

Union Calendar No. 93

105TH CONGRESS
1ST SESSION

H. R. 1276

[Report No. 105-99, Parts I and II]

A BILL

To authorize appropriations for fiscal years 1998 and 1999 for the research, development, and demonstration activities of the Environmental Protection Agency, and for other purposes.

JUNE 26, 1997

Reported from the Committee on Commerce with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

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[Report No. 105-99, Parts I and II]

To authorize appropriations for fiscal years 1998 and 1999 for the research, development, and demonstration activities of the Environmental Protection Agency, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

APRIL 10, 1997

Mr. CALVERT introduced the following bill; which was referred to the Committee on Science

MAY 16, 1997

Reported with an amendment, referred to the Committee on Commerce for a period ending not later than June 20, 1997, for consideration of such provisions of the bill and amendment as fall within the jurisdiction of that committee pursuant to clause 1(e), rule X

[Strike out all after the enacting clause and insert the part printed in italic]

JUNE 20, 1997

Referral to the Committee on Commerce extended for a period ending not later than June 26, 1997

JUNE 26, 1997

Additional sponsors: Mr. BROWN of California, Ms. JACKSON-LEE of Texas, and Mr. EHLDERS

JUNE 26, 1997

Reported from the Committee on Commerce with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in boldface roman]

[For text of introduced bill, see copy of bill as introduced on April 10, 1997]

A BILL

To authorize appropriations for fiscal years 1998 and 1999 for the research, development, and demonstration activities of the Environmental Protection Agency, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-
2 tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 *This Act may be cited as the “Environmental Re-
5 search, Development, and Demonstration Authorization Act
6 of 1997”.*

7 **SEC. 2. DEFINITIONS.**

8 *For the purposes of this Act, the term—*

9 *(1) “Administrator” means the Administrator of
10 the Environmental Protection Agency;*

11 *(2) “Agency” means the Environmental Protec-
12 tion Agency; and*

13 *(3) “Assistant Administrator” means the Assist-
14 ant Administrator for Research and Development of
15 the Agency.*

16 **SEC. 3. AUTHORIZATION OF APPROPRIATIONS.**

17 *(a) IN GENERAL.—There are authorized to be appro-
18 priated to the Administrator \$481,064,800 for fiscal year*

1 1998 and \$494,806,500 for fiscal year 1999 for Science and
2 Technology activities, including program management and
3 support, in the areas specified in subsection (b).

4 (b) *SPECIFIC PROGRAMS AND ACTIVITIES.*—Of the
5 amounts authorized in subsection (a), there are authorized
6 to be appropriated the following:

7 (1) *For administration and resource management, \$227,700 for fiscal year 1998 and \$234,500 for*
8 *fiscal year 1999.*

10 (2) *For research in the Office of Air and Radiation, \$81,898,900 for fiscal year 1998 and*
11 *\$84,355,800 for fiscal year 1999, of which—*

13 (A) *\$43,183,300 for fiscal year 1998 and \$44,478,800 for fiscal year 1999 shall be available for ozone, carbon monoxide, and nitrogen*
14 *oxides research;*

17 (B) *\$6,741,200 for fiscal year 1998 and \$6,943,400 for fiscal year 1999 shall be available for particulate matter, visibility, and haze research;*

21 (C) *\$4,249,200 for fiscal year 1998 and \$4,376,700 for fiscal year 1999 shall be available for air toxics research;*

10 (G) \$4,147,100 for fiscal year 1998 and
11 \$4,271,500 for fiscal year 1999 shall be available
12 for radiation research; and

19 (C) \$19,871,100 for fiscal year 1998 and
20 \$20,467,200 for fiscal year 1999 shall be avail-
21 able for air toxics research:

22 Notwithstanding paragraphs (1) through (6), the total
23 amount which may be appropriated under this subsection
24 shall not exceed the overall sums stated in subsection (a).

