

THE NATIONAL ENVIRONMENTAL POLICY AND
THE ENVIRONMENTAL QUALITY IMPROVEMENT
ACT

HEARING
BEFORE THE
COMMITTEE ON RESOURCES
HOUSE OF REPRESENTATIVES

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THE NATIONAL ENVIRONMENTAL POLICY AND THE ENVIRONMENTAL QUALITY IM- PROVEMENT ACT

TUESDAY, APRIL 13, 1999

HOUSE OF REPRESENTATIVES,
COMMITTEE ON RESOURCES,
Washington, DC.

The Committee met, pursuant to notice, at 2:17 p.m., in Room 1324, Longworth House Office Building, Hon. James V. Hansen [acting chairman of the Committee] presiding.

STATEMENT OF HON. JAMES HANSEN, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF UTAH

Mr. HANSEN. [presiding] The Committee will come to order.

I am conducting this meeting at the request of Chairman Young today. We are meeting today for general oversight of the Council of Environmental Quality and the Office of Environmental Quality, which serves as staff for the Council.

At the same time, this hearing gives us a chance to meet and greet the Acting Chair of CEQ, George Frampton, who we had an experience with before. I am grateful he could be with us. I understand you are going before a Senate group this week, and more power to you on whatever happens. Mr. Frampton comes to this post by way of the Wilderness Society and the Department of Interior, in having provided legal assistance to the Vice President in connection with certain political campaign finance problems.

My concern is how the CEQ is used. It should not be a political operation used for partisan political purposes. It should be an office of government that helps people, and ensures that all Federal agencies with environmental responsibilities work cooperatively and toward the same goals. However, these goals should be those of the American people, not one of any political party or candidate.

Last year we made it quite clear to Katie McGinty, your predecessor, that CEQ and its Chair and this administration are not above the law. Over the last several years, we have repeatedly seen the Clinton/Gore Administration abuse and evade the rule of law, and ignore the will of Congress. For example, in the testimony you submitted today for this hearing, you talk about creating environmental policy. I am here to tell you that it is not the place of CEQ, or this administration, to create the policy; the Constitution grants that to the Congress, the legislative branch. The executive branch executes and administers the laws we craft. I think the administration needs to be reminded from time to time of this fact.

Finally, I want to say that the Council on Environmental Quality needs an incredibly balanced Chair. I know that you will be going through the confirmation process over the next several weeks, and I am sure that the other body will talk to you about that.

I look forward to our dialogue today. I will now turn to the Ranking Member, Mr. Miller, for any statement that he may have; the gentleman from California.

**STATEMENT OF HON. GEORGE MILLER, A REPRESENTATIVE
IN CONGRESS FROM THE STATE OF CALIFORNIA**

Mr. MILLER. Thank you, Mr. Chairman. And thank you and Chairman Young for holding this hearing.

I would like to give a very warm welcome to George Frampton, and wish him well in the confirmation hearings. I think he has been a very, very important person in this administration, mainly trying to resolve environmental conflicts. He very often has been called to the scene when things have gone wrong and had a great opportunity to go off the track, and was able to sit down with the parties and put things on track. In many instances, local communities, economic interests, and others, have a great deal at stake in making sure that these issues get resolved. I think we have watched his involvement in some of the more complex issues, as in CALFED in California, where we are trying to reform and modernize, and properly allocate the future of our California water system, to the Everglades. Just a few short years ago, we were told we were going to lose the Everglades, and almost with each passing month we get more optimistic about the opportunities to save that system, and to protect that system, and to do it in conjunction with the urban water users, with the farmers inside of the Everglades, with the sugar growers who are to the north of the Everglades, and the people who are concerned with the health of the marine resources.

So, he brings an incredible portfolio to this position and he has, time and again, demonstrated that as the Acting Director.

We welcome you, George, very much. Again, thank you for holding this hearing.

Mr. HANSEN. Thank you, Mr. Miller.

Chairman Young, do you have an opening statement?

**STATEMENT OF HON. DON YOUNG, A REPRESENTATIVE IN
CONGRESS FROM THE STATE OF ALASKA**

Mr. YOUNG. It wouldn't be quite as flowery as Mr. Miller's was, I would be sure of that one. But, I do welcome the witness; I welcome all our witnesses, and we will be looking forward to what he has to say about a quasi-agency that exerts a tremendous amount of influence upon other agencies within this administration.

I think your opening statement, Mr. Chairman, was very close to the fact, that it is the Congress' role to set policy and direction, and pass laws, to submit those, and when laws are not followed, it becomes very much a concern of my own. So, I look forward to the gentleman's testimony today.

Mr. HANSEN. Do any other members have an opening statement?
Mr. Vento?

**STATEMENT OF HON. BRUCE VENTO, REPRESENTATIVE IN
CONGRESS FROM THE STATE OF MINNESOTA**

Mr. VENTO. Mr. Chairman, I would welcome our friend and former Assistant Secretary, and wish him well in his hearing next week in the Senate with regard to confirmation. I am sure he will make an excellent Chairman of the Council of Environmental Quality.

With regard to today's hearing, NEPA, I think, has attained a lot of its objectives. I think that, so often, when certain laws have been passed, such as NEPA or the Endangered Species Act, very often there is, I think, almost an over-reliance on individual laws to, in fact, remedy; that is, that they become overloaded with different issues that need to be resolved. But, I think in the Council on Environmental Quality, you have, as you do with several other entities like the Council on Historic Preservation, an ability to try and reconcile some of these matters between the agencies and departments within the administration, and with the public.

But, I think the NEPA issue under discussion has been, obviously, a very important measure to provide us with some guideposts and guidance with regard to our environment, and with stating the overall objectives of the National Government, and the role that it has in terms of protecting the environment, and providing for a predictable and stable path in terms of development, and a framework for developing information and knowledge and public input. So, I think it is a good law. It probably could use some changes and modifications, but I think it is one that we have come to rely upon as being the foundation, really, of our modern-day work in terms of analysis.

I yield to the gentleman from California.

Mr. MILLER. I thank the gentleman from Michigan for yielding.

But I don't know if this hearing is going to be about whether or not you set policy or we set policy, but I would say this: Very often we write policy that is very difficult to carry out. We write policy for the Department of Agriculture, and the EPA, and for the Department of Interior, and all the rest of it. And all too often, what we have seen is that those agencies are at war with one another, while local communities and others suffer and wait around for them to come together and reconcile their differences.

CEQ, I think, has been a very important force in, I guess I would say, you can call it establishing policy, and I properly say so. I have watched it with respect to California water resources, where they have held this process together between a dozen State agencies, and Federal agencies, and all of the local stakeholders, and all of the business organizations, and everyone else. The same is true in the Everglades. I mean, somebody had to go and get the Corps of Engineers, the Department of Agriculture, and Fish and Wildlife, and Marine Resource people all together, the Park Service, to come together and put together a policy, along with all the local people, for cleaning up and protecting the Everglades, so that, hopefully, we won't lose that resource.

If there is a problem with establishing that kind of policy, then you have to also understand that if they stood by and did nothing, and everything went to hell, you had better not blame them. So, you have to either have it all one way or all the other, if that is

what you are going to object to. Maybe I am missing what you are saying about establishing policy. I don't know that anybody at CEQ has ever suggested that we don't make the policy around here, but we also know it is a hell of a lot more difficult to carry out the policy than it is to make it.

Mr. HANSEN. Are there any further statements from any of the members?

[No response.]

If not, Mr. Frampton, we ask you to stand, please, and raise your right hand.

[Witness sworn.]

Mr. HANSEN. Thank you. Mr. Frampton, we turn the time to you, and appreciate you being with us today.

STATEMENT OF GEORGE T. FRAMPTON JR., ACTING CHAIRMAN, COUNCIL ON ENVIRONMENTAL QUALITY, WASHINGTON, DC

Mr. FRAMPTON. Thank you, Mr. Chairman. Chairman Young, Mr. Miller, members of the Committee, it is a pleasure to be back in front of this Committee again, and I hope to initiate a new dialogue between this Committee and CEQ on issues that are of mutual concern to both of us.

Mr. Chairman, I do have a brief written statement that I would like to submit for the record, which I prepared pursuant to the direction—

Mr. HANSEN. Without objection.

Mr. FRAMPTON. [continuing] in a letter which we received last Wednesday, which asked me to state something about my background and priorities for CEQ. I have attempted to prepare myself as best I could, over the last few days, for questions that I thought that members of the Committee might have for me; but, since the scope of the hearing is pretty broad, I hope you will indulge me, if there are issues that I am not adequately prepared on, the opportunity to get back to you, in writing or in some other fashion, on some of the questions you may have.

Rather than summarize my opening statement, I thought I would just say, very briefly, what I perceive to be probably the two greatest challenges for CEQ, looking forward. The first has to do with coordinating not only the work of Federal agencies, but building partnerships between Federal agencies and State and local governments, and other stakeholders. And the second has to do with the process with which we make important environmental decisions.

Almost all the major issues and problems that I worked on at the Interior Department involved not only two or three or four Federal departments or agencies, as Mr. Miller noted, but required partnerships with State and local governments, with private landowners, with non-profits, and with many other stakeholders. That was certainly true of the Everglades restoration program, which involved nine Federal agencies, three State agencies, the sugar industry, counties, cities, and many other parties. It was true, Mr. Chairman, as you know, of the Exxon-Valdez Oil Spill Trustee Council, which was a joint venture of the State and Federal Governments. It was true of the work that we did to try to make the Endangered Species Act work better, using habitat conservation plans in south-

ern California, and other parts of the country, not just the Federal agencies, but State and local governments as well.

In the few months that I have been in this position as Acting Chair of CEQ, I have found, even more than I did at Interior, that is what governors want; that is what county executives want; that is what mayors want; that is what the groups that represent regulated industries want. They want the Federal family to speak with one voice. They want the Federal Government to be together. And they want the Federal agencies to join in partnerships with State and local governments. So, I think that is really one of the two great challenges for CEQ, is to try to promote those kinds of partnerships.

Mr. Chairman, in my opening statement I did not intend to say, and I don't believe that I did say, that I think that CEQ should create government policy. What I actually said in the statement was that we are trying to foster partnerships between those who do have the authority to create environmental policy and those who are affected by environmental policy. It seems to me that is becoming an increasingly important part of what CEQ is about, to try to forge partnerships. Because that's the only way to really get very much done these days.

