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California Capitol Hill Bulletin

Volume 5, Bulletin 22 -- June 25, 1998

To expand communications between Washington and California, the California Institute provides periodic faxed bulletins regarding current activity on Capitol Hill which directly impacts our state. Bulletins are published weekly during sessions of Congress, and occasionally during other periods. The e-mail edition is made possible in part by a computer server donation from Sun Microsystems.

CONGRESS RECESSES

Congress has adjourned for a week-long recess coinciding with the Fourth of July. The House plans to be in the district until July 14th and the Senate plans to return a week sooner on July 7th.

WAYS AND MEANS ENDORSES MFN FOR CHINA

As expected, the House Ways and Means Committee on Thursday endorsed President Clinton's extension of Most-Favored Nation status to China for another year. MFN places China on the same footing with almost all other U.S. trading partners, greatly reducing tariffs which otherwise would be imposed on the \$75 billion annual trade between the two countries.

By voice vote, the Committee rejected H.J.Res. 121, which would have disapproved the extension, and voted to report the resolution to the full House unfavorably. Congress has 90 days to override the President's decision by passing the resolution of disagreement in both houses. If it does so, the President can veto that resolution, leaving it to Congress to try and override the veto with the 2/3rds vote needed. With the Ways and Means Committee action today, however, the chances of disapproving the President's decision to again provide China with MFN status is improbable.

California's trade with China pumps adds \$6.5 billion to the state's economy annually and supports 122,000 workers throughout the state. California companies that rely on export trade strongly support China-MFN and seek to permanently extend it to avoid having to obtain annual renewals.

APPROPRIATIONS FOR CALIFORNIA MOVE FORWARD

As Congress adjourned for the 4th of July congressional work period, it rushed to pass as many of the 13 appropriations bills as it could before leaving. Several of them, including those detailed below, contain key funding items for California.

SALTON SEA

The House VA-HUD Appropriations bill contains \$16 million in funds to restore the Salton Sea. According to Rep. Mary

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Bono (Palm Springs), Chair of the Salton Sea Task Force, \$2 million will be used for an environmental restoration study on the future of the Salton Sea to be done by the University of Redlands Department of Environmental Studies. \$10 million will be allocated to the Salton Sea Authority, a California joint powers authority that is the lead agency in restoration efforts to save the sea. The final \$4 million is earmarked for the Imperial Irrigation District New River Environmental Restoration Project.

The full House is expected to consider the authorization bill to restore the Salton Sea, H.R. 3267, the Sonny Bono Memorial Salton Sea Reclamation Act, the week of July 14, when it returns from recess.

OTHER VA/HUD/INDEPENDENT AGENCIES APPROPRIATIONS

On Thursday, both the Senate and House Appropriations Committees approved their Subcommittee's spending plans for FY99. The House bill (unnumbered) provides \$70.897 billion in discretionary spending and the Senate (S. 2168) proposes funding of discretionary programs at \$69.989 billion. The President's FY99 request was \$70.2 billion.

Before passage, the House Appropriations Committee approved an amendment to increase the FHA loan limit range from \$101,250 to \$170,363 in high-cost areas to a range of \$109,032 to \$197,620. The Senate bill already contains an identical provision. President Clinton had requested eliminating the current variable range and raising all areas to an FHA loan limit of \$227,150. *See Bulletin 19, Vol. 5 -- 6/4/98.*

The Committee also adopted another amendment, offered by Rep. Dan Miller (FL), to include report language (EPA has jurisdiction over pesticides), "The Committee is concerned that the approaching phase-out of methyl bromide will have a significant negative impact on American agriculture. The current 2001 phase-out date for the United States will place American farmers at a distinct competitive disadvantage with foreign growers who will continue to have access to the substance (methyl bromide) as late as 2015 . . ." (For more on methyl bromide, *see, Bulletin, Vol. 5, No. 20, (6/11/98.)*) The Senate report (S Rept 105-216) does not appear to contain similar language.

BAY-DELTA

The House passed its \$21.1 billion Energy and Water Appropriations bill (H.R. 4060) on Monday by a vote of 405-4. Included in the bill is \$75 million for the Bay-Delta estuary restoration project. The Senate included \$65 million in its energy and water bill last week. *See, Bulletin, Vol. 5, Nos. 19 (6/04/98) & 20 (6/11/98).* It will be up to the conference committee to determine the final figure. Last year, Bay-Delta was funded at \$85 million.

