

full implementation of the National Energy Strategy. Warning that there was still a long way to go, however, he urged the House to follow the Senate's example. Coincident with the Senate action, Watkins released a "one year later" update of the National Energy Strategy. Noting that the administration was a year ahead of Congress, he said that "while the Congress has spent the last year debating, the administration has been solidly moving forward to implement important energy initiatives."²¹²

The following month, the House Energy and Commerce Committee approved its own version of the energy bill. Nine separate House committees claimed further jurisdiction over the bill. In late May, the House finally passed the measure by a vote of 381 to 37. The House bill differed most significantly from the Senate bill in that it contained tax-related provisions, including tax incentives for renewable energy and a fee on electric utilities to pay for the decontamination and decommissioning of uranium enrichment facilities. The House bill also allowed the Federal Government to preempt Nevada's authority to issue environmental permits pertaining to Yucca Mountain. The Department for the most part was pleased with the House's actions. The House excised, for example, five of six provisions—including a requirement that oil importers and refiners contribute 1 percent of their stocks to the Strategic Petroleum Reserve—that President Bush had stated would cause him to veto the measure. Still troublesome, however, were severe restrictions on oil and gas development of the Outer Continental Shelf. These "restrictive policies," Watkins complained, were "inconsistent with the President's desire to sign a pro-growth energy bill."²¹³

Congress did not immediately go to conference to reconcile the two energy bills. Because of the tax provisions, the Senate referred the House bill to the Finance Committee. Two issues imperiled the legislation. First, Nevada Senators Richard Bryan and Harry Reid threatened a filibuster over the bill's Yucca Mountain provisions. Johnston placated the two Nevadans by promising that the conference report would contain no reference to federal preemption of Nevada's rights. Second,

the Finance Committee approved an amendment by Senator John D. Rockefeller IV (D-WV) that imposed a tax on coal production to fund health benefits for coal industry retirees. The administration opposed the amendment because it would create a new entitlement, raise energy and utility bills, and benefit eastern coal companies at the expense of those in the west. Watkins and Secretary of Labor Lynn Martin warned Johnston that the amendment was "a highly objectionable provision, which, if it remains in a final energy bill, will cause us to recommend a veto of the legislation." The Senate, nonetheless, forged ahead, placing the Department in the ironic position of supporting a filibuster against the energy bill. Watkins was livid. "This type of gridlock," he asserted, "is another example of a Congress unable to reject parochial interests in favor of the greater national good." Unable to invoke cloture, the Senate compromised on the Rockefeller amendment and on July 30 approved a revised version of the House bill.²¹⁴

The House-Senate conference faced a daunting task. With the November elections imposing an early October adjournment and 100 representatives and 32 senators on the conference, slogging through the 1000-page bill would not be easy. "We don't have a lot of time here for foreplay," Johnston noted. Following weeks of slow-going negotiations, conferees approved a scaled-back measure. Gone were most natural gas provisions, as were restrictions on oil and gas drilling on the Outer Continental Shelf. This eliminated the likelihood of a presidential veto. The conference, nonetheless, inserted a provision on Yucca Mountain that resulted in a filibuster by the Nevada senators. The provision called for the National Academy of Sciences to recommend radiation emission standards that the Environmental Protection Agency would be required to adopt. Senators Bryan and Reid objected that the Academy was too easily influenced by the Department and would therefore recommend weakened standards. This would then make it easier for the Department to establish a high-level waste repository at Yucca Mountain. Johnston did not deny this, but he said that the provision was necessary because current EPA standards required the Department to use