1 (c) ADDITIONAL AUTHORIZATIONS.—There are author-
2 ized to be appropriated to the Administrator—

3 (1) for criteria air pollutants research by the Of-
4 icer of Research and Development, \$75,163,100 for fis-
5 cal year 1998 and \$77,418,000 for fiscal year 1999,
6 including—

7 (A) \$50,000,000 for fiscal year 1998 and
8 \$51,500,000 for fiscal year 1999 for particulate
9 matter research; and

10 (B) \$18,700,000 for fiscal year 1998 and
11 \$19,260,000 for fiscal year 1999 for ozone re-
12 search, including study of the transportation of
13 ozone and ozone precursors on a national scale;
14 (2) for drinking water research by the Office of
15 Research and Development, \$39,467,600 for fiscal
16 year 1998 and \$40,651,600 for fiscal year 1999;

17 (3) for oil pollution related research, \$1,017,200
18 for fiscal year 1998 and \$1,047,700 for fiscal year
19 1999;

20 (4) for research related to leaking underground
21 storage tanks, \$693,600 for fiscal year 1998 and
22 \$714,400 for fiscal year 1999; and

23 (5) for research related to the Comprehensive En-
24 vironmental Response, Compensation, and Liability

1 *Act of 1980, \$39,755,900 for fiscal year 1998 and*
2 *\$40,948,600 for fiscal year 1999.*

3 *(d) LIMITATIONS.—Other than amounts awarded*
4 *through a competitive process, or as specifically authorized*
5 *by an Act other than a general appropriations Act, no*
6 *funds are authorized to be appropriated by this Act for—*

7 *(1) the North Dakota Center for Air Toxic Metals*
8 *Research;*

9 *(2) Oil Spill Restoration at the Louisiana Envi-*
10 *ronmental Research Center;*

11 *(3) the Mine Waste Technology Program;*

12 *(4) Livestock and Agriculture Pollution Abate-*
13 *ment;*

14 *(5) Resource and Agriculture Policy Develop-*
15 *ment;*

16 *(6) San Joaquin Valley PM-10 Study;*

17 *(7) the Clean Air Status and Trends Network*
18 *(CASNET) monitoring station in New England;*

19 *(8) the National Decentralized Water Resources*
20 *Capacity Project;*

21 *(9) the Lung Disease Study by the National*
22 *Jewish Center;*

23 *(10) the Lower Mississippi River Cancer Study;*
24 *or*

(11) the Northern Iowa Small Business Pollution Prevention Center.

3 (e) *TRANSBOUNDARY POLLUTION RESEARCH.*—From
4 funds appropriated pursuant to this Act, \$1,000,000 are
5 authorized to be appropriated to the Administrator for each
6 of the fiscal years 1998 and 1999 to support the United
7 States-Mexico Foundation for Science for research related
8 to environmental issues in the United States-Mexico
9 transboundary region, including the Salton Sea.

10 SEC. 4. SCIENTIFIC RESEARCH REVIEW.

11 *The Administrator shall assign to the Assistant Ad-*
12 *ministrator the duties of—*

19 (A) is of high quality; and

20 (B) does not duplicate any other research
21 being conducted by the Agency.

22 SEC. 5. GRADUATE STUDENT FELLOWSHIPS

23 *In carrying out the graduate student fellowship pro-*
24 *gram for which funds are authorized to be appropriated by*
25 *this Act, the Administrator shall ensure that any fellowship*

1 award to a student selected after the date of the enactment
2 of this Act is used only to support scientific research that
3 would further missions of the Office of Research and Devel-
4 opment.

5 **SEC. 6. SCIENCE ADVISORY BOARD.**

6 (a) *ANNUAL REPORT.*—The Science Advisory Board
7 shall submit to Congress and to the Administrator an an-
8 nual report that contains the views of the Science Advisory
9 Board on proposed research programs as described in the
10 President's budget for research, development, and dem-
11 onstration activities at the Environmental Protection Agen-
12 cy. Such report shall be submitted to Congress as soon as
13 practicable after the submission of the President's budget
14 to Congress. The Administrator shall cooperate with the Di-
15 rector of the Science Advisory Board, particularly with re-
16 spect to the timely provision of budget information to the
17 Science Advisory Board, to allow the Science Advisory
18 Board to carry out its duties under this subsection.

19 (b) *EVALUATION.*—The Science Advisory Board shall
20 conduct periodic evaluations of selected areas of the current
21 and planned research, development, and demonstration ac-
22 tivities of the Environmental Protection Agency. The areas
23 of evaluation shall be selected by the Science Advisory
24 Board in consultation with the Administrator, the Office
25 of Research and Development, other Agency programs, and

1 appropriate committees of the Congress. Reports containing
2 the Science Advisory Board's evaluations and recommenda-
3 tions shall be filed with such committees and the Adminis-
4 trator. The Administrator shall provide to such committees
5 a written response to the Science Advisory Board's evalua-
6 tion and recommendations within 60 days after the Science
7 Advisory Board's report has been submitted.