REIMBURSEMENT FOR INCARCERATION OF ILLEGAL CRIMINAL ALIENS

The House Commerce, Justice, State Appropriations Subcommittee included \$585 million to reimburse the states for the costs of incarcerating illegal criminal aliens. This figure is the same as was appropriated last year for FY98 after a House-Senate conference committee compromised between the House's \$600 million appropriation and the Senate's \$500 million. California received about 45 percent of the \$500 million in FY97 funds distributed in May. *See, Bulletin, Vol 5, No. 18 (5/21/98).* Nevertheless, the state now reports that it spends \$663 million annually to incarcerate illegal criminal aliens.

AGRICULTURE

The House passed its \$55.9 billion spending plan (H.R. 4101) for agriculture on Wednesday, after considering several amendments, including one to eliminate the Market Access Program (MAP). In April, 24 members of the California congressional delegation signed a bipartisan letter to Speaker Gingrich supporting the Market Access Program (MAP). *See Bulletin, Vol. 5, No. 15 (4/23/98).* Rep. Ed Royce (Fullerton) offered the floor amendment to eliminate MAP, which was established in 1990 to increase U.S. exports by developing and expanding overseas markets for U.S. agricultural commodities and products. California leads the nation in agriculture exports, shipping more than 30% of its agriculture production abroad and receives about 40% of the MAP funds. The House defeated the amendment, 118-307. Before passage of the entire measure, the House also adopted an amendment prohibiting the Food and Drug Administration (FDA) from testing, developing, or approving drugs that induce abortion. Senate consideration of their \$56.8 billion agriculture spending bill (S. 2159) is expected in July.

LABOR/HHS/EDUCATION

The Appropriations Subcommittee on Labor, HHS and Education marked up its funding bill on Tuesday, shifting funds among departments. The bill would fund the Labor Department at more than \$1 billion less than in 1998 (with most of the reductions coming from JTPA's summer youth program), but would boost funding over 1998 levels for the Departments of HHS and Education by more than \$1 billion on both counts.

As compared to last year's levels for the Department of Education, the bill would level fund safe and drug free schools, technology for education, bilingual/immigrant education and the \$7.5 billion title I education program for the disadvantaged (though funds would be shifted within title I accounts). The bill would boost funds for special education by \$500 million to \$5 billion, raise TRIO funding by \$70 million to \$530 million, and raise impact aid funds by \$40 million to \$848 million. It would also halve funding for the President's Goals 2000 initiative, reduce Eisenhower professional development funds by \$50 million, and eliminate Perkins capital contribution funds and star schools. Within the Title I program, some subprograms would increase while others would decline.

At HHS, the bill would eliminate the entire \$1.3 billion funding the low-income home energy assistance program, or LIHEAP, while boosting many other programs, including a \$1.2 billion increase over 1998 levels for the National Institutes of Health. Also slated for increases would be the substance abuse block grant (\$275 million), consolidated health centers (\$100 million), AIDS health services (\$181 million), childhood immunizations (\$140 million), Medicare contractors (\$114 million), and Head Start (\$153 million).

For more detail, see the Appropriations Committee website breakout at <http://www.house.gov/appropriations/fact.htm>.

HOUSE COMMERCE REPORTS BIOMATERIALS LIMITATION OF LIABILITY BILL

The House Commerce Committee on Wednesday favorably reported, by voice vote, H.R. 872, the Biomaterials Access Assurance Act. The House Judiciary Committee reported the bill on April 1. *See, Bulletin, Vol. 5, No. 16 (5/7/98)*. H.R. 872 makes it easier for suppliers of materials used in the manufacture of medical devices to be dismissed from medical malpractice suits brought against manufacturers and others, if their materials met the manufacturer's specifications. It also ensures that negligent or intentionally tortious suppliers can be brought back into a case if subsequent evidence warrants it. The legislation is strongly supported by California's biomedical technology industry.

SECURITIES LITIGATION BILL ADVANCES IN HOUSE

On Wednesday, the House Commerce Committee favorably reported, by voice vote, H.R. 1689, the Securities Litigation Uniform Standards Act of 1997. The bill, aimed at closing a loophole in the 1995 securities litigation reform law, requires plaintiffs to bring class-action securities fraud lawsuits concerning nationally traded securities in federal court. Since the enactment of the 1995 Act, plaintiffs' lawyers have begun to get around the stricter standards of the new law by bringing suit in state courts, which generally have looser pleading standards and discovery rules.

