results Act of 1993.

Last year's delay in submittal by over 2 months when an additional month's delay was provided was inexcusable. The American taxpayer expects that programs like this will be fully justified and reviewed by Congress. Any delay compromises the constitutional responsibilities of Congress and could jeopardize the funding of worthwhile programs that Congress supports.

In it's July 14, 1999 report to the Senate (B-283052) the GAO confirmed that the EPA report was not comprehensive, provided little information at the program level, lacked justification for funding increases, and lacked individual program justification. EPA also failed to document the basis for assessing the impact of other EPA programs on the reported climate programs. This failure by EPA can only serve to undermine the credibility of many on-going activities. Claiming credit for activities beyond EPA's responsibility and charter, especially voluntary activities in the private sector, may be an effort to mis-inform the public and inflate expectations.

Mr. President, Congress realized in 1998 that there have been far too many signs that various Federal agencies, none of which have ever been designated by the Congress or the Administration as a lead agency for implementation of the Framework Convention, let alone the un-ratified Kyoto Protocol, are trying to implement the Protocol through the "back door". This pattern has continued. Earlier this year, the EPA, presumably with the support of the State Department, tried to enter into an agreement with the Russian Federation to establish a Kyoto driven emission trading system. This is why we need limitations on agency activities and a full accounting of all activities.

Floor Colloquy :
Requirement for EPA Report on Global Climate Plans

Senator Craig(continued):

Just so there is no possibility of EPA misunderstanding what Congress expects in its report I will provide additional detail. The EPA is to provide the Appropriations Committees with a detailed plan to implement the President's October 22, 1997 three-stage proposal on climate change. This plan is to include objective and quantifiable performance goals for each initiative and each program as well as a full description of the contribution of each program to the associated initiative. The plan must provide justifications for all on-going programs at fiscal year 2000 funding levels including documentation of the anticipated benefits. The plan must provide a description of procedures used to verify and validate reported as well as expected performance. The plan must justify any proposed funding increases, including any new programs or initiatives, proposed for fiscal year 2001. EPA must also document the explicit legal authority for each specific program and explain whether the program is mandatory or discretionary.

We expect that this analysis will be submitted with the President's budget, not months later. GAO will be expected to provide its evaluation of the EPA report within 90 days of receipt of the EPA plan.

I ask the distinguished Chairman of the Subcommittee, Senator Bond, if he agrees with my interpretation of the Committee's action.

Senator Bond:

Mr. President, I want to thank the Senator from Idaho for his leadership in assuring that all agencies understand that we expect the Government Performance and Results Act to be fully complied with. Senator Craig's interpretation of our committee action is correct. The GAO provided a useful blueprint for EPA to follow in its report on the fiscal year 2001 plan for climate change activities. I was extremely disappointed that the Administration failed to provide a timely and complete response to the Senate. This disregard for our constitutional role cannot continue.

In addition, Senator Craig has provided useful additional instructions to the EPA to assure that its report will be complete and meet our expectations. Taxpayers deserve to know how their money is being spent and the Congress has a Constitutional duty to conduct a thorough review of all programs.

United States Senate
WASHINGTON, D.C. 20510

September 22, 1999

Protect the Ozone Layer, Public Health and Global Environment

Support American Businesses

Restore Funding for the Montreal Protocol Multilateral Fund

Dear Colleague:

We're writing to urge you to support an amendment that we intend to offer to the VA-HUD and Independent Agencies Appropriations bill (S.1596) that will restore EPA's funding to implement the Montreal Protocol Multilateral Fund.

The Montreal Protocol is the landmark, international environmental agreement among 162 nations to reduce the worldwide emissions of the chemicals that deplete the ozone layer. Depletion of the ozone layer and the resultant increase in ultraviolet radiation can lead to increased skin cancer, suppression of the human immune system, and damage to terrestrial and aquatic species.

The Multilateral Fund is the policy mechanism within the Montreal Protocol to reduce emissions of ozone depleting chemicals in developing countries – and it has been fundamental to the success of the Protocol. Since 1990, 32 industrialized nations have provided 110 developing countries technical and financial assistance to reduce their emissions of ozone depleting chemicals.

Unfortunately, S.1596 contains no funding for the EPA to participate in the Multilateral Fund, despite the Clinton Administration's request for $21 million and Congressional support for funding of roughly $12 million per year over the past four fiscal years.

Our amendment would restore $12 million to the EPA budget to fund U.S. participation in the Mulitlateral Fund, and reduce each EPA discretionary account by less than two-tenths of one percent to offset this increase. If our amendment is accepted, EPA and State Department contributions to the Multilateral Fund for FY2000 would total $38 million, which is the U.S. commitment to the fund this year.

We strongly believe the Senate should fully support the Multilateral Fund, and we urge you to offer your support for these reasons:

- <u>The Montreal Protocol is Working</u>: According to NASA and NOAA, the total abundance of ozone depleting compounds in the lower atmosphere peaked in about 1994 and is now slowly decreasing.

O:\TOM\TOM99.669 S.L.C.

AMENDMENT NO. ____ Calendar No. ____

Purpose: To restore funding for the Montreal Protocol Fund, with an offset.

IN THE SENATE OF THE UNITED STATES—106th Cong., 1st Sess.

Making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2000, and for other purposes.

(no.) ______

Referred to the Committee on ______________________ and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENTS intended to be proposed by Mr. KERRY, Chafee, Brownback, Snowe, Lieberman, Leahy, Lautenberg, Schumer, Kennedy, Bingaman, Jeffords, Daschle, Roth, Boxer

Viz:

On page 78, line 20, strike "$1,885,000,000" and insert "$1,897,000,000".

On page 78, line 21, before the colon, insert the following: ", and of which not less than $12,000,000 shall be derived from pro rata transfers of amounts made available under each other heading under the heading "ENVIRONMENTAL PROTECTION AGENCY" and shall be available for the Montreal Protocol Fund".

United States Senate

WASHINGTON, D.C. 20510

October 5, 1999

The Honorable Christopher Bond and Barbara Mikulski
Appropriations Subcommittee on VA, HUD and Independent Agencies
United States Senate
Washington, DC 20510

Dear Chairman and Ranking Member:

We are writing to express our concern over ambiguous language in the House VA, HUD and Independent Agencies Appropriations bill and report related to the Kyoto Protocol. This language has the potential to undermine energy conservation, pollution prevention and other desirable EPA programs.

Last year, Senate and House conferees included language in the VA, HUD and Independent Agencies appropriations conference bill and report that made clear that the EPA could not take action to implement the Kyoto Protocol unless or until it or a similar treaty was ratified by the Senate, but also made clear that the prohibition did not extend to ongoing activities to conserve energy and reduce pollution. As you know, this language was crafted by Senate and House conferees on a bipartisan basis. We applaud your decision to include this language once again in the Senate bill and report for FY2000.

In addition to having bipartisan support, we believe the agreement of last year has been effective. Over the current fiscal year, EPA activities such as the widely supported Green Lights, Energy Star and other conservation programs have continued to operate successfully. By the end of 2000, EPA's building programs alone will reduce energy consumption by more than 53 billion kilowatt hours, save consumers and businesses more than $4 billion in energy costs, and reduce greenhouse gas emissions by 12.7 million metric tons. Further, these programs are also important in reducing the nation's growing dependence on imported oil. At the same time, the FY1999 language provided EPA the proper direction with regard to the Kyoto Protocol and ensured Congress proper oversight authority.

We are concerned that the new language in the House VA, HUD and Independent Agencies appropriations bill and report for FY2000 could be interpreted in a way that may have the unintended consequence of undermining EPA activities to conserve energy, save money, support renewable energy technology, reduce pollution and promote scientific research and understanding. Each of these activities is part of ongoing, congressionally authorized programs that provide numerous benefits to the country, in addition to their impact of reducing greenhouse gas emissions.

Chairman Bond and Ranking Member Mikulski
October 5, 1999
Page 2

In short, experience over the past fiscal year leads us to strongly believe that the Senate bill and report language should be maintained. We believe the Senate's position will allow meritorious programs to operate unabated and protect the Senate's constitutional imperative to advise and consent before any steps are taken to implement the Kyoto Protocol.

We thank you for your work on this important issue and we urge you to insist on the Senate position in the final conference committee bill and report.

Sincerely,

Chairman Bond and Ranking Member Mikulski
October 5, 1999
Page 3

United States Senate

WASHINGTON, D.C. 20510

October 5, 1999

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Appropriations Subcommittee on VA, HUD and Independent Agencies
United States Senate
Washington, DC 20510

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Chairman Bond and Ranking Member Mikulski
October 5, 1999
Page 2

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We thank you for your work on this important issue and we urge you to insist on the Senate position in the final conference committee bill and report.

Sincerely,

John F. Kerry

Jeff Bingaman

Joe Lieberman

Dick Lugar

Jim Jeffords

Charles Schumer

Olympia Snowe

Patty Murray

Chairman Bond and Ranking Member Mikulski
October 5, 1999
Page 3

Max Cleland

Tom Daschle

Barbara Boxer

Wayne Allard

To. Martha
Fr: Julie

FEDERAL DAIRY POLICY (Senate - September 22, 1999)

KYOTO PROTOCOL

Mr. CHAFEE. Mr. President, pages 78 and 79 of the fiscal year 2000 VA, HUD and Independent Agencies Appropriations bill and page 83 of the accompanying Committee Report contain language regarding implementation of the Kyoto Protocol. During the debate on this appropriation last year, we agreed that EPA should not use appropriated funds for the purpose of issuing regulations to implement the Kyoto Protocol, unless and until such treaty is ratified by the United States. We also agreed that our intent was not to interfere with important and on-going voluntary energy conservation and climate change related programs and initiatives--such as the Climate Challenge program, Green Lights, Energy Star, the Partnership for a New Generation of Vehicles. These programs have reduced greenhouse gas emissions by increasing energy efficiency across a broad range of domestic industrial sectors. These programs make sense for other reasons as well, including saving consumers and businesses money, creating export opportunities, reducing our dependence on foreign oil, and addressing local air pollution problems.

I ask the distinguished manager of the bill, Senator**Bond,** whether the language in the bill and the report this year maintain the agreement that we reached last year on this issue?

Mr. BOND. The Senator is correct. The language cited by the Senator reflects the agreement reached on this issue during the conference last year. Previously funded, ongoing projects and voluntary initiatives can go forward. We expect the agency to spend the money in an effective and appropriate manner.

Mr. CHAFEE. I thank the Senator.

BETHUNE-COOKMAN

Mr. MACK. Mr. President, I rise today with my friend from Florida, Senator**Graham,** to engage the distinguished Chairman, Senator**Bond,** in a colloquy. Specifically, I wish to make the Chairman aware of an important priority for the State of Florida which was not funded in this bill. Last year, the public housing reform act passed by Congress contained authorization for the construction of a community services student union building at Bethune-Cookman College in Daytona Beach, Florida. Accordingly, we included this project as one of our important priorities for the legislation before us today.

Mr. GRAHAM. I join my friend from Florida in support of this project. The building will serve as a full-service facility not only for the college's 2,300 students, but also the 28,000 citizens of West Daytona Beach. The facility would allow the college to expand its long record of exemplary service to low-income and disadvantaged residents in the community. I would appreciate the Chairman working with his colleagues on the conference to find funding for this important project in FY 2000.

F

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

September 22, 1999
(Senate Floor)

STATEMENT OF ADMINISTRATION POLICY

(THIS STATEMENT HAS BEEN COORDINATED BY OMB WITH THE CONCERNED AGENCIES.)

S. 1596 – DEPARTMENT OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS BILL, FY 2000

(Sponsors: Stevens (R), Alaska; Bond (R), Missouri)

This Statement of Administration Policy provides the Administration's views on the Veterans, Housing and Urban Development, and Independent Agencies Appropriations Bill, FY 2000, as approved by the Senate Committee. Your consideration of the Administration's views would be appreciated.

The Administration issued a senior advisors veto threat on the House version of this legislation due to deep cuts in science and technology programs, reductions in essential housing and environmental programs, inadequate funding for National Service, inadequate funding for FEMA disaster relief and cuts in other important programs. The Administration appreciates the Senate Committee's efforts to develop a bill that makes important improvements to the House bill. However, there continue to be significant problems with the Senate Committee bill that must be satisfactorily addressed before it is presented to the President. Regrettably, the Committee bill under funds important programs for our nations's cities, for the environment, for disaster relief and for National Service. Unless these concerns with the House and Senate bills are addressed in a satisfactory manner in a conference agreement, the President's senior advisors would recommend that he veto the bill.

The Administration strongly objects to the Committee's failure to fund the critical housing needs of low-income families and Administration initiatives to invest in our nation's cities. Most importantly, the Administration objects to the Committee's decision not to fund new incremental Section 8 housing assistance vouchers in FY 2000 and to the elimination of the Community Builders Program. If forced to terminate these employees, HUD would have to eliminate local service in almost two dozen communities, leaving up to seven States without any HUD presence.

Attachment
(Senate Floor)

DEPARTMENT OF VETERANS AFFAIRS/HOUSING AND URBAN DEVELOPMENT/ INDEPENDENT AGENCIES APPROPRIATIONS BILL, FY 2000 (AS REPORTED BY THE SENATE COMMITTEE)

Housing and Urban Development

The Committee's decision to not provide for a single new incremental housing voucher leaves fundamental housing needs unmet, at a time when 5.3 million families have severe housing needs. President Clinton's request for 100,000 new incremental housing vouchers builds on the positive, yet modest, action taken by the Congress and the Administration in FY1999 to provide an additional 50,000 Section 8 housing vouchers. The Administration believes that it is essential to provide incremental vouchers in FY 2000.

The Committee bill contains a punitive provision that would fire 410 Housing and Urban Development (HUD) employees – HUD's Community Builders. Community Builders have been key to the reinvigoration of HUD and a key component of the new outreach to aid our communities. The Committee further restricts HUD's management flexibility with an unusual limitation on staff and contractors and an unrealistic cut in HUD's administrative funding. These provisions would unreasonably hamper efforts to correct management weaknesses identified by the Congress and others.

The Committee bill does not fund the President's New Markets Initiative and other economic development programs. The President has requested a multifaceted national New Markets Initiative and other programs for economic revitalization to take advantage of the strength of the economy and help those areas left behind in our economic boom. The Committee has not funded the President's $37 million request for America's Private Investment Companies, which would stimulate $1.5 billion in private investment in these communities.

The Revitalization of Distressed Public Housing (HOPE VI) program is funded at $500 million, $125 million below the requested level. This decrease would impair the Administration's ability to remove and replace the Nation's worst public housing.

The Committee's $3.5 million reduction to the President's request of $19.5 million for the Office of Federal Housing Enterprise Oversight (OFHEO) would delay implementation of the risk-based capital regulation and strain OFHEO's capacity to conduct its risk-based examinations of Fannie Mae and Freddie Mac effectively. This could have serious implications for the safety and soundness of these large Government-sponsored enterprises.

The Administration strongly urges the Senate to fully fund the President's request for Fair Housing initiatives, which are critical to ending housing discrimination in this country.

Corporation for National and Community Service

The Administration appreciates the funding provided for the Corporation for National and Community Service in the Committee bill. However, the amount provided for AmeriCorps and other programs is inadequate. The Administration strongly urges that additional funding be provided to the Corporation. In its current form, the Committee bill would cut AmeriCorps Grants by $13 million below the FY 1999 level and $78 million below the President's request. This would deny 17,000 Americans the opportunity to join AmeriCorps and serve their communities while earning an educational award. The Administration opposes the Committee's reduction to the Corporation's program administration. This reduction would jeopardize the Corporation's ability to make managerial improvements that the Congress and the Administration believe are critical. In addition, the $80 million rescission from the National Service Trust Fund could endanger the Corporation's ability to pay educational awards earned by AmeriCorps members in the future. We also urge the Senate to adopt the Administration's proposed appropriation language, which would remove the numerous current earmarks and limits that constrain the Corporation's ability to manage its programs efficiently and effectively.

Community Development Financial Institutions

The Administration strongly opposes the Committee's decision to fund the Community Development Financial Institutions Fund at $80 million, $45 million below the request and $15 million below the FY 1999 enacted level. This would result in approximately 50 fewer banks and 65 fewer CDFIs receiving grants, which would severely reduce the Fund's ability to provide and leverage investments, loans, technical assistance, and financial services in the country's most distressed communities. Likewise, the Administration opposes the Committee's decision not to fund the Program for Investment in Microentrepreneurs initiative, which would provide funding for micro-enterprise development.

Environmental Protection Agency

The Administration appreciates the Committee's effort to fully fund the Clean Water Action Plan, the Brownfields initiative, and the Children's Environmental Health Initiative. However, we have several major concerns with the funding provided for the Environmental Protection Agency (EPA) in the Committee bill. In particular, the Administration strongly opposes the $186 million reduction to the request for EPA's Operating Program, which is the backbone of the Nation's environmental protection efforts. Likewise, we strongly oppose the Committee's reductions of $114 million to the request for EPA's component of the Climate Change Technology Initiative (CCTI), elimination of funding for the Montreal Protocol, and termination of the final installment of funds to complete the construction of the state-of-the-art research center in North Carolina. The Committee bill would restrict EPA's flexibility in administering environmental programs by including a funding level for personnel of $900 million, a $35 million reduction from the President's request. This reduction to personnel costs would require reducing EPA by more than 400 positions, preventing EPA from undertaking initiatives designed to improve the quality of the Nation's air, water, and food supply.

The Administration objects to the elimination of funding for the new Clean Air Partnership Fund, which would provide grants to State and local governments for innovative projects that reduce multiple pollutants, such as air toxics, pollutants that produce soot and smog, and greenhouse gases. We also oppose the Committee's $100 million reduction to the request for the Superfund program, which under this Administration has operated at a record pace to clean up toxic waste dumps. This reduction would needlessly jeopardize the public health for citizens living near affected sites. The Administration further objects to the Committee's proposal to finance half of the Superfund appropriation from general revenue. Such financing is contrary to the "polluter pays" principle and would be unfair to the general public, who would be forced to pay for the irresponsible actions of polluters.

The Administration objects to the exceptionally high number of earmarked projects included in the Committee bill for EPA, and the corresponding reduction or elimination of several high-priority environmental programs and initiatives: EPA's Operating Program, CCTI, the Montreal Protocol, the Mexican border wastewater treatment funding program, and Sustainable Development Challenge Grants. We will work with the Congress to restore requested funding as the bill moves forward. We urge the Congress to reduce unrequested funding for lower-priority projects.

The Committee bill includes a rider prohibiting implementation of the Kyoto Protocol. Since the Administration has stated that it does not intend to implement the Kyoto Protocol until it is ratified by the Senate, we believe that the language is unnecessary. However, the Administration appreciates the Committee's commitment to the agreement reached last year on this issue.

National Aeronautics and Space Administration

The Administration appreciates the Committee's full funding of the President's request for the National Aeronautics and Space Administration (NASA). We strongly object, however, to the $120 million reduction in NASA's Space Science programs. As evidenced by the spectacular returns from missions like the Hubble Space Telescope and Mars Pathfinder, Space Science is a top performer and core research function at NASA. We believe that this reduction would cause serious harm to ongoing and planned efforts. We strongly urge the restoration of Space Science funding.

The Administration is concerned with the increased number of appropriations accounts for Space Station and other activities. We are dedicated to controlling Space Station costs while also providing the flexibility necessary to deal with unanticipated requirements. We are also concerned about the large number of unrequested, site-specific earmarks, which would have the effect of circumventing the competitive peer-review process. Finally, we strongly object to bill language that would mandate termination, without allowance for further review on the merits, of any program or activity that exceeds its annual budget request or total estimated cost by 15 percent. This mandatory termination requirement could cause ill-advised program management tradeoffs that could place safety and reliability concerns second to small additional cost considerations. This would likely result in program terminations that are not in the best interest of the Government.

National Science Foundation

The Administration appreciates the Committee's full funding the President's request for the National Science Foundation (NSF). We are concerned, however, that the Committee's report directs NSF to provide $25 million to the Arctic Research Commission to support arctic logistics activities. The Arctic Research and Policy Act of 1984 established the Commission to promote Arctic research and policy. The Act also designated NSF as the lead agency responsible for implementing Arctic research policy. NSF currently has the support infrastructure -- including staff -- and ongoing relationships with other agencies and contractors to support Arctic research. It would be inefficient to move all NSF logistics funding to the Arctic Research Commission. It is also inconsistent with the Act's establishment of responsibilities for the two agencies.

FEMA (Emergency Food and Shelter Program)

The Administration is concerned that the Committee has provided $15 million less than requested for the Federal Emergency Management Agency's (FEMA's) Emergency Food and Shelter Program. Funding for this program has been frozen at $100 million since FY 1996, when it was cut from its previous level of $130 million. While the 10-percent increase provided by the Committee is helpful, this reduction from the President's request would prevent FEMA from providing almost four million meals and 600,000 shelter nights for less fortunate Americans needing food and shelter. The Administration appreciates the Committee's support of FEMA's mitigation programs but urges the Committee to provide the $12 million requested for the National Flood Mitigation Fund. FEMA's mitigation programs have been shown to reduce the costs of future disasters.

Council on Environmental Quality

The Administration urges the Committee to fully fund the Council on Environmental Quality (CEQ). We strongly believe that in order to allow CEQ to carry out its environmental mission and reinvention efforts, the full requested level should be provided. We also urge the Committee to delete language prohibiting the use of detailees.

American Battle Monuments Commission

The Committee bill includes language stating that the American Battle Monuments Commission (ABMC) may borrow up to $65 million from the Treasury for construction of the World War II memorial. This borrowing authority was not proposed by the Administration and would add to the discretionary spending of this bill. The FY 2000 Budget proposed continuation of private contributions as the best approach to completing the World War II Memorial. The Administration opposes this borrowing authority as transition funding because it would undercut solicitation of private contributions. This would undermine rather than expedite the completion of the World War II Memorial. The Administration, however, strongly supports the extension of the authority to establish the Memorial.

Neighborhood Reinvestment Corporation

The Administration strongly opposes the Committee's decision to fund the Neighborhood Reinvestment Corporation (NRC) at $60 million, $30 million below the request and the FY 1999 enacted level. This cut would eliminate funding for a second round of NRC's "Play-by-the-Rules" homeownership initiative, an initiative designed to create 7,000 additional new homeowners. The cut would also eliminate $10 million requested to help attract $600 million in public and private sector investments to create affordable, multi-family housing in distressed neighborhoods.

Selective Service System

The Administration continues to support the peacetime draft registration program of the Selective Service System as the third line of defense after the Armed Services and the Reserve and Guard units. The Administration appreciates the Committee's full restoration of this low-cost insurance program, particularly in light of the recruiting and readiness issues that we are addressing. We believe that the Committee is sending a strong, positive signal to our foreign adversaries by rejecting termination and approving the President's budget request for the Selective Service System.

The Administration also strongly opposes the Committee's decision not to fund, or to under fund, a number of the Administration's critical investment initiatives, including the New Markets Initiative, Regional Connections, Regional Empowerment Zones, and the redevelopment of abandoned buildings. In addition, the bill also under-funds Administration priorities such as the Corporation for National and Community Service, Revitalization of Distressed Public Housing (HOPE VI), Neighborhood Reinvestment Corporation, Community Development Financial Institutions (CDFI), Brownfields redevelopment, Community Empowerment Fund, and Housing Opportunities for Persons With AIDS (HOPWA). Finally, the Administration would like to work with the Congress to secure the funding requested for the Round II Empowerment Zone program.