8 (c) SUBMISSION TO CONGRESS.—The Administrator
9 shall submit to the Congress any report required by law
10 to be submitted to the Administrator by the Science Advi-
11 sory Board. The Administrator shall make any such sub-
12 mission not later than 60 days after the Administrator re-
13 ceives the report from the Science Advisory Board.

14 (d) AUTHORIZATION.—There are authorized to be ap-
15 propriated to the Administrator \$2,418,300 for fiscal year
16 1998 and \$2,490,800 of the Environmental Protection
17 Agency posed by the problems referred to in paragraph (1),
18 and plan and budget for achieving Year 2000 compliance
19 for all of its mission-critical systems; and

20 (3) develop contingency plans for those systems
21 that the Environmental Protection Agency is unable
22 to correct in time.

23 **SEC. 10. BUY AMERICAN.**

24 (a) COMPLIANCE WITH BUY AMERICAN ACT.—No
25 funds appropriated pursuant to this Act may be expended

1 *by an entity unless the entity agrees that in expending the*
2 *assistance the entity will comply with sections 2 through*
3 *4 of the Act of March 3, 1933 (41 U.S.C. 10a–10c, popu-*
4 *larly known as the “Buy American Act”).*

5 (b) *SENSE OF CONGRESS.—In the case of any equip-*
6 *ment or products that may be authorized to be purchased*
7 *with financial assistance provided under this Act, it is the*
8 *sense of Congress that entities receiving such assistance*
9 *should, in expending the assistance, purchase only Amer-*
10 *ican-made equipment and products.*

11 (c) *NOTICE TO RECIPIENTS OF ASSISTANCE.—In pro-*
12 *viding financial assistance under this Act, the Adminis-*
13 *trator shall provide to each recipient of the assistance a no-*
14 *tice describing the statement made in subsection (a) by the*
15 *Congress.*

16 **SECTION 1. SHORT TITLE.**

17 **This Act may be cited as the “Environmental**
18 **Research, Development, and Demonstration**
19 **Authorization Act of 1997”.**

20 **SEC. 2. DEFINITIONS.**

21 **For the purposes of this Act, the term—**

22 **(1) “Administrator” means the Administrator of the Environmental Protection**
23 **Agency;**

6 SEC. 3. AUTHORIZATION OF APPROPRIATIONS.

7 (a) IN GENERAL.—There are authorized to
8 be appropriated to the Administrator for the
9 Office of Research and Development in the
10 Environmental Protection Agency for envi-
11 ronmental research and development activi-
12 ties not authorized under other authority of
13 law, \$401,278,500 for fiscal year 1998 and
14 \$412,626,600 for fiscal year 1999, of which—

1 **shall be available for air toxics re-**
2 **search;**

3 **(4) \$3,344,800 for fiscal year 1998**
4 **and \$3,445,100 for fiscal year 1999**
5 **shall be available for waste, site, and**
6 **risk characterization research;**

7 **(5) \$5,448,900 for fiscal year 1998**
8 **and \$5,612,400 for fiscal year 1999**
9 **shall be available for waste manage-**
10 **ment and site remediation research;**

11 **(6) \$53,626,000 for fiscal year 1998**
12 **and \$55,234,800 for fiscal year 1999**
13 **shall be available for human health**
14 **protection research;**

15 **(7) \$15,872,900 for fiscal year 1998**
16 **and \$16,349,100 for fiscal year 1999**
17 **shall be available for special environ-**
18 **mental hazards research;**

19 **(8) \$42,036,000 for fiscal year 1998**
20 **and \$43,297,100 for fiscal year 1999**
21 **shall be available for new technology**
22 **and pollution prevention research;**
23 **and**

24 **(9) \$141,482,300 for fiscal year**
25 **1998 and \$145,036,500 for fiscal year**

1 **1999 shall be available for science**
2 **quality and infrastructure research.**

3 **(b) PESTICIDES.—For pesticide registration**
4 **activities, \$1,546,299 for fiscal year 1998 and**
5 **\$1,592,600 for fiscal year 1999, and for pes-**
6 **ticide reregistration activities, \$1,889,800 for**
7 **fiscal year 1998 and \$1,946,500 for fiscal year**
8 **1999.**