During consideration the Committee approved, by voice vote, an amendment by Rep. Diana DeGette (CO) which requires the Securities and Exchange Commission to report to Congress annually for three years on the impact the legislation is having on the conduct of securities litigation. The Committee also adopted an amendment by Chairman Thomas Bliley (VA) that reauthorizes the Securities and Exchange Commission for Fiscal Year 1999.

The bill is expected to go to the House floor after Congress returns on July 14. Although H.R. 1689 is very close to the version passed in the Senate (S. 1260), by a vote of 79-21, on May 13, (*see Bulletin, Vol. 5, No. 17 (5/14/98)*), it is expected that a conference committee will be needed to iron out some details, including whether class action suits relating to mutual funds will be removable to federal court.

TAUSCHER TAKES NATIONAL SECURITY SLOT; BONO GETS JUDICIARY SUBCOMMITTEE ASSIGNMENTS

The House appointed Rep. Ellen Tauscher (Pleasanton) to the National Security Committee on Wednesday, while filling three seats held by Democrats. In order to take the assignment, Rep. Tauscher has resigned from the Science Committee.

Rep. Mary Bono (Palm Springs) has received her subcommittee assignments from the House Judiciary Committee. She will serve on the same subcommittees as her late husband, Sonny: Courts and Intellectual Property; and Immigration.

BANKING COMMITTEE BEGINS MARK UP OF DISASTER INSURANCE BILL

The House Banking Committee on Thursday began its mark up of H.R. 219, the Homeowners' Insurance Availability Act of 1997. A substitute manager's amendment to the bill as reported by the Subcommittee was the underlying vehicle at the markup. The amendment creates a federal reinsurance program for states that have established state insurance programs to ensure residential properties against major natural disasters, such as earthquakes and hurricanes. Under the program, the Treasury Department would auction reinsurance coverage contracts to private insurers, reinsurers, and state insurance and reinsurance programs to spread the risk of loss from a natural disaster. The federal program is triggered when a state's program pays out on losses of at least \$2 billion; the government's maximum liability under the bill would be \$25 billion.

During Thursday's consideration, the Committee considered about half of the 33 amendments pending to the legislation. The Committee accepted by a vote of 30-12 an amendment that changes from mandatory to optional the requirement that the Treasury Secretary reduce the loss trigger below \$2 billion if the state's claims paying capacity has been reduced because of covered losses. It defeated an amendment by a vote of 20-28 that would have required Treasury to determine annually if the private insurance market could adequately provide coverage, and to terminate the federal program if it found that it could.

The Committee also defeated by voice vote an amendment offered by Rep. Tom Campbell (Campbell) that would have extended the federal program to public institutions, such as universities and hospitals. It adopted an amendment by voice vote that extends the program's coverage to volcanic eruptions. The Committee is scheduled to reconvene the markup on July 15, after returning from the congressional recess.

COMMERCE COMMITTEE APPROVES BORDER SMOG REDUCTION ACT

The House Commerce Committee approved H.R. 8 by voice vote on Wednesday, after passage of the measure by the House Commerce's Health and Environment Subcommittee last Friday. H.R. 8, the Border Smog Reduction Act of 1998, is authored by Rep. Brian Bilbray (San Diego) and co-sponsored by a bipartisan group of 12 members of the California congressional delegation.

As approved by the Commerce Committee, H.R. 8 requires the federal government to deny entry to any foreign, noncommercial vehicle operated by a "commuter" into a U.S. ozone nonattainment area, if the vehicle is not in compliance with state laws governing motor vehicle emissions. To address the concerns of other border states, the bill was amended at the mark-up to apply only to "border-contiguous non-attainment areas" in California. But H.R. 8 also allows other Mexican-border states to choose to join the program, or to work with the federal government to design their own program. According to the measure, a commuter is a U.S. citizen, permanent resident, or alien who holds a valid work or educational study visa. H.R. 8 would allow two entries and a 6 month grace period to obtain certification that the vehicle meets the state's inspection and maintenance requirements.

At the mark-up, the Committee also approved an amendment by Rep. Brown (OH) that will require the GAO to study the effect of increased vehicle and commercial traffic on ozone nonattainment areas as a result of NAFTA. Rep. Brown said he is concerned about the effect commercial vehicle traffic, in addition to commuter vehicles, have on air quality.

Last fall, the Subcommittee held a field hearing in San Diego to discuss the impact of commuter vehicles on transborder air pollution. The San Diego Air Pollution Control District estimates that about 7,000

of the approximately 45,000 vehicles crossing the San Ysidro border daily are commuter vehicles and may represent 13% of the region's total vehicle air pollution.