The Administration strongly opposes the Committee's $186 million reduction to the request for the Environmental Protection Agency's (EPA) Operating Programs, including the $114 million cut to the Climate Change Technology Initiative (CCTI), elimination of funding for the Montreal Protocol, and the $35 million cut in personnel costs. The Administration also opposes the $100 million reduction to Superfund and the elimination of funding for the Clean Air Partnership Fund. In addition to these severe reductions, the Administration opposes spending $197 million on the 123 earmarked projects in the Committee bill, which were not requested by the President and would come at the expense of important environmental programs. These reductions would severely hamper EPA's efforts to protect public health and the environment and should be restored.

The Administration strongly opposes the Committee's failure to fund the request for $2.5 billion in contingent emergency funding for the Federal Emergency Management Agency's (FEMA's) disaster relief fund. This reduction would hinder FEMA's ability to respond quickly and appropriately to disasters as they occur.

Detailed discussions of certain of these issues, as well as additional Administration concerns with the Committee bill, are provided in the attachment. We look forward to working with the Congress to address our mutual concerns.

Attachment

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

September 8, 1999
(House Floor)

STATEMENT OF ADMINISTRATION POLICY

(THIS STATEMENT HAS BEEN COORDINATED BY OMB WITH THE CONCERNED AGENCIES.)

H.R. 2684 – DEPARTMENT OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS BILL, FY 2000

(Sponsors: Young (R), Florida; Walsh (R), New York)

This Statement of Administration Policy provides the Administration's views on the Veterans, Housing and Urban Development, and Independent Agencies Appropriations Bill, FY 2000, as approved by the House Committee. Your consideration of the Administration's views would be appreciated.

The allocation of discretionary resources available to the House under the Congressional Budget Resolution is simply inadequate to make the necessary investments that our citizens need and expect. The President's FY 2000 Budget proposes levels of discretionary spending that meet such needs while conforming to the Bipartisan Budget Agreement by making savings proposals in mandatory and other programs available to help finance this spending. Congress has approved and the President has signed into law nearly $29 billion of such offsets in appropriations legislation since 1995. The Administration urges the Congress to consider such proposals as the FY 2000 appropriations process moves forward.

The Administration appreciates efforts by the Committee to accommodate certain of the President's priorities within its 302(b) allocation. However, the Committee bill is $2.2 billion below the program level requested. In order to meet this allocation, the Committee has eliminated the Corporation for National and Community Service as well as made deep cuts to the National Aeronautics and Space Administration, the Department of Housing and Urban Development, the Environmental Protection Agency's Operating Program, the National Science Foundation, the Federal Emergency Management Agency, the Selective Service System, and other Administration priorities.

The Administration strongly opposes the Committee's action to terminate the Corporation for National and Community Service. Eliminating funding for the Corporation would deny over 1.4 million young Americans the opportunity to provide vital community services and become better citizens as participants in the Corporation's AmeriCorps (66,000 participants) and Learn and Serve (1.4 million participants) programs. If the final bill presented to the President were to provide inadequate funding for the Corporation for National and Community Service, his senior advisers would recommend that the President veto the bill.

The Committee bill would adversely affect the environment and natural resources, undermine investments in our future through science and technology, limit our ability to help families struggling to work their way out of poverty to find affordable housing, inadequately fund the Corporation for National and Community Service, and adversely affect our ability to fund unforeseen disasters properly. The Committee bill also includes objectionable language provisions. The Administration urges the House to strike these provisions and to keep the bill free of additional riders. For these reasons, if the bill were presented to the President in its current form, the President's senior advisers would recommend that he veto the bill.

The Committee has approved a $4 billion reduction in the 302(b) allocation for the Labor/HHS/Education appropriations bill in order to reallocate funds to the VA/HUD/Independent Agencies and other appropriations bills. Such an action is irresponsible and underscores the fact that the broader budget plan that the Appropriations Committees are being forced to operate under is simply unworkable.

The attachment provides a discussion of our specific concerns with the Committee bill. We look forward to working with the House to address our mutual concerns.

Attachment

Attachment
(House Floor)

DEPARTMENT OF VETERAN AFFAIRS/HOUSING AND URBAN DEVELOPMENT/ INDEPENDENT AGENCIES APPROPRIATIONS BILL, FY 2000
(AS REPORTED BY THE HOUSE COMMITTEE)

Corporation for National and Community Service

The Administration is deeply concerned that the Committee bill would terminate the Corporation for National and Community Service, including the AmeriCorps program. In FY 2000, the Committee bill would deny 66,000 youth the opportunity to address pressing education, public safety, and human and environmental needs while earning money to attend college through participation in AmeriCorps. This action would terminate the President's goal of reaching 100,000 AmeriCorps participants a year by FY 2002. In addition, in FY 2000, the bill would prevent 1.4 million students from participating in service-learning programs that provide substantial academic and social benefits, including the opportunity to learn responsible citizenship. The Administration strongly urges the House to fully fund the Corporation at the requested level of $549 million.

National Aeronautics and Space Administration

The Administration strongly opposes reductions to the President's request for the National Aeronautics and Space Administration (NASA) totaling over $900 million (over $1 billion including earmarks). If enacted, these reductions would jeopardize U.S. leadership and competitiveness in space by decimating key elements of the Nation's space program, requiring the largest restructuring of NASA since the end of the Apollo program. These reductions would likely result in the cancellation or deferral of over 30 space missions and could ultimately result in the closure of NASA Centers and the elimination, through forced separations, of critical technical skills uniquely possessed by NASA. The ultimate effect would be the loss of programs that could enable scientific and technical breakthroughs.

In addition, the Administration is concerned about the large number of unrequested, site-specific earmarks, which would have the effect of circumventing the competitive, peer-review process. This $123 million in unrequested earmarks would worsen the impact of the reductions made to higher priority programs. The Administration is particularly concerned with the following:

- Space Science. The Administration strongly opposes the Committee's decision to cut the President's request for Space Science by $241 million, a reduction of eight percent below the FY 1999 enacted level, which would be the largest reduction ever made. This reduction would devastate the NASA Space Science program, which has been the source of countless breakthroughs, scientific discoveries, and inspiration for hundreds of millions of Americans and people around the world. In particular, the reductions would likely result in the termination or deferral of over 15 space missions, including the Contour comet mission; the Pluto/Kuiper mission; all future missions in the Sun-Earth Connection program and the Structure and Evolution of the Universe program; and, all future missions in the Explorer and Discovery programs. These reductions would also necessitate the cancellation of 500-600 university grants affecting nearly every State, undermining an entire generation of U.S. space scientists and engineers and jeopardizing the very types of capabilities we need to compete in the next century.

- Earth Science. The Administration strongly opposes the reduction of $285 million to the request for Earth Science, which would reduce the program to a level 17 percent below the FY 1999 enacted level. This reduction would terminate NASA's Earth Observing System (EOS) Follow-on programs, Triana, GLOBE, and the Earth System Science Pathfinder program. The loss of these missions would jeopardize important efforts to establish long-term trends in the climate system, enabling reliable forecasts of El Nino; predictions of seasonal, regional temperature and precipitation for agriculture; longer warning times for severe storms and hurricanes; and, land cover and topography assessments for flood hazard prediction, forest management, and urban and transportation planning. The reductions to the Technology Infusion program would harm opportunities to lower the cost of future missions.

- Human Space Flight. The Administration opposes the Committee's reduction of $250 million to the request, or two percent below the FY 1999 enacted level, for human space flight. This reduction would delay the Administration's efforts to improve safety in the Space Shuttle program and would also result in fewer Shuttle flights and a delay in the International Space Station (ISS) assembly sequence. A delay to ISS would undercut NASA's efforts to control the total cost of ISS and would reduce opportunities to conduct life and microgravity research in space.

- Mission Support. The Administration opposes the Committee's recommended reduction of $226 million to the request (10 percent below FY 1999 enacted) for Mission Support. This reduction would result in deferral of all Construction of Facilities projects to maintain existing NASA facilities safely; require a furlough and/or reduction in force; and, eliminate workforce hiring needed to revitalize the current NASA workforce.

Environmental Protection Agency

The Administration appreciates the Committee's effort to fully fund the Clean Water Action Plan, the Brownfields initiative, and the Children's Environmental Health Initiative.

The Administration has several major concerns with the funding provided for the Environmental Protection Agency (EPA) in the Committee bill. In particular, the Administration strongly opposes the $195 million reduction to the request for EPA's Operating Program, which is the backbone of the Nation's environmental protection efforts. The Administration also strongly opposes the Committee's reductions of $111 million in EPA's request for the Climate Change Technology Initiative (CCTI) and $35 million in requested funding for personnel costs, which would require reducing EPA staff by more than 400 positions and severely hamper efforts to protect public health and the environment. Such a personnel reduction would severely limit environmental efforts and prevent EPA from undertaking initiatives designed to improve the quality of the Nation's air, water, and food supply.

The Administration objects to the severe reduction in funding for the new Clean Air Partnership Fund, which would provide grants to State and local governments for innovative projects that reduce multiple pollutants, such as air toxics, pollutants that produce soot and smog, and greenhouse gases. In addition, the Administration opposes the $50 million cut to the request for the Drinking Water State Revolving Fund program, which funds drinking water improvements to protect public health. The Administration opposes the Committee's $50 million reduction to the request for the Superfund program, which under this Administration has operated at a record pace to clean up toxic waste dumps. This reduction would needlessly jeopardize the public health for citizens living near affected sites. The Administration also objects to the Committee's proposal to finance half of the appropriation from general revenue. Such financing is contrary to the "polluter pays" principle and would be unfair to the general public, who would be forced to pay for the irresponsible actions of polluters.

The Administration objects to the exceptionally high number of earmarked projects included in the Committee bill for EPA, and the corresponding reduction or elimination of several high-priority environmental programs and initiatives: EPA's Operating Program, CCTI, and the Drinking Water State Revolving Fund; as well as the Mexican border wastewater treatment funding program, the Montreal Protocol, and Sustainable Development Challenge Grants. We will work with the Congress to restore requested funding as the bill moves forward, and we urge the reduction of unrequested funding and of lower-priority projects.

The Administration strongly opposes bill and report language relating to the Kyoto Protocol. The language could be interpreted broadly to prevent activities that limit greenhouse gases either voluntarily or under existing authority – for example, through enhancing energy efficiency – but that are not undertaken to implement the Kyoto Protocol. This is a cumbersome restriction that both breaches the agreement reached last year on this issue and is unnecessary, given the Administration's intent not to implement the Protocol until it is ratified by the Senate.

The Administration also opposes bill and report language that could delay EPA's resolution of claims under the 1964 Civil Rights Act. These and other legislative authorizations are inappropriate in appropriations bills and deny the public and Members of Congress the opportunity to examine and debate these proposals openly. The Administration urges the House to remove the unduly restrictive language.

Department of Housing and Urban Development

The Committee bill provides $26.1 billion for the Department of Housing and Urban Development (HUD), an overall reduction from the President's request of $2 billion. Such severe reductions would eliminate most of the $2.5 billion increase that the President has requested to help families and communities in need. In addition, the bill would not provide critically needed help to low-income Americans who have been left behind on America's road to prosperity. The Administration urges the House to restore this needed funding.

The Committee bill fails to fund the Administration's request for 100,000 incremental rental assistance vouchers, including 25,000 vouchers to help families moving from welfare to work who need to move closer to their new job, at a time when a record 5.3 million low-income households in this country spend over 50 percent of their income on rent. Reductions made by the Committee would also increase physical problems within public housing due to a six-percent cut in public housing operating subsidies, which would result in tens of thousands of additional public housing units developing moderate or severe physical problems due to inadequate maintenance. A decrease in funding would only increase the rate of deterioration and accumulation of needs over time. In addition to providing requested funding for rental assistance vouchers and public housing operating subsidies, the House is encouraged to fully fund the Partnership for the Advancement of Technology in Housing program, Drug Elimination efforts in public housing, and Brownfields Redevelopment.

The Administration urges the House to fund the following initiatives to help distressed communities: Regional Empowerment Zones, America's Private Investment Companies (APIC), Redevelopment of Abandoned Buildings, and Regional Connections. The Administration urges restoration of funding for these key programs to help communities and those most in need.

The bill would cut the Community Development Block Grant program (CDBG) and other housing and economic activity by $275 million. As a result, about 33,000 fewer people would receive housing rehabilitation, construction, and homebuyer assistance. About 10,000 fewer jobs would be created by CDBG. The bill would also cut homeless funding by five percent, or $55 million, from the Administration's request. As a result, 43,000 homeless persons, including 15,000 homeless children, would be denied desperately needed services. Over 30,000 homeless people would lose access to short-term emergency services.

The Committee bill would reduce funding for fair housing programs by 20 percent, or $10 million, from the Administration's request. The requested level of $47 million would enable HUD to expand significantly its activities aimed at reducing the level of housing discrimination nationwide, including fully funding the second year of a critical, audit-based enforcement initiative to measure the level of discrimination in 60 communities nationwide over three years.

Finally, the Committee would cut HUD's operating budget by more than four percent. This reduction would severely restrict HUD's ability to inspect properties, restructure loans, reform the monitoring systems, and develop statutorily required estimates that are essential to subsidy programs and are the foundation of HUD's 2020 Reform.

Community Development Financial Institutions Fund

The Administration strongly opposes the Committee's decision to fund the Community Development Financial Institutions Fund (CDFI) at $70 million, $55 million below the request and $25 million below FY 1999. Compared to the requested level, this would result in approximately 58 fewer banks and 76 fewer CDFIs receiving grants and would severely reduce the Fund's ability to provide and leverage investments, loans, technical assistance, and financial services in the country's most distressed communities.

National Science Foundation

The Administration strongly opposes the Committee's $275 million reduction to the President's request for the National Science Foundation (NSF), a reduction that would bring overall funding to a level $24 million below the FY 1999 enacted level. The President's request for discretionary spending supports 6.8 percent growth in the NSF, while the Committee has actually cut funding for a key investment in America's future. This reduction would undermine the Nation's investment in discovery and education, which has fueled unprecedented economic growth for the past decade. The cuts would eliminate funding for almost 14,000 researchers and science and mathematics educators. The Administration strongly urges the House to support the President's request for all of the Foundation's science, engineering, and education activities. In particular, the Administration is very concerned with the following:

- Information Technology Initiative. The Committee would provide only $35 million of the $146 million request for the NSF component of the President's Information Technology for the 21st Century Initiative (IT2). IT2 responds to the President's Information Technology Advisory Committee finding that the Nation is under-investing in fundamental research in information technology. The Initiative would advance the field of information science, contribute to the strength and health of the private-sector information economy, and provide essential tools for spurring research and improvements in all areas of science and technology. The Administration also is concerned that the Committee has placed a higher priority on providing unrequested funding for the High-Performance Instrumented Airborne Platform for Environmental Research aircraft instead of funding terascale computing, thus not allowing the purchase of a powerful supercomputer that would expand significantly the computing capabilities available to the research community.

- Integrative Activities. The Committee would reduce by $47 million requested funding for Biocomplexity research and the Opportunity Fund. These programs provide funding for innovative, multi-disciplinary research that could lead to significant discoveries in new and emerging fields of science and engineering.

Department of Veterans Affairs

The Administration is concerned about addressing the need to reduce waiting times, provide quality care, and realign an infrastructure that does not meet both the treatment and access needs of our Nation's higher-priority veterans. The Administration has indicated its support for additional funding but as noted earlier, it should be paid for from an acceptable source rather than by reducing essential programs. We look forward to working with the Congress on our proposal as the bill moves forward. In addition, we urge the House to address the following issues:

- The Committee bill provides the Veterans Benefit Administration (VBA) $696 million for Administration and other General Operating Expenses, $10 million below the President's request. This would hamper VBA's effort to replace "seasoned" adjudication staff, who are expected to retire soon. In addition, the eight-percent reduction to Other Departmental Administration would prompt an immediate reduction-in-force and significantly hamper services such as adjudication of veterans' claims by the Board of Veterans Appeals, cases represented before the U.S. Court of Appeals for Veterans' Claims by the General Counsel, and congressionally mandated activities such as program evaluation and actuarial activities.

- The Administration opposes the Committee's $72.7 million reduction to the request for Minor Construction Projects and the failure to provide resources for the new Capital Assets Fund. These requests support the modification of the VA health system to meet current treatment and access needs as the system moves from a hospital-based to an out-patient-based system.

- The Administration opposes the reduction of $4.7 million to the request for the Office of the Inspector General (IG). At a time when VA is aggressively reengineering its major programs, it is important that the IG have the funds necessary to focus on investigations, fraud, quality, and performance.

- The Administration objects to bill language that would deny or circumvent the management planning and prioritization processes within VA that are critical in ensuring that resources are directed nationwide to our Nation's top-priority veterans. This includes directing the Department not to collocate data centers and to plan, build, or enhance cemeteries in specific parts of the Nation.

Federal Emergency Management Agency

The Administration strongly opposes the Committee's $2.5 billion reduction to the request for the Federal Emergency Management Agency's (FEMA) disaster relief fund. This reduction would hinder FEMA's ability to respond quickly and appropriately to disasters as they occur.

The Administration is concerned that the Committee has provided $15 million less than requested for FEMA's Emergency Food and Shelter Program. Funding for this program has been frozen at $100 million since FY 1996, when it was cut from its previous level of $130 million. While the 10-percent increase provided by the Committee is helpful, this reduction from the President's request would prevent FEMA from providing almost four million meals and 600,000 shelter nights for less fortunate Americans needing food and shelter. The Administration appreciates the Committee's support of FEMA's mitigation programs but urges the House to provide the $12 million requested for the National Flood Mitigation Fund and to restore the $5 million reduction to the request for pre-disaster mitigation. FEMA's mitigation programs have been shown to reduce the costs of future disasters.

Consumer Product Safety Commission

The Administration is concerned with the Committee's $3.5 million reduction to the President's request of $50.5 million for the Consumer Product Safety Commission. This reduction would curtail Commission efforts to establish a new, applied product research program as well as reduce funding in other agency programs.

Selective Service System

The Administration understands that an amendment may be proposed to continue the Selective Service System. While the Administration has concerns with several of the offsets contained in the amendment, it supports efforts to restore full funding for the Selective Service System.

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To Martha
Craig option

core programs. In particular, the Committee is concerned about the hesitant steps that the agency has taken to providing such flexibility to states through performance partnerships. A recent GAO report raised concerns about the effectiveness of EPA's implementation of the National Performance Environmental Partnership system, and made recommendations to improve NEPPS. Also, the Committee looks forward to the publication in May 2000 of the report of the National Academy of Public Administration, which will assess efforts at the agency and in states to improve core programs and will recommend how the agency can build an effective capacity to test and learn from innovations.

1 *Kyoto Protocol.*—Bill language has been included, as in the current year, prohibiting EPA from spending funds to implement the Kyoto Protocol. The Committee notes that this restriction on the use of funds shall not apply to the conduct of education activities and seminars by the agency.

2 The conferees note that some EPA programs involve research or other activities that are associated with climate change. To the extent that the Committee has funded this work, it has done so based on the program's individual merits of contributing to issues associated with energy efficiency and cost savings, related environmental assessments, and general energy emission improvements. The bill language is intended to prohibit funds provided in this bill from being used to implement actions solely under the Kyoto Protocol, prior to its ratification.

3 The Byrd-Hagel resolution which passed in 1997 remains the clearest statement of the will of the Senate with respect to the Kyoto Protocol, and the Committee is committed to ensuring that the administration not implement the Kyoto Protocol without Congressional consent. The Committee recognizes, however, that there are also longstanding programs which have goals and objectives that, if met, could have positive effects on energy use and the environment. The Committee does not intend to preclude these programs from proceeding, provided they have been funded and approved by Congress.

Unified National Strategy for Animal Feeding Operations Cost and Capability Assessment.—The Committee directs EPA to conduct with the U.S. Department of Agriculture (USDA) a cost and capability assessment of the Unified National Strategy for Animal Feeding Operations and report the results to the Congress by May 15, 2000. The assessment will be conducted as a pilot project in affected states and shall determine the costs, both public and private, to plan, implement, monitor and enforce the Unified National Strategy for Animal Feeding Operations, with a focus on Comprehensive Nutrient Management Plans (CNMP). EPA and USDA shall work with local committees including conservation districts, state agencies, producers and public interest groups, which will provide the local oversight and guidance to making the cost and capability determinations. The results of this pilot project shall be summarized by the committees and included in the final report which the EPA and USDA will prepare and submit to the Congress.

Reuse of industrial packages.—While EPA has a number of programs designed to promote pollution prevention and recycling in in-

Proposed Senate Report Language for FY2000 VA-HUD bill:

At the end of the Climate Change language in the report, add:

(4) ✓ To the extent future funding requests may be submitted which would increase funding for climate change activities prior to Senate consideration of the Kyoto Protocol (whether under the auspices of the Climate Change Technology Initiative or any other initiative), the Administration must do a better job of explaining the components of the programs, their anticipated goals and objectives, the justification for any funding increases, a discussion of how success will be measured, and a clear definition of how these programs are justified by goals and objectives independent of implementation of the Kyoto Protocol. The conferees expect these items to be included as part of ~~future~~ fiscal year 2001 budget submissions for all affected agencies.

(6) ✓ With regard to these submissions, the Committee expects all affected agencies to comply fully with the letter and spirit of the Government Performance and Results Act of 1993(GPRA).

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At the direction of the Senate, EPA earlier this year prepared such a report. This report was issued more than two months late, after a one-month delay was provided. EPA also failed to meet the Senate's requirements substantively. In its July 14, 1999 report to the Senate(B-283052) the General Accounting Office confirmed that the EPA report was not comprehensive, provided little information at the program level, lacked justification for funding increases, lacked individual program justification and failed to document the basis for assessing the impact of other EPA programs on the reported programs. The Committee reiterates its directive that all affected agencies submit these items to the Committee as part of all future budget submissions.

Taking into account the observations made in the GAO report, the Committee directs EPA's climate change report to include a detailed plan for implementing the President's proposals for climate change activities related to the Kyoto Protocol. The report shall include: Performance goals for each initiative and each program for the reduction of greenhouse gases that have objective quantifiable and measurable targets; detailed information about each program and all initiatives; descriptions of the contribution of each program to the expected results of each initiative; justifications for on-going programs at fiscal year 2000 funding levels; documentation of the anticipated benefits from continued funding at fiscal year 2000 funding for each program; justifications for proposed funding increases for individual climate change programs for fiscal year 2001; a description of procedures to verify and validate reported performance; and documentation of the legal authority for each program including an explanation of whether the program is mandatory or discretionary. The plan should provide substantial, verifiable evidence on the effectiveness of implementing the President's proposal in facilitating compliance with any binding greenhouse gas emissions reduction commitments, regardless of whether they are labeled as such.

(6) Senate report last year ✓ The GAO is directed to prepare a report that evaluates the Agency's completed plan ~~in relation to GPRA and these stipulated requirements and~~ and submit its report to the Appropriations Committee within ~~60~~ 90 days after receipt of the Agency's plan.

regard to the President's proposal, which can report accountably to Congress.

None of the funds provided in this bill are to be used to implement actions called for solely under the Kyoto protocol, prior to its ratification.