9 **(c) LIMITATIONS.—Other than amounts**
10 **awarded through a competitive process, or as**
11 **specifically authorized by an Act other than**
12 **a general appropriations Act, no funds are au-**
13 **thorized to be appropriated by this Act for**
14 **any of the following:**

15 **(1) Oil Spill Restoration at the Louisi-**
16 **ana Environmental Research Center.**

17 **(2) The Mine Waste Technology Pro-**
18 **gram.**

19 **(3) Livestock and Agriculture Pollu-**
20 **tion Abatement.**

21 **(4) Resource and Agriculture Policy**
22 **Development.**

23 **(5) The National Decentralized Water**
24 **Resources Capacity Project.**

1 (d) ADDITIONAL AUTHORIZATIONS.—There
2 are authorized to be appropriated to the Ad-
3 ministrator for environmental research and
4 development activities not authorized under
5 other authority of law—

6 (1) for oil pollution related research,
7 \$1,017,200 for fiscal year 1998 and
8 \$1,047,700 for fiscal year 1999; and

9 (2) for research related to the Com-
10 prehensive Environmental Response,
11 Compensation, and Liability Act of 1980,
12 \$39,755,900 for fiscal year 1998 and
13 \$40,948,600 for fiscal year 1999.

14 (e) TRANSBOUNDARY POLLUTION RE-
15 SEARCH.—From funds appropriated pursuant
16 to this Act, \$1,000,000 are authorized to be ap-
17 propriated to the Administrator for each of
18 the fiscal years 1998 and 1999 to support the
19 United States-Mexico Foundation for Science
20 for research related to environmental issues
21 in the United States-Mexico transboundary
22 region, including the Salton Sea.

23 SEC. 4. SCIENTIFIC RESEARCH REVIEW.

24 The Administrator shall assign to the As-
25 sistant Administrator the duties of—

9 (A) is of high quality; and

10 (B) does not duplicate any other
11 research being conducted by the
12 Agency.

13 SEC. 5. GRADUATE STUDENT FELLOWSHIPS.

14 **In carrying out the graduate student fel-**
15 **lowship program for which funds are author-**
16 **ized to be appropriated by this Act, the Ad-**
17 **ministrator shall ensure that any fellowship**
18 **award to a student selected after the date of**
19 **the enactment of this Act is used only to sup-**
20 **port scientific research activities of the Envi-**
21 **ronmental Protection Agency.**

22 SEC. 6. SCIENCE ADVISORY BOARD.

23 (a) ANNUAL REPORT.—The Science Advi-
24 sory Board shall submit to Congress and to
25 the Administrator an annual report that con-

1 tains the views of the Science Advisory Board
2 on proposed research programs as described
3 in the President's budget for research, devel-
4 opment, and demonstration activities at the
5 Environmental Protection Agency. Such re-
6 port shall be submitted to Congress as soon as
7 practicable after the submission of the Presi-
8 dent's budget to Congress. The Administrator
9 shall cooperate with the Director of the
10 Science Advisory Board, particularly with re-
11 spect to the timely provision of budget infor-
12 mation to the Science Advisory Board, to
13 allow the Science Advisory Board to carry out
14 its duties under this subsection.

15 (b) EVALUATION.—The Science Advisory
16 Board shall conduct periodic evaluations of
17 selected areas of the current and planned re-
18 search, development, and demonstration ac-
19 tivities of the Environmental Protection
20 Agency. The areas of evaluation shall be se-
21 lected by the Science Advisory Board in con-
22 sultation with the Administrator, the Office of
23 Research and Development, other Agency
24 programs, and appropriate committees of the
25 Congress. Reports containing the Science Ad-

1 **visory Board's evaluations and recommenda-**
2 **tions shall be filed with such committees and**
3 **the Administrator. The Administrator shall**
4 **provide to such committees a written re-**
5 **sponse to the Science Advisory Board's eval-**
6 **uation and recommendations within 60 days**
7 **after the Science Advisory Board's report has**
8 **been submitted.**

9 (c) **SUBMISSION TO CONGRESS.—The Admin-**
10 **istrator shall submit to the Congress any re-**
11 **port required by law to be submitted to the**
12 **Administrator by the Science Advisory Board.**
13 **The Administrator shall make any such sub-**
14 **mission not later than 60 days after the Ad-**
15 **ministrator receives the report from the**
16 **Science Advisory Board.**