The second challenge that I think CEQ faces is to truly realize the original objectives of the National Environmental Policy Act, which were, first, to ensure that Federal agency decisions were made with balance; that individual agency biases, or agency programs, were remediated with other objectives, other agency programs, and that environmental objectives are weighed and balanced with economic and social imperatives, so decisions are made with balance.

And, second, the decisions are made, in large part, through the process of preparation of an environmental impact statement or environmental assessment. Decisions are made based on good information, and with public participation. Basically, the National Environmental Policy Act is an attempt to democratize our environmental decisionmaking, to encourage Federal agencies to make decisions based on good information and public participation.

So, those, it seems to me, are the real challenges that CEQ faces. We are not going to solve or meet those challenges overnight, but to try to build partnerships, and to try to make sure that Federal decisions are made in a democratic fashion with public participation, based on good information, those are the two lodestars that I think CEQ should be working towards.

Having said that, Mr. Chairman, I would be happy to stop and happy to take any questions that members of the Committee may have.

[The prepared statement of Mr. Frampton may be found at the end of the hearing.]

Mr. HANSEN. Thank you, Mr. Frampton. We appreciate your comments. I will recognize members for five minutes each. We will start with the gentleman from Alaska, Mr. Young.

Mr. YOUNG. Mr. Frampton, I have heard some rumors that the Tongass Land Management Plan, TLMP, which just went final in May of 1997, is about to be changed again very soon. I have also heard that you, and others at the CEQ, are involved in changing

it; that the change will, again, decrease the amount of timber allowed to be harvested this time by one-third of the amount that was specifically set in the TLMP process. My question is: Are you, or anyone in CEQ, involved in modifying, or supporting modification, of the Tongass plan?

Mr. FRAMPTON. Mr. Chairman, the answer to that, to the best of my knowledge, is no. I certainly am not, and very intentionally so. The final Tongass Land Management Plan had been subject, as you know, to many appeals. It is my understanding that those appeals are going to be resolved, and a final plan, or resolution of the appeals, published in the next day or two. But, I have stayed, as an administrative appeal in the Department of Agriculture, I have very consciously stayed away, both from the process and any knowledge of what the final shape of the plan is going to be, or any details of the plan. In fact, over the last few weeks it has seemed to me that there are a lot of people on the streets in Alaska and Washington that seem to know a lot about this. I am not one of them. I have not been briefed on the final decision, if it has been made, and I have not participated in it.

The question, again, following up, is that the Tongass plan was done underneath NEPA and the National Forest Management Act; is that correct?

Mr. FRAMPTON. Well, NEPA certainly applies to the planning process, but the appeals that have been taken—

Mr. YOUNG. Those two agencies are the ones that drew this plan up?

Mr. FRAMPTON. Well, the U.S. Forest Service is responsible—

Mr. YOUNG. And under NEPA.

Mr. FRAMPTON. Under the Forest Management Act.

Mr. YOUNG. Now, here is what I am getting into: Can you assure me or the Committee today that no significant amendment of the Tongass plan will occur without the public involvement required by NEPA?

Mr. FRAMPTON. Mr. Chairman, we have had years and years of public involvement with the NEPA process and plan, and final appeals are pursuant to law.

Mr. YOUNG. Don't dance around me now. Under NEPA, there has to be public involvement. There has been public involvement, and the plan has been issued. Now, I had just heard today that, on behalf of CEQ, that there is a move afoot to change the plan without any public involvement.

Mr. FRAMPTON. Well, Mr. Chairman, the National Forest Management Act—you are testing my knowledge of the Act—provides for administrative appeals to the Chief of the Forest Service. Those appeals have been taken, and my understanding is that the Agriculture Department is about to resolve those appeals pursuant to the National Management Act's processes.

Mr. YOUNG. But you said in your statement that the purpose of your agency is to work out problems. Now, if the Forest Service decides to settle the TLMP appeals by amending the plan, without any public input, don't you think that would be breaking the intent of NEPA?

Mr. FRAMPTON. Well, I don't think that it would be appropriate for CEQ to intervene in that quasi-administrative appeals process within the Department of Agriculture.

Mr. YOUNG. All right, so you—

Mr. FRAMPTON. I don't think NEPA is intended to apply to that process.

Mr. YOUNG. You can assure me now that CEQ, none of the people in your group, or yourself, have been involved in advising the Forest Service to amend or accept amendments that change the TLMP proposal?

Mr. FRAMPTON. As far as I know, no one at CEQ has been involved in that. And I can assure you that I, personally, have not been involved in any way in that appeal, or in advising anybody at the Forest Service about the substance, or direction, or resolution of that appeal, or any of the issues in the appeal. I have stayed way away from that.

Mr. YOUNG. Again, you are under oath, and I can say in your knowledge, but it is under your watch; and this is very dear to my southeast community. You have destroyed this community in this administration. We have no timber industry left. Mr. Miller helped do that, and he said he wouldn't let it happen. But it is dead. Now they are coming down with the recommendation of a very minimal cut, and if there has been a recommendation made by someone in your shop to the Forest Service to accept the appeal and cut down by one-third what the remaining little amount that was going to be offered, without public input, or the effect upon the economy and the environment, I think it would be a great disservice to yourself, this administration, and the whole process. It means that you are not following—the process is not being followed.

Now, this may be all rumors. But, most of my rumors are pretty correct when it comes to these issue. So, I am hoping that everything you have told me here today is on the up-and-up, because we will follow this paper trail. And we do have a confirmation hearing coming up; and if you think that I don't have that hearing privilege, my Senators do, but they will be quite interested, because they are quite interested in this issue.

My time has run out, Mr. Chairman.

Mr. HANSEN. The gentleman from California, Mr. Miller.

Mr. MILLER. At the risk of dipping my toe in a—

Mr. YOUNG. I would suggest you don't do it.

Mr. MILLER. I just want to ask a technical question, just so we are clear because I am a little bit confused. My understanding is, on the Tongass, they went through a public process; they came out with a plan, and the plan is on appeal to the Chief, right? And he will make a decision to the Secretary, and that will be that, right? And that can be litigated if somebody—but the public process was at the front end, when all of this was—

Mr. YOUNG. What I am looking for, Mr. Miller, is, if I find out the CEQ or any staff members are involved in this issue, recommending to the Chief that they decrease the original amount of timber, that goes back to setting policy, and I am saying that is incorrect, because we are supposed to go through NEPA and the Forest Service Management Group, and that is what has cost us \$18 million.

Mr. MILLER. Excuse me. I was misunderstanding. I thought it was suggesting that somehow the front-end public process was not done.

Mr. YOUNG. No, no, no.

Mr. MILLER. Okay.

Mr. YOUNG. But the rear end, which we will be looking at, if they decrease the amount of timber, we don't have anything left. We have millions of acres of trees and we don't have enough to take and even cut toothpicks anymore.

Mr. MILLER. Thank you, and let me just ask a couple of questions. I guess, because I come at this from a different direction, my experience in a number of issues has been that the CEQ has been rather helpful in holding together large, complex problems and the resolution of those problems. You mentioned getting the Federal Government to speak with one voice here, and that's what local entities want. And I think that's clear.

We went through, and you were helpful, as I said, on holding the CALFED process together. But, it seems to me that these are really the processes by which we have the best chance to succeed. On some of these issues we either go timber sale by timber sale in the Sierras, and litigate everything, and end up doing nothing for a decade, or we can try to resolve it on a much larger scale with respect to the forest, and have a policy that everybody knows they can live by and work within, and adjust their activities accordingly. And it seems to me, that's true in the Everglades, the Headwaters; we could have litigated every piece of timber in the Headwaters, or we could have worked out a problem there that—for the moment I'm not a great champion at that one, but it seems to me that it may very well work, with respect to both the environmental community, the local communities, the business that was involved in the State legislature, and the State Office of Forestry seeming to go along with that resolution.

If anything, I would think that we would want to try to improve the status of CEQ to help bring these things to closure, and to get the Federal Government to speak with one voice, but how do you do that? You are operating on a pretty small budget compared to the people you are supposed to be bringing into the room to get to talk and to work these things out. How are you going to be able to continue to do that? I mean, some of these are really large, statewide problems. There is no question about—

Mr. FRAMPTON. Well, Mr. Miller, we have got to work harder. I appreciate your perception of this. I think that it is certainly the perception as well, for example, of the Western Governors. When I went out the first week I was in this job, to the Western Governors' Association meeting, where I have been almost every year in November in Phoenix, a lot of the western governors, Democrats and Republicans, made the point that CEQ is really the only place they can come to to make sure that some of these major inter-agency projects are on track. And they were surprised that CEQ has so few resources, so few people.

This is an agency that now has half as many staff, or 60 percent as many staff, as it did at the end of the Bush Administration. But I think the key is, it is a delicate balance. We are not trying to be environmental czars; we can't do that. We are not trying to direct

programs. We are trying to foster cooperative partnerships and relationships between, and help, people who have the lead responsibility in different Federal agencies, work together, and cajole them, or encourage them, or help them work with State and local governments. But it is very often a process of herding cats. But that is all we can do; we do our best, under the existing structure of laws and statutes. We are a facilitator and a catalyzer, not a horse driver or a czar.

Mr. MILLER. Thank you.

Mr. HANSEN. The gentleman from Pennsylvania, Mr. Peterson.

Mr. PETERSON. Good afternoon and welcome. I come from the East, Pennsylvania. But, as I was reviewing the role you will play in your new position—I am fairly new in Congress—but, there were many who felt your predecessor, instead of playing the role of bringing people together with an agenda, that was the perception—how can you assure us that you won't play that role that way?

Mr. FRAMPTON. Congressman, I think it is possible to lead and to bring people together. I guess all I can say to you is that, I spent four years at the Department of Interior as an Assistant Secretary. I pretty much put together and led the Everglades restoration effort, restoring Prince William Sound, did a lot of work on CALFED, the Northwest Forest Plan, trying to really change the way the Endangered Species Act is administered, so that it becomes a tool that State and local governments can use, that private landowners can use to gain some certainty, as well as some habitat protection. I think the things that I did there involve both some leadership and some consensus, and that is basically what I have to go on.

I am not saying, "Trust me." I am saying, "Look at what I did for four years," and that is what I hope to do at CEQ. And I think that is what works; that is what makes for success.