The Byrd-Hagel resolution passed in 1997 (S. Res. 98) remains the clearest statement of the will of the Senate with regard to the Kyoto protocol, and the Committee is committed to ensuring that the administration not implement the Kyoto protocol without congressional consent. The Committee recognizes, however, that there are also longstanding energy research programs which have goals and objectives that, if met, could have positive effects on energy use and the environment. The Committee does not intend to preclude these programs from proceeding, provided they have been funded and approved by Congress.

To the extent future funding requests may be submitted which would increase funding for climate change activities prior to ratification of the Kyoto protocol (whether under the auspices of the climate change technology initiative or any other initiative), the administration must do a better job of explaining the components of the programs, their anticipated goals and objectives, the justification for any funding increases, a discussion of how success will be measured, and a clear definition of how these programs are justified by goals and objectives independent of implementation of the Kyoto protocol.

The Committee directs the administration to provide the Committee with a detailed plan for implementing key elements of the President's proposal, which would include performance goals for the reduction of greenhouse gases that have objective, quantifiable, and measurable target levels. The plan should provide evidence on the effectiveness of these programs in meeting the performance goals. The Committee expects these items to be included as part of the fiscal year 2001 budget submission for all affected agencies.

Last year, the Committee directed the Administration to include these items in the fiscal year 2000 budget submission. The Committee is concerned that several agencies are tardy in doing so. The Committee ~~takes cognizance of a joint hearing on agency accountability, conducted on May 20, 1999, by subcommittees of the Senate Committee on Energy and Natural Resources and the House Committee on Government Reform. In fact,~~ three agencies did not submit reports until April 9 or later, and one submitted its report one day before this hearing. According to the General Accounting Office, both the timing and the content of these submissions made it more difficult for Congress to assess Administration proposals.

(5)

expects the EPA's report to be consistent with the observations of the July 14, 1999, GAO Report to the Senate (B-283052).

ONE HUNDRED SIXTH CONGRESS

Congress of the United States

House of Representatives

COMMITTEE ON GOVERNMENT REFORM
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August 12, 1999

BY FACSIMILE

The Honorable Carol M. Browner
Administrator
Environmental Protection Agency
401 M Street, S.W.
Washington, D.C. 20460

Dear Administrator Browner:

AL 9901539

Thank you for the Environmental Protection Agency's (EPA's) July 23, 1999 letter responding to my letter of June 30th about EPA's interpretation of the Knollenberg provision in the 1999 VA-HUD Appropriations Act and other issues raised in the May 20th joint House-Senate hearing on the Clinton Administration's compliance with recent statutory requirements governing global climate change policy.

EPA's July 23rd letter clarifies that the Clean Air Partnership Fund may not be used to support grassroots lobbying efforts. However, it does not resolve the issue of whether EPA regards the Knollenberg provision as permissive or prohibitive.

EPA's July 23rd letter states that, "the Administration does not believe the Knollenberg amendment is, in your words, 'a practical nullity.' Rather, the Administration believes the amendment is unnecessary, because EPA is not attempting to implement the Protocol prior to ratification." However, other statements and actions by EPA imply that the Knollenberg provision is a porous barrier to Kyoto-inspired programs, initiatives, and discretionary regulatory activities.

EPA's interpretation, as set forth in its February 18th Office of General Counsel draft summary, is that "EPA may expend funds to issue a regulation for a number of purposes including the reduction of greenhouse gas emissions, as long as the expenditures are in implementation of existing law and not for the purpose of implementing, or in preparation for implementing, the Kyoto Protocol." In essence, EPA argues that it may use existing regulatory authority to accomplish the purposes of the Kyoto Protocol as long as such regulation does not implement the Kyoto Protocol. But, this is semantic hair-splitting – the assertion of a distinction without a difference.

For the Knollenberg provision to be a constraint as intended, the test of EPA's compliance cannot simply be whether EPA is implementing "existing law." After all, every rule EPA proposes or issues is presumably for the purpose of implementing existing law (unless the rule is overturned or suspended in court, as in the recent National Ambient Air Quality Standards decision). The real issue is whether EPA is using, or intends to use, existing statutory and regulatory authority to implement the Kyoto Protocol while claiming to address other issues or pursue other objectives.

It was in order to clarify exactly what EPA believes is or is not prohibited by the Knollenberg provision that Senator Nickles and I, in our May 27th letter, posed the following questions: "If EPA were implementing the Kyoto Protocol *under the guise* of existing law, how would anybody outside the agency know? Are there any criteria that would enable Congress to distinguish innocent actions (those that incidentally accomplish the purposes of the Kyoto Protocol) from prohibited actions (those that implement the Kyoto Protocol)?" EPA's June 23rd letter simply evaded that question: "The Administration has committed not to implement the Kyoto Protocol .... Thus, we believe that statutory language restricting spending is unnecessary." I regret to say that EPA's July 23rd letter continues to evade this question even while denying any intention to be evasive.

AL 9901273

In the hope of moving this discussion forward, I will now offer a reading of the Knollenberg provision that supplies criteria for distinguishing between permissible and prohibited actions. It is a reading, moreover, that Congressman Knollenberg endorsed at the May 20th joint hearing.

As I read the Knollenberg provision, EPA may not propose or issue regulations, or enter into consent decrees, that would have the effect of limiting emissions of carbon dioxide and other greenhouse gases covered under the Kyoto Protocol unless such regulations are specifically required by law. The key concept here is the distinction between *mandatory* and *discretionary* actions.

Some regulations that may be required by current law may also incidentally reduce emissions of carbon dioxide and other greenhouse gases. The Knollenberg provision does not limit regulations of that kind. Such regulations are clearly not "for the purpose of implementing ... the Kyoto Protocol," however much these regulations may also have the effect of reducing greenhouse gas emissions. The situation is quite different, however, in the case of greenhouse gas-reducing regulations that are discretionary, i.e., not specifically mandated by existing law. Congress is entitled to presume that any such regulation is Kyoto-inspired. Unless EPA can disprove that presumption, the rule conflicts with the Knollenberg provision and, thus, is prohibited.

The only exception may be for discretionary regulations that are also necessary to reduce an imminent threat to public health and safety. If a discretionary rule is needed to address an imminent threat to public health and safety, then the proposal or issuance of the rule is also not "for the purpose of implementing … the Kyoto Protocol," even if the rule has the effect of reducing greenhouse gas emissions. However, any action of this nature must go through the public notice and comment process before its *bona fides* as a non-Kyoto-inspired rule can be assured.

This reading of the Knollenberg provision squares with common sense. Although the Knollenberg provision does not prohibit EPA from carrying out any mandatory requirements of existing law, it cannot be understood as permitting EPA to do everything it otherwise has discretion to do under existing law. For, in that case, the provision would say no more than that EPA's actions must be legal – a superfluous requirement, since all proposed rules must be justifiable under existing law.

To put this another way, the Knollenberg provision cannot be understood as requiring complete candor on the part of EPA officials in order to be enforceable. The whole point of the provision is to prevent stealthy ("backdoor") efforts to implement a non-ratified treaty. Yet, under EPA's interpretation, any greenhouse gas-reducing regulation, even if intended to implement the Kyoto Protocol, is permissible as long as the treaty is never mentioned in the administrative record accompanying the rulemaking or public statements describing it. Congress under its Congressional Review Act authority and the Office of Management and Budget under its regulatory review role must have an independent basis for determining whether any greenhouse gas-reducing regulation proposed or issued by EPA is or is not in compliance with the Knollenberg provision. Otherwise, the Knollenberg provision is unenforceable, and Congress cannot be supposed to have enacted an unenforceable restriction.

In summary, if the Knollenberg provision is to bar Kyoto-inspired regulation without impeding agency actions specifically mandated by law, and, if its enforcement is not to depend on the candor of the very officials whom the provision is intended to constrain, then the provision must be understood as limiting EPA's discretionary authority with respect to all Kyoto-covered gases.

I welcome EPA's comments on my reading of the Knollenberg provision. Therefore, pursuant to the Constitution and Rules X and XI of the House of Representatives, I request that EPA's Office of General Counsel assess the argument, presented above, that the Knollenberg provision limits EPA's discretionary authority to propose or issue rules, regulations, decrees, or orders that may have the effect of reducing emissions of carbon dioxide and other greenhouse gases.

EPA's response should be delivered to the Subcommittee office in B-377 Rayburn House Office Building by Wednesday, September 1, 1999. If you have any questions about this request, please contact Staff Director Mario Lewis at 225-1962. Thank you in advance for your attention to this matter.

Sincerely,

David McIntosh

David M. McIntosh
Chairman
Subcommittee on National Economic Growth,
Natural Resources and Regulatory Affairs

cc: The Honorable Don Nickles
The Honorable Larry Craig
The Honorable Frank Murkowski
The Honorable Jeff Bingaman
The Honorable Dan Burton
The Honorable Dennis Kucinich
The Honorable Joe Knollenberg

Privileged & Confidential – September 2, 1999 – DRAFT

The Honorable David McIntosh
Chairman, Subcommitte on National Economic Growth,
Natural Resources, and Regulatory Affairs
Committee on Government Reform and Oversight
U.S. House of Representatives
Washington, D.C. 20515

Dear Mr. Chairman:

This is in response to your request for an assessment by EPA's Office of General Counsel of the interpretation of the Knollenberg amendment offered in your letter of August 12, 1999.

As an initial matter, I wish to reiterate that the Administration will not implement the Kyoto Protocol without receiving the Senate's advice and consent to ratification. As we have previously stated, the Administration believes the Knollenberg amendment is unnecessary in light of this commitment.

An assessment of your interpretation of the Knollenberg amendment must be based on the statutory language of that provision and the pertinent legislative history. The VA, HUD and Independent Agencies Appropriations Act prohibits EPA from using FY1999 funds "to propose or issue rules, regulations, decrees, or orders for the purpose of implementation, or in preparation for implementation, of the Kyoto Protocol." The Conference Report on this provision stated that: "[t]he bill language is intended to prohibit funds provided in this bill from being used to implement actions called for solely under the Kyoto Protocol, prior to its ratification."

EPA agrees with your observation that nothing in the Knollenberg amendment limits the agency's authority to propose or issue regulations that are *mandated* by the Clean Air Act or other existing laws. Your letter suggests, however, that the Knollenberg amendment somehow limits EPA's authority to take *discretionary* regulatory actions that are otherwise authorized under our existing laws. Specifically, we understand you to suggest that, as a result of the Knollenberg amendment, "Congress is entitled to presume" the illegitimacy of any discretionary regulatory action if it has the effect of reducing emissions of a greenhouse gas, even if the action is otherwise authorized by existing law. Any such action would be presumed to be for the prohibited purpose of implementing the Kyoto Protocol, even if it is plainly addressed to an environmental problem unrelated to climate change, and regardless of reasons EPA stated for taking the action. Under your interpretation, the only discretionary regulations exempt from this presumption would be those addressed to imminent threats to public health. With respect to any other such actions, EPA is barred from acting, in your view, unless the Agency somehow overcame the presumption.

We can find nothing in the statutory language or legislative history that creates any such distinction between mandatory and discretionary actions, any such presumption of illegitimate purposes, or any imminent hazard provision. The amendment simply does not create such distinctions. Nothing in the language of the Knollenberg Amendment suggests any prohibition on proposing or issuing regulations that implement existing authority and that have legitimate purposes under that authority, or any presumption as to what other purposes should be attributed to such actions. EPA is aware of no doctrine of law that creates a presumption of illegitimacy for executive branch actions.[1]

Moreover, there are many actions that have the effect, or even the purpose, of *reducing greenhouse gases*, but not the *purpose of implementing the Kyoto Protocol*. As we have explained in previous letters, some regulatory actions addressed to conventional air quality objectives (e.g., measures to address emissions of nitrogen oxides or sulfur dioxide) can have the indirect effect of reducing greenhouse gases, depending on technological approaches that individual firms choose for compliance. Some provisions of the Clean Air Act authorize regulatory actions that directly address emissions of greenhouse gases (e.g., provisions of Title VI). None of these actions has the purpose of implementing or preparing to implement the Kyoto Protocol.[2]

Further, the Conference Report on the Knollenberg language makes clear that a regulatory action would be prohibited only if it were issued "solely" in order to implement the Kyoto Protocol, without any other authorized purpose. For this reason, the General Accounting Office concluded in written testimony before your subcommittee that "an EPA activity justified

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[1] The courts, for example, judge an agency's actions based on its statements in the record, and with a presumption of "administrative regularity," not bad faith. *See Hercules Inc. v. EPA*, 598 F.2d 91, 123 (DC Cir. 1978); *Louisiana Ass'n of Independent Producers and Royalty Owners v. FERC*, 958 F.2d 1101, 1119 (DC Cir. 1992). *Accord Nat'l Nutritional Foods Ass'n v. FDA*, 491 F.2d 1141, 1145 (2d Cir. 1974), *cert denied, Nat'l Nutritional Foods Ass'n v. Schmidt*, 419 U.S. 874, 95 S.Ct. 135 (1974).

[2] It should be noted that efforts to address the threat of global warming under the Clinton and Bush Administrations long predate adoption of the Kyoto Protocol. The United States is obligated under the Framework Convention on Climate Change to adopt policies and take measures to limit anthropogenic emissions of greenhouse gases, as well as to report periodically on the policies adopted and the measures taken, with the aim of returning to its 1990 levels of anthropogenic emissions of carbon dioxide and other greenhouse gases not controlled by the Montreal Protocol on Substances that Deplete the Ozone Layer. This obligation and other obligations in the Framework Convention on Climate Change are legally binding upon the United States, which ratified that Convention following the advice and consent of the Senate.

[3]See Statement of Peter F. Guerrero, Director, Environmental Protection Issues, Resources, Community, and Economic Development Division, General Accounting Office, before the Subcommittee on National Economic Growth, Natural Resources and Regulatory

by some other authority, even if it also facilitated the implementation of the protocol, would not be covered by this proviso."[3]

Finally, under the interpretation you propose, the Knollenberg amendment would effectively amend the Clean Air Act to eliminate portions of EPA's authority to pursue important clean air goals unrelated to climate change. EPA sees no evidence in either the language or history of the amendment that Congress intended this straightforward language to sweep so broadly.

In short, EPA believes it has correctly interpreted, and is fully meeting, the requirements of the Knollenberg Amendment.

Sincerely,

Gary S. Guzy
General Counsel

Affairs, House Committee on Government Reform (May 20, 1999).

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To: Martha

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Union Calendar No. 171

106TH CONGRESS
1ST SESSION

H. R. 2684

[Report No. 106-286]

Making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2000, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

AUGUST 3, 1999

Mr. WALSH, from the Committee on Appropriations, reported the following bill; which was committed to the Committee of the Whole House on the State of the Union and ordered to be printed

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A BILL

Making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2000, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the

who are not members; construction, alteration, repair, rehabilitation, and renovation of facilities, not to exceed $75,000 per project; and not to exceed $6,000 for official reception and representation expenses, $1,850,000,000, which shall remain available until September 30, 2001: *Provided*, That the obligated balance of such sums shall remain available through September 30, 2008 for liquidating obligations made in fiscal years 2000 and 2001: *Provided further*, 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 which was adopted on December 11, 1997, in Kyoto, Japan at the Third Conference of the Parties to the United Nations Framework Convention on Climate Change, which has not been submitted to the Senate for advice and consent to ratification pursuant to article II, section 2, clause 2, of the United States Constitution, and which has not entered into force pursuant to article 25 of the Protocol: *Provided further*, That none of the funds made available in this Act may be used to implement or administer the interim guidance issued on February 5, 1998, by the Environmental Protection Agency relating to title VI of the Civil Rights Act of 1964 and designated as the "Interim Guidance for Investigating Title VI Ad-

106TH CONGRESS
1st Session

HOUSE OF REPRESENTATIVES

REPORT
106-286

DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS BILL, 2000

AUGUST 3, 1999.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. WALSH, from the Committee on Appropriations, submitted the following

REPORT

together with

ADDITIONAL VIEWS

[To accompany H.R. 2684]

The Committee on Appropriations submits the following report in explanation of the accompanying bill making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2000, and for other purposes.

INDEX TO BILL AND REPORT

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about Brownfields, urban sprawl, empowerment zones, and redevelopment. In addition, there was little if any opportunity prior to the release of the guidance for any public or stakeholder input. Therefore, the Committee provided in the fiscal year 1999 Appropriation Act that no funds be used to implement the interim guidance. Identical bill language to continue this prohibition has also been included in the fiscal year 2000 Act.

At this point, there does not appear to be a clear strategy to resolve this issue. A FACA Committee was established and has met on several occasions, but has not appeared to have resolved any of the major issues on how the Agency should handle Title VI complaints. Currently, the Agency is in the process of establishing a new stakeholder process for input on some of these same contentious issues. The Committee is concerned that there may be conflicts between internal and external guidance developed by EPA that will make it difficult to resolve complaints in a fair and efficient manner. Equally important, developing internal guidance before final guidance has been subjected to full public comments conflicts with Congressional intent.

On January 20, 1999, the General Counsel of the United States General Accounting Office issued an opinion (B-281575) that EPA's Interim Guidance clearly affects the rights of non-Agency parties and constitutes a "rule" under the Small Business Review and Enforcement Fairness Act (SBREFA), which is subject to Congressional review. If the Agency intends to promulgate guidance rather than a rulemaking, procedural requirements of a rulemaking should be followed including input from the small business community, sufficient time for notice and comment, published response to comments provided to the agency, interagency review, and analysis of any unfunded mandates on State and local governments. The Committee is very concerned that there be sufficient time for review of any new guidance given the lack of stakeholder review prior to the release of the Interim Guidance last year. In addition, the Committee requests that EPA examine successful State and local programs as model programs, and look at the possibility of delegating initial review and resolution of Title VI claims to States with such established model programs.

The Committee has also again this year included bill language which prohibits the use of funds to take certain actions for the purpose of implementing or preparing to implement, the Kyoto Protocol. The Committee is concerned with reports that, during the past year, the Agency may have strayed across the fine line separating education from advocacy. Although the Agency may under the current prohibition continue to conduct educational seminars and activities, it should ensure balance in those programs. Balance does not mean merely that there is an acknowledgment of viewpoints different from those of the Administration, but that qualified representatives of those viewpoints are included in the programs and in numbers roughly equal to the participants representing the Administration's positions. One dissenting voice in what is otherwise an obviously stacked or biased program does not constitute balance.

The bill language is intended to prohibit funds provided in this bill from being used to implement actions called for under the

Kyoto Protocol, prior to its ratification. Based on an identical provision in the 1999 Appropriations Act, the bill language prohibits the development of rules, regulations, decrees, orders, and non-regulatory actions, such as programs or initiatives, for the purpose of implementing, or in preparation of implementating the Kyoto Protocol.

The Byrd-Hagel Resolution (S. Res. 98), which passed with a vote of 95–0 in July 1997, remains the clearest statement of the will of the Senate with regard to the Kyoto Protocol. Through the prohibition contained herein, the Committee is committed to ensuring that the Administration not implement the Kyoto Protocol without prior Congressional consent, including approval of any implementing legislation, regulation, programs or initiatives.

It has come to the attention of the Committee that the Agency is proposing to add 40 new ambient air toxics monitors during fiscal year 2000 to the 19 monitors which have already been funded. Because of the potential significance of the information to be gained from this monitoring program and the potential investment needed, the Committee believes that it is important for the Agency to have a well developed plan in place to direct the installation and operation of any new monitors. As a result, the Committee directs EPA to develop a comprehensive plan to guide the Agency's efforts in establishing a monitoring program for air toxics. The plan should describe in detail the overall goals and objectives of the monitoring program, including whether the data generated will be used to: (1) characterize ambient concentrations and the public's exposure to air toxics at the national, regional or local level; (2) quantify public health risks at the national, regional, or local level; (3) guide regulatory decisions; (4) evaluate and improve emissions inventories; (5) validate dispersion models; and/or (6) help identify sources of emissions.

Once the objectives and goals have been determined, the plan should provide information on: (1) the number of monitors and measurements that will be needed to satisfy these goals; (2) the specific pollutants to be measured and the ability of the present technology to make measurements for the specific pollutants; and (3) the approximate level of investment needed over time to meet the program's goals and objectives. It is important that the plan include a realistic assessment of the amount of data likely to be generated given existing and anticipated budgetary expenditures, a timeline for when the data will be available for analysis, and an assessment of the likely usefulness of the data in drawing statistically valid estimates of the public's exposure to air toxics on a national or regional level.

If the data generated from the monitoring program are expected to support regulatory decisions, the plan should list the specific regulatory programs impacted or expected to be impacted and describe in detail how the data will be used to guide decisionmaking. Given the likely strengths and limitations of the data, the plan should also assess how the Agency will integrate the resulting information with other sources of information on air toxics from emission inventories, such as the National Toxics Inventory, and air toxics models, such as the ASPEN model and associated National Air Toxic Assessment. The plan should assure that a signifi-

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core programs. In particular, the Committee is concerned about the hesitant steps that the agency has taken to providing such flexibility to states through performance partnerships. A recent GAO report raised concerns about the effectiveness of EPA's implementation of the National Performance Environmental Partnership system, and made recommendations to improve NEPPS. Also, the Committee looks forward to the publication in May 2000 of the report of the National Academy of Public Administration, which will assess efforts at the agency and in states to improve core programs and will recommend how the agency can build an effective capacity to test and learn from innovations.

Kyoto Protocol.—Bill language has been included, as in the current year, prohibiting EPA from spending funds to implement the Kyoto Protocol. The Committee notes that this restriction on the use of funds shall not apply to the conduct of education activities and seminars by the agency.

The conferees note that some EPA programs involve research or other activities that are associated with climate change. To the extent that the Committee has funded this work, it has done so based on the program's individual merits of contributing to issues associated with energy efficiency and cost savings, related environmental assessments, and general energy emission improvements. The bill language is intended to prohibit funds provided in this bill from being used to implement actions solely under the Kyoto Protocol, prior to its ratification.

The Byrd-Hagel resolution which passed in 1997 remains the clearest statement of the will of the Senate with respect to the Kyoto Protocol, and the Committee is committed to ensuring that the administration not implement the Kyoto Protocol without Congressional consent. The Committee recognizes, however, that there are also longstanding programs which have goals and objectives that, if met, could have positive effects on energy use and the environment. The Committee does not intend to preclude these programs from proceeding, provided they have been funded and approved by Congress.

Unified National Strategy for Animal Feeding Operations Cost and Capability Assessment.—The Committee directs EPA to conduct with the U.S. Department of Agriculture (USDA) a cost and capability assessment of the Unified National Strategy for Animal Feeding Operations and report the results to the Congress by May 15, 2000. The assessment will be conducted as a pilot project in affected states and shall determine the costs, both public and private, to plan, implement, monitor and enforce the Unified National Strategy for Animal Feeding Operations, with a focus on Comprehensive Nutrient Management Plans (CNMP). EPA and USDA shall work with local committees including conservation districts, state agencies, producers and public interest groups, which will provide the local oversight and guidance to making the cost and capability determinations. The results of this pilot project shall be summarized by the committees and included in the final report which the EPA and USDA will prepare and submit to the Congress.