Rep. Bilbray said he expects the House to take up H.R. 8 in sometime in July.

HOUSE BUDGET TASK FORCE EXAMINES BUDGETING FOR DISASTERS

Tuesday afternoon the House Budget Committee Task Force on Budget Process Reform examined how federal and state governments budget for emergency spending at the third of a series of hearings to examine the congressional budget process.

Federal Emergency Management Agency (FEMA) Director James Lee Witt testified on FEMA's expenditures and appropriations, as well as its mitigation programs and other cost-cutting initiatives. Director Witt said the primary mechanism for funding FEMA's disaster response and recovery programs are supplemental appropriations. Over the past ten years, FEMA has received \$2.9 billion in regular appropriations for disaster relief; over the same time period, Congress provided FEMA with \$21.9 billion in disaster relief through supplemental appropriations. Beginning in FY97, FEMA began budgeting for disasters by measuring the constant dollar five-year average level of obligations from the Disaster Relief Fund (excluding the Northridge earthquake). Director Witt also advocated mitigation, including the Administrations' Project Impact and a post 1993 Midwest floods property buyout program, to better plan for and reduce the overall cost of disasters.

Deputy Director James Blum and Theresa Gullo of the Congressional Budget Office (CBO), and Keith Bea of the Congressional Research Service (CRS) testified on state and federal budget processes for emergency spending. They presented several issues to consider, as well as previously proposed options to change the budgetary treatment of emergency spending. Among the suggestions discussed were: eliminate the Budget Enforcement Act emergency spending exemption and require emergency spending to be offset; set spending caps or require a supermajority vote to approve emergency spending; establish specific criteria for declaring an emergency or designating emergency spending; and create a "rainy day" or reserve fund for emergency spending.

Reps. Stenholm (TX) and Minge (MN) co-chair the House Budget Reform Task Force, and Task Force member Rep. Lynn Woolsey (Petaluma) participated in the hearing.

DISASTER MITIGATION MEASURE ADVANCES

On Thursday, the House Transportation and Infrastructure Committee approved by voice vote H.R. 3869, the Disaster Mitigation Act of 1998, in addition to several measures to name federal buildings and one bill to reauthorize the Federal Aviation Administration (FAA).

The Disaster Mitigation Act authorizes federal funding for pre-disaster mitigation projects and would also make "streamlining and cost reduction" changes to the public assistance program. Thursday's action by the Committee comes after several hearings this spring that led to the amendments to the Stafford Disaster Relief and Emergency Assistance Act. *See Bulletin, Vol. 5, Nos. 16 (5/7/98), 11 (3/27/98), and 3 (1/29/98).*

H.R. 3869 authorizes \$180 million for pre-disaster hazard mitigation for three fiscal years (\$50 million in FY98; \$60 million in FY99; and \$70 million in FY00). The House Appropriations Committee funded, under FEMA, \$30 million for pre-disaster mitigation, the same as in FY98; the Senate Appropriations Committee approved \$25 million.

HOUSE COMMERCE REPUBLICANS RELEASE DRAFT ELECTRICITY DEREGULATION PLAN

According to Capitol Hill press reports, this week House Commerce Energy and Power Subcommittee Chairman Schaefer (CO) and Reps. Paxon (NY), Largent (OK), and White (WA) came together to produce a draft bill for electric utility restructuring.

This spring, California became the first state to fully implement competition in electricity generation. The draft legislation apparently includes a broad grandfathering provision that would not interfere with the existing state electricity deregulation program. The draft also allows each state to decide how to handle

stranded costs, except for contracts under PURPA. There are no hearings or mark-ups currently scheduled to hear the proposal.

In related news, California Secretary of State Bill Jones announced on Wednesday that an initiative to amend California's electricity deregulation program had qualified for the November 3, 1998 ballot. The initiative would cut electricity rates 20% for small customers by January 1, 1999. Under current law, small customers received a 10% rate cut that began January 1, 1998. The unnumbered initiative also would prevent utilities from charging ratepayers to recover costs for bond payments or nuclear power plants and prohibit issuance of rate reduction bonds. In May, opponents of the initiative filed for an injunction in federal court to reject the measure before it goes before the voters. Please visit the California Secretary of State's web site at <http://www.ss.ca.gov/> to learn more about the initiative.