Mr. PETERSON. Well, I know, speaking about my own career, I was in local government for a number of years. I was a businessman for the bulk of my life, but I was in local government for eight years, and when I became chairman of a local government, I changed how I operated. I became a listener. I made everybody contribute. I made them function a lot more than some of them wanted to function, and I took a lower role than when I was challenging the current leadership, before I became the chairman.

Not everybody gave that perspective, but I think the design of this organization can be very helpful in bringing people together in this country. But, if the people perceive that those who are running it are running an agenda, it will have the opposite effect. And I think, correct or incorrect, fair or unfair, your predecessor had the perception of driving the train.

An issue I will switch to is the global climate issue. Would you share with us a little bit of your thoughts about that; what your role is in the global climate issue?

Mr. FRAMPTON. You know, I think that it has been a very consistent hallmark of this administration's environmental policy overall to try to show that we can combine strong environmental protection with good economics. I would just say to you that the record of the last six years is a pretty good record on that, proving that it can be done. Maybe we have gotten lucky in some aspects, but those two things can work together.

I think the climate change policy that the administration has put forward is very consistent with that. The President has basically said, look, this is a terribly important issue for our future. We are operating under a treaty that has been submitted to the Senate, and ratified unanimously, by the Bush Administration, the Framework Convention on Climate Change, which obligates us to take some measures to try to stabilize and reduce greenhouse gases. While we have signed the Kyoto Protocol, the President has committed to a five-year plan of trying to do the things that the Framework Convention calls for, basically, voluntarily—trying to encourage through incentives, through economic investments, encourage the private sector to make the kind of investments that will both make companies more efficient and clean up the air, and reduce greenhouse gases. So, our climate change technology initiatives, trying to fund renewables and efficiency, proposals for tax credits, this year a proposal for a clean air fund that would help State and local governments, help small businesses invest in new technology, those are the principal elements of the program that is designed to see whether it is possible to facilitate the private sector both becoming more efficient and making progress on greenhouse gas reduction. That is the current framework of the administration's position.

Mr. PETERSON. Bringing that back to the timber issue, there are recent studies that show that in the Northeast, where we have continued to cut timber, and have a regenerating, younger forest, that the greenhouse gasses are less when they leave the forest to the Northeast and hit the ocean, than they were when they came into the Northeast from the West. So, a young, growing, vibrant forest is a whole lot better for clean air than an old dying forest, which is the goal of many who want all of our forests preserved, I guess to look at. I would like to have you react to that proposal, that a young, growing forest that is cut and pruned properly is good for clean air much more than it has been given credit for.

Mr. FRAMPTON. Well, I am glad you asked me that question because it gives me an opportunity to make a pitch. This administration has really stuck its neck out in trying to promote the concept that sinks, forests, and better farmland practices can make a major contribution to the global warming problem, the climate change problem. We are sponsoring workshops and seminars, and trying to promote the international science that will show that forest enhancement, and different kinds of tillage practices, will actually capture carbon, and will help us meet our overall goals of greenhouse gas reduction.

But, I have to tell you that, the science on this needs a lot of work. If we are going to sell our international partners on how important it is to use sinks in this country and elsewhere—and American agriculture can benefit tremendously from this—we need more money for scientific research to undergird that point of view. But the administration has been very aggressive—

Mr. HANSEN. The time of the gentleman has expired.

Mr. PETERSON. Can I just say one thing? If the money was earmarked for that, I don't think you would have much argument. I mean, I think a lot of the money that has been asked for, it has been very nebulous on what it is going to be used for. There is a

lot of suspicion, and I think if you had money earmarked for that key issue, I think there would be a lot of support here.

Mr. FRAMPTON. Thank you. We do, in fact.

Mr. HANSEN. I am trying to take people in the order in which they arrive, and I am not sure I have got it all straight, but the next one would be the gentleman from Minnesota, Mr. Vento, and he would be followed by the gentlelady from Idaho, Mrs. Chenoweth. Mr. Vento.

Mr. VENTO. Yes, thanks, Mr. Chairman.

Mr. Frampton, Chairman Designate, I think one of the problems here is that early in the administration there was an effort to try and establish an Office of Environmental Council, as I recall. Of course, the designated Chairman of the Council on Environmental Quality was going to assume that position, Ms. McGinty at that time. There was a reaction in Congress; that is, they wanted to preserve the Council on Environmental Quality—apparently, so they could cut it by one-third in terms of funding—but, I mean, the issue was that there was a concern that would draw this in too close to the administration; it would lose some of the membership, I guess. How many members are on the Council on Environmental Quality?

Mr. FRAMPTON. Well, under the statute, there are three authorized members of the Council, but for the past 10 years or so, the Congress has vested all the authority in a single member as a Chair, and there are about 19 staff members.

Mr. VENTO. So, it is then down to about a third of what it was; it was actually about 30-some members; now there are 23. But, that has not stopped the effort to try and deal with things.

I was looking at the CEQ. Of course, one of the issues that they involved themselves with in the early years was to, apparently, provide technical assistance in terms of response to agencies, departments, States, and others, that would make a determination as to what they needed to do under NEPA—had to do an EIS or an EA—is that correct?

Mr. FRAMPTON. That is correct, and we still do.

Mr. VENTO. That is a considerable amount of work that goes on. But it seems to me that as we follow this process—for instance, the Forest Service, which seems to be the object of attention today, has really learned pretty well how to do EIS's and EA's, and make judgments. Obviously, if they make the wrong judgment and do an EIS and they are supposed to do an EA, they may end up in court. But, they are pretty much able to do those, and get a pretty good turnaround time, in most of that activity, in my judgment, in terms of what they are doing. Would you agree, Mr. Frampton?

Mr. FRAMPTON. Well, I think the agencies are doing a much better job than they did a few years ago, but I think we have a ways to go. We are constantly trying to reinvent NEPA. We are constantly trying to pare down—

Mr. VENTO. Very often, I think this law, especially the EIS's and NEPA, is in the position of delivering some information or some answers people do not want to hear. I can recall very well, Mr. Chairman and others, working on the old growth issue in the Pacific Northwest, and we kept getting back answers, and the answers were: "We have got to cut less." Because that's what the science,

that's what the information dictated. And that ended up being very contentious, I think, because of that; that was my judgment.

But, as I look at the list of projects that you have—I could go through them; issues like environmental justice, the American Heritage Rivers Program, other programs—most of these, though, how would you characterize it? They are really efforts to try to coordinate the various Federal agencies to get their act together between the various departments and agencies, and, in a sense, you are proposing, in other words, that the Congress develop new laws, new policies; that's part of your role, too, isn't it?

Mr. FRAMPTON. Well, certainly, statutorially, it is part of the function of CEQ, assigned by Congress, to advise the President on the development of environmental policy, and that would include new statutes. I have to say, though, that in recent years, probably, as Congressman Miller mentioned, the bulk of CEQ's work has been trying to figure out how to make existing laws work better, and help the agencies that have responsibility for administering those laws do that.

Mr. VENTO. One of those problems is, for instance, we are now involved with this consultation with regard to the West Coast salmon in Washington and Oregon. Do you want to comment about your role in that, as compared, for instance, to the problems we had with the old growth in the Pacific Northwest?

Mr. FRAMPTON. Well, there are two aspects to that. The coastal salmon runs in Washington, Oregon, and California, most of which have now been listed as threatened or endangered under the Endangered Species Act, are the subject of a proposal in the President's Fiscal Year 2000 budget that was requested by four governors, actually. The governors of California, Oregon, Washington, and Alaska wrote to the President, the Vice President, and asked that the administration request from Congress a salmon restoration fund, that would go through the governors, to work on those issues—

Mr. VENTO. And so, that is in the budget, isn't it? It is \$100 million?

Mr. FRAMPTON. It is \$100 million proposal—

Mr. VENTO. When you spoke to the Western Governors, recently, what did they ask you for? You made your presentation. What did they tell you they need?

Mr. FRAMPTON. Well, the West Coast governors originally asked for \$200 million a year for six years, and they asked that CEQ actually coordinate that work, but that the money go through the governors, so there would be a minimum of paperwork. But, this is going to be a State and local program.

In fact, I think that you see the difference between the old growth controversy and the coastal salmon issues by a press conference that was held a couple of weeks ago, by the governor of Washington and Mr. Ruckelshous. The Federal officials were there, the chief executive of Boeing, Microsoft, dozens of companies of the Puget Sound area, joining with the King County executives, tri-county mayors, the governor, saying, "We all have to get together and fulfill this job. We welcome funding from the Federal Government, and we welcome some Federal involvement, but we want to do it ourselves, and we are going to do it."

Mr. VENTO. The point I was trying to make is that the Western Governors, when you spoke to them, asked you to expand, actually, the Council, is that right, on Environmental Quality?

Mr. FRAMPTON. That is correct.

Mr. VENTO. In other words, they want more of this, not less of it?

Mr. FRAMPTON. That is correct.

Mr. HANSEN. The gentlelady from Idaho, Mrs. Chenoweth. She will be followed by the gentleman from New Mexico, Mr. Udall.

Mrs. CHENOWETH. Thank you, Mr. Chairman.

Mr. Frampton, I know that you agree that catastrophic events such as windstorms and wildfires, or severe insect or disease epidemics, often require the swift implementation of management activities to further avert more environmental degradation. But, unfortunately, our frustration—I know your frustration, too—is that the legal and regulatory requirements or plain, old, bureaucratic red tape often prevent those activities from taking place in a timely manner, or even at all.

But, there was a bright line drawn by Ms. McGinty last time, where provisions exist in the law, but are rarely used, and she used them. That allowed for an expedited process to occur; in particular, it is under alternative arrangements underneath us. Ms. McGinty implemented that immediately following a severe windstorm in a national forest in Texas. They applied for, and received, permission from the administration, to use the alternative arrangements for the removal of the blown-down trees, in order to reduce the impacts of further insect infestations and degradation of the resource.

Apparently, Mr. Frampton, with the windstorm occurring in February of 1998, it only took four months for the process to work as it had been envisioned originally by the Congress, and it was a remarkably admirable, effective program that she put into place.

I have drafted legislation that lists a number of forests that have experienced catastrophic events, really, that are in similar magnitude to those in Texas. In fact, we heard in testimony before the Forest Health Subcommittee that a lot of our national forests are in a state of mere collapse. For example, in Idaho, in the Panhandle National Forest, 150,000 acres are experiencing a real disastrous outbreak of the Douglas fir bark beetle, and to contain this infestation on Federal land, so it won't spread to State and private lands, and to prevent further catastrophic fires, are you willing to work with the Forest Service, especially where there are regional catastrophic conditions, to see the alternative arrangements implemented?