Reuse of industrial packages.—While EPA has a number of programs designed to promote pollution prevention and recycling in in-

VA/HUD Appropriations Committee

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climate change language amendment

[To be added at the end of paragraph #3 of the *Kyoto Protocol* on Page 82]

To the extent future funding requests may be submitted which would increase funding for climate change activities prior to Senate consideration of the Kyoto Protocol (whether under the auspices of the Climate Change Technology Initiative or any other initiative), the Administration must do a better job of explaining the components of the programs, their anticipated goals and objectives, the justification for any funding increases, a discussion of how success will be measured, and a clear definition of how these programs are justified by goals and objectives independent of implementation of the Kyoto Protocol. The committee expects these items to be included as part of the fiscal year 2001 budget submissions for all affected agencies.

Last year, the Committee directed the Administration to include these items in the fiscal year 2000 budget submission. The Committee is concerned that several agencies are tardy in doing so. The Committee expects the EPA's report to be consistent with the observations of the July 14, 1999, General Accounting Office (GAO) Report to the Senate (B-283052). Three agencies did not submit reports until April 9 or later, and one submitted its report one day before this hearing. According to the GAO, both the timing and the content of these submissions made it more difficult for Congress to assess Administration proposals.

With regard to these submissions, the Committee expects all affected agencies to comply fully with the letter and spirit of the Government Performance and Results Act of 1993 (GPRA). The GAO is directed to prepare a report that evaluates the Agency's completed plan and submit its report to the Appropriations Committee 90 days after receipt of the Agency's plan.

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Senate report
language

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VA/HUD Appropriations Committee

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

THE DIRECTOR

July 30, 1999

The Honorable C. W. Bill Young
Chairman
Committee on Appropriations
U.S. House of Representatives
Washington, D.C. 20515

Dear Mr. Chairman:

The purpose of this letter is to provide the Administration's views on the Veterans, Housing and Urban Development, and Independent Agencies Appropriations Bill, FY 2000, as approved by the House Subcommittee. As the Committee develops its version of the bill, your consideration of the Administration's views would be appreciated.

The allocation of discretionary resources available to the House under the Congressional Budget Resolution is simply inadequate to make the necessary investments that our citizens need and expect. The President's FY 2000 Budget proposes levels of discretionary spending that meet such needs while conforming to the Bipartisan Budget Agreement by making savings proposals in mandatory and other programs available to help finance this spending. Congress has approved and the President has signed into law nearly $29 billion of such offsets in appropriations legislation since 1995. The Administration urges the Congress to consider such proposals as the FY 2000 appropriations process moves forward.

The Administration appreciates efforts by the Committee to accommodate certain of the President's priorities within its 302(b) allocation. However, the Committee bill is over $3.3 billion below the program level requested. In order to meet this allocation, the Subcommittee has made deep cuts to the National Aeronautics and Space Administration, the Department of Housing and Urban Development, the Corporation for National and Community Service, the Environmental Protection Agency's Operating Program, the National Science Foundation, and other key Administration priorities. The Subcommittee bill would adversely affect the environment and natural resources, undermine investments in our future through science and technology and limit our ability to help families struggling to work their way out of poverty to find affordable housing. If the bill were presented to the President in its current form, the President's senior advisers would recommend that he veto the bill.

The Administration understands that an amendment may be offered to terminate the Corporation for National and Community Service. If the final bill presented to the President does not provide adequate funding for the Corporation for National and Community Service, his senior advisers will recommend that he veto the bill.

The Administration understands that the Committee will consider a series of amendments that are based on the assumption that the allocation for the Labor/HHS/Education Subcommittee will be reduced further, by over $3.3 billion. Such an action would be irresponsible and underscores that the broader budget plan that the Appropriations Committees are being forced to operate under is simply unworkable.

The enclosure provides a discussion of our specific concerns with the Subcommittee bill. We look forward to working with the Committee to address our mutual concerns.

Sincerely,

Jacob J. Lew
Director

Enclosure

Identical Letter Sent to The Honorable C. W. Bill Young,
The Honorable David R. Obey, The Honorable James T. Walsh,
and The Honorable Alan B. Mollohan

Enclosure
(House Committee)

DEPARTMENT OF VETERAN AFFAIRS/HOUSING AND URBAN DEVELOPMENT/ INDEPENDENT AGENCIES APPROPRIATIONS BILL, FY 2000 (AS APPROVED BY THE HOUSE SUBCOMMITTEE)

Corporation for National and Community Service

The Administration is deeply concerned that the Subcommittee bill would reduce funding for the CNCS by $146 million, or 27 percent, below the President's request and $36 million below the FY 1999 enacted level. This significant reduction would make it impossible to achieve the Administration's goal of reaching 69,000 AmeriCorps participants in FY 2000 -- the first step toward reaching 100,000 participants in FY 2002.

In addition, participation in AmeriCorps State and national, education award only, and National Civilian Corps programs would be reduced from over 45,000 currently participating to less than 42,000 in FY 2000. The Corporation supports projects to allow over 1.5 million participants work to address the Nation's unmet, critical needs. The Administration strongly urges the Committee to fully fund the Corporation at the requested level of $549 million.

National Aeronautics and Space Administration (NASA)

The Administration strongly opposes reductions to the President's request for the National Aeronautics and Space Administration (NASA) totaling $1.3 billion ($1.5 billion including earmarks). If enacted, these reductions would jeopardize U.S. leadership and competitiveness in space by decimating key elements of the Nation's space program, requiring the largest restructuring of NASA since the end of the Apollo program. The reduction would likely result in the cancellation or deferral of over 40 space missions and could ultimately result in the closure of NASA Centers and the elimination, through forced separations, of unique and critical technical skills uniquely possessed by NASA. The ultimate effect would be the loss of programs that could enable scientific and technical breakthroughs.

In addition, the Administration is also concerned about the large number of unrequested, site-specific earmarks, which would have the effect of circumventing the competitive, peer review process. This $122 million in unrequested earmarks would worsen the impact of the reductions made to higher priority programs. The Administration is particularly concerned with the following:

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- Space Science. The Administration strongly opposes the Subcommittee's decision to cut the President's request for Space Science by $641 million, a reduction of 27 percent below the FY 1999 enacted level, which would be the largest reduction ever made. This reduction would devastate the NASA Space Science program that has been the source of countless breakthroughs, scientific discoveries, and inspiration for millions of Americans and people around the world. In particular, the reductions would likely result in the termination or deferral of over 25 space missions, including the last of the Great Observatories, the Space Infrared Telescope Facility; the NASA Mars mission planned for 2003 and the Mars Sample Return mission planned in 2005; all outer planetary missions; the long-term Origins program, including the Next Generation Space Telescope and the Space Interferometer Mission; the Sun-Earth Connection programs; the Contour comet mission; and, all future missions in the Explorer and Discovery programs. These reductions would also necessitate the cancellation of thousands of university grants in nearly every State, undermining an entire generation of U.S. space scientists and engineers and jeopardizing the very types of capabilities we need to compete in the next century.

- Earth Science. The Administration strongly opposes the reduction of $285 million, or 17 percent below the FY 1999 enacted level, for Earth Science. This reduction would terminate NASA's Earth Observing System (EOS) Follow-on programs, Triana, GLOBE, and the Earth System Science Pathfinder program. The loss of these missions would jeopardize important efforts to establish long-term trends in the climate system, enabling reliable forecasts of El Nino; predictions of seasonal, regional temperature and precipitation for agriculture; longer warning times for severe storms and hurricanes; and, land cover and topography assessments for flood hazard prediction, forest management, and urban and transportation planning. The reductions to the Technology Infusion program would harm opportunities to lower the cost of future missions.

- Human Space Flight. The Administration opposes the Subcommittee's reduction of $250 million to the request, or two percent below the FY 1999 enacted level, for human space flight. This reduction would delay the Administration efforts to improve safety in the Space Shuttle program and would also result in fewer Shuttle flights and a delay in the International Space Station (ISS) assembly sequence. A delay to ISS would undercut NASA's efforts to control the total cost of ISS and would reduce opportunities to conduct life and microgravity research in space.

- Mission Support. The Administration opposes the Subcommittee's recommended reduction of $226 million to the request (10 percent below FY 1999 enacted) for Mission Support. This reduction would result in deferral of all Construction of Facilities projects to maintain existing NASA facilities safely; require a furlough and/or reduction in force; and, eliminate workforce hiring needed to revitalize the current NASA workforce.

Environmental Protection Agency

The Administration appreciates the Subcommittee's effort to fully fund the Clean Water Action Plan, the Brownfields initiative, and, the Children's Environmental Health Initiative.

The Administration has several major concerns with the funding provided for the Environmental Protection Agency (EPA) in the Subcommittee bill. In particular, the Administration strongly opposes the $195 million reduction from the request for EPA's Operating Program, which is the backbone of the Nation's environmental protection efforts. The Administration also strongly opposes the Subcommittee's reductions of: $111 million in EPA's request for the Climate Change Technology Initiative (CCTI) and $35 million in requested funding for personnel costs, which would require reducing EPA staff by more than 400 positions and severely hamper efforts to protect public health and the environment. Such a personnel reduction would severely limit environmental efforts and prevent EPA from undertaking initiatives designed to improve the quality of the Nation's air, water, and food supply.

In addition, the Administration objects to the severe reduction of funding for the new Clean Air Partnership Fund, which would provide grants to State and local governments for innovative projects that reduce multiple pollutants, such as air toxics, pollutants that produce soot and smog, and greenhouse gases. The Administration opposes the Subcommittee's $50 million reduction to the request for the Superfund program, which under this Administration has operated at a record pace to clean up toxic waste dumps. This reduction would needlessly jeopardize the public health for citizens living near affected sites. The Administration also opposes the $50 million cut to the request for the Drinking Water State Revolving Fund program, which funds drinking water improvements to protect public health.

The Administration objects to the large number of earmarked projects included in the Subcommittee bill for EPA, and the corresponding reduction or elimination of several high-priority environmental programs and initiatives: EPA's Operating Program and CCTI, the Drinking Water State Revolving Fund, the Mexican border wastewater treatment funding program, and the Montreal Protocol, and Sustainable Development Challenge Grants. We will work with the Congress to restore requested funding as the bill moves forward and we urge the reduction of unrequested funding and of lower-priority projects.

The Administration strongly opposes bill and report language relating to the Kyoto Protocol. The language could be interpreted broadly to prevent activities that limit greenhouse gases either voluntarily or under existing authority -- for example, through enhancing energy efficiency -- but that are not undertaken to implement the Kyoto Protocol. This is a cumbersome restriction that both breaches the agreement reached last year on this issue and is unnecessary, given the Administration's intent not to implement the Protocol until it is ratified by the Senate. The Administration also opposes bill and report language that could delay EPA's resolution of claims under the 1964 Civil Rights Act. These and other legislative authorizations are inappropriate in appropriations bills and deny the public and Members of Congress the opportunity to examine and debate these proposals openly. The Administration urges the Committee to remove the unduly restrictive language.

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Department of Housing and Urban Development

The Subcommittee bill provides $26.1 billion for the Department of Housing and Urban Development (HUD), an overall reduction from the President's request of $2 billion. Such severe reductions would eliminate most of the $2.5 billion increase that the President has requested to help families and communities in need. In addition, the bill would not provide the help critical to low-income Americans who have been left behind on America's road to prosperity. The Administration urges the Committee to restore this needed funding.

The Subcommittee bill fails to fund the Administration's request for 100,000 incremental rental assistance vouchers at a time when a record 5.3 million low-income households in this country spend over 50 percent of their income on rent. Reductions would also increase physical problems within public housing due to a six-percent cut in public housing operating subsidies, which would result in tens of thousands of additional public housing units developing moderate or severe physical problems due to inadequate maintenance. A decrease in funding would only increase the rate of deterioration and accumulation of needs over time. The Committee is also encouraged to fully fund the Partnership for the Advancement of Technology in Housing program, Drug Elimination efforts in public housing, and Brownfields Redevelopment.

The Administration urges the Committee to fund the following specific initiatives to help distressed communities: Regional Empowerment Zones, America's Private Investment Companies (APIC), Redevelopment of Abandoned Buildings, and Regional Connections. The Administration urges restoration of funding for these key programs to help communities and those most in need.

The bill would cut the Community Development Block Grant program (CDBG) and other housing and economic activity by $275 million. As a result, about 33,000 fewer people would receive housing rehabilitation, construction, and homebuyer assistance. About 10,000 fewer jobs would be created by CDBG. The bill would also cut homeless funding by five percent, or $55 million, from the Administration's request. As a result, 43,000 homeless persons, including 15,000 homeless children, would be denied desperately needed services. Over 30,000 homeless people would lose access to short-term emergency services.

The Subcommittee bill would reduce funding for fair housing programs by 20 percent, or $10 million, from the Administration's request. The requested level of $47 million would enable HUD to expand significantly its activities aimed at reducing the level of housing discrimination nationwide, including fully funding the second year of a critical, audit-based enforcement initiative to measure the level of discrimination in 60 communities nationwide over three years.

Finally, the Subcommittee would cut HUD's operating budget by more than four percent. This reduction would severely restrict the HUD's ability to inspect properties, restructure loans, form the monitoring systems, and develop statutorily required estimates that are essential to subsidy programs and are the foundation of HUD's 2020 Reform.

Community Development Financial Institutions Fund

The Administration strongly opposes the Subcommittee's decision to reduce the request for the Community Development Financial Institutions Fund (CDFI) by $55 million ($25 million below FY 1999). This reduction would result in approximately 58 fewer banks and 76 fewer CDFIs receiving grants and would severely reduce the Fund's ability to provide and leverage investments, loans, technical assistance, and financial services in the country's most distressed communities.

National Science Foundation

The Administration strongly opposes the Subcommittee's $274 million reduction to the President's request for the National Science Foundation (NSF), a reduction that would bring overall funding to a level $24 million below the FY 1999 enacted level. The President's request supports 5.8 percent growth in the NSF, while the Subcommittee has actually cut funding for a key investment in America's future. This reduction would undermine the Nation's investment in discovery and education which has fueled unprecedented economic growth for the past decade. The cuts would eliminate funding for almost 14,000 researchers and science and mathematics educators. The Administration strongly urges the Committee to support the President's request for all of the Foundation's science, engineering, and education activities. In particular, the Administration is very concerned with the following.

- Information Technology Initiative. The Subcommittee would provide only $35 million of the $146 million request for the President's Information Technology for the 21st Century Initiative (IT2). IT2 responds to the President's Information Technology Advisory Committee finding that the Nation is under-investing in fundamental research in information technology. The Initiative would advance the field of information science, contribute to the strength and health of the private-sector information economy, and provide essential tools for spurring research and improvements in all areas of science and technology. The Administration also is concerned that the Subcommittee has placed a higher priority on providing unrequested funding for the High-Performance Instrumented Airborne Platform for Environmental Research aircraft instead of funding terascale computing, thus not allowing the purchase of a powerful supercomputer that would expand significantly the computing capabilities available to the research community.

- Integrative Activities. The Subcommittee would reduce funding by $47 million for Biocomplexity research and the Opportunity Fund. These programs provide funding for innovative, multi-disciplinary research that could lead to significant discoveries in new and emerging fields of science and engineering.

Department of Veterans Affairs

The Administration is concerned about addressing the need to reduce waiting times, provide quality care, and realign an infrastructure that does not meet both the treatment and access needs of our Nation's higher-priority veterans. Earlier this week, the Administration indicated its intent to seek additional funding, with appropriate offsets. We look forward to working with the Congress on our proposal, which shall be submitted shortly, as the bill moves forward. In addition, we urge the Committee to address the following issues.

- The Subcommittee bill provides the Veterans Benefit Administration (VBA) $696 million for Administration and other General Operating Expenses, $10 million below the President's request. This would hamper VBA's effort to replace "seasoned" adjudication staff, who are expected to retire soon. In addition, the eight-percent reduction to Other Departmental Administration would prompt an immediate reduction-in-force and significantly hamper services such as adjudication of veterans' claims by the Board of Veterans Appeals, cases represented before the Court of Appeals for Veterans' Claims by the General Counsel, and congressionally mandated activities such as program evaluation and actuarial activities.

- The Administration opposes the Subcommittee's $72.7 million reduction to the request for Minor Construction Projects and the failure to provide resources for the new Capital Assets Fund. These requests support the modification of the VA health system to meet current treatment and access needs as the system moves from a hospital-based to an out-patient-based system.

- The Administration opposes the reduction of $4.7 million to the request for the Office of the Inspector General (IG). At a time when VA is aggressively reengineering its major programs, it is important that the IG have the funds necessary to focus on investigations, fraud, quality, and performance.

- The Administration objects to bill language that would deny or circumvent the management planning and prioritization processes within VA that are critical in ensuring that resources are directed nationwide to our Nation's top-priority veterans. This includes directing the Department not to consolidate data centers and to plan, build, or enhance cemeteries in specific parts of the Nation.

Federal Emergency Management Agency

The Administration greatly appreciates the efforts of the Subcommittee to provide funds needed for the operation of the Federal Emergency Management Agency (FEMA). However, the Administration is concerned that the Subcommittee has provided $15 million less than requested for FEMA's Emergency Food and Shelter Program. Funding for this program has been stagnant at $100 million since FY 1996, when it was cut from its previous level of $130 million. While the 10-percent increase provided by the Subcommittee is helpful, this reduction from the President's request would prevent FEMA from providing almost four million meals and 600,000 shelter nights for less fortunate Americans needing food and shelter. The Administration appreciates the Subcommittee's support of FEMA's mitigation programs but urges the Committee to provide the $12 million requested for the National Flood Mitigation Fund and to restore the $5 million reduction to the request for pre-disaster mitigation. FEMA's mitigation programs have been shown to reduce the costs of future disasters.

Consumer Product Safety Commission

The Administration is concerned with the Subcommittee's $3.5 million reduction to the President's request of $50.5 million for the Consumer Product Safety Commission. This reduction would curtail Commission efforts to establish a new, applied product research program as well as reduce funding in other agency programs.

Selective Service System

The Administration continues to support the draft registration program of the Selective Service System as the third line of defense after the Armed Services and the Reserve and Guard units. The Subcommittee's ill-advised termination of this low-cost insurance program would be particularly unfortunate at this time in light of the recruiting and readiness issues that we are addressing. The Administration believes that the Committee should send a strong signal to our foreign adversaries by restoring the President's budget request for the Selective Service System.

FY00 EPA Programs -- Appropriations Action 07/30/99 01:49:01 PM

	99 Enacted	00 Pres Budget	00 House Subcommittee	00 Appropriation vs. 99 Enacted	00 Approp vs. 00 President's Budget
Superfund	$1,500,000	$1,500,000	$1,450,000	($50,000)	($50,000)
CCTI (S&T)	$36,950	$49,900	$27,000	($9,950)	($22,900)
CCTI (EPM)	$72,500	$166,500	$78,000	$5,500	($88,500)
Total CCTI	$109,450	$216,400	$105,000	($4,450)	($111,400)
CWAP (STAG)	$349,529	$349,529	$349,529	$0	$0
CWAP (EPM)	$273,938	$294,462	$294,462	$20,524	$0
CWAP (S&T)	$1,406	$6,758	$1,800	$394	($4,958)
Total CWAP	$624,873	$650,748	$645,791	$20,918	($4,958)
Clean Air Partnership Fund (STAG)	$0	$200,000	$36,500	$36,500	($163,500)
Administrator's Initiatives					
EMPACT (S&T)	$6,390	$7,239	$6,400	$10	($839)
EMPACT (EPM)	$7,658	$10,743	$7,700	$42	($3,043)
Total EMPACT	$14,048	$17,982	$14,100	$52	($3,882)
Other S&T Reductions					
Global Change Research	$16,671	$22,834	$17,051	$381	($5,783)
Other EPM Reductions					
Montreal Protocol	$11,400	$21,000	$0	($11,400)	($21,000)
GLOBE	$0	$1,000	$1,000	$1,000	$0
Sustainable Devp. Challenge Grants	$4,702	$4,715	$0	($4,702)	($4,715)
Other STAG Funding Levels					
CWSRF	$1,350,000	$800,000	$1,175,000	($175,000)	$375,000
DWSRF	$775,000	$825,000	$775,000	$0	($50,000)
Alaska Grants	$30,000	$15,000	$15,000	($15,000)	$0
Border Projects	$50,000	$100,000	$50,000	$0	($50,000)
Bristol County, MA	$2,610	$3,000	$2,000	($610)	($1,000)
New Orleans, LA	$6,525	$10,000	$4,000	($2,525)	($6,000)

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At this point, there does not appear to be a clear strategy to resolve this issue. A FACA Committee was established and has met on several occasions, but has not appeared to have resolved any of the major issues on how the Agency should handle Title VI complaints. Currently, the Agency is in the process of establishing a new stakeholder process for input on some of these same contentious issues. In addition, in testimony before the Committee, the Administrator indicated that the Agency intends to promulgate a rulemaking. However, at the same time, other Agency officials have indicated that EPA intends to promulgate only guidance. Still other agency officials have expressed desire to promulgate two different sets of guidance—one internally and one externally. The Committee is deeply concerned that there may be conflicts between the internal and external guidance that will make it difficult to resolve complaints in a fair and efficient manner. Equally important, developing internal guidance before final guidance has been subjected to full public comments conflicts with Congressional intent.

On January 20, 1999, the General Counsel of the United States General Accounting Office issued an opinion (B–281575) that EPA's Interim Guidance clearly affects the rights of non-Agency parties and constitutes a "rule" under the Small Business Review and Enforcement Fairness Act (SBREFA), which is subject to Congressional review. If the Agency intends to promulgate guidance rather than a rulemaking, procedural requirements of a rulemaking should be followed including input from the small business community, sufficient time for notice and comment, published response to comments provided to the agency, interagency review, and analysis of any unfunded mandates on State and local governments. The Committee is very concerned that there be sufficient time for review of any new guidance given the lack of stakeholder review prior to the release of the Interim Guidance last year. In addition, the Committee requests that EPA examine successful State and local programs as model programs, and look at the possibility of delegating initial review and resolution of Title VI claims to States with such established model programs.

The Committee has also again this year included bill language which prohibits the use of funds to take certain actions for the purpose of implementing or ~~in contemplation of~~ preparing to implement, the Kyoto Protocol. The Committee is concerned with reports that, during the past year, the Agency may have strayed across the fine line separating education from advocacy. Although the Agency may under the current prohibition continue to conduct educational seminars and activities, if should ensure balance in those programs. Balance does not mean merely that there is an acknowledgment of viewpoints different from those of the Administration, but that qualified representatives of those viewpoints are included in the programs and in numbers roughly equal to the participants

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The bill language is intended to prohibit funds provided in this bill from being used to implement actions called for under the Kyoto Protocol, prior to its ratification. Based on an identical provision in the 1999 Appropriations Act, the bill language prohibits the development of rules, regulations, decrees, orders, and non-regulatory actions, such as programs or initiatives, for the purpose of implementing, or ~~in contemplation of implementing, directly or indirectly~~ the Kyoto Protocol. in preparation of implementation

The Byrd-Hagel Resolution (S. Res. 98), which passed with a vote of 95–0 in July 1997, remains the clearest statement of the will of the Senate with regard to the Kyoto Protocol. Through the prohibition contained herein, the Committee is committed to ensuring that the Administration not implement the Kyoto Protocol without prior Congressional consent, including approval of any implementing legislation, regulation, programs or initiatives.