SENATE LABOR ENDORSES HEAD START/CSBG RENEWAL BILL

In a bipartisan effort, the Senate Labor and Human Resources Committee unanimously approved S. 2206, a measure to renew the Head Start, Community Services Block Grant, and Low-Income Home Energy Assistance programs, as well as to create a new, five-year, \$100 million, tax-free individual savings, federal-matching program for low-income persons named the "Assets for Independence Act."

The Committee by voice vote approved two amendments to the bill. In recognition of retiring Senator Dan Coats (IN), the Committee moved to name the legislation after him. Sen. Dodd (CT) also offered, and the Committee approved, an amendment to allow the Secretary to give priority to a non-profit application under the Head Start grant program, if a for-profit and non-profit application are of "equivalent quality." S. 2206 also amends current law to allow for-profit organizations to participate in the Head Start program and faith-based programs to participate in the Community Services Block Grant program. The bill also increases the amount of funds set aside for Early Head Start programs, as well as requiring more stringent qualifications for Head Start staff. Each state would be required, under S. 2206, to initially receive the same level of funding for Head Start as it did in FY98, instead of based on the current law's index of fiscal year 1981. California is estimated to receive about \$509 million for FY98.

Earlier this month, the House Education and Workforce Committee held hearings to discuss suggested changes to the Head Start and Community Services Block Grant programs. *See, Bulletin, Vol 5, No. 20, (6/11/98).*

HOUSE COMMITTEE NARROWLY APPROVES DOLLARS TO THE CLASSROOM ACT

The House Committee on Education and the Workforce narrowly approved H.R. 3248, the Dollars to the Classroom Act, by a final roll call vote of 19-18. The legislation would consolidate 31 programs into a single \$2.7 billion block grant with the requirement that 95% of these funds be allocated for specific classroom use. H.R. 3248 would provide an additional \$800 million in federal dollars for classroom instruction and allow states greater latitude in educational improvements.

According to the Committee, the purpose of the bill is to decrease the amount of money used for administration and bureaucracy, while increasing the funds for priority issues such as school safety, technology, teacher improvement, and school reform.

Arguments against the bill centered on the issue that greater control over educational funds should not be in the authority of state and local officials, because they already control 92 percent of the jurisdiction over funding. Nor, opponents argue, as a result of the increased flexibility in decision-making among state and local officials, does the bill provide an effective system of accountability to ensure that funds are targeted according to degree of need.

The arguments in favor of the legislation emphasized how funds given directly to schools are central to changes being implemented. Additionally, proponents argue that the bill would decrease the amount of red tape and bureaucracy that state and local officials encounter in order to receive necessary funds. Chairman Goodling (PA) noted that more funds from this grant would be targeted to disadvantaged youth in poverty-stricken rural and urban areas. Also, the bill would guarantee that no state would lose any money and would

utilize a formula based partially on funds for Title I programs and in part on the percentage of 15-17 year-olds in the state.

According to the Committee, by consolidating the 31 programs under the act and reducing restrictions that barred many schools from applying for the existing grant programs, local schools will receive \$800 million in additional federal education funds. This translates into \$9,300 per public school or \$425 per classroom.

HOUSE SUBCOMMITTEE ON WATER AND POWER HOLDS HEARING ON AUBURN DAM SITE AND TRANSFER; APPROVES BILL 10-3

On Thursday, the House Subcommittee on Water and Power held a hearing on the Auburn Dam site and transfer. Additionally, Chairman John Doolittle (Rocklin) presented his bill, H.R. 4111, which proposes to do three things: transfer the Auburn Dam site to the state of California; create more outlets into Folsom Dam; and build a flood-control dam on the north fork of the American River rather than raise downstream American River levees. Reps. Richard Pombo (Tracy) and Wally Herger (Marysville) are co-sponsors of the bill.

Ronald Stork, Associate Conservation Director for Friends of the River, emphasized in his testimony that there are environmental concerns related to H.R. 4111. Among these concerns were that the Auburn Dam would drown up to 48 miles of the American River and cost the government up to \$2 billion to build. He also opposed transfer of the land from the federal government to the state. Instead, Stork proposed deauthorization of the uncompleted elements of the Bureau of Reclamation's 1965 Auburn-Folsom Smith Unit and establishment of a Federal management direction consistent with the outstanding scenic, recreational, and natural values of the American River Canyon.

Others testifying were Peter Rabbon of the State Reclamation Board in California and John Zirschky of the Army's Civil Works division. Rabbon supported H.R. 4111 stating that the next step in obtaining a 200-year level of flood protection for the Sacramento area is to modify the Folsom Dam. Zirschky addressed the Stepped Release Plan for flood protection and pointed out that the Army Corps of Engineers is capable of designing and building safe and reliable levee systems.