I do want to say that there was a 4,000-acre variance granted that exempts them from appeal or from stay under appeal, but that is only 4,000 acres out of 150,000 acres that are really in bad shape.

I wanted to know what your thinking was on a NEPA parity program where you could help us go in and remedy some of these situations.

Mr. FRAMPTON. Congresswoman Chenoweth, I appreciate your kind words and your confidence in the process, that the process can work, and I tried over the weekend to familiarize myself a little bit

with this and with your bill, because I was told you might ask about it.

I am glad that you believe that the emergency provisions in NEPA do work, can work and do work, and I think they have been used 30 or 31 or 32 times fairly successfully, but they do provide that the agency asks. It is the land management agency or the transportation agency or whatever agency finds that there is an emergency, and they need not to escape from under NEPA, but to find ways to deal with their NEPA problems in an emergency, and CEQ responds flexibly; at least has in the past.

I think the issue with the bill, which I assume is your bill you are asking me about, which was opposed, I guess, last year by the Forest Service and BLM—and I appreciate that you have made some changes, I understand, this year—the problem with that is that it doesn't turn on the agency asking for a shortcut or alternative arrangements. So it would have CEQ telling the agency, in the case of these 10 areas, you know, where there is a forest health issue, you have got to consider this to be an emergency, and we want to give you emergency powers, and we want you to go in there and cut.

It seems to me that sort of thing is just exactly what Chairman Hansen was talking about when he criticized CEQ for possibly wanting to create. That is a top-down; that is creating environmental policy.

So it seems to me that while the emergency provisions are important, and I am certainly willing to use them—we have used them from forest fires and fish hatchery disease and foreign conflicts—that it really ought to be at the initiation of the land management agency to find the emergency. What, ultimately, you have here in these areas is a disagreement with the land management agencies about how these lands should be managed, and that is not the kind of thing, it seems to me, that CEQ should get in the middle of.

Mrs. CHENOWETH. Mr. Chairman, I just want to say I think Mr. Frampton's comments are very accurate and very thoughtful. The only difference is that it is the Congress that is finding and the Congress that is asking. So I hope that I can work with you on it, and that your comfort level will be met.

Mr. FRAMPTON. I would be delighted to talk to you further about it.

Mrs. CHENOWETH. Thank you very much.

Mr. FRAMPTON. And I accept your point that it is not CEQ; it is the Congress, through CEQ, directing the agencies to take this point of view.

Mrs. CHENOWETH. I would like to work with you on it. Thank you.

Mr. HANSEN. Thank you. I now recognize the gentleman from New Mexico, Mr. Udall. He will be followed by the gentleman from Idaho, Mr. Simpson.

Mr. UDALL OF NEW MEXICO. Thank you very much, Mr. Chairman.

Mr. Frampton, it is good to see you here today. Welcome, and let me say that I believe we are very lucky to have somebody of your caliber to serve at CEQ, and I hope that very quickly you can assume other than acting responsibility.

Let me ask you about NEPA and all the processes that the Federal Government goes through. In any given year, it seems to me that Federal agencies prepare approximately 500 EIS's and 50,000 environmental assessments, and knowing that with the smaller forces these other members have pointed out, the smaller force that you have, I was wondering, what have you done in order to really define and set current priorities with the limited resources you have? I mean, what is it that you really end up focusing on?

Mr. FRAMPTON. Well, I think that over the years we have tried to, through guidance, workshops, training, seeing to it that career people who are responsible in the agencies for administering NEPA, you know, get more capable—and so we are relying a great deal on the agencies, obviously, to do their own NEPA work.

I think the focus of CEQ is perhaps turned to simply trying to solve or monitor the major disputes or problems between Federal agencies. That is a big part of our caseload, if I can put it that way. Probably the single most fastest-growing part of CEQ's work is responding to requests from Members of Congress to solve problems where somebody is caught between two Federal agencies or a Federal-State conflict of some kind. We can't handle effectively, I don't think, anywhere near all of those requests, and they keep growing every year.

The real challenge is to try to see whether there is any time left over to think about helping steer the big projects, the big initiatives, CALFED, Everglades, changing ideas about ecosystem management, but we don't have a lot of time left over for what was, I guess, the original, I would say an original sort of No. 1 priority of CEQ, which was to look ahead and shape environmental policy, because we have too many important priorities and too many programs that are going forward and need to be kept on track.

So right now it is very much a problem-solving organization, and that is a big part of our agenda right now.

Mr. UDALL OF NEW MEXICO. It sounds like that you could use additional personnel to deal with some of the big picture environmental issues, the Everglades, Prince William Sound cleanup, and all of those kinds of things; that you could then shift from some of what you just described to some of the more national big issues where you have—another good example, I guess, is the salmon up in the Northwest, where you have counties and cities and the Federal Government and States all having responsibility.

Mr. FRAMPTON. Well, the one thing that we have asked for, for a little bit of additional money in our appropriations this year, is to work more on State-Federal partnerships with Federal Government. I mean, that is really the most crying need we have. I don't know whether the Appropriations Committee will see fit to give us any resources to do that, but I hope so.

Mr. UDALL OF NEW MEXICO. Thank you very much. I yield back the balance of my time.

Mr. HANSEN. The gentleman from Idaho.

Mr. SIMPSON. Thank you, Mr. Chairman.

Mr. Frampton, I appreciate your being here today to answer these questions, and I don't have a lot of specific questions yet. Coming from Idaho and the Pacific Northwest and the issues that are significant up there that were just mentioned, dealing with

salmon and particularly the States of Washington, Oregon, and Idaho, Montana, and the difficulties that we have had trying to get to address the policy of what we are going to do about salmon in the Pacific Northwest, how it is going to affect our economy, and in some instances how it is going to devastate our economy, if certain decisions are made relative to salmon?

Tell me your view on how we are going to address that salmon issue up there, how we are going to resolve this at some point, so that we can move forward and have a logical environmental policy, and we can also rely on a forest policy that we will have some timber to cut. We don't have any timber in Idaho any more to cut. We have pretty much eliminated cutting timber off of national forests in Idaho. Jobs in small communities, the jobs are leaving this State, the State of Idaho, and now we are looking at the agricultural industry and the mining industry. A natural resource State like Idaho is pretty soon going to become jobless if we don't quickly resolve this issue with salmon, and it seems to be driving the whole economy of the Pacific Northwest.

Mr. FRAMPTON. Well, it is a pretty broad question, Congressman.

Mr. SIMPSON. Real broad.

Mr. FRAMPTON. I guess I would say that, whether it is the coastal salmon restoration effort or the Columbia and Snake River runs or the issue of protecting salmon habitat on the east side and the Columbia Basin, that there are processes going on in each case that are not by any means exclusively Federal processes. They involve States and counties, and Bonneville Power in the case of the Columbia River. In each case I think we have to make good science and good economics and implementability of a strategy, the key criteria for moving forward.

Mr. SIMPSON. You know what, let me just state this: What kind of bothers me, and I am coming to the conclusion, after having tried to deal with this in the State legislature for a number of years, is that salmon isn't the issue any more. Salmon are used as the excuse to try to control certain activities on the lands, whether they are forest practices or mining practices or other things.

I have seen instances where—in the Blackbird Mine, where they have required environmental impact statements to see the impact on salmon habitat in the area, and they found out, through historical studies, salmon never entered above Napeus Falls, and so forth. And then they were sued and decided they had better go back and redo the environmental impact statement, and decided that, you know, salmon might have been able to fly at one time and could have gone up these falls. It is costing these mining industries and these mining companies where anymore they just want to shut them down.

I have got some real concerns about that because I want to save salmon as much as anybody else does, but it seems like we are using salmon to try to drive other polices, rather than saving salmon.

Mr. FRAMPTON. Well, certainly the salmon issue is broader than the fish alone. It involves the priority and the strategy that the State is going to give to clean water and protection of riparian areas. Obviously, in the case of commercial and sportfishing and tribal fishing, it involves, you know, important economic sectors,

certainly in Washington and Oregon and northern California, and tribal treaty rights.

So it isn't just the fish and it isn't just listed fish under the Endangered Species Act. These are societal problems, and they have to be approached, it seems to me, in that way. Right now, you know, I think these are some of the hardest problems in the country and they are not going to be easy; there aren't going to be any easy choices when it comes to salmon; no easy choices.

Mr. SIMPSON. Well, I appreciate your comments, and there are going to be no easy choices. I am willing to work on it, and I look forward to working with you to try to resolve this issue, because it provides the most uncertainty in the Pacific Northwest for businesses that want to locate there or people that want to do business, natural resource businesses in the State of Idaho. We have got to resolve this uncertainty about what is going to happen in the future.

Mr. FRAMPTON. Thank you.

Mr. HANSEN. The gentleman from Wisconsin, Mr. Kind.

Mr. KIND. Thank you, Mr. Chairman.

Thank you, Mr. Frampton, for your attendance and testimony here today.

I just had lunch with my former Senator and former governor from Wisconsin, and also the founder of Earth Day, Senator Gaylord Nelson, and he and I just want to thank CEQ's role in the involvement and planning and preparation of Earth Day celebrations and staging of Earth Day celebrations. Obviously, we are very proud of that recognition, given Senator Gaylord Nelson's leadership and role that he has had in it, and we appreciate all of your assistance.

I have got to run to another meeting in a little bit, but I want to, first, to blindside you on a question but first extend an invitation to you. I am one of founding co-chairs of the Mississippi River Task Force, and early on in the work that we are doing to highlight issues affecting the Mississippi and the watershed area there—there is a whole lot of programs at all kinds of different levels, but one thing is perfectly clear, is there is very little coordination of what is happening at the Federal, State, and local level. We need to be able to develop some type of coordinating mechanism, not only between governmental agencies at the Federal, State, and local level, but the private and public partnership, and what ultimately has to be done in order to preserve and protect this vital natural resource. I would extend an invitation for us to get together, and maybe a couple of other members of the task force, just to get together and brainstorm a little bit about it.

We have had a lot of meetings with State officials already, and with the Corps of Engineers in particular, and what we are hoping is to develop to some type of long-term vision of the Mississippi, given the hypoxia problems that exist now in the Gulf of Mexico and all unique challenges that we face in middle America, something along the Chesapeake Bay Initiative or even the Everglades Initiative that you have been deeply involved with, but maybe we can set something like that up sometime in the near future.