It has come to the attention of the Committee that the Agency is proposing to add 40 new ambient air toxics monitors during fiscal year 2000 to the 19 monitors which have already been funded. Because of the potential significance of the information to be gained from this monitoring program and the potential investment needed, the Committee believes that it is important for the Agency to have a well developed plan in place to direct the installation and operation of any new monitors. As a result, the Committee directs EPA to develop a comprehensive plan to guide the Agency's efforts in establishing a monitoring program for air toxics. The plan should describe in detail the overall goals and objectives of the monitoring program, including whether the data generated will be used to: (1) characterize ambient concentrations and the public's exposure to air toxics at the national, regional or local level; (2) quantify public health risks at the national, regional, or local level; (3) guide regulatory decisions; (4) evaluate and improve emissions inventories; (5) validate dispersion models; and/or (6) help identify sources of emissions.

Once the objectives and goals have been determined, the plan should provide information on: (1) the number of monitors and measurements that will be needed to satisfy these goals; (2) the specific pollutants to be measured and the ability of the present technology to make measurements for the specific pollutants; and (3) the approximate level of investment needed over time to meet the program's goals and objectives. It is important that the plan include a realistic assessment of the amount of data likely to be generated given existing and anticipated budgetary expenditures, a timeline for when the data will be available for analysis, and an assessment of the likely usefulness of the data in drawing statistically valid estimates of the public's exposure to air toxics on a national or regional level.

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Amendment to Commerce, Justice, State, and the Judiciary Appropriations Bill, 2000
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- not technically feasible
- NO availability
+ put on web

support the goal of transparency + high scientific quality but the language technically could actually be an impediment to good science

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Amendment to Commerce, Justice, State, and the Judiciary Appropriations Bill, 2000

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(2) the draft assessment has been published in the Federal Register for a 60 day public comment period.

- On page 44 of the report, strike the numbers "$3,800,000" and "$2,400,000" in item number 5 and insert in lieu thereof the numbers "$1,800,000" an "$400,000"; and insert the following new provisions after item number 27:

    28. + $1,000,000 for analysis and research of the environmental and public health impacts associated with pollution sources, including waste transfer stations, in the South Bronx, New York, to be conducted by New York University.

    29. + $1,000,000 for research associated with the restoration and enhancement of Manchac Swamp conducted by Southeastern Louisiana University at the Turtle Cove Research Station.

- On page 48 of the report, strike the words "each of" in the tenth line.

- On page 49 of the report, beginning in the seventh line of the second full paragraph, strike the sentence beginning with "In addition" and the following two sentences;

    In the sentence following the three stricken above, strike the word "deeply" and the word "the" following the word "between", and insert the words "developed by EPA" after the "guidance"

- On page 50 of the report, in the third line of the first full paragraph, strike the words "in contemplation of";

    And on page 50 of the report, beginning on the seventh line of the second full paragraph, strike the words "in contemplation of implementing, directly or indirectly" and insert in lieu thereof the words "in preparation of implementation".

- On page 53 of the report, after the first full paragraph, insert the following new paragraphs:

The Committee is concerned that EPA's recent Lead-based Paint Pre-Renovation Education Rule creates difficulty and confusion for multifamily property owners and residents. The substantial and time-consuming paperwork burden imposed on multifamily property owners/managers through these regulations may impede routine repair and maintenance activities. Lead-hazard education of multifamily residents will be facilitated, the Committee believes, by requiring property owners/managers whose staff perform repairs to (1) annually distribute the pamphlet to residents, (2) notify residents at the time of in unit repairs of the potential disturbance of lead-based paint and the availability of copies of the pamphlet, and (3) post a notice at the site of the repairs in common areas informing residents of the scope and dates of work and that the pamphlet is available for review.

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Amendment to Commerce, Justice, State, and Judiciary Appropriations Bill, 2000 Offered by Mrs. Emerson

At the end of title VI, insert the following new section:

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(2) published in the Federal Register for public comment; and

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July 28, 1999

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At this point, there does not appear to be a clear strategy to resolve this issue. A FACA Committee was established and has met on several occasions, but has not appeared to have resolved any of the major issues on how the Agency should handle Title VI complaints. Currently, the Agency is in the process of establishing a new stakeholder process for input on some of these same contentious issues. In addition, in testimony before the Committee, the Administrator indicated that the Agency intends to promulgate a rulemaking. However, at the same time, other Agency officials have indicated that EPA intends to promulgate only guidance. Still other agency officials have expressed desire to promulgate two different sets of guidance—one internally and one externally. The Committee is deeply concerned that there may be conflicts between the internal and external guidance that will make it difficult to resolve complaints in a fair and efficient manner. Equally important, developing internal guidance before final guidance has been subjected to full public comments conflicts with Congressional intent.

On January 20, 1999, the General Counsel of the United States General Accounting Office issued an opinion (B–281575) that EPA's Interim Guidance clearly affects the rights of non-Agency parties and constitutes a "rule" under the Small Business Review and Enforcement Fairness Act (SBREFA), which is subject to Congressional review. If the Agency intends to promulgate guidance rather than a rulemaking, procedural requirements of a rulemaking should be followed including input from the small business community, sufficient time for notice and comment, published response to comments provided to the agency, interagency review, and analysis of any unfunded mandates on State and local governments. The Committee is very concerned that there be sufficient time for review of any new guidance given the lack of stakeholder review prior to the release of the Interim Guidance last year. In addition, the Committee requests that EPA examine successful State and local programs as model programs, and look at the possibility of delegating initial review and resolution of Title VI claims to States with such established model programs.

The Committee has also again this year included bill language which prohibits the use of funds to take certain actions for the purpose of implementing or ~~in contemplation of~~ preparing to implement, the Kyoto Protocol. The Committee is concerned with reports that, during the past year, the Agency may have strayed across the fine line separating education from advocacy. Although the Agency may under the current prohibition continue to conduct educational seminars and activities, if should ensure balance in those programs. Balance does not mean merely that there is an acknowledgment of viewpoints different from those of the Administration, but that qualified representatives of those viewpoints are included in the programs and in numbers roughly equal to the participants

representing the Administration's positions. One dissenting voice in what is otherwise an obviously stacked or biased program does not constitute balance.

The bill language is intended to prohibit funds provided in this bill from being used to implement actions called for under the Kyoto Protocol, prior to its ratification. Based on an identical provision in the 1999 Appropriations Act, the bill language prohibits the development of rules, regulations, decrees, orders, and non-regulatory actions, such as programs or initiatives, for the purpose of implementing, or ~~in contemplation of implementing, directly or indirectly~~ the Kyoto Protocol.

in preparation of implementation

The Byrd-Hagel Resolution (S. Res. 98), which passed with a vote of 95–0 in July 1997, remains the clearest statement of the will of the Senate with regard to the Kyoto Protocol. Through the prohibition contained herein, the Committee is committed to ensuring that the Administration not implement the Kyoto Protocol without prior Congressional consent, including approval of any implementing legislation, regulation, programs or initiatives.

It has come to the attention of the Committee that the Agency is proposing to add 40 new ambient air toxics monitors during fiscal year 2000 to the 19 monitors which have already been funded. Because of the potential significance of the information to be gained from this monitoring program and the potential investment needed, the Committee believes that it is important for the Agency to have a well developed plan in place to direct the installation and operation of any new monitors. As a result, the Committee directs EPA to develop a comprehensive plan to guide the Agency's efforts in establishing a monitoring program for air toxics. The plan should describe in detail the overall goals and objectives of the monitoring program, including whether the data generated will be used to: (1) characterize ambient concentrations and the public's exposure to air toxics at the national, regional or local level; (2) quantify public health risks at the national, regional, or local level; (3) guide regulatory decisions; (4) evaluate and improve emissions inventories; (5) validate dispersion models; and/or (6) help identify sources of emissions.

Once the objectives and goals have been determined, the plan should provide information on: (1) the number of monitors and measurements that will be needed to satisfy these goals; (2) the specific pollutants to be measured and the ability of the present technology to make measurements for the specific pollutants; and (3) the approximate level of investment needed over time to meet the program's goals and objectives. It is important that the plan include a realistic assessment of the amount of data likely to be generated given existing and anticipated budgetary expenditures, a timeline for when the data will be available for analysis, and an assessment of the likely usefulness of the data in drawing statistically valid estimates of the public's exposure to air toxics on a national or regional level.

If the data generated from the monitoring program are expected to support regulatory decisions, the plan should list the specific regulatory programs impacted or expected to be impacted and describe in detail how the data will be used to guide decisionmaking. Given the likely strengths and limitations of the data, the plan

Amendment to Commerce, Justice, State, and the Judiciary Appropriations Bill, 2000

Offered by Mrs. Emerson

At the end of title VI, insert the following new section:

Sec. 619. None of the funds made available in this Act may be used to publish or issue an assessment required under Section 106 of the Global Change Research Act of 1990 unless --

(1) the supporting research has been subjected to peer review and, if not otherwise publicly available, posted electronically for public comment prior to publication use in the assessment; and

(2) the draft assessment has been published in the Federal Register for a 60 day public comment period.

H.R. 4194. VA/HUD/Independent Agencies Appropriations Act, FY 1999

H. R. 4194

One Hundred Fifth Congress of the United States of America

AT THE SECOND SESSION

Begun and held at the City of Washington on Tuesday, the twenty-seventh day of January, one thousand nine hundred and ninety-eight

An Act

Making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 1999, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 1999, and for other purposes, namely:

TITLE I—DEPARTMENT OF VETERANS AFFAIRS

VETERANS BENEFITS ADMINISTRATION

COMPENSATION AND PENSIONS

(INCLUDING TRANSFERS OF FUNDS)

For the payment of compensation benefits to or on behalf of veterans and a pilot program for disability examinations as authorized by law (38 U.S.C. 107, chapters 11, 13, 18, 51, 53, 55, and 61); pension benefits to or on behalf of veterans as authorized by law (38 U.S.C. chapters 15, 51, 53, 55, and 61; 92 Stat. 2508); and burial benefits, emergency and other officers' retirement pay, adjusted-service credits and certificates, payment of premiums due on commercial life insurance policies guaranteed under the provisions of Article IV of the Soldiers' and Sailors' Civil Relief Act of 1940, as amended, and for other benefits as authorized by law (38 U.S.C. 107, 1312, 1977, and 2106, chapters 23, 51, 53, 55, and 61; 50 U.S.C. App. 540–548; 43 Stat. 122, 123; 45 Stat. 735; 76 Stat. 1198), $21,857,058,000, to remain available until expended: *Provided*, That not to exceed $24,534,000 of the amount appropriated shall be reimbursed to "General operating expenses" and "Medical care" for necessary expenses in implementing those provisions authorized in the Omnibus Budget Reconciliation Act of 1990, and in the Veterans' Benefits Act of 1992 (38 U.S.C. chapters 51, 53, and 55), the funding source for which is specifically provided as the "Compensation and pensions" appropriation: *Provided further*, That such sums as may be earned on an actual qualifying patient basis, shall be reimbursed to "Medical facilities revolving fund" to augment the funding of individual medical facilities for nursing home care provided to pensioners as authorized.

COURT OF VETERANS APPEALS

SALARIES AND EXPENSES

For necessary expenses for the operation of the United States Court of Veterans Appeals as authorized by 38 U.S.C. 7251–7298, $10,195,000, of which $865,000, shall be available for the purpose of providing financial assistance as described, and in accordance with the process and reporting procedures set forth, under this heading in Public Law 102–229.

DEPARTMENT OF DEFENSE—CIVIL

CEMETERIAL EXPENSES, ARMY

SALARIES AND EXPENSES

For necessary expenses, as authorized by law, for maintenance, operation, and improvement of Arlington National Cemetery and Soldiers' and Airmen's Home National Cemetery, including the purchase of one passenger motor vehicle for replacement only, and not to exceed $1,000 for official reception and representation expenses, $11,666,000, to remain available until expended.

ENVIRONMENTAL PROTECTION AGENCY

SCIENCE AND TECHNOLOGY

(INCLUDING TRANSFER OF FUNDS)

For science and technology, including research and development activities, which shall include research and development activities under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), as amended; necessary expenses for personnel and related costs and travel expenses, including uniforms, or allowances therefore, as authorized by 5 U.S.C. 5901–5902; services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the maximum rate payable for senior level positions under 5 U.S.C. 5376; procurement of laboratory equipment and supplies; other operating expenses in support of research and development; construction, alteration, repair, rehabilitation, and renovation of facilities, not to exceed $75,000 per project, $650,000,000, which shall remain available until September 30, 2000: *Provided*, That the obligated balance of such sums shall remain available through September 30, 2007 for liquidating obligations made in fiscal years 1999 and 2000.

ENVIRONMENTAL PROGRAMS AND MANAGEMENT

For environmental programs and management, including necessary expenses, not otherwise provided for, for personnel and related costs and travel expenses, including uniforms, or allowances therefore, as authorized by 5 U.S.C. 5901–5902; services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the maximum rate payable for senior level positions under 5 U.S.C. 5376; hire of passenger motor vehicles; hire, maintenance, and operation of aircraft; purchase of reprints; library memberships in societies or associations which

issue publications to members only or at a price to members lower than to subscribers who are not members; construction, alteration, repair, rehabilitation, and renovation of facilities, not to exceed $75,000 per project; and not to exceed $6,000 for official reception and representation expenses, $1,848,000,000, which shall remain available until September 30, 2000: *Provided*, That the obligated balance of such sums shall remain available through September 30, 2007 for liquidating obligations made in fiscal years 1999 and 2000: *Provided further*, 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 which was adopted on December 11, 1997, in Kyoto, Japan at the Third Conference of the Parties to the United Nations Framework Convention on Climate Change, which has not been submitted to the Senate for advice and consent to ratification pursuant to article II, section 2, clause 2, of the United States Constitution, and which has not entered into force pursuant to article 25 of the Protocol: *Provided further*, That none of the funds made available in this Act may be used to implement or administer the interim guidance issued on February 5, 1998 by the Environmental Protection Agency relating to title VI of the Civil Rights Act of 1964 and designated as the "Interim Guidance for Investigating Title VI Administrative Complaints Challenging Permits" with respect to complaints filed under such title after the date of the enactment of this Act and until guidance is finalized. Nothing in this proviso may be construed to restrict the Environmental Protection Agency from developing or issuing final guidance relating to title VI of the Civil Rights Act of 1964.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, and for construction, alteration, repair, rehabilitation, and renovation of facilities, not to exceed $75,000 per project, $31,154,000, to remain available until September 30, 2000: *Provided*, That the obligated balance of such sums shall remain available through September 30, 2007 for liquidating obligations made in fiscal years 1999 and 2000.

BUILDINGS AND FACILITIES

For construction, repair, improvement, extension, alteration, and purchase of fixed equipment or facilities of, or for use by, the Environmental Protection Agency, $56,948,000, to remain available until expended.

HAZARDOUS SUBSTANCE SUPERFUND

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses to carry out the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), as amended, including sections 111(c)(3), (c)(5), (c)(6), and (e)(4) (42 U.S.C. 9611), and for construction, alteration, repair, rehabilitation, and renovation of facilities, not to exceed $75,000 per project; not to exceed $1,500,000,000, consisting of $650,000,000

VA HUD Conference Report

ozone formation in the ambient air, including the process that forms pollutants in rural and cleaner urban environments, as recommended by the 1991 National Academy of Sciences/National Research Council's "Rethinking the Ozone Problem in Urban and Regional Air Pollution." The new large chamber will provide information that EPA and state regulators can use to develop more cost-effective strategies for controlling pollution. In particular, this chamber will allow more accurate measurements of positive and negative reactivity of VOC emissions from architectural coatings.

Not later than 45 days after the date of enactment of this Act, the Administrator of the Environmental Protection Agency (EPA) shall enter into an agreement with the National Academy of Sciences (NAS) to conduct a comprehensive study of the effects of copper in drinking water on human health. Once completed, the Administrator of the EPA shall review the NAS study, and report to the Congress on what plans the agency has to review the copper action level pursuant to section 1412(b)(9) of the Safe Drinking Water Act.

ENVIRONMENTAL PROGRAMS AND MANAGEMENT

Appropriates $1,848,000,000 for environmental programs and management instead of $1,856,000,000 as proposed by the House and $1,840,500,000 as proposed by the Senate. The conferees have included bill language providing a limitation on the use of funds to implement or administer the interim guidance relating to title VI of the Civil Rights Act of 1964, with certain exceptions, as proposed by the House. The conferees note that this provision does not provide the Agency statutory authority to implement its Environmental Justice Guidance. Rather, it simply clarifies the applicability of the Interim Guidance with respect to certain pending cases as an administrative convenience for the Agency. With respect to any cases that may be pending before EPA and that are not or will not be covered by the Interim Guidance, the conferees urge EPA to resolve such cases as expeditiously as possible and without undue delay.

It is the conferees' understanding that the currently filed South Bronx complaint is covered by the Interim Guidance and should be dealt with expeditiously.

The conferees have also adopted new language prohibiting the use of funds to take certain actions for the purpose of implementing or preparing to implement the Kyoto Protocol, instead of language proposed by the House. The conferees note that this restriction on the use of funds shall not apply to the conduct of education activities and seminars by the Agency.

The conferees note that several programs funded through this Act conduct science and technology research that are associated partly with global climate change. To the extent that the conferees have funded this work, they have done so based on each program's individual merits of contributing to issues associated with domestic energy production, national energy security, energy efficiency and cost savings, related environmental assessments, and general energy emission improvements. The bill language is intended to prohibit funds provided in this bill from being used to implement ac-

tions called for solely under the Kyoto Protocol, prior to its ratification.

The Byrd-Hagel Resolution which passed in 1997 (S. Res. 98) remains the clearest statement of the will of the Senate with regards to the Kyoto Protocol, and the conferees are committed to ensuring that the Administration not implement the Kyoto Protocol without Congressional consent. The conferees recognize, however, that there are also longstanding energy research programs which have goals and objectives that, if met, could have positive effects on energy use and the environment. The conferees do not intend to preclude these programs from proceeding, provided they have been funded and approved by Congress.

To the extent future funding requests may be submitted which would increase funding for climate change activities prior to Senate consideration of the Kyoto Protocol (whether under the auspices of the Climate Change Technology Initiative or any other initiative), the Administration must do a better job of explaining the components of the programs, their anticipated goals and objectives, the justification for any funding increases, a discussion of how success will be measured, and a clear definition of how these programs are justified by goals and objectives independent of implementation of the Kyoto Protocol. The conferees expect these items to be included as part of the fiscal year 2000 budget submission for all affected agencies.

The conferees have agreed to the following increases to the budget request:

1. $2,500,000 for the Michigan Biotechnology Institute for continued development of viable cleanup technologies.
2. $1,300,000 for the Lake Wallenpaupack, Pennsylvania environmental restoration project.
3. $130,000 for the Saint Vincent watershed environmental restoration project.
4. $500,000 for continued activities of the Small Business Pollution Prevention Center at the University of Northern Iowa.
5. $1,300,000 for the Great Lakes National Program Office.
6. $750,000 for the painting and coating compliance project at the University of Northern Iowa.
7. $550,000 for continuation of the Idaho Water Initiative.
8. $1,700,000 for the Sacramento Regional County Sanitation District to continue the cost-shared Sacramento River Toxic Pollution Control Project. This appropriation and previously appropriated funds shall be administered by the Sacramento Regional County Sanitation District in accordance with the workplans submitted by the District.
9. $1,300,000 for continuation of a water reuse demonstration project in Yucca Valley ($500,000) and the continuation of a water distribution system study in Twentynine Palms ($800,000), California.
10. $600,000 for ongoing activities at the Canaan Valley Institute.
11. $3,000,000 for the Southwest Center for Environmental Research and Policy (SCERP).
12. $2,600,000 for the National Institute for Environmental Renewal to establish a regional environmental data center, and to de-

(F)

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

September 8, 1999
(House Floor)

STATEMENT OF ADMINISTRATION POLICY

(THIS STATEMENT HAS BEEN COORDINATED BY OMB WITH THE CONCERNED AGENCIES.)

H.R. 2684 -- DEPARTMENT OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS BILL, FY 2000

(Sponsors: Young (R), Florida; Walsh (R), New York)

This Statement of Administration Policy provides the Administration's views on the Veterans, Housing and Urban Development, and Independent Agencies Appropriations Bill, FY 2000, as approved by the House Committee. Your consideration of the Administration's views would be appreciated.

The allocation of discretionary resources available to the House under the Congressional Budget Resolution is simply inadequate to make the necessary investments that our citizens need and expect. The President's FY 2000 Budget proposes levels of discretionary spending that meet such needs while conforming to the Bipartisan Budget Agreement by making savings proposals in mandatory and other programs available to help finance this spending. Congress has approved and the President has signed into law nearly $29 billion of such offsets in appropriations legislation since 1995. The Administration urges the Congress to consider such proposals as the FY 2000 appropriations process moves forward.

The Administration appreciates efforts by the Committee to accommodate certain of the President's priorities within its 302(b) allocation. However, the Committee bill is $2.2 billion below the program level requested. In order to meet this allocation, the Committee has eliminated the Corporation for National and Community Service as well as made deep cuts to the National Aeronautics and Space Administration, the Department of Housing and Urban Development, the Environmental Protection Agency's Operating Program, the National Science Foundation, the Federal Emergency Management Agency, the Selective Service System, and other Administration priorities.

The Administration strongly opposes the Committee's action to terminate the Corporation for National and Community Service. Eliminating funding for the Corporation would deny over 1.4 million young Americans the opportunity to provide vital community services and become better citizens as participants in the Corporation's AmeriCorps (66,000 participants) and Learn and Serve (1.4 million participants) programs. If the final bill presented to the President were to provide inadequate funding for the Corporation for National and Community Service, his senior advisers would recommend that the President veto the bill.

The Committee bill would adversely affect the environment and natural resources, undermine investments in our future through science and technology, limit our ability to help families struggling to work their way out of poverty to find affordable housing, inadequately fund the Corporation for National and Community Service, and adversely affect our ability to fund unforeseen disasters properly. The Committee bill also includes objectionable language provisions. The Administration urges the House to strike these provisions and to keep the bill free of additional riders. For these reasons, if the bill were presented to the President in its current form, the President's senior advisers would recommend that he veto the bill.

The Committee has approved a $4 billion reduction in the 302(b) allocation for the Labor/HHS/Education appropriations bill in order to reallocate funds to the VA/HUD/Independent Agencies and other appropriations bills. Such an action is irresponsible and underscores the fact that the broader budget plan that the Appropriations Committees are being forced to operate under is simply unworkable.

The attachment provides a discussion of our specific concerns with the Committee bill. We look forward to working with the House to address our mutual concerns.

Attachment

Attachment
(House Floor)

DEPARTMENT OF VETERAN AFFAIRS/HOUSING AND URBAN DEVELOPMENT/ INDEPENDENT AGENCIES APPROPRIATIONS BILL, FY 2000 (AS REPORTED BY THE HOUSE COMMITTEE)

Corporation for National and Community Service

The Administration is deeply concerned that the Committee bill would terminate the Corporation for National and Community Service, including the AmeriCorps program. In FY 2000, the Committee bill would deny 66,000 youth the opportunity to address pressing education, public safety, and human and environmental needs while earning money to attend college through participation in AmeriCorps. This action would terminate the President's goal of reaching 100,000 AmeriCorps participants a year by FY 2002. In addition, in FY 2000, the bill would prevent 1.4 million students from participating in service-learning programs that provide substantial academic and social benefits, including the opportunity to learn responsible citizenship. The Administration strongly urges the House to fully fund the Corporation at the requested level of $549 million.