The full Resources Committee is expected to mark up the bill following the Fourth of July recess. An alternative flood control plan authored by Rep. Bob Matsui (Sacramento) will be considered by the House Transportation and Infrastructure Committee after the recess. The plan would build more outlets into Folsom Dam, raise downstream American River levees, and upgrade flood control devices along the Sacramento River.

LETTER SENT TO GINGRICH CONCERNING THE SECURITY AND FREEDOM THROUGH ENCRYPTION ACT

A number of House members requested floor action as soon as possible on H.R. 695, the Security and Freedom Through Encryption Act, in a letter to Speaker Gingrich. The letter, signed by 42 House Democrats, states that the need to address the issue of encryption is vital to the nation's international competitiveness, economy, and national security. American industry's share of the international encryption market has decreased significantly in the last few years. The letter estimates that nearly \$100 billion will be lost over the next five years in addition to hundreds of thousands of lost jobs if the current policy towards encryption is not changed. *See, Bulletin Vol. 5, No.14 (4/23/98)*. According to the authors, foreign competition continues to gain strength and market share in Russia, Canada, Europe, and Japan.

The letter urges approval of H.R. 695, which is co-sponsored by Rep. Zoe Lofgren (San Jose). Among those in the California delegation signing the letter are Vic Fazio (West Sacramento), Cal Dooley (Visalia), Bob Filner (San Diego), and Maxine Waters (Los Angeles).

SENATE VOTES TO RESTRICT BASE CLOSINGS

During consideration of the defense spending bill, the Senate voted 48-45 on Thursday to make it more difficult for the Clinton administration to shut down additional military bases. An amendment, drafted by Sen

James Inhofe (OK), would lower the threshold number of employees from 225 from 300 for bases. And it would impose a four-year moratorium on closing a base once its mission had been changed or realigned. The amendment also reinforces congressional opposition to the Pentagon's plan for additional base-closing rounds in 2001 and 2005. Inhofe expressed concern about recent hints by Pentagon officials that Defense Secretary William Cohen might attempt to close additional bases using existing powers, rather than via a formal BRAC process, if Congress denies another round of base closings. California shouldered 60% of the nation's net personnel cuts from four recent base closure rounds. Today's amendment drew veto threats from the Clinton Administration.

SAN FRANCISCO AIR QUALITY REDESIGNATED AS NONATTAINMENT FOR OZONE

According to a Thursday announcement by the Environmental Protection Agency, air quality in the San Francisco Bay Area fell below ozone pollution standards during the 1994-1996 monitoring period. The result is an EPA redesignation of the region as in "nonattainment" of the federal standards, a ruling which may have consequences for the region, its businesses, transportation systems and governments.

The EPA monitored air quality at 24 stations around the Bay Area over the three-year period, and only three of those areas exceeded the standards. Livermore was the primary culprit, exceeding the standards on 17 different days. The other sites with exceedences were Los Gatos (5 days) and Concord (4 days). Combining the three sites, the Bay Area exceeded standards on 21 days, all of which took place during June, July or August of the three years.

In 1996, the Bay Area exceeded federal ozone standards on 8 days. Nationally, the findings ranked the Bay Area as having the 6th most days above the standard, behind Los Angeles (89 days), the San Joaquin Valley (56 days), California's Southeast Desert (51 days), Houston (26 days), and the Sacramento Valley (10 days). Also at 8 days, New York tied with the Bay Area.

The Bay Area's designation was upgraded to "attainment" in 1995, based on prior year data. The region has made various efforts to improve air quality. Unfortunately, weather conditions in 1995 and 1996 were reportedly very conducive to smog formation. The State, the Bay Area Air Quality Management District and others are to collaborate to inventory pollution sources and adopt control measures, with a proposed new attainment date of November, 2000.

Several Central Valley legislators, led by Rep. Gary Condit (Ceres), had urged the EPA's redesignation of the Bay Area, due to concerns of smog being carried eastward. A 1994 California Air Resources Board report estimated that 27% of smog in the northern San Joaquin Valley is due to Bay Area emissions. In a statement, Rep. George Radanovich (Mariposa) said, "This decision is a victory for the whole Central Valley."

For details of the review and designation process, or further comparison tables, see the EPA website at <http://www.epa.gov/region09/air/sfbayoz/index.html>