Mr. FRAMPTON. Thank you. I would like to do that. I have to say that, if I could come anywhere near the standards set by Gaylord

Nelson, I would be very proud. I mean, I think he taught me something that I never even learned many years as a lawyer, as an advocate. You know, everybody always knew where Gaylord was coming from. He was an advocate, and he never made any apologies about being an advocate. I have always been an advocate, too. Before I ever went to the Wilderness Society, I was an advocate.

But what Gaylord taught me was how: Be confident about what you are advocating and don't ever advocate anything personally. Don't rupture your personal relationships. Respect the views of people on the other side, because you are going to have to work with them next week, the next month, the next year, and be open about your positions and stay in the process. I think he was very successful and very admired, and rightfully so, and he is a great man.

Mr. KIND. Yes, I think there was a whole lot of lessons for many of us to learn, and he has been a real role model for me in the conduct of my official duties.

Now the blindside question: There is a lot of interest——

Mr. FRAMPTON. I thought that was the last one.

[Laughter.]

Mr. KIND. There is a lot of interest in western Wisconsin, given the fact that my congressional district has more miles on the Mississippi than any other congressional district in the Nation, in regard to the American Heritage River Program. We have a lot of communities that are signed up to participate in it. I know CEQ has been very involved with the implementation of that program. Could you just take a minute or so and bring us up to date on your assessment of where that program is and where it is heading, because quite a few community leaders are getting antsy to get this off the ground?

Mr. FRAMPTON. Well, I am not familiar with that, your river segment, but, you know, I think that the program is moving forward slowly, but I have the impression that it is really a great program. I know that it caused controversy with some Members of Congress last year, and frankly, I can't imagine why, because a more benign, less Federal mandate, Federal money, Federal program I can just hardly imagine.

This is really an effort to get local communities, catalyze local communities and local governments and businesses to envision a future and work together, and promise them, if they did that, we would, from the Federal side, try to coordinate a little bit what the Federal programs would be and help them find Federal resources of information. But all the energy is really coming from the local side.

Now I know that some river segments are ahead of others. For example, I went to the signing, a month or two ago, of the first MOU for one of the American Heritage Rivers, the Rio Grande, and, boy, there were Members of Congress, mayors, businessmen. I mean there were hundreds of people there that came up to Washington for that, and they are doing fantastic things.

I do think now we have gotten commitments for river navigators for every segment, and we are working on or close to finishing MOUs for every segment. But I know that some are further ahead than others. So I think we have some work to do, but I think it

is a terrific program which basically is helping local people to work together and envision a better future.

Mr. KIND. I would agree with that.

Mr. FRAMPTON. The problem is that we made a commitment, you know, no new Federal resources; no new Federal programs. So we are relying a lot on local energy, and it just takes a little bit of time.

Mr. KIND. We will be in touch with your office and see if we can set up some meeting in the not-too-distant future. Thanks again for coming.

Mr. FRAMPTON. Thank you.

Mr. KIND. Thank you, Mr. Chairman.

Mr. HANSEN. Thank you. The gentleman from Indiana, Mr. Souder.

Mr. SOUDER. Thank you very much.

As a brand-new member of the Committee, I have been sorting through a lot of these different issues, because in northeast Indiana I don't have a day-to-day interaction like those who have a lot of the parklands or other things. But, in listening to your statement and in reading it and in going through some of the background materials, I was intrigued by the fact you many times refer to this as team work and family, and that you are not a czar. I am not quite sure how you differ from, for example, Mr. Clark, the anti-terrorism czar or General McCaffrey, the drug czar. I don't know whether you are like Karinsky; you are not quite a czar. They have some line authority, but most of them don't have line authority.

But the danger that many of us fear in an agency, when we start to put together these kind of quasi-czar-type things, is a mission creep, because you can almost justify, as Mr. Simpson was referring to about salmon, it can—this leads to this, and this leads to this. And when we see things like the livability agenda from Vice President Gore, somebody like myself, who has always been a right-wing Republican, but I have always been interested in environmental issues, and when I was in college a long time ago, pre-Earth Day, I went, as a conservative representative, to a number of environmental conferences, including one in Chicago, that was kind of the preliminary, which Senator Nelson was and Garrett Harden and Paul Erlich, and many other people that helped launch that. One of the things that was very, very upsetting to me as a social conservative was the preoccupation with the overpopulation and the abortion issue, family planning, euthanasia issues, because almost every subgroup that I went to, they said, well, if there were less people, we could do this.

One of my concerns in your mission creep is, can you assure me that one of the things that you are not going to get involved in are these extremely divisive issues of population control, particularly when you start looking at higher-density housing, mass transportation, and knowing that the Sierra Club has on its home page that they have been a long time involved in this, will you guarantee me that is not going to be part of the environmental agenda?

Mr. FRAMPTON. Well, I don't believe, to my knowledge, that CEQ is now, or has recently at least, been involved in population issues, and there is certainly no plan to in the future. I understand your question about mission creep, and I want to respond to that be-

cause I think, when you look back at the statute and the authorities and the charge to CEQ, statutory purposes of CEQ 1969-1970, that the Congress was remarkably prescient, because those activities are needed even more today than they were then. And I think CEQ has remained very true to its congressional charge.

I think if there is a mission creep, it is not because of any accretion of power. It is because environmental issues and natural resource issues have become entwined with all the most important political and socioeconomic issues that we deal with today, everything the government is involved in, trade and foreign policy and economic strategy. So one or another of these issues come to CEQ at some point in a year or two years, inevitably. It is a function of what is happening in our society, not that CEQ is any more powerful or reaching out to seize any more issues than it did in 1971 or 1972.

Mr. SOUDER. I understand the fundamental dilemma, and I want to zero-in on my question again because that very pressure, since in the environmental movement, from its origins, its heavy active origins, has focused on the population question as defining. You said that it hasn't. Are you committing that you won't?

Mr. FRAMPTON. Well, you know, I work for the President. I don't think I can make, in all honesty, a firm, ironclad commitment forever in the future that CEQ would not work on an issue that related to population, particularly if the Congress passed a statute that gave us authority or the President directed us to do that. But I am saying that we don't work on that issue now and there are no plans at CEQ; God knows we have more than enough to work on right now.

Mr. SOUDER. I want to admit upfront that I am an occasionally paranoid conservative, and in going through your resume and your background, you worked for Justice Blackmun as he was preparing on the Roe v. Wade decision. Were you involved in that or in any of the abortion debate while you were at the Supreme Court?

Mr. FRAMPTON. I worked on the Roe v. Wade case as a law clerk, yes.

Mr. SOUDER. And do you feel that that puts you in any position where you have been an advocate or more likely to push for something like this?

Mr. FRAMPTON. No.

Mr. SOUDER. So you have never had any personal opinions? You merely clerked at that point? Have you ever written on the subject?

Mr. FRAMPTON. I have never written on the subject myself, but I think it is important to say for the record that, obviously, this case came before the Court, and I think I fulfilled my duty as a law clerk in working on the case, advising him, drafting, and so forth.

Mr. SOUDER. Was that part of the reason he might have picked you for a clerk? Did he know that was pending? Was that any—I mean, I am not familiar with the process.

Mr. FRAMPTON. No.

Mr. SOUDER. So you were there, you did your job, but you haven't had any activity on this issue when you were in your different other positions?

Mr. FRAMPTON. I have not personally worked on population issues in my career.

Mr. SOUDER. Thank you very much.

Mr. HANSEN. Mr. Frampton, we don't want to hold you responsible for what other people did, and I know none of us appreciate that.

Some time ago—in fact, in September of 1996—some of us from Utah got a little bent out of shape with CEQ, and as a matter of fact, my chief of staff, Nancy Blockinger, called Katie McGinty and asked her the question: We keep hearing rumors that there is going to be a designation of a monument. Yet, Governor Levitt doesn't know anything about it, and Senator Hatch, Senator Bennett. I didn't know anything about it, chairing the Committee on Public Lands and Parks. She said, "Oh, definitely, there is no plans that I am aware of. I don't know anything about it." Then, the next day, the President was standing on the south rim of the Grand Canyon and declares this a national monument.

Now I am not saying that I was very familiar with the antiquities law, which gave him the right to do it. So we spent a lot of time looking at the 73 national monuments that had been created in the past, who created them, and why they created them.

I found it very interesting that the Antiquities Act called for the President to designate an archaeological site, much like Rainbow Bridge National Monument, or an historic site, much like the Golden Spike, or a scientific site, as all other Presidents had up to this point. And then, the next sentence in the antiquities law says, "And he shall use the smallest acreage available to protect that site."

In this instance, No. 1, the President did not disclose what it was that he was trying to protect. No. 2, he used 1.7 million acres. And a lot of us would think he was really trying to get to Andalex and the coal mine at Smokey Hollow, because it appears that NEPA was going to come out and say that it was no significant impact after they finished EIS on it; that appeared what it would be. Well, as I said, I can't hold you responsible for that, nor would I want to.

On the other side of the coin, we felt pretty bad about that procedure. So I subpoenaed the papers from CEQ, which were every reluctant to give them to us. And finally, we almost had to do a contempt of Congress before they got up here.

Be that as it may, it was very revealing to us when we got those papers, and this Committee did a little pamphlet called, "Behind Closed Doors." And we were very distressed about that. And most of the people in the West and the Western Caucus and people on this Committee on both sides of the political aisle were so distressed about it that they passed legislation to limit the President to 50,000 acres. As you know, there are very few national monuments that exceed that; most of them are very small. In fact, the District of Columbia is only 38,000 acres. That got bogged down over on the Senate side.

Well, I would just like to ask you, very candidly, are you or the CEQ or is anyone planning any more national monuments? And if they are, where are they? And let us know about it.

I honestly, as I read the Constitution, I feel that that is left to Congress to do those things, and personally I think the 1906 antiquity law is an antiquated law, because at the time that it was passed, there was no Wilderness Act, no FLPMA, no 1915 Organic Act; none of those laws were on the books. So I don't really see a reason for it being there, but possibly this is unfair, and if so, I certainly understand you telling me that you won't answer. But I would be curious to know.

The reason I say that is Secretary Babbitt asked me about working with me on a national monument on the Arizona Strip. I hear the President is going to go out and start making some announcements.