National Aeronautics and Space Administration

The Administration strongly opposes reductions to the President's request for the National Aeronautics and Space Administration (NASA) totaling over $900 million (over $1 billion including earmarks). If enacted, these reductions would jeopardize U.S. leadership and competitiveness in space by decimating key elements of the Nation's space program, requiring the largest restructuring of NASA since the end of the Apollo program. These reductions would likely result in the cancellation or deferral of over 30 space missions and could ultimately result in the closure of NASA Centers and the elimination, through forced separations, of critical technical skills uniquely possessed by NASA. The ultimate effect would be the loss of programs that could enable scientific and technical breakthroughs.

In addition, the Administration is concerned about the large number of unrequested, site-specific earmarks, which would have the effect of circumventing the competitive, peer-review process. This $123 million in unrequested earmarks would worsen the impact of the reductions made to higher priority programs. The Administration is particularly concerned with the following:

- Space Science. The Administration strongly opposes the Committee's decision to cut the President's request for Space Science by $241 million, a reduction of eight percent below the FY 1999 enacted level, which would be the largest reduction ever made. This reduction would devastate the NASA Space Science program, which has been the source of countless breakthroughs, scientific discoveries, and inspiration for hundreds of millions of Americans and people around the world. In particular, the reductions would likely result in the termination or deferral of over 15 space missions, including the Contour comet mission; the Pluto/Kuiper mission; all future missions in the Sun-Earth Connection program and the Structure and Evolution of the Universe program; and, all future missions in the Explorer and Discovery programs. These reductions would also necessitate the cancellation of 500-600 university grants affecting nearly every State, undermining an entire generation of U.S. space scientists and engineers and jeopardizing the very types of capabilities we need to compete in the next century.

- Earth Science. The Administration strongly opposes the reduction of $285 million to the request for Earth Science, which would reduce the program to a level 17 percent below the FY 1999 enacted level. This reduction would terminate NASA's Earth Observing System (EOS) Follow-on programs, Triana, GLOBE, and the Earth System Science Pathfinder program. The loss of these missions would jeopardize important efforts to establish long-term trends in the climate system, enabling reliable forecasts of El Nino; predictions of seasonal, regional temperature and precipitation for agriculture; longer warning times for severe storms and hurricanes; and, land cover and topography assessments for flood hazard prediction, forest management, and urban and transportation planning. The reductions to the Technology Infusion program would harm opportunities to lower the cost of future missions.

- Human Space Flight. The Administration opposes the Committee's reduction of $250 million to the request, or two percent below the FY 1999 enacted level, for human space flight. This reduction would delay the Administration's efforts to improve safety in the Space Shuttle program and would also result in fewer Shuttle flights and a delay in the International Space Station (ISS) assembly sequence. A delay to ISS would undercut NASA's efforts to control the total cost of ISS and would reduce opportunities to conduct life and microgravity research in space.

- Mission Support. The Administration opposes the Committee's recommended reduction of $226 million to the request (10 percent below FY 1999 enacted) for Mission Support. This reduction would result in deferral of all Construction of Facilities projects to maintain existing NASA facilities safely; require a furlough and/or reduction in force; and, eliminate workforce hiring needed to revitalize the current NASA workforce.

Environmental Protection Agency

The Administration appreciates the Committee's effort to fully fund the Clean Water Action Plan, the Brownfields initiative, and the Children's Environmental Health Initiative.

The Administration has several major concerns with the funding provided for the Environmental Protection Agency (EPA) in the Committee bill. In particular, the Administration strongly opposes the $195 million reduction to the request for EPA's Operating Program, which is the backbone of the Nation's environmental protection efforts. The Administration also strongly opposes the Committee's reductions of $111 million in EPA's request for the Climate Change Technology Initiative (CCTI) and $35 million in requested funding for personnel costs, which would require reducing EPA staff by more than 400 positions and severely hamper efforts to protect public health and the environment. Such a personnel reduction would severely limit environmental efforts and prevent EPA from undertaking initiatives designed to improve the quality of the Nation's air, water, and food supply.

The Administration objects to the severe reduction in funding for the new Clean Air Partnership Fund, which would provide grants to State and local governments for innovative projects that reduce multiple pollutants, such as air toxics, pollutants that produce soot and smog, and greenhouse gases. In addition, the Administration opposes the $50 million cut to the request for the Drinking Water State Revolving Fund program, which funds drinking water improvements to protect public health. The Administration opposes the Committee's $50 million reduction to the request for the Superfund program, which under this Administration has operated at a record pace to clean up toxic waste dumps. This reduction would needlessly jeopardize the public health for citizens living near affected sites. The Administration also objects to the Committee's proposal to finance half of the appropriation from general revenue. Such financing is contrary to the "polluter pays" principle and would be unfair to the general public, who would be forced to pay for the irresponsible actions of polluters.

The Administration objects to the exceptionally high number of earmarked projects included in the Committee bill for EPA, and the corresponding reduction or elimination of several high-priority environmental programs and initiatives: EPA's Operating Program, CCTI, and the Drinking Water State Revolving Fund; as well as the Mexican border wastewater treatment funding program, the Montreal Protocol, and Sustainable Development Challenge Grants. We will work with the Congress to restore requested funding as the bill moves forward, and we urge the reduction of unrequested funding and of lower-priority projects.

The Administration strongly opposes bill and report language relating to the Kyoto Protocol. The language could be interpreted broadly to prevent activities that limit greenhouse gases either voluntarily or under existing authority -- for example, through enhancing energy efficiency -- but that are not undertaken to implement the Kyoto Protocol. This is a cumbersome restriction that both breaches the agreement reached last year on this issue and is unnecessary, given the Administration's intent not to implement the Protocol until it is ratified by the Senate.

The Administration also opposes bill and report language that could delay EPA's resolution of claims under the 1964 Civil Rights Act. These and other legislative authorizations are inappropriate in appropriations bills and deny the public and Members of Congress the opportunity to examine and debate these proposals openly. The Administration urges the House to remove the unduly restrictive language.

Department of Housing and Urban Development

The Committee bill provides $26.1 billion for the Department of Housing and Urban Development (HUD), an overall reduction from the President's request of $2 billion. Such severe reductions would eliminate most of the $2.5 billion increase that the President has requested to help families and communities in need. In addition, the bill would not provide critically needed help to low-income Americans who have been left behind on America's road to prosperity. The Administration urges the House to restore this needed funding.

The Committee bill fails to fund the Administration's request for 100,000 incremental rental assistance vouchers, including 25,000 vouchers to help families moving from welfare to work who need to move closer to their new job, at a time when a record 5.3 million low-income households in this country spend over 50 percent of their income on rent. Reductions made by the Committee would also increase physical problems within public housing due to a six-percent cut in public housing operating subsidies, which would result in tens of thousands of additional public housing units developing moderate or severe physical problems due to inadequate maintenance. A decrease in funding would only increase the rate of deterioration and accumulation of needs over time. In addition to providing requested funding for rental assistance vouchers and public housing operating subsidies, the House is encouraged to fully fund the Partnership for the Advancement of Technology in Housing program, Drug Elimination efforts in public housing, and Brownfields Redevelopment.

The Administration urges the House to fund the following initiatives to help distressed communities: Regional Empowerment Zones, America's Private Investment Companies (APIC), Redevelopment of Abandoned Buildings, and Regional Connections. The Administration urges restoration of funding for these key programs to help communities and those most in need.

The bill would cut the Community Development Block Grant program (CDBG) and other housing and economic activity by $275 million. As a result, about 33,000 fewer people would receive housing rehabilitation, construction, and homebuyer assistance. About 10,000 fewer jobs would be created by CDBG. The bill would also cut homeless funding by five percent, or $55 million, from the Administration's request. As a result, 43,000 homeless persons, including 15,000 homeless children, would be denied desperately needed services. Over 30,000 homeless people would lose access to short-term emergency services.

The Committee bill would reduce funding for fair housing programs by 20 percent, or $10 million, from the Administration's request. The requested level of $47 million would enable HUD to expand significantly its activities aimed at reducing the level of housing discrimination nationwide, including fully funding the second year of a critical, audit-based enforcement initiative to measure the level of discrimination in 60 communities nationwide over three years.

Finally, the Committee would cut HUD's operating budget by more than four percent. This reduction would severely restrict HUD's ability to inspect properties, restructure loans, reform the monitoring systems, and develop statutorily required estimates that are essential to subsidy programs and are the foundation of HUD's 2020 Reform.

Community Development Financial Institutions Fund

The Administration strongly opposes the Committee's decision to fund the Community Development Financial Institutions Fund (CDFI) at $70 million, $55 million below the request and $25 million below FY 1999. Compared to the requested level, this would result in approximately 58 fewer banks and 76 fewer CDFIs receiving grants and would severely reduce the Fund's ability to provide and leverage investments, loans, technical assistance, and financial services in the country's most distressed communities.

National Science Foundation

The Administration strongly opposes the Committee's $275 million reduction to the President's request for the National Science Foundation (NSF), a reduction that would bring overall funding to a level $24 million below the FY 1999 enacted level. The President's request for discretionary spending supports 6.8 percent growth in the NSF, while the Committee has actually cut funding for a key investment in America's future. This reduction would undermine the Nation's investment in discovery and education, which has fueled unprecedented economic growth for the past decade. The cuts would eliminate funding for almost 14,000 researchers and science and mathematics educators. The Administration strongly urges the House to support the President's request for all of the Foundation's science, engineering, and education activities. In particular, the Administration is very concerned with the following:

- Information Technology Initiative. The Committee would provide only $35 million of the $146 million request for the NSF component of the President's Information Technology for the 21st Century Initiative (IT2). IT2 responds to the President's Information Technology Advisory Committee finding that the Nation is under-investing in fundamental research in information technology. The Initiative would advance the field of information science, contribute to the strength and health of the private-sector information economy, and provide essential tools for spurring research and improvements in all areas of science and technology. The Administration also is concerned that the Committee has placed a higher priority on providing unrequested funding for the High-Performance Instrumented Airborne Platform for Environmental Research aircraft instead of funding terascale computing, thus not allowing the purchase of a powerful supercomputer that would expand significantly the computing capabilities available to the research community.

- Integrative Activities. The Committee would reduce by $47 million requested funding for Biocomplexity research and the Opportunity Fund. These programs provide funding for innovative, multi-disciplinary research that could lead to significant discoveries in new and emerging fields of science and engineering.

Department of Veterans Affairs

The Administration is concerned about addressing the need to reduce waiting times, provide quality care, and realign an infrastructure that does not meet both the treatment and access needs of our Nation's higher-priority veterans. The Administration has indicated its support for additional funding but as noted earlier, it should be paid for from an acceptable source rather than by reducing essential programs. We look forward to working with the Congress on our proposal as the bill moves forward. In addition, we urge the House to address the following issues:

- The Committee bill provides the Veterans Benefit Administration (VBA) $696 million for Administration and other General Operating Expenses, $10 million below the President's request. This would hamper VBA's effort to replace "seasoned" adjudication staff, who are expected to retire soon. In addition, the eight-percent reduction to Other Departmental Administration would prompt an immediate reduction-in-force and significantly hamper services such as adjudication of veterans' claims by the Board of Veterans Appeals, cases represented before the U.S. Court of Appeals for Veterans' Claims by the General Counsel, and congressionally mandated activities such as program evaluation and actuarial activities.

- The Administration opposes the Committee's $72.7 million reduction to the request for Minor Construction Projects and the failure to provide resources for the new Capital Assets Fund. These requests support the modification of the VA health system to meet current treatment and access needs as the system moves from a hospital-based to an out-patient-based system.

- The Administration opposes the reduction of $4.7 million to the request for the Office of the Inspector General (IG). At a time when VA is aggressively reengineering its major programs, it is important that the IG have the funds necessary to focus on investigations, fraud, quality, and performance.

- The Administration objects to bill language that would deny or circumvent the management planning and prioritization processes within VA that are critical in ensuring that resources are directed nationwide to our Nation's top-priority veterans. This includes directing the Department not to collocate data centers and to plan, build, or enhance cemeteries in specific parts of the Nation.

Federal Emergency Management Agency

The Administration strongly opposes the Committee's $2.5 billion reduction to the request for the Federal Emergency Management Agency's (FEMA) disaster relief fund. This reduction would hinder FEMA's ability to respond quickly and appropriately to disasters as they occur.

The Administration is concerned that the Committee has provided $15 million less than requested for FEMA's Emergency Food and Shelter Program. Funding for this program has been frozen at $100 million since FY 1996, when it was cut from its previous level of $130 million. While the 10-percent increase provided by the Committee is helpful, this reduction from the President's request would prevent FEMA from providing almost four million meals and 600,000 shelter nights for less fortunate Americans needing food and shelter. The Administration appreciates the Committee's support of FEMA's mitigation programs but urges the House to provide the $12 million requested for the National Flood Mitigation Fund and to restore the $5 million reduction to the request for pre-disaster mitigation. FEMA's mitigation programs have been shown to reduce the costs of future disasters.

Consumer Product Safety Commission

The Administration is concerned with the Committee's $3.5 million reduction to the President's request of $50.5 million for the Consumer Product Safety Commission. This reduction would curtail Commission efforts to establish a new, applied product research program as well as reduce funding in other agency programs.

Selective Service System

The Administration understands that an amendment may be proposed to continue the Selective Service System. While the Administration has concerns with several of the offsets contained in the amendment, it supports efforts to restore full funding for the Selective Service System.

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about Brownfields, urban sprawl, empowerment zones, and redevelopment. In addition, there was little if any opportunity prior to the release of the guidance for any public or stakeholder input. Therefore, the Committee provided in the fiscal year 1999 Appropriation Act that no funds be used to implement the interim guidance. Identical bill language to continue this prohibition has also been included in the fiscal year 2000 Act.

At this point, there does not appear to be a clear strategy to resolve this issue. A FACA Committee was established and has met on several occasions, but has not appeared to have resolved any of the major issues on how the Agency should handle Title VI complaints. Currently, the Agency is in the process of establishing a new stakeholder process for input on some of these same contentious issues. In addition, in testimony before the Committee, the Administrator indicated that the Agency intends to promulgate a rulemaking. However, at the same time, other Agency officials have indicated that EPA intends to promulgate only guidance. Still other agency officials have expressed desire to promulgate two different sets of guidance—one internally and one externally. The Committee is deeply concerned that there may be conflicts between the internal and external guidance that will make it difficult to resolve complaints in a fair and efficient manner. Equally important, developing internal guidance before final guidance has been subjected to full public comments conflicts with Congressional intent.

On January 20, 1999, the General Counsel of the United States General Accounting Office issued an opinion (B-281575) that EPA's Interim Guidance clearly affects the rights of non-Agency parties and constitutes a "rule" under the Small Business Review and Enforcement Fairness Act (SBREFA), which is subject to Congressional review. If the Agency intends to promulgate guidance rather than a rulemaking, procedural requirements of a rulemaking should be followed including input from the small business community, sufficient time for notice and comment, published response to comments provided to the agency, interagency review, and analysis of any unfunded mandates on State and local governments. The Committee is very concerned that there be sufficient time for review of any new guidance given the lack of stakeholder review prior to the release of the Interim Guidance last year. In addition, the Committee requests that EPA examine successful State and local programs as model programs, and look at the possibility of delegating initial review and resolution of Title VI claims to States with such established model programs.

The Committee has also again this year included bill language which prohibits the use of funds to take certain actions for the purpose of implementing or in contemplation of preparing to implement, the Kyoto Protocol. The Committee is concerned with reports that, during the past year, the Agency may have strayed across the fine line separating education from advocacy. Although the Agency may under the current prohibition continue to conduct educational seminars and activities, it should ensure balance in those programs. Balance does not mean merely that there is an acknowledgment of viewpoints different from those of the Administration, but that qualified representatives of those viewpoints are included in the programs and in numbers roughly equal to the participants

representing the Administration's positions. One dissenting voice in what is otherwise an obviously stacked or biased program does not constitute balance.

The bill language is intended to prohibit funds provided in this bill from being used to implement actions called for under the Kyoto Protocol, prior to its ratification. Based on an identical provision in the 1999 Appropriations Act, the bill language prohibits the development of rules, regulations, decrees, orders, and non-regulatory actions, such as programs or initiatives, for the purpose of implementing, or in contemplation of implementing, directly or indirectly the Kyoto Protocol.

The Byrd-Hagel Resolution (S. Res. 98), which passed with a vote of 95–0 in July 1997, remains the clearest statement of the will of the Senate with regard to the Kyoto Protocol. Through the prohibition contained herein, the Committee is committed to ensuring that the Administration not implement the Kyoto Protocol without prior Congressional consent, including approval of any implementing legislation, regulation, programs or initiatives.

It has come to the attention of the Committee that the Agency is proposing to add 40 new ambient air toxics monitors during fiscal year 2000 to the 19 monitors which have already been funded. Because of the potential significance of the information to be gained from this monitoring program and the potential investment needed, the Committee believes that it is important for the Agency to have a well developed plan in place to direct the installation and operation of any new monitors. As a result, the Committee directs EPA to develop a comprehensive plan to guide the Agency's efforts in establishing a monitoring program for air toxics. The plan should describe in detail the overall goals and objectives of the monitoring program, including whether the data generated will be used to: (1) characterize ambient concentrations and the public's exposure to air toxics at the national, regional or local level; (2) quantify public health risks at the national, regional, or local level; (3) guide regulatory decisions; (4) evaluate and improve emissions inventories; (5) validate dispersion models; and/or (6) help identify sources of emissions.

Once the objectives and goals have been determined, the plan should provide information on: (1) the number of monitors and measurements that will be needed to satisfy these goals; (2) the specific pollutants to be measured and the ability of the present technology to make measurements for the specific pollutants; and (3) the approximate level of investment needed over time to meet the program's goals and objectives. It is important that the plan include a realistic assessment of the amount of data likely to be generated given existing and anticipated budgetary expenditures, a timeline for when the data will be available for analysis, and an assessment of the likely usefulness of the data in drawing statistically valid estimates of the public's exposure to air toxics on a national or regional level.

If the data generated from the monitoring program are expected to support regulatory decisions, the plan should list the specific regulatory programs impacted or expected to be impacted and describe in detail how the data will be used to guide decisionmaking. Given the likely strengths and limitations of the data, the plan

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who are not members; construction, alteration, repair, rehabilitation, and renovation of facilities, not to exceed $75,000 per project; and not to exceed $6,000 for official reception and representation expenses, $1,850,000,000, which shall remain available until September 30, 2001: *Provided*, That the obligated balance of such sums shall remain available through September 30, 2008 for liquidating obligations made in fiscal years 2000 and 2001: *Provided further*, 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 which was adopted on December 11, 1997, in Kyoto, Japan at the Third Conference of the Parties to the United Nations Framework Convention on Climate Change, which has not been submitted to the Senate for advice and consent to ratification pursuant to article II, section 2, clause 2, of the United States Constitution, and which has not entered into force pursuant to article 25 of the Protocol: *Provided further*, That none of the funds made available in this Act may be used to implement or administer the interim guidance issued on February 5, 1998, by the Environmental Protection Agency relating to title VI of the Civil Rights Act of 1964 and designated as the "Interim Guidance for Investigating Title VI Ad-

> The Committee has also adopted language prohibiting the use of funds
> to take certain actions for the purpose of implementing or in
> contemplation of preparing to implementing the Kyoto Protocol. The
> Committee notes that, during the past year, the Agency has strayed across
> the fine line separating education from advocacy. Although the Agency may
> continue to conduct educational seminars and activities, it must ensure
> balance in those programs. Balance does not mean merely that there is an
> acknowledgment of viewpoints different from those of the Administration,
> but that qualified representatives of those viewpoints are included in the
> programs and in numbers roughly equal to the participants representing the
> Administration's positions. One dissenting voice in an otherwise stacked
> or biased program does not constitute balance.
>
> The bill language is intended to prohibit funds provided in this
> bill from being used to implement actions called for under the Kyoto
> Protocol, prior to its ratification. Building on a similar provision in
> the 1999 VA-HUD Appropriations Act, the bill language prohibits the
> development of rules, regulations, decrees, orders, and non-regulatory
> actions, such as programs or initiatives, for the purpose of implementing,
> or in contemplation of implementing, directly or indirectly the Kyoto
> Protocol. This prohibition extends to all discretionary actions.
>
> Congress recognizes that some regulations, that may be required by
> current law, are necessary to address an imminent threat to public health
> or safety which may incidentally have the effect of reducing emissions of
> carbon dioxide and other greenhouse gases. Although the bill language
> would not limit such regulation, it would prohibit agencies from
> developing, proposing, or issuing regulations that would have the direct
> or indirect effect of reducing carbon dioxide and other greenhouse gas
> emissions in cases where such regulation is discretionary or where there
> is no imminent threat to public health or safety.

>
> The Byrd-Hagel Resolution(S.Res. 98) which passed with a vote of
> 95-0 in July 1997 remains the clearest statement of the will of the Senate
> with regard to the Kyoto Protocol, and the Committee is committed to
> ensuring that the Administration not implement the Kyoto Protocol without
> prior Congressional consent, including approval of any implementing
> legislation, regulation, programs or initiatives.
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H.R. 4194

H.R. 4194. VA/HUD/Independent Agencies Appropriations Act, FY 1999

One Hundred Fifth Congress of the United States of America

AT THE SECOND SESSION

Begun and held at the City of Washington on Tuesday, the twenty-seventh day of January, one thousand nine hundred and ninety-eight

An Act

Making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 1999, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 1999, and for other purposes, namely:

TITLE I—DEPARTMENT OF VETERANS AFFAIRS

VETERANS BENEFITS ADMINISTRATION

COMPENSATION AND PENSIONS

(INCLUDING TRANSFERS OF FUNDS)

For the payment of compensation benefits to or on behalf of veterans and a pilot program for disability examinations as authorized by law (38 U.S.C. 107, chapters 11, 13, 18, 51, 53, 55, and 61); pension benefits to or on behalf of veterans as authorized by law (38 U.S.C. chapters 15, 51, 53, 55, and 61; 92 Stat. 2508); and burial benefits, emergency and other officers' retirement pay, adjusted-service credits and certificates, payment of premiums due on commercial life insurance policies guaranteed under the provisions of Article IV of the Soldiers' and Sailors' Civil Relief Act of 1940, as amended, and for other benefits as authorized by law (38 U.S.C. 107, 1312, 1977, and 2106, chapters 23, 51, 53, 55, and 61; 50 U.S.C. App. 540–548; 43 Stat. 122, 123; 45 Stat. 735; 76 Stat. 1198), $21,857,058,000, to remain available until expended: *Provided*, That not to exceed $24,534,000 of the amount appropriated shall be reimbursed to "General operating expenses" and "Medical care" for necessary expenses in implementing those provisions authorized in the Omnibus Budget Reconciliation Act of 1990, and in the Veterans' Benefits Act of 1992 (38 U.S.C. chapters 51, 53, and 55), the funding source for which is specifically provided as the "Compensation and pensions" appropriation: *Provided further*, That such sums as may be earned on an actual qualifying patient basis, shall be reimbursed to "Medical facilities revolving fund" to augment the funding of individual medical facilities for nursing home care provided to pensioners as authorized.