Are we going to get this thing again or what is going to happen? Could I, please, just pose that to you and hear your response?

Mr. FRAMPTON. I would be happy to respond to the question, Mr. Chairman. CEQ is not planning any national monument proposals, and the only one that is being planned or under consideration by anyone that I know of is the proposal that Secretary Babbitt announced. I know he has talked to members of the Arizona delegation, held some hearings. If he develops a proposal—and he said that he would like to submit that to Congress for legislation. If he were to submit it to the President as a possible national monument subject for proclamation, then it would come to the White House as his recommendation and the President would have to decide on that.

Mr. HANSEN. Excuse me, sir. Has a proclamation been issued?

Mr. FRAMPTON. Has a presidential proclamation been issued?

Mr. HANSEN. Has one been written, a presidential proclamation, to the best of your knowledge?

Mr. FRAMPTON. No, there is no proposal that has come to the White House or the President from Secretary Babbitt on this. In fact, he has said he is going to hold some more hearings, I think. My knowledge of this is mostly newspaper clips.

Mr. HANSEN. Well, much to the Secretary's credit, he has taken the time to talk to us about it, and of course, he was in Arizona recently holding a public hearing regarding this thing, which would basically be a monument on the Arizona Strip area.

The one thing that kind of bothers me a little bit is I have fought with you folks—I don't know if that is the correct word, but we have had a few differences of opinion—on NEPA. Snow Basin is a classic example of that, which we did a land exchange. There are other examples. As you know, more legislation goes through the Committee on Parks and Lands than probably any other committee in Congress—a lot of little boundary changes.

Whether it is the Interior Department or the Agriculture Department, they are always talking NEPA. However, they conveniently waived NEPA on the Grand Staircase Escalante, and we almost got the impression—again, I am not trying to hold you responsible and please don't take it that way—that if they like it, they waive NEPA, and if they don't like it, they use NEPA as the hammer to handle us on that.

So I am assuming that, in the event that Secretary Babbitt and the delegation of Arizona—and we are concerned also, those of us

in southern Utah—if we do another monument, will NEPA be followed on that or will there be a way to waive it this time?

Mr. FRAMPTON. Well, Mr. Chairman, I don't think NEPA was waived in the case of the Grand Staircase. I think that it was a presidential decision, and NEPA does not apply to presidential decisions. That is pretty well settled law. That is my understanding at least.

Now I know that the issue of whether—or I believe the issue of whether there should have been some NEPA, additional NEPA activities there, may be still subject to litigation, but I think it is pretty well settled law that—and the Antiquities Act is a pretty unique presidential power, confers on the President a really unique presidential—singular presidential authority to do this, and NEPA doesn't apply to presidential decisions.

Mr. HANSEN. With the indulgence of my colleagues here—we have two more to hear from let me just ask a quickie here. Is CEQ involved in making an announcement on Earth Day, April 22nd of this year, with President Clinton and Vice President Gore or anyone else in the administration, regarding the environment, resource management, or preservation? If so, what is the nature of this announcement, and will Congress and this Committee be given notice before any announcement?

Mr. FRAMPTON. I hope we will be involved. I don't think any final decision has been made. A lot of other things are going on in the west wing these days. We would be delighted to give you some notice, when a decision is made.

Mr. HANSEN. All right, we do appreciate—

Mr. FRAMPTON. But I certainly hope the President and Vice President will get out there on Earth Day and do something attractive and productive.

Mr. HANSEN. Tell the folks to be careful of the Mall, will you? You know, the most important cleanup or the most exhaustive cleanup we have is Earth Day. You might bring two beavers along, says the gentleman from Minnesota. But, you know, it strikes me funny the people who believe in Earth Day make the biggest mess there is on the Mall.

The gentleman from Oregon, Mr. Walden.

Mr. WALDEN. Thank you, Mr. Chairman.

Mr. Frampton, welcome. It is our first time to have a little discussion. I am probably one of the only members, if not the only member, on the Committee that actually has the Columbia River in his district, and so I am somewhat familiar with some of the issues.

I was intrigued by your comment about being an advocate, an unabashed advocate, and I respect that. I don't know that that is what I want in your position, given some of the views of people in my district, given your past history, but I respect your honesty in talking about that advocacy.

My question comes, or a couple of them: First of all, in NEPA, the role which you think social and economic interests play in consideration of various activities within the government—I have got to tell you, I am not real hopeful we are going to see, as my colleague from Idaho indicated, much help for our rural communities at this time probably for the next two years, and yet we have got

enormous forest ecosystem problems with bug infestations, blow-downs. I know, in meeting with Forest Service officials, even they told me just this last week in Medford that they have to do a complete aquatic analysis under the Northwest Forest Plan to replace the planks on a lookout station, which seems a bit bizarre. They're going to send me that information.

But it is those sorts of issues. I sometimes think the studies have gone a little outside of the bounds of common sense, but it is really the social economic component, I believe under NEPA, that is supposed to be considered. And I just wonder what weight they are given.

Mr. FRAMPTON. Well, I think that they are—I hope they are given appropriate weight. You asked specifically about an example under the Northwest Forest Plan. You know, when the Clinton Administration came here, there was, you could say, socioeconomic disaster in the forests of the Pacific Northwest on the west side, because courts had enjoined most of the forest management activities. I think that, looking back now four or five years, that the Northwest Forest Plan has been a model of integrating environmental protection and good science with socioeconomic factors.

We have a stable timber harvest, and part of that was a Jobs in the Woods Program. In fact, one of the representatives of the carpenters came in to see me about a month and a half ago saying, "We want CEQ to help us expand Jobs in the Woods on the east side, because the Labor Department and the Commerce Department, you know, they have their own specific interests, but you folks at CEQ see the big picture, and we think you are the place to come to help us sort of get something started here."

So that is the job of CEQ, to balance and integrate a full range of considerations, and I hope we do that. And if we don't do it, then we should get called on it.

Mr. WALDEN. You know, I don't claim to be an expert on the Northwest Forest Plan, but I can tell you, when the cut has been reduced to what it is—I mean, it was projected to go down 70 or 80 percent. Most of it is in some form of litigation anyway. There aren't many mills left. I don't think we ought to kid ourselves that the economy is rosy under the Northwest Forest Plan. There are enough other mitigating things that come in to basically shut it down. It is sure not the comment I get from those who are actually out there. In fact, timber sales that have gone through appeal in the Wynema have just been pulled back by Chief Dombeck, for reasons that I still am not sure of, that were offered and authorized under the Northwest Forest Act, and yet, he sort of wants under his new road list moratorium, and yet, they were offered; they were out there; they had gone through appeals and been approved, and yet, the Forest Service pulls it back. So I guess you have got some advocacy to do on me to convince me that has been a grand scheme.

Let me get back to a question my colleague, Mr. Peterson, asked because I didn't really hear the answer. You talked about global warming and some of the initiatives of the administration, but I never really heard the answer about are healthy, green forests better than bug-infested, dying forests when it comes to improving the ozone layer and oxygen, and all?

Mr. FRAMPTON. Well, my answer was—and I didn't mean to be vague about it—that, unfortunately, we don't have the science to support a very good understanding of the answer to the question that he asked. I don't pretend to be an expert on this, but the fact of the matter is that what we are learning is that, what happens in the soil and what happens with an unhealthy forest staying in the condition that it is in, what happens in the soil and what happens underneath the soil may be more important than what happens above the ground.

So we are learning all the time about the carbon characteristics of forest, things that we didn't know two years ago or five years ago, and I don't want to volunteer what would be—you know, somebody would hold me to be a scientifically-accurate answer. I responded to the question by saying we want to use growing forests to help this problem. The timber industry, the agriculture industry in this country can benefit greatly from that, but if we are going to argue that in an international community we are going to need better science to do that—

Mr. WALDEN. Mr. Chairman, could I ask just one more question? I know my time has run out.

And that is, when it comes to your enforcement of NEPA and the other laws under your jurisdiction, do you intend to apply the same vigor and level of enforcement to those laws now that they are listings in the metropolitan areas—Seattle and Portland, for example—as have been applied to these laws in the rural communities?

Mr. FRAMPTON. Yes.

Mr. WALDEN. Thank you.

Mr. HANSEN. The gentleman from Pennsylvania, Mr. Sherwood.

Mr. SHERWOOD. Thank you, Mr. Chairman.

We are going to beat this one to death, Mr. Frampton, but I was going to ask the same question as my friend Greg did, because I didn't understand your answer to John Peterson's question also.

It is my understanding that the science is that a growing forest retains more water. It holds the water back and manages the water table better, and it absorbs more carbon; it provides more habitat for game, and it certainly grows better timber. As I see your management, and I look at the Allegheny National Forest in Pennsylvania and a few things, it seems to me like our timber policies are more preservationist than wise use. And I would like to get your comment on that.

Mr. FRAMPTON. Well, let me see if I can respond to the two questions. The first question, the original question that was asked of me had to do with whether a young, healthy, growing forest captures more carbon than, let's say, an unhealthy, bug-infested forest where trees are falling down, and my answer to that question is that we really don't know enough, I don't know enough, I am not sure we know enough to give a definitive answer to that question.

Three or four years ago people would have said yes. Now what we are learning is, if we take away the unhealthy forest, disturb the soil, that the total impact on carbon release there may far exceed the carbon capture over 20 or 30 years of a young growing forest. We don't know enough about that to know. And I didn't want to volunteer what someone would take perhaps to be a definitive

answer to the question, and that is my honest answer. I am not sure that we know enough to know that.

The second question you asked me really is a broader question about forest management, I guess, across the country. I don't think that our overall forest management policies for public forest are preservationist. I think what they are is designed to try to build in concepts of real sustainability.

Now one can disagree whether a lower timber harvest in the Pacific Northwest Plan is something that is good policy or bad policy, but it is sustainable and it will go on year after year, decade after decade, which was not a path we were on for the last 20 or 30 years.

So I think our forest policies are really aimed at sustaining all the resources of the forest. Balance and sustainability are really the key words of forest policy. I don't think they are preservationist-oriented, and I don't think they are wise-use-oriented, either.

Mr. SHERWOOD. See, my experience is the eastern forest, and when you talk about disturbing the soil, that is usually how you get a new forest and that is how you get the acorn seed. We have very viable hardwood trees becoming over mature in the Allegheny National Forest because of the ban on cutting, and we also have market forces stripping the ground that is outside the forest, outside the Allegheny National Forest, because there is such a high demand now for the resource. I think our policy there is unwise in the context of the greater forest in the Northeast.