COURT OF VETERANS APPEALS

SALARIES AND EXPENSES

For necessary expenses for the operation of the United States Court of Veterans Appeals as authorized by 38 U.S.C. 7251–7298, $10,195,000, of which $865,000, shall be available for the purpose of providing financial assistance as described, and in accordance with the process and reporting procedures set forth, under this heading in Public Law 102–229.

DEPARTMENT OF DEFENSE—CIVIL

CEMETERIAL EXPENSES, ARMY

SALARIES AND EXPENSES

For necessary expenses, as authorized by law, for maintenance, operation, and improvement of Arlington National Cemetery and Soldiers' and Airmen's Home National Cemetery, including the purchase of one passenger motor vehicle for replacement only, and not to exceed $1,000 for official reception and representation expenses, $11,666,000, to remain available until expended.

ENVIRONMENTAL PROTECTION AGENCY

SCIENCE AND TECHNOLOGY

(INCLUDING TRANSFER OF FUNDS)

For science and technology, including research and development activities, which shall include research and development activities under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), as amended; necessary expenses for personnel and related costs and travel expenses, including uniforms, or allowances therefore, as authorized by 5 U.S.C. 5901–5902; services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the maximum rate payable for senior level positions under 5 U.S.C. 5376; procurement of laboratory equipment and supplies; other operating expenses in support of research and development; construction, alteration, repair, rehabilitation, and renovation of facilities, not to exceed $75,000 per project, $650,000,000, which shall remain available until September 30, 2000: *Provided*, That the obligated balance of such sums shall remain available through September 30, 2007 for liquidating obligations made in fiscal years 1999 and 2000.

ENVIRONMENTAL PROGRAMS AND MANAGEMENT

For environmental programs and management, including necessary expenses, not otherwise provided for, for personnel and related costs and travel expenses, including uniforms, or allowances therefore, as authorized by 5 U.S.C. 5901–5902; services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the maximum rate payable for senior level positions under 5 U.S.C. 5376; hire of passenger motor vehicles; hire, maintenance, and operation of aircraft; purchase of reprints; library memberships in societies or associations which

issue publications to members only or at a price to members lower than to subscribers who are not members; construction, alteration, repair, rehabilitation, and renovation of facilities, not to exceed $75,000 per project; and not to exceed $6,000 for official reception and representation expenses, $1,848,000,000, which shall remain available until September 30, 2000: *Provided*, That the obligated balance of such sums shall remain available through September 30, 2007 for liquidating obligations made in fiscal years 1999 and 2000: *Provided further*, 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 which was adopted on December 11, 1997, in Kyoto, Japan at the Third Conference of the Parties to the United Nations Framework Convention on Climate Change, which has not been submitted to the Senate for advice and consent to ratification pursuant to article II, section 2, clause 2, of the United States Constitution, and which has not entered into force pursuant to article 25 of the Protocol: *Provided further*, That none of the funds made available in this Act may be used to implement or administer the interim guidance issued on February 5, 1998 by the Environmental Protection Agency relating to title VI of the Civil Rights Act of 1964 and designated as the "Interim Guidance for Investigating Title VI Administrative Complaints Challenging Permits" with respect to complaints filed under such title after the date of the enactment of this Act and until guidance is finalized. Nothing in this proviso may be construed to restrict the Environmental Protection Agency from developing or issuing final guidance relating to title VI of the Civil Rights Act of 1964.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, and for construction, alteration, repair, rehabilitation, and renovation of facilities, not to exceed $75,000 per project, $31,154,000, to remain available until September 30, 2000: *Provided*, That the obligated balance of such sums shall remain available through September 30, 2007 for liquidating obligations made in fiscal years 1999 and 2000.

BUILDINGS AND FACILITIES

For construction, repair, improvement, extension, alteration, and purchase of fixed equipment or facilities of, or for use by, the Environmental Protection Agency, $56,948,000, to remain available until expended.

HAZARDOUS SUBSTANCE SUPERFUND

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses to carry out the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), as amended, including sections 111(c)(3), (c)(5), (c)(6), and (e)(4) (42 U.S.C. 9611), and for construction, alteration, repair, rehabilitation, and renovation of facilities, not to exceed $75,000 per project; not to exceed $1,500,000,000, consisting of $650,000,000

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ozone formation in the ambient air, including the process that forms pollutants in rural and cleaner urban environments, as recommended by the 1991 National Academy of Sciences/National Research Council's "Rethinking the Ozone Problem in Urban and Regional Air Pollution." The new large chamber will provide information that EPA and state regulators can use to develop more cost-effective strategies for controlling pollution. In particular, this chamber will allow more accurate measurements of positive and negative reactivity of VOC emissions from architectural coatings.

Not later than 45 days after the date of enactment of this Act, the Administrator of the Environmental Protection Agency (EPA) shall enter into an agreement with the National Academy of Sciences (NAS) to conduct a comprehensive study of the effects of copper in drinking water on human health. Once completed, the Administrator of the EPA shall review the NAS study, and report to the Congress on what plans the agency has to review the copper action level pursuant to section 1412(b)(9) of the Safe Drinking Water Act.

ENVIRONMENTAL PROGRAMS AND MANAGEMENT

Appropriates $1,848,000,000 for environmental programs and management instead of $1,856,000,000 as proposed by the House and $1,840,500,000 as proposed by the Senate. The conferees have included bill language providing a limitation on the use of funds to implement or administer the interim guidance relating to title VI of the Civil Rights Act of 1964, with certain exceptions, as proposed by the House. The conferees note that this provision does not provide the Agency statutory authority to implement its Environmental Justice Guidance. Rather, it simply clarifies the applicability of the Interim Guidance with respect to certain pending cases as an administrative convenience for the Agency. With respect to any cases that may be pending before EPA and that are not or will not be covered by the Interim Guidance, the conferees urge EPA to resolve such cases as expeditiously as possible and without undue delay.

It is the conferees' understanding that the currently filed South Bronx complaint is covered by the Interim Guidance and should be dealt with expeditiously.

The conferees have also adopted new language prohibiting the use of funds to take certain actions for the purpose of implementing or preparing to implement the Kyoto Protocol, instead of language proposed by the House. The conferees note that this restriction on the use of funds shall not apply to the conduct of education activities and seminars by the Agency.

The conferees note that several programs funded through this Act conduct science and technology research that are associated partly with global climate change. To the extent that the conferees have funded this work, they have done so based on each program's individual merits of contributing to issues associated with domestic energy production, national energy security, energy efficiency and cost savings, related environmental assessments, and general energy emission improvements. The bill language is intended to prohibit funds provided in this bill from being used to implement ac-

tions called for solely under the Kyoto Protocol, prior to its ratification.

The Byrd-Hagel Resolution which passed in 1997 (S. Res. 98) remains the clearest statement of the will of the Senate with regards to the Kyoto Protocol, and the conferees are committed to ensuring that the Administration not implement the Kyoto Protocol without Congressional consent. The conferees recognize, however, that there are also longstanding energy research programs which have goals and objectives that, if met, could have positive effects on energy use and the environment. The conferees do not intend to preclude these programs from proceeding, provided they have been funded and approved by Congress.

To the extent future funding requests may be submitted which would increase funding for climate change activities prior to Senate consideration of the Kyoto Protocol (whether under the auspices of the Climate Change Technology Initiative or any other initiative), the Administration must do a better job of explaining the components of the programs, their anticipated goals and objectives, the justification for any funding increases, a discussion of how success will be measured, and a clear definition of how these programs are justified by goals and objectives independent of implementation of the Kyoto Protocol. The conferees expect these items to be included as part of the fiscal year 2000 budget submission for all affected agencies.

The conferees have agreed to the following increases to the budget request:

1. $2,500,000 for the Michigan Biotechnology Institute for continued development of viable cleanup technologies.
2. $1,300,000 for the Lake Wallenpaupack, Pennsylvania environmental restoration project.
3. $130,000 for the Saint Vincent watershed environmental restoration project.
4. $500,000 for continued activities of the Small Business Pollution Prevention Center at the University of Northern Iowa.
5. $1,300,000 for the Great Lakes National Program Office.
6. $750,000 for the painting and coating compliance project at the University of Northern Iowa.
7. $550,000 for continuation of the Idaho Water Initiative.
8. $1,700,000 for the Sacramento Regional County Sanitation District to continue the cost-shared Sacramento River Toxic Pollution Control Project. This appropriation and previously appropriated funds shall be administered by the Sacramento Regional County Sanitation District in accordance with the workplans submitted by the District.
9. $1,300,000 for continuation of a water reuse demonstration project in Yucca Valley ($500,000) and the continuation of a water distribution system study in Twentynine Palms ($800,000), California.
10. $600,000 for ongoing activities at the Canaan Valley Institute.
11. $8,000,000 for the Southwest Center for Environmental Research and Policy (SCERP).
12. $2,600,000 for the National Institute for Environmental Renewal to establish a regional environmental data center, and to de-

H.R. 4194. VA/HUD/Independent Agencies Appropriations Act, FY 1999

H. R. 4194

One Hundred Fifth Congress of the United States of America

AT THE SECOND SESSION

Begun and held at the City of Washington on Tuesday, the twenty-seventh day of January, one thousand nine hundred and ninety-eight

An Act

Making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 1999, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 1999, and for other purposes, namely:

TITLE I—DEPARTMENT OF VETERANS AFFAIRS

VETERANS BENEFITS ADMINISTRATION

COMPENSATION AND PENSIONS

(INCLUDING TRANSFERS OF FUNDS)

For the payment of compensation benefits to or on behalf of veterans and a pilot program for disability examinations as authorized by law (38 U.S.C. 107, chapters 11, 13, 18, 51, 53, 55, and 61); pension benefits to or on behalf of veterans as authorized by law (38 U.S.C. chapters 15, 51, 53, 55, and 61; 92 Stat. 2508); and burial benefits, emergency and other officers' retirement pay, adjusted-service credits and certificates, payment of premiums due on commercial life insurance policies guaranteed under the provisions of Article IV of the Soldiers' and Sailors' Civil Relief Act of 1940, as amended, and for other benefits as authorized by law (38 U.S.C. 107, 1312, 1977, and 2106, chapters 23, 51, 53, 55, and 61; 50 U.S.C. App. 540–548; 43 Stat. 122, 123; 45 Stat. 735; 76 Stat. 1198), $21,857,058,000, to remain available until expended: *Provided*, That not to exceed $24,534,000 of the amount appropriated shall be reimbursed to "General operating expenses" and "Medical care" for necessary expenses in implementing those provisions authorized in the Omnibus Budget Reconciliation Act of 1990, and in the Veterans' Benefits Act of 1992 (38 U.S.C. chapters 51, 53, and 55), the funding source for which is specifically provided as the "Compensation and pensions" appropriation: *Provided further*, That such sums as may be earned on an actual qualifying patient basis, shall be reimbursed to "Medical facilities revolving fund" to augment the funding of individual medical facilities for nursing home care provided to pensioners as authorized.

COURT OF VETERANS APPEALS

SALARIES AND EXPENSES

For necessary expenses for the operation of the United States Court of Veterans Appeals as authorized by 38 U.S.C. 7251–7298, $10,195,000, of which $865,000, shall be available for the purpose of providing financial assistance as described, and in accordance with the process and reporting procedures set forth, under this heading in Public Law 102–229.

DEPARTMENT OF DEFENSE—CIVIL

CEMETERIAL EXPENSES, ARMY

SALARIES AND EXPENSES

For necessary expenses, as authorized by law, for maintenance, operation, and improvement of Arlington National Cemetery and Soldiers' and Airmen's Home National Cemetery, including the purchase of one passenger motor vehicle for replacement only, and not to exceed $1,000 for official reception and representation expenses, $11,666,000, to remain available until expended.

ENVIRONMENTAL PROTECTION AGENCY

SCIENCE AND TECHNOLOGY

(INCLUDING TRANSFER OF FUNDS)

For science and technology, including research and development activities, which shall include research and development activities under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), as amended; necessary expenses for personnel and related costs and travel expenses, including uniforms, or allowances therefore, as authorized by 5 U.S.C. 5901–5902; services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the maximum rate payable for senior level positions under 5 U.S.C. 5376; procurement of laboratory equipment and supplies; other operating expenses in support of research and development; construction, alteration, repair, rehabilitation, and renovation of facilities, not to exceed $75,000 per project, $650,000,000, which shall remain available until September 30, 2000: *Provided*, That the obligated balance of such sums shall remain available through September 30, 2007 for liquidating obligations made in fiscal years 1999 and 2000.

ENVIRONMENTAL PROGRAMS AND MANAGEMENT

For environmental programs and management, including necessary expenses, not otherwise provided for, for personnel and related costs and travel expenses, including uniforms, or allowances therefore, as authorized by 5 U.S.C. 5901–5902; services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the maximum rate payable for senior level positions under 5 U.S.C. 5376; hire of passenger motor vehicles; hire, maintenance, and operation of aircraft; purchase of reprints; library memberships in societies or associations which

issue publications to members only or at a price to members lower than to subscribers who are not members; construction, alteration, repair, rehabilitation, and renovation of facilities, not to exceed $75,000 per project; and not to exceed $6,000 for official reception and representation expenses, $1,848,000,000, which shall remain available until September 30, 2000: *Provided*, That the obligated balance of such sums shall remain available through September 30, 2007 for liquidating obligations made in fiscal years 1999 and 2000: *Provided further*, 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 which was adopted on December 11, 1997, in Kyoto, Japan at the Third Conference of the Parties to the United Nations Framework Convention on Climate Change, which has not been submitted to the Senate for advice and consent to ratification pursuant to article II, section 2, clause 2, of the United States Constitution, and which has not entered into force pursuant to article 25 of the Protocol: *Provided further*, That none of the funds made available in this Act may be used to implement or administer the interim guidance issued on February 5, 1998 by the Environmental Protection Agency relating to title VI of the Civil Rights Act of 1964 and designated as the "Interim Guidance for Investigating Title VI Administrative Complaints Challenging Permits" with respect to complaints filed under such title after the date of the enactment of this Act and until guidance is finalized. Nothing in this proviso may be construed to restrict the Environmental Protection Agency from developing or issuing final guidance relating to title VI of the Civil Rights Act of 1964.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, and for construction, alteration, repair, rehabilitation, and renovation of facilities, not to exceed $75,000 per project, $31,154,000, to remain available until September 30, 2000: *Provided*, That the obligated balance of such sums shall remain available through September 30, 2007 for liquidating obligations made in fiscal years 1999 and 2000.

BUILDINGS AND FACILITIES

For construction, repair, improvement, extension, alteration, and purchase of fixed equipment or facilities of, or for use by, the Environmental Protection Agency, $56,948,000, to remain available until expended.

HAZARDOUS SUBSTANCE SUPERFUND

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses to carry out the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), as amended, including sections 111(c)(3), (c)(5), (c)(6), and (e)(4) (42 U.S.C. 9611), and for construction, alteration, repair, rehabilitation, and renovation of facilities, not to exceed $75,000 per project; not to exceed $1,500,000,000, consisting of $650,000,000

VA HUD Conference Report

ozone formation in the ambient air, including the process that forms pollutants in rural and cleaner urban environments, as recommended by the 1991 National Academy of Sciences/National Research Council's "Rethinking the Ozone Problem in Urban and Regional Air Pollution." The new large chamber will provide information that EPA and state regulators can use to develop more cost-effective strategies for controlling pollution. In particular, this chamber will allow more accurate measurements of positive and negative reactivity of VOC emissions from architectural coatings.

Not later than 45 days after the date of enactment of this Act, the Administrator of the Environmental Protection Agency (EPA) shall enter into an agreement with the National Academy of Sciences (NAS) to conduct a comprehensive study of the effects of copper in drinking water on human health. Once completed, the Administrator of the EPA shall review the NAS study, and report to the Congress on what plans the agency has to review the copper action level pursuant to section 1412(b)(9) of the Safe Drinking Water Act.

ENVIRONMENTAL PROGRAMS AND MANAGEMENT

Appropriates $1,848,000,000 for environmental programs and management instead of $1,856,000,000 as proposed by the House and $1,840,500,000 as proposed by the Senate. The conferees have included bill language providing a limitation on the use of funds to implement or administer the interim guidance relating to title VI of the Civil Rights Act of 1964, with certain exceptions, as proposed by the House. The conferees note that this provision does not provide the Agency statutory authority to implement its Environmental Justice Guidance. Rather, it simply clarifies the applicability of the Interim Guidance with respect to certain pending cases as an administrative convenience for the Agency. With respect to any cases that may be pending before EPA and that are not or will not be covered by the Interim Guidance, the conferees urge EPA to resolve such cases as expeditiously as possible and without undue delay.

It is the conferees' understanding that the currently filed South Bronx complaint is covered by the Interim Guidance and should be dealt with expeditiously.

The conferees have also adopted new language prohibiting the use of funds to take certain actions for the purpose of implementing or preparing to implement the Kyoto Protocol, instead of language proposed by the House. The conferees note that this restriction on the use of funds shall not apply to the conduct of education activities and seminars by the Agency.

The conferees note that several programs funded through this Act conduct science and technology research that are associated partly with global climate change. To the extent that the conferees have funded this work, they have done so based on each program's individual merits of contributing to issues associated with domestic energy production, national energy security, energy efficiency and cost savings, related environmental assessments, and general energy emission improvements. The bill language is intended to prohibit funds provided in this bill from being used to implement ac-

tions called for solely under the Kyoto Protocol, prior to its ratification.

The Byrd-Hagel Resolution which passed in 1997 (S. Res. 98) remains the clearest statement of the will of the Senate with regards to the Kyoto Protocol, and the conferees are committed to ensuring that the Administration not implement the Kyoto Protocol without Congressional consent. The conferees recognize, however, that there are also longstanding energy research programs which have goals and objectives that, if met, could have positive effects on energy use and the environment. The conferees do not intend to preclude these programs from proceeding, provided they have been funded and approved by Congress.

To the extent future funding requests may be submitted which would increase funding for climate change activities prior to Senate consideration of the Kyoto Protocol (whether under the auspices of the Climate Change Technology Initiative or any other initiative), the Administration must do a better job of explaining the components of the programs, their anticipated goals and objectives, the justification for any funding increases, a discussion of how success will be measured, and a clear definition of how these programs are justified by goals and objectives independent of implementation of the Kyoto Protocol. The conferees expect these items to be included as part of the fiscal year 2000 budget submission for all affected agencies.

The conferees have agreed to the following increases to the budget request:

1. $2,500,000 for the Michigan Biotechnology Institute for continued development of viable cleanup technologies.
2. $1,300,000 for the Lake Wallenpaupack, Pennsylvania environmental restoration project.
3. $130,000 for the Saint Vincent watershed environmental restoration project.
4. $500,000 for continued activities of the Small Business Pollution Prevention Center at the University of Northern Iowa.
5. $1,300,000 for the Great Lakes National Program Office.
6. $750,000 for the painting and coating compliance project at the University of Northern Iowa.
7. $550,000 for continuation of the Idaho Water Initiative.
8. $1,700,000 for the Sacramento Regional County Sanitation District to continue the cost-shared Sacramento River Toxic Pollution Control Project. This appropriation and previously appropriated funds shall be administered by the Sacramento Regional County Sanitation District in accordance with the workplans submitted by the District.
9. $1,300,000 for continuation of a water reuse demonstration project in Yucca Valley ($500,000) and the continuation of a water distribution system study in Twentynine Palms ($800,000), California.
10. $600,000 for ongoing activities at the Canaan Valley Institute.
11. $8,000,000 for the Southwest Center for Environmental Research and Policy (SCERP).
12. $2,600,000 for the National Institute for Environmental Renewal to establish a regional environmental data center, and to de-

H.R. 4194. VA/HUD/Independent Agencies
Appropriations Act, FY 1999

H. R. 4194

One Hundred Fifth Congress of the United States of America

AT THE SECOND SESSION

Begun and held at the City of Washington on Tuesday, the twenty-seventh day of January, one thousand nine hundred and ninety-eight

An Act

Making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 1999, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 1999, and for other purposes, namely:

TITLE I—DEPARTMENT OF VETERANS AFFAIRS

VETERANS BENEFITS ADMINISTRATION

COMPENSATION AND PENSIONS

(INCLUDING TRANSFERS OF FUNDS)

For the payment of compensation benefits to or on behalf of veterans and a pilot program for disability examinations as authorized by law (38 U.S.C. 107, chapters 11, 13, 18, 51, 53, 55, and 61); pension benefits to or on behalf of veterans as authorized by law (38 U.S.C. chapters 15, 51, 53, 55, and 61; 92 Stat. 2508); and burial benefits, emergency and other officers' retirement pay, adjusted-service credits and certificates, payment of premiums due on commercial life insurance policies guaranteed under the provisions of Article IV of the Soldiers' and Sailors' Civil Relief Act of 1940, as amended, and for other benefits as authorized by law (38 U.S.C. 107, 1312, 1977, and 2106, chapters 23, 51, 53, 55, and 61; 50 U.S.C. App. 540–548; 43 Stat. 122, 128; 46 Stat. 735; 76 Stat. 1198), $21,857,058,000, to remain available until expended: *Provided*, That not to exceed $24,534,000 of the amount appropriated shall be reimbursed to "General operating expenses" and "Medical care" for necessary expenses in implementing those provisions authorized in the Omnibus Budget Reconciliation Act of 1990, and in the Veterans' Benefits Act of 1992 (38 U.S.C. chapters 51, 53, and 55), the funding source for which is specifically provided as the "Compensation and pensions" appropriation: *Provided further*, That such sums as may be earned on an actual qualifying patient basis, shall be reimbursed to "Medical facilities revolving fund" to augment the funding of individual medical facilities for nursing home care provided to pensioners as authorized.

COURT OF VETERANS APPEALS

SALARIES AND EXPENSES

For necessary expenses for the operation of the United States Court of Veterans Appeals as authorized by 38 U.S.C. 7251–7298, $10,195,000, of which $865,000, shall be available for the purpose of providing financial assistance as described, and in accordance with the process and reporting procedures set forth, under this heading in Public Law 102–229.

DEPARTMENT OF DEFENSE—CIVIL

CEMETERIAL EXPENSES, ARMY

SALARIES AND EXPENSES

For necessary expenses, as authorized by law, for maintenance, operation, and improvement of Arlington National Cemetery and Soldiers' and Airmen's Home National Cemetery, including the purchase of one passenger motor vehicle for replacement only, and not to exceed $1,000 for official reception and representation expenses, $11,666,000, to remain available until expended.

ENVIRONMENTAL PROTECTION AGENCY

SCIENCE AND TECHNOLOGY

(INCLUDING TRANSFER OF FUNDS)

For science and technology, including research and development activities, which shall include research and development activities under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), as amended; necessary expenses for personnel and related costs and travel expenses, including uniforms, or allowances therefore, as authorized by 5 U.S.C. 5901–5902; services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the maximum rate payable for senior level positions under 5 U.S.C. 5376; procurement of laboratory equipment and supplies; other operating expenses in support of research and development; construction, alteration, repair, rehabilitation, and renovation of facilities, not to exceed $75,000 per project, $650,000,000, which shall remain available until September 30, 2000: *Provided*, That the obligated balance of such sums shall remain available through September 30, 2007 for liquidating obligations made in fiscal years 1999 and 2000.