But timber is a resource. In my opinion, it is a resource that we are very fortunate in this country to have, and I agree with sustainability. Our forest turns over not very rapidly in the Northeast, but if it is carefully managed, it can be cut every 20 or 30 years very successfully. I just wanted to give you my opinion on that and get yours, and I think we don't totally disagree, but we don't totally agree either.

Thank you.

Mr. HANSEN. The gentleman from Minnesota.

Mr. VENTO. Mr. Chairman, on Mr. Sherwood's comments, part of the problem with the Pacific Northwest was that we legislated the cuts at 4 billion board feet a year in terms of sales, and that was way over the sustainability level, and so that was done by us. We should have paid more attention to it. I think now we are faced with, obviously, forests are much more—the use is much more than just for timber harvest; of course, there's a broad array of different uses that they have.

I don't know; I mean, I understand the forest plan, and I lived up close and personal with some of the problems. I was just going to point out to my colleagues that I was going over the appropriations testimony, and I saw when someone said something about creep in terms of mission, in fact, that is one of your responsibilities at the Conservation Reserve Program, where the Council on Environmental Quality, for instance, has to pass judgment on much of that policy that goes down. I also noted that so much of what we may be objecting to in terms of the enhanced role here is, in fact, done legislatively.

I also noticed that—and I thought maybe that this would be important because there are two Udalls on the Committee—that the

U.S. Institute for Environmental Dispute Resolution, now that all sit on that—you wear a lot of hats in this particular role. I mean, it seems to me that there is a case that could probably be made for quite a bit of personnel, if we really expect you to carry these roles out successfully. I mean, to have a central role in them, I would think that there would be more enthusiasm for, in fact, providing the proper funding.

Of course, I am aware of, and this Committee I think has been very jealous in terms of, guarding its legislative prerogatives to the point of building up a mountain of work that we don't always put a dent in each year, especially when we have such a disagreement on the Committee and within the Congress on some of the issues that are before us. So the consequence is that a lot of other agencies, departments, and others have a lot of delegated responsibilities, administrative role, but we still retain some with the Committee, but I think that there is a broad array of responsibility in terms of the different land managers, and certainly with regard to CEQ and yourself in this role, Mr. Frampton, to carry out these responsibilities.

I guess if you can deliver any more problems to us where you have got some solutions, I think it is helpful. I don't know; I can't promise that everyone is going to like the answer.

Mr. FRAMPTON. We don't want to deliver problems. We want to deliver solutions. I mean, you mentioned the creep. Just an example, I was out in Oregon a few weeks ago, going around with the governor and with some local people on watershed councils, restoration councils, and learned from people in the Agriculture Department that farmers there are not signing up; there is a lot of money, but farmers are not signing up for the conservation reserve enhancement program.

Well, why not? Well, because they don't get—if they sign up for the program and they plant trees next to streams, they don't get—they are saying to the Agriculture Department, do we get a pass under the Clean Water Act? I mean, if we join your program, do we have other Federal agencies saying okay for 10 years? And the answer is, we don't know. That is an example of something that, only if you are in the middle of this process where the roads cross can you say, well, yes, the answer to that ought to be yes.

So how do we get to yes here? Well, we get EPA together with the Agriculture Department in Washington and the region and try to help the people in Ag who are on the ground be able to say yes to farmers. I mean, there are 1,000 ways in which our existing environmental laws cross, and not very many people in the Federal Government with the responsibility to see that they cross in an intelligent way.

Mr. VENTO. Bringing up that topic, I see the CEQ continues to work with EPA and USDA, the co-chairs of the Clean Water Action Plan, and that is another little task for you. I am specifically interested in urban policy or the smart growth type of plans. Obviously, we had boasted of having a pretty good policy regarding that in the State that I hail from, Minnesota, but I think it has fallen on hard times. But with a another name you will recognize, Ted Mondale, chairing the Metropolitan Council now, we hope that we will be breathing some new life into that particular process and be able to

engage and use some of the Federal programs to help enhance that program.

But thanks, George, thanks for your testimony. Thank you, Mr. Chairman.

Mr. HANSEN. The gentleman from Oregon, an additional question?

Mr. WALDEN. Yes, thank you, Mr. Chairman. I appreciate that.

I appreciate your comments about the interaction among Federal agencies. In fact, this meeting I had with the Forest Service, they pointed out, I believe, when they go to do something, there are 91 Federal laws that apply to them—

Mr. FRAMPTON. That sounds right.

Mr. WALDEN. [continuing] and their frustration of trying to make sure everyone of those is met. And that is part of my frustration about Northwest Forest Plan, because they are saying we are not getting sued under the Endangered Species Act anymore; we are getting sued under the Clean Water Act. And, indeed, that is what is going on in the Columbia River today.

Every problem has created a new Federal law over the last 20 or 30 or 40 years, and it is darn near impossible to mesh them all and come out with an end product. And, yet, on the ground you can see the kind of work people are willing to do in the watersheds of Oregon to stop erosion, cool down streams, improve fish habitat. Sometimes we just feel so bound up that, no matter what we do, we are going to get hit.

I want to go back to this green tree thing for just another thought. As I understand it, under the Clean Air Act there are power companies that get environmental credits, if you will, for planting trees down in Central America and around to add the cleaning the airsheds down there against them burning coal up here—PacifiCorps to be specific. They run ads on TV out there about how they are planting trees, and they told me that is because they get environmental credits against what they burn somewhere else.

If planting trees down there helps the environment, how does that jive with what we were just talking about, that you don't feel you have the adequate science to make that determination? And do we, therefore, have conflicting policies?

Mr. FRAMPTON. You know, I am not familiar with what PacifiCorps has done in detail, but I think most of the forest enhancement or forest preservation projects that have generated Clean Air Act sulfur credits have been done through the preserving forests, buying forest and preserving forests, not growing new forest, but I may be wrong about that. I would be happy to respond to you, find out more about this and respond to you.

Mr. WALDEN. I appreciate that.

[The information may be found at the end of the hearing.]

Mr. FRAMPTON. And you raised a good—you and your colleagues have raised a good question here about the carbon retention issues, and I would like to respond more. I am just reluctant to respond on an issue which I don't know enough about and which I know that we need to know more about.

Mr. WALDEN. That is just one of the 91 Federal laws that you probably have to know every detail of. So I appreciate that and look forward to your response.

Mr. FRAMPTON. Thank you.

Mr. HANSEN. Thank you.

Mr. Frampton, as you know, we will have some additional questions. With your indulgence, we would like to submit those to you today. No fault to you, of course, but we have noticed in the past, when we submit questions we don't see answers for quite a while. You are not as bad as the Pentagon, however. Usually they wait until the issue is dead and then they bring it up.

Mr. FRAMPTON. But our issues never go away, Mr. Chairman, so we cannot do that.

Mr. HANSEN. We would appreciate as rapid a turnaround as possible. I often accuse the Pentagon that there is a room in the basement where they put studies and answers to congressional questions, hoping they will go away.

[The information may be found at the end of the hearing.]

Mr. HANSEN. Let me just say one quick thing here that bothered me a little bit, and I will read this to you, and you can correct this error, if you are so inclined. The policy of NEPA states that Federal agencies will work in cooperation with, among others, local governments such as counties. This cooperation includes financial and technical assistance. Yet, when the regulations were promulgated for NEPA, they only included Federal agencies as being cooperating agencies, although it is my understanding that the BLM, Forest Service, and Park Service have issued a statement clarifying that State, local, and tribal governments can become cooperating agencies. This is currently not in the regulations.

We got one thing saying one thing, and one saying another, if our guys are correct. Therefore, in my mind, I think that from your organization the regulation should be re-written to include State, local, and tribal governments as cooperating agencies. This basically comes from a lot of our local people who don't have a hand in these things, and I can't speak with firsthand knowledge to that effect, but if that is the case, it would seem to me it would be reasonable to amend that, so that the law and the regulation walk a parallel path.

Mr. FRAMPTON. Mr. Chairman, perhaps I can clarify that. My understanding is that both the law and the regulations provide that State and local governments and tribes may be cooperating parties in the NEPA process when they have special jurisdiction, but the issue there has been whether the agencies actually are generous in allowing them to be.

Senator Thomas has introduced a bill that would change the law to require that such local governments be cooperating agencies. I had a meeting with him the week before last on that, and it is clear that, since he sees that CEQ has been pushing this but wants to push it further, in my discussions with him it was clear that what he was looking for was—I think the spirit of what you're looking for—is a stronger policy that is directed at the agencies. And I am actually looking at this. I think it is in the regulations, but it is not mandatory; it is permissive.

Mr. HANSEN. Well, I appreciate your answer. I guess Senator Thomas could do that, and we could take out a “may” and put a “shall” in there, I guess, without much trouble. On the other side of the coin, I would be more curious at how you personally would look at it and how you would do it as the head man of CEQ.

Mr. FRAMPTON. Well, I personally think that CEQ needs to get out some kind of stronger policy or guidance telling the agencies that they should in most cases have the appropriate local and State agencies as cooperating agencies. I think we need to—I mean, I am in favor of this and so is Ms. McGinty. I think CEQ has worked on this issue with agencies before—to get the land management agencies, for example, to bring in more cooperating parties. The question is, whether we are going to be more emphatic in our policy or guidance, and I favor being more emphatic about it.

Mr. HANSEN. I would appreciate that and I think that makes a lot of sense.

I yield to the gentleman from Minnesota.

Mr. VENTO. A different topic, but in some cases I suppose local governments may or may not have the resources or the expertise to participate in that level; would that be accurate?

Mr. FRAMPTON. Well, that is an issue. I think some local governments think that being a cooperating party gives them either a bigger decision role or somebody else to pay for their participation, and it doesn't give them either. So we don't want to create unfair expectations that the Federal Government or somebody else is suddenly going to pay for them to participate as a cooperating party.

Mr. VENTO. Well, I just wanted to make certain, as it were, because as you look at this, I mean, it is one thing to—it is going to take time, obviously, and energy, but if they are technically not—they can't offer the technical assistance or do the other type of work, then, obviously, what I think in those cases where you have that occur, I might say, Mr. Chairman, that maybe it is a question, then, of having the State do it, where you know most States would have that technical expertise, and then it would be a decision that they could work out between the States and local governments. But a lot of these decisions may fall on a government that does not have significant resources—that's all I'm suggesting—or the scientists on staff, and so forth, that they need. Because when I talk to the agencies that are doing this, they now claim they need Ph.D.'s and they need people with master's degrees, and so forth, to actually do the type of work that is required in some of the EIS's and EA's. I mean, that is what it takes. So I don't think we ought to kid ourselves about that.

Mr. HANSEN. I have been under the impression that the law provided the financial and technical assistance to the State governments. I really think they should have the option, though—I mean, just to be totally ignored is a little tough on these people, especially a little county or city where someone comes in and some high rolling thing goes on, and they are sitting there being the elected officials and having someone go over their head.

You mentioned earlier to the gentleman from Minnesota, I believe it was, concerning that there was a council of one for a while there; when there should have been three, we had one person running the show. How is it going to go now? Are you going to be just

you as chairman or are you going to have a couple of folks to help you out?

Mr. FRAMPTON. Well, as far as I know, Mr. Chairman, for the last whatever, 10 or 12 years, both the administration and the Congress have been happy to have the authority vested in one council member. I mean, I will tell you from my point of view, after four months in an acting capacity, that it works pretty well, obviously, from an agency this size.

The problem is that we are a very downsized agency. I mean, the decision to go to one council member was made at a time, or in the 1980's, at a time when this agency was twice as big. So if you really wanted to have three council members and you had to support them, and staff and offices, and so forth, I think there is a fair question whether that would be a very useful use of the taxpayers' money at this point with an agency this size. Now, if we were, you know, a \$30 million agency, that would be a different thing.

Mr. HANSEN. What does the statute say? When it was created, wasn't it created by statute?

Mr. FRAMPTON. Yes, the statute contemplated three council members.

Mr. HANSEN. Does it say three or just kind of leaves that a little nebulous?

Mr. FRAMPTON. I believe it says three, yes.

Mr. HANSEN. I see.

Mr. FRAMPTON. But the Congress every year simply—

Mr. HANSEN. I get from your statement that you feel one is more than sufficient?

Mr. FRAMPTON. Well, you said, if we were a \$30 million agency, would I like to have two colleagues? I think it would be a different situation, but would I like to spend 50 or 60 percent of the budget supporting two more council members and having a third as many staff members; I am not sure that would be a very efficient use of your money.

Mr. HANSEN. More of a theocracy than a democracy. No disrespect there.

Well, Mr. Frampton, thank you for your indulgence, and we surely appreciate you being with us today and responding to our questions.

Mr. FRAMPTON. Thank you, Mr. Chairman.

Mr. HANSEN. The meeting will stand adjourned.

[Whereupon, at 3:58 p.m. the Committee was adjourned.]

[Additional material submitted for the record follows.]

STATEMENT OF GEORGE T. FRAMPTON, JR., ACTING CHAIRMAN, COUNCIL ON ENVIRONMENTAL QUALITY, EXECUTIVE OFFICE OF THE PRESIDENT

Mr. Chairman, Representative Miller, members of the House Resources Committee:

I am pleased to have the opportunity to appear before the Committee to discuss the National Environmental Policy Act (NEPA). As you well know, NEPA is truly a landmark statute; indeed, it is the foundation of our nation's environmental policymaking. It is my statutory responsibility as Acting Chairman of the Council on Environmental Quality (CEQ) to oversee the Federal Government's implementation of NEPA, a responsibility I take very seriously.

In enacting NEPA nearly 30 years ago, the Congress understood that true environmental protection can be achieved only by incorporating this goal into the very fabric of Federal decision making. In pursuit of this overarching objective, NEPA set forth four fundamental principles. The first is the full integration of environmental, economic and social objectives—the recognition that they are not competing or contradictory, but inextricably linked. The second is sound decision-making based on thorough, objective analysis of all relevant data. The third is effective coordination of all Federal players in the development and execution of environmental policy. And the fourth is the democratization of decision making—giving citizens and communities a direct voice in decisions affecting their environment and their well being.

Congress charged CEQ with lead responsibility for putting these principles into practice. Experience has shown that one of the best ways we can achieve this mission is by promoting partnerships among those responsible for creating, and those affected by, environmental policy. Indeed, state and local governments, the business community, and other stakeholders are looking to CEQ to play even a larger role in helping to forge such partnerships. For this reason, our Fiscal Year 2000 budget requests seek additional resources to carry out a Partnership Program that builds on CEQ's unique coordinating role within the Federal family.

My appreciation of NEPA—and of the importance of collaborative approaches to environmental policy making—was heavily influenced by my experiences from 1993 to 1997 as Assistant Secretary of the Interior for Fish, Wildlife and Parks.

Much of my work at Interior involved building teamwork and consensus among agencies within the Department; among various Federal departments and agencies with different priorities and missions; and among state and local governments, private landowners, and other stakeholders.

One such undertaking was the Federal/state task force that developed a comprehensive restoration plan for the Everglades/South Florida Ecosystem, the largest ecosystem restoration ever undertaken in the United States. This six-year effort, which enjoys bipartisan support at both the Federal and state level, is scheduled to come to fruition this June.

Another major success was our effort to develop a new paradigm for the Endangered Species Act, including the pioneering use of Habitat Conservation Plans with private landowners, and collaborations with state and local governments such as Natural Communities Conservation Planning Program (NCCP) in the Southern California counties of San Diego, Orange, and Riverside Counties. In addition, in partnership with Governor Leavitt of Utah and the Western Governors Association, I helped craft a reform proposal for the Endangered Species Act that became an important basis for the Kempthorne bill reported out of this Committee.

As the lead Federal trustee in the Federal/state Exxon Valdez Oil Spill Trustee Council, I joined with then-Governor Wally Hickel of Alaska to forge a balanced, comprehensive program guiding the use of the civil penalty paid by Exxon to restore Prince William Sound and the Exxon Valdez spill area in South Central Alaska. This program, based on the best available science and broad public input, found wide support among Federal and state agencies, Native Corporations, fishermen, environmentalists, and local and Alaska residents.

Working with the Alaska Department of Economic Development, the U.S. Department of Energy, and the National Park Service, I also negotiated an agreement to locate one of the nation's first Clean Coal Technology Demonstration Projects adjacent to Denali National Park. Among the benefits of this innovative project are improved visibility and air quality. Without this agreement, the project would have foundered.

While at Interior, I came to recognize that almost every important environmental or natural resource issue facing the Federal Government today requires coordination among more than one Federal agency or department. Most of these issues also demand close cooperation, and often a sustained partnership, with state and local government as well.

This is where CEQ—and NEPA, the statute that created it—play an absolutely indispensable role.

Earlier, I summarized the four core principles underlying NEPA. To advance these principles, the statute established three primary mechanisms. The first is the explicit requirement that agencies fully integrate NEPA's goals and policies into their planning and their day-to-day activities. The second is the environmental review process, which ensures rational decision making informed by sound data and full public participation. The third is CEQ, a permanent environmental body within the Executive Office of the President.

CEQ's principal role is to advise the President on the development of environment policy. Other responsibilities include monitoring environmental trends, assessing the success of existing policies, advising Federal agencies on their responsibilities under NEPA and, when necessary, mediating NEPA conflicts among the agencies. But one of the most critical roles assigned to CEQ by the Congress is coordinating the work of the Federal family on environmental issues.

Over the past four months as Acting Chairman of CEQ, a very large part of my work has been oriented to this practical, problem-solving side of CEQ's mandate: seeing to it that Federal departments and agencies are on the same page, are working together.

I've been reminded often, as I was at the Interior Department, how important it is that the Federal family speak with one voice. This subject comes up over and over again with mayors, county executives, and governors, as well as with representatives of regulated groups and industries.

In November, when I addressed the Western Governors Association (WGA) meeting in Phoenix, many of the Governors explained how important CEQ is to them because it is the only place where "all roads cross" when it comes to Federal environmental policy. It is the only place they can go for help when they are caught between Federal environmental statutes or agencies, or want to appeal an agency policy or decision. In fact, several governors said publicly they are dismayed that CEQ is so small and has so few resources, given the importance of its role to their constituents.

A significant part of CEQ's casework relates to the NEPA process, and particularly to the preparation of Environmental Impact Statements (EIS) and Environmental Assessments (EA). Typical of CEQ's involvement is a recent settlement in a case involving the Longhorn Pipeline, which runs from Austin to San Antonio. A proposal to use this former oil pipeline to transmit natural gas—serving, among other things, poor communities with inadequate energy supply—faced potentially fatal delays because proponents sought to avoid NEPA's applications and a Federal court held that an EIS might be required. A CEQ-brokered court settlement satisfactory to all parties calls for prompt preparation of a robust EA that will provide the public with ample information and meet NEPA legal requirements in time to allow for key investment decisions.

State and local governments, and other stakeholders, look to CEQ for leadership on new initiatives as well. For example, last fall the Governors of California, Oregon, Washington, and Alaska asked the Administration to create a Federal fund to help them restore endangered coastal salmon runs—with an absolute minimum of Federal red tape. But to ensure accountability to the Federal Government and Congress, and coordination on a regional basis, the Governors proposed that the Federal coordinating role be undertaken by CEQ. Responding to their request, the President's proposed FY 2000 budget indeed includes a \$100 million Pacific Coastal Salmon Recovery fund to help states, tribes and local communities restore coastal salmon.

Clearly CEQ's "casework" and coordinating roles are also very important to many Members of Congress. The number of requests and referrals from Members seeking improved NEPA coordination among the agencies is increasing every year.

Yet CEQ today has fewer staff members and a smaller budget than it had during much of the 1970's—nearly a third less staff even than at the end of the Bush Administration.

For this reason, the President's proposed FY 2000 Budget requests additional funding for CEQ to carry out the "partnership program" to work more closely with governments, mayors, and private individuals in collaborative initiatives and in problem-solving in the field.

My vision for CEQ is no more and no less than the vision I believe Congress had in 1969: a balanced, coordinated and effective Federal environmental policy; and a process for democratic, informed environmental decision making.

In six years this Administration has compiled a record of strong environmental protection as good as that of any President in history, while catalyzing and overseeing the strongest economic recovery since World War II. There is no longer any

reason to debate whether rigorous environmental standards go hand in hand with economic progress. The history is now clear, and the record speaks for itself.

I am proud of the part CEQ—and NEPA—have played in establishing that record and look forward to working with the Congress to continue building on it, for the sake of our environment and the American people.