ENVIRONMENTAL PROGRAMS AND MANAGEMENT

For environmental programs and management, including necessary expenses, not otherwise provided for, for personnel and related costs and travel expenses, including uniforms, or allowances therefore, as authorized by 5 U.S.C. 5901–5902; services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the maximum rate payable for senior level positions under 5 U.S.C. 5376; hire of passenger motor vehicles; hire, maintenance, and operation of aircraft; purchase of reprints; library memberships in societies or associations which

issue publications to members only or at a price to members lower than to subscribers who are not members; construction, alteration, repair, rehabilitation, and renovation of facilities, not to exceed $75,000 per project; and not to exceed $6,000 for official reception and representation expenses, $1,848,000,000, which shall remain available until September 30, 2000: *Provided*, That the obligated balance of such sums shall remain available through September 30, 2007 for liquidating obligations made in fiscal years 1999 and 2000: *Provided further*, 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 which was adopted on December 11, 1997, in Kyoto, Japan at the Third Conference of the Parties to the United Nations Framework Convention on Climate Change, which has not been submitted to the Senate for advice and consent to ratification pursuant to article II, section 2, clause 2, of the United States Constitution, and which has not entered into force pursuant to article 25 of the Protocol: *Provided further*, That none of the funds made available in this Act may be used to implement or administer the interim guidance issued on February 5, 1998 by the Environmental Protection Agency relating to title VI of the Civil Rights Act of 1964 and designated as the "Interim Guidance for Investigating Title VI Administrative Complaints Challenging Permits" with respect to complaints filed under such title after the date of the enactment of this Act and until guidance is finalized. Nothing in this proviso may be construed to restrict the Environmental Protection Agency from developing or issuing final guidance relating to title VI of the Civil Rights Act of 1964.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, and for construction, alteration, repair, rehabilitation, and renovation of facilities, not to exceed $75,000 per project, $31,154,000, to remain available until September 30, 2000: *Provided*, That the obligated balance of such sums shall remain available through September 30, 2007 for liquidating obligations made in fiscal years 1999 and 2000.

BUILDINGS AND FACILITIES

For construction, repair, improvement, extension, alteration, and purchase of fixed equipment or facilities of, or for use by, the Environmental Protection Agency, $56,948,000, to remain available until expended.

HAZARDOUS SUBSTANCE SUPERFUND

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses to carry out the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), as amended, including sections 111(c)(3), (c)(5), (c)(6), and (e)(4) (42 U.S.C. 9611), and for construction, alteration, repair, rehabilitation, and renovation of facilities, not to exceed $75,000 per project; not to exceed $1,500,000,000, consisting of $650,000,000

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VA HUD Conference Report

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Not later than 45 days after the date of enactment of this Act, the Administrator of the Environmental Protection Agency (EPA) shall enter into an agreement with the National Academy of Sciences (NAS) to conduct a comprehensive study of the effects of copper in drinking water on human health. Once completed, the Administrator of the EPA shall review the NAS study, and report to the Congress on what plans the agency has to review the copper action level pursuant to section 1412(b)(9) of the Safe Drinking Water Act.

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The conferees note that several programs funded through this Act conduct science and technology research that are associated partly with global climate change. To the extent that the conferees have funded this work, they have done so based on each program's individual merits of contributing to issues associated with domestic energy production, national energy security, energy efficiency and cost savings, related environmental assessments, and general energy emission improvements. The bill language is intended to prohibit funds provided in this bill from being used to implement ac-

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Privileged and Confidential – DRAFT – 2/18/99

Summary of Appropriations Restriction

The FY 1999 VA-HUD and Independent Agencies Appropriations Act establishes the following restriction on EPA expenditure of funds:

> Provided further, 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 . . .

This restriction on the use of funds has two limitations:

- Type of activities it covers -- regulatory only; and
- Purpose of activities it covers -- implementation or preparation for implementation of Kyoto Protocol only.

The restriction only covers activities of the specified type and purpose.

- In terms of the type of activities covered, the restriction is limited to the regulatory activities specifically listed in the Act -- proposing or issuing "rules, regulations, decrees, or orders." Thus, the restriction does not affect informational and other authorized Agency activities, such as EPA's voluntary programs to reduce greenhouse gas emissions.

- In terms of the purpose of the activities covered, the restriction is limited to activities for the purpose of implementation or in preparation for implementation of the Kyoto Protocol. The restriction does not bar EPA from carrying out all regulatory activities that would have the effect of reducing or that might in some measure be intended, in implementing existing authorities, to reduce greenhouse gas emissions covered by the Kyoto Protocol.

In summary, EPA may expend funds to propose or issue a rule, regulation, decree, or order for a number of purposes including the reduction of greenhouse gas emissions, as long as the expenditures are in implementation of existing law and not for the purpose of implementing or in preparation for implementing, the Kyoto Protocol.

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

COVER SHEET

Office of Congressional and Intergovernmental Relations

Phone: (202) 260-5200
Fax: (202) 260-4046
(202) 260-4372

To: Julie Anderson

Fax #: 395-2342

From: Colleen Sykes

Phone #: 7/27/99

Date: 260-0244

Pages: 5, including cover sheet

COMMENTS:

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25. +$2,000,000 to establish a regional environmental data center and coordinated information system in the Mid-Atlantic Highlands, in coordination with the Federal Geographic Data Committee and the National Spatial Data Infrastructure.

26. +$2,000,000 for the Center for the Engineered Conservation of Energy in Alfred, New York to conduct environmental performance and resource conservation research.

27. +$1,000,000 for the National Center for Animal Waste management Technologies at Purdue University.

Other Science and Technology program levels include:

1. CCTI Transportation research is funded at the 1999 level of $27,000,000.
2. Global Change research is funded at $17,051,000, slightly above the 1999 level.
3. The new Coastal Environmental Monitoring program has not been funded.
4. Project EMPACT is funded at the 1999 level of $6,400,000.
5. Clean Water Action Plan related research is funded at $3,800,000, an increase of $2,400,000 above the 1999 level.

For Science and Technology, no general reduction is proposed.

In addition to the funds provided through appropriations directly to this account, the Committee has recommended that $35,000,000 be transferred to "Science and Technology" from the "Hazardous Substance Superfund" account for ongoing research activities consistent with the intent of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended.

Again this year, the Committee notes that the Experimental Program to Stimulate Competitive Research (EPSCoR) is designed to improve the scientific and technological capacity of states with less developed research infrastructure. Developed with NASA and the National Science Foundation as partners, the Committee has provided EPA with $2,500,000 for its continued participation in this program.

The Committee has provided an additional $5,000,000 for endrocrine disrupter research, bringing the total funding level to $17,700,000. The Committee expects these funds to be used by the Office of Research and Development in conjunction with the Endocrine Disrupter Screening Program to improve, standardize and validate the recommended Tier I screens and Tier II tests to appropriately protect public health and reduce the instances of false positives. For the public to have confidence in information developed under the EDSP, the screens and tests must produce credible, replicable results.

The Committee is aware of the potential of carbon sequestration through proper application of agricultural conservation practices to show or reduce the build-up of greenhouse gases in the atmosphere, and has collateral benefits of erosion abatement and increased soil fertility. The Agency is thus strongly encouraged to provide up to $1,000,000 from within available funds to create the databases and analysis necessary to help establish programs and technologies to achieve an effective carbon sequestration program.

a comprehensive training program on commercialization best practices for EPA and other Federal officials.

Other Environmental Programs and Management activities, funded at the fiscal year 1999 program level, include:

1. $88,800,000 for CCTI Buildings;
2. $4,800,000 for CCTI Transportation;
3. $18,600,000 for CCTI Industry;
4. $7,400,000 for CCTI International Capacity Building;
5. $6,200,000 for partnerships with countries;
6. $7,700,000 for EMPACT;
7. $48,500,000 for compliance monitoring;
8. $81,800,000 for civil enforcement;
9. $8,800,000 for enforcement training;
10. $19,500,000 for human resources management;
11. $4,200,000 for information management-right-to-know programs;
12. $133,400,000 for facility operations; rental and lease activities;
13. $12,900,000 for toxics programs/chemical data collection and screening;
14. $23,700,000 for criminal enforcement activities.

The Committee has provided no funds for the Multilateral Fund, for Sustainable Development Challenge Grants, and for the new Urban Environmental Quality and Human Health program. In addition, the Committee has reduced the funding available for contracts and grants by $40,183,000, and has directed a reduction in payroll costs of $35,000,000. This later reduction will result in no reduction-in-force requirement and can be achieved through continuation of the current EPA hiring freeze until normal attrition brings the Agency to the proper personnel level. This new level is expected to be more in line with the personnel level contemplated in this and in the fiscal 1999 funding measure.

Again this year, the Committee has provided the statutory funding level for the National Environmental Education and Training Foundation. In addition, the Committee expects the Agency to fund each of the Environmental Finance Centers at a level of $1,250,000, an increase of $310,000 over the level proposed in the budget submissions; and encourages the Agency to provide from within available funds the resources necessary to accelerate completion of the lead safety sampling technician course to meet the urgent need for individuals trained to perform visual inspection and sample dust, soil, and paint chips in high-risk housing and as needed for clearance after painting and remodeling.

The Committee has provided the full budget request for registration and re-registration activities performed by EPA. The Committee is aware of the importance of the Food Quality Protection Act and the need to make the registration of new products an Agency priority. Faster review and approval of registration applications will allow safer, more environmentally friendly products on the market sooner and ensure that farmers have the ability to protect their crop.

In addition to funds provided to the NRWA, RCAP, the GWPC, NETC, and the Small Flows Clearinghouse, the Committee has provided $1,250,000 for the National Onsite Water Demonstration about Brownfields, urban sprawl, empowerment zones, and redevelopment. In addition, there was little if any opportunity prior to the release of the guidance for any public or stakeholder input. Therefore, the Committee provided in the fiscal year 1999 Appropriation Act that no funds be used to implement the interim guidance. Identical bill language to continue this prohibition has also been included in the fiscal year 2000 Act.

At this point, there does not appear to be a clear strategy to resolve this issue. A FACA Committee was established and has met on several occasions, but has not appeared to have resolved any of the major issues on how the Agency should handle Title VI complaints. Currently, the Agency is in the process of establishing a new stakeholder process for input on some of these same contentious issues. In addition, in testimony before the Committee, the Administrator indicated that the Agency intends to promulgate a rulemaking. However, at the same time, other Agency officials have indicated that EPA intends to promulgate only guidance. Still other agency officials have expressed desire to promulgate two different sets of guidance—one internally and one externally. The Committee is deeply concerned that there may be conflicts between the internal and external guidance that will make it difficult to resolve complaints in a fair and efficient manner. Equally important, developing internal guidance before final guidance has been subjected to full public comments conflicts with Congressional intent.

On January 20, 1999, the General Counsel of the United States General Accounting Office issued an opinion (B–281575) that EPA's Interim Guidance clearly affects the rights of non-Agency parties and constitutes a "rule" under the Small Business Review and Enforcement Fairness Act (SBREFA), which is subject to Congressional review. If the Agency intends to promulgate guidance rather than a rulemaking, procedural requirements of a rulemaking should be followed including input from the small business community, sufficient time for notice and comment, published response to comments provided to the agency, interagency review, and analysis of any unfunded mandates on State and local governments. The Committee is very concerned that there be sufficient time for review of any new guidance given the lack of stakeholder review prior to the release of the Interim Guidance last year. In addition, the Committee requests that EPA examine successful State and local programs as model programs, and look at the possibility of delegating initial review and resolution of Title VI claims to States with such established model programs.

The Committee has also again this year included bill language which prohibits the use of funds to take certain actions for the purpose of implementing or in contemplation of preparing to implement, the Kyoto Protocol. The Committee is concerned with reports that, during the past year, the Agency may have strayed across the fine line separating education from advocacy. Although the Agency may under the current prohibition continue to conduct educational seminars and activities, if should ensure balance in those programs. Balance does not mean merely that there is an acknowledgment of viewpoints different from those of the Administration, but that qualified representatives of those viewpoints are included in the programs and in numbers roughly equal to the participants

representing the Administration's positions. One dissenting voice in what is otherwise an obviously stacked or biased program does not constitute balance.

The bill language is intended to prohibit funds provided in this bill from being used to implement actions called for under the Kyoto Protocol, prior to its ratification. Based on an identical provision in the 1999 Appropriations Act, the bill language prohibits the development of rules, regulations, decrees, orders, and non-regulatory actions, such as programs or initiatives, for the purpose of implementing, or in contemplation of implementing, directly or indirectly the Kyoto Protocol.

The Byrd-Hagel Resolution (S. Res. 98), which passed with a vote of 95–0 in July 1997, remains the clearest statement of the will of the Senate with regard to the Kyoto Protocol. Through the prohibition contained herein, the Committee is committed to ensuring that the Administration not implement the Kyoto Protocol without prior Congressional consent, including approval of any implementing legislation, regulation, programs or initiatives.

It has come to the attention of the Committee that the Agency is proposing to add 40 new ambient air toxics monitors during fiscal year 2000 to the 19 monitors which have already been funded. Because of the potential significance of the information to be gained from this monitoring program and the potential investment needed, the Committee believes that it is important for the Agency to have a well developed plan in place to direct the installation and operation of any new monitors. As a result, the Committee directs EPA to develop a comprehensive plan to guide the Agency's efforts in establishing a monitoring program for air toxics. The plan should describe in detail the overall goals and objectives of the monitoring program, including whether the data generated will be used to: (1) characterize ambient concentrations and the public's exposure to air toxics at the national, regional or local level; (2) quantify public health risks at the national, regional, or local level; (3) guide regulatory decisions; (4) evaluate and improve emissions inventories; (5) validate dispersion models; and/or (6) help identify sources of emissions.

Once the objectives and goals have been determined, the plan should provide information on: (1) the number of monitors and measurements that will be needed to satisfy these goals; (2) the specific pollutants to be measured and the ability of the present technology to make measurements for the specific pollutants; and (3) the approximate level of investment needed over time to meet the program's goals and objectives. It is important that the plan include a realistic assessment of the amount of data likely to be generated given existing and anticipated budgetary expenditures, a timeline for when the data will be available for analysis, and an assessment of the likely usefulness of the data in drawing statistically valid estimates of the public's exposure to air toxics on a national or regional level.

If the data generated from the monitoring program are expected to support regulatory decisions, the plan should list the specific regulatory programs impacted or expected to be impacted and describe in detail how the data will be used to guide decisionmaking. Given the likely strengths and limitations of the data, the plan

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Montreal Protocol

SUPPORT FUNDING FOR THE STRATOSPHERIC OZONE MULTILATERAL FUND IN EPA FY 2000 APPROPRIATION

The Alliance for Responsible Atmospheric Policy, the largest industry coalition involved on the issue of stratospheric ozone protection, urges the continued funding of the US treaty obligations to the Stratospheric Ozone Protection Multilateral Fund.

The Administration budget request for FY 2000 is $21 million in the EPA budget. This amount, plus funding under the State Department budget would allow the US to meet its year 2000 treaty obligations and to allow it to make up its arrears to the fund. FY 99 funding for this activity in the EPA budget was approximately $12 million.

Industry supports this fund for several simple reasons. First, the fund to assist developing countries in the phase out of ozone depleting substances was part of the original bargain when the Montreal Protocol was negotiated in the late 1980s. Indusry has been supportive of this treaty because it assured world wide compliance rather than damaging unilateral action.

Second, the developing country phase out of these compounds is the last critical step towards restoring the Earth's protective stratospheric ozone layer, without developing country phaseout the environmental objective cannot be completed.

Third, US industry has invested billions of dollars in substitute technologies to replace the ozone depleting compounds. The Multilateral Fund is designed to facilitate the shift to these new technologies. If the US does not meet its treaty obligations, it puts US industries at a disadvantage against competitors from Japan and Europe.

Fourth, US industry has been taxed more than $6 billion in excise taxes since 1990 on the ozone depleting compounds! Total contributions to the Multilateral Fund since 1991 have been less than $300 million!

The international effort to protect the earth's stratospheric ozone layer has been one of the most successful global environmental protection efforts ever, with an unprecedented level of cooperation between and among governments and industry. To not fulfill our treaty obligations at this time is bad environmental policy, hurts US credibility around the world especially in important developing country emerging markets, and is self-destructive towards US industry and workers who have, in effect, already paid for this contribution.

The Senate Appropriations Committee is urged to restore the funding for this important United States treaty obligation. A list of the Alliance members is attached. Please contact us if you have further questions regarding this matter.

9/99

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1998 - 1999 MEMBERSHIP LIST

3M Company
Abco Refrigeration Supply Corp.
Aeroquip Corporation
Air Conditioning Contractors of America
Air Conditioning & Refrigeration Institute
Air Conditioning & Refrigeration Wholesalers Association
Air Mechanical, Inc.
Alliance Pharmaceutical Corp.
AlliedSignal Inc.
Altair Industries
American Pacific Corp.
Anderson Bros. Refrigeration Service, Inc.
Arthur D. Little, Inc.
Ashland Oil
Association of Home Appliances Manufacturers
Ausimont USA Inc.
Bard Manufacturing Co.
Beltway Heating & Air Conditioning Co. Inc.
Branson Ultrasonic Corp.
Cap & Seal Company
Carrier Corporation
Central Coating Company. Inc.
Cetylite Industries, Inc.
Chemical Packaging Corp.
Chemtronics. Inc.
Commercial Refrigerator Manufacturers Association
Commodore CFC Services. Inc.
Copeland Corporation
Dow Chemical U.S.A.
Dupont
E.V. Dunbar CO.
Elf Atochem
Engineering & Refrigeration, Inc.
Envirotech Systems
Falcon Safety Products, Inc.
Foam Enterprises, Inc.
Foamseal, Inc.
Food Marketing Institute
Ford Motor Company
Forma Scientific
FP International
GE Appliances
Gebauer Company
General Electric Company
General Motors
Gilman Corporation
H. C. Duke & Son, Inc.
Halogenated Solvents Industry Alliance
Halotron Inc.
Halsey Supply Co., Inc.
Hill Phoenix
Hudson Technologies, Inc.
Hussmann Corporation
ICI Klea
IMI Cornelius Company
Institute of International Container Lessors
International Assoc. of Refrigerated Warehouses
International Pharmaceutical Aerosol Consortium
Joint Journeymen And Apprentice Training Trust
Johnson Controls
Joseph Simons Company
Kysor Warren
Lennox International
Lintern Corporation
Luce, Schwab & Kase, Inc.
MARVCO Inc.
Maytag Corporation
McGee Industries, Inc.
MDA Manufacturing
Mechanical Service Contractors of America
Merck & Co., Inc.
Metl-Span Corporation
Mobile Air Conditioning Society
Montgomery CO. Schools
Nat. Assoc. Of Plumbing-Heating-Cooling Contractors
National Refrigerants, Inc.
New Mexico Engineering Research Institute
North American Fire Guardian
North Carolina State Board of Refrigeration Examiners
Northern Research & Eng. Corp.
NYE Lubricants, Inc.
Owens Corning Specialty & Foam Products Center
Polyisocyanurate Insulation Manufacturers Association
Polycold Systems International
Refrigeration Engineering, Inc.
Refron
RemTec International
Revco Scientific
Ritchie Eng. Co., Inc.
Robinair Div., SPX Corp
Salas O'Brien Engineers
Sexton Can Company
South Central Co., Inc.
Society of the Plastics Industries
Sporlan Valve Co.
Stoelting, Inc.
Sub-Zero Freezer Co., Inc.
TAFCO Refrigeration Inc.
Tech Spray, Inc.
Tecumseh Products Co.
Tesco Distributors, Inc.
Thermo-King Corporation
Thompson Supply Co.
Tolin Mech. Systems Co.
Total Reclaim, Inc.
Trane Company
Tu Electric
Tyler Refrigeration Corp.
Union Chemical Lab, ITRI
United Refrigeration, Inc.
Unitor Ships Service, Inc.
Valvoline Company
Vulcan Chemicals Co.
Wei TO Associates, Inc.
Whirlpool Corporation
White & Shauger, Inc.
W.M. Barr and Company
Worthington Cylinder
W.W. Grainger
York International Corp.
Zero Zone Ref. Mfg.

- No leg at the time
- 1990 CAAA - Title VI authorized stuff.

signed 9/16/87
senate 4/21/88
unanimously voted out 3/14/88

Montreal Protocol

- Started off modestly in 1987 requiring a 50% reduction in 5 CFCs and a freeze in 3 halons. Now requires the total phase out of over 100 substances that deplete the ozone layer
- Amended 3 times - (1990, 1992, and 1997) with fewer and fewer parties ratifying (127, 87, 10)
- Calls for a phased reduction and elimination of chemicals from a historic baseline - countries are then free to decide how to reduce.
- Includes restrictions on trade with non-parties, a non-compliance regime, and an essential use provision. It works!
- With the exception of Russia and to a much smaller degree some of the other CEITs, developed countries have phased out of the major CFCs on time or ahead of schedule
- Developing countries (listed) are given a "grace period" to comply - but they are phasing out with assistance from a Multilateral Fund

What is the Multilateral Fund?

- Established in 1990 by the London Amendment to the Protocol to enable the 120 plus developing country parties to meet their obligations. Obligations tied to funding by the Protocol
    - Pays the "incremental cost" of projects that reduce ozone depleting substances (ODS)
    - Fund budget is approximately $155m/year.
    - Funds provided by 39 developed country donors based on modified UN scale
    - US contribution - $38.8m/yr; US CY/FY arrears - $23m; 99 approps $11.3m EPA, $34.5m DOS
    - Funds managed by an Executive Committee (7 developed and 7 developing countries) that review/approve projects. US is chair of the Executive Committee this year
    - Projects developed/implemented by UNDP. UNIDO, UNEP and World Bank Over 2000 activities in over 125 countries

During 1999, the Parties will be considering replenishment of the Fund for the 2000-2002 period

Before we talk about the money, lets talk about accomplishments

-- How has the Fund been Doing? How is the Phase out Going?

CFCs

Obligation: freeze in 1999 at 95-97 levels, 50% reduction in 2005, 85% in 2007, 100% in 2010

- In 1993, the year the Fund started funding projects in earnest, CFC consumption in developing countries was 161,000 tonnes

- In 1997, the last year for which we have good data, it was 130,000 tonnes

- By 2001, when all of approved projects are implemented, we should be at 75-85k tonnes, a 45-55% decrease over 93 levels. This compares with 1999-2005 freeze requirement

- Top 18 consumers consume 85%. 13th largest has under 700 tonnes left - our MDIs are 3000

- We have also agreed to phase out half of the developing country CFC production capacity
  3,000 tons - U.S. exemption because of MDIs

Halons

Obligation: 2002 freeze at 95-97 levels, 50% reduction by 2005, phase out by 2010

- In 1993, developing countries consumed 42,000 tonnes of halons

- By 2000, because of the Fund, developing country consumption will be 18k tonnes or less: This 58% reduction compares with a freeze obligation in 2002 and a 50% reduction in 2005.

Methyl Chloroform

Obligation: freeze in 2003 at 98-00 levels, 30% reduction in 2005, 70% in 2010, 100% in 2015

- In 1993, developing countries consumed 4100 tonnes - In 1997, they consumed 1800 tonnes

- This 55% reduction compares with an obligation to freeze by 2003

Other Controlled Substances

Carbon tetrachloride, Methyl Bromide are just initiating Fund work; HCFCs, a transitional replacement for CFCs can be used by developing countries until 2040.