17 (d) **AUTHORIZATION.—There are authorized**
18 **to be appropriated to the Administrator**
19 **\$2,418,300 for fiscal year 1998 and \$2,490,800**
20 **for fiscal year 1999 for activities of the**
21 **Science Advisory Board.**

22 **SEC. 7. LIMITATIONS.**

23 (a) **PROHIBITION OF LOBBYING ACTIVITIES.—**
24 **None of the funds authorized by this Act shall**
25 **be available for any activity whose purpose is**

1 **to influence legislation pending before the**
2 **Congress, except that this subsection shall**
3 **not prevent officers or employees of the Unit-**
4 **ed States or of its departments or agencies**
5 **from communicating to Members of Congress**
6 **on the request of any Member or to Congress,**
7 **through the proper channels, requests for leg-**
8 **islation or appropriations which they deem**
9 **necessary for the efficient conduct of the pub-**
10 **lic business.**

11 **(b) ELIGIBILITY FOR AWARDS.—**

12 **(1) IN GENERAL.—The Administrator**
13 **shall exclude from consideration for**
14 **grant agreements made by the Agency**
15 **after fiscal year 1997 any person who re-**
16 **ceived funds, other than those described**
17 **in paragraph (2), appropriated for a fiscal**
18 **year after fiscal year 1997, under a grant**
19 **agreement from any Federal funding**
20 **source for a project that was not sub-**
21 **jected to a competitive, merit-based**
22 **award process. Any exclusion from con-**
23 **sideration pursuant to this subsection**
24 **shall be effective for a period of 5 years**

1 **after the person receives such Federal**
2 **funds.**

3 **(2) EXCEPTION.—Paragraph (1) shall**
4 **not apply to the receipt of Federal funds**
5 **by a person due to the membership of**
6 **that person in a class specified by law for**
7 **which assistance is awarded to members**
8 **of the class according to a formula pro-**
9 **vided by law.**

10 **(3) DEFINITION.—For purposes of this**
11 **subsection, the term “grant agreement”**
12 **means a legal instrument whose principal**
13 **purpose is to transfer a thing of value to**
14 **the recipient to carry out a public pur-**
15 **pose of support or stimulation authorized**
16 **by a law of the United States, and does**
17 **not include the acquisition (by purchase,**
18 **lease, or barter) of property or services**
19 **for the direct benefit or use of the United**
20 **States Government. Such term does not**
21 **include a cooperative agreement (as such**
22 **term is used in section 6305 of title 31,**
23 **United States Code) or a cooperative re-**
24 **search and development agreement (as**
25 **such term is defined in section 12(d)(1) of**

1 **the Stevenson-Wydler Technology Inno-**
2 **vation Act of 1980 (15 U.S.C. 3710a(d)(1))).**

3 **SEC. 8. NOTICE.**

4 **(a) NOTICE OF REPROGRAMMING.—If any**
5 **funds authorized by this Act are subject to a**
6 **reprogramming action that requires notice to**
7 **be provided to the Appropriations Commit-**
8 **tees of the House of Representatives and the**
9 **Senate, notice of such action shall concur-**
10 **rently be provided to the Committees on**
11 **Science, Commerce, and Transportation and**
12 **Infrastructure of the House of Representa-**
13 **tives and the Committee on Environment and**
14 **Public Works of the Senate.**

15 **(b) NOTICE OF REORGANIZATION.—The Ad-**
16 **ministrator shall provide notice to the Com-**
17 **mittees on Science, Commerce, Transpor-**
18 **tation and Infrastructure, and Appropriations**
19 **of the House of Representatives, and the Com-**
20 **mittees on Environment and Public Works**
21 **and Appropriations of the Senate, not later**
22 **than 15 days before any major reorganization**
23 **of any program, project, or activity of the**
24 **Agency.**

1 SEC. 9. SENSE OF CONGRESS ON THE YEAR 2000 PROBLEM.

2 **With the year 2000 fast approaching, it is**
3 **the sense of Congress that the Environmental**
4 **Protection Agency should—**

5 **(1) give high priority to correcting all**
6 **2-digit date-related problems in its com-**
7 **puter systems to ensure that those sys-**
8 **tems continue to operate effectively in**
9 **the year 2000 and beyond;**

10 **(2) assess immediately the extent of**
11 **the risk to the operations of the Environ-**
12 **mental Protection Agency posed by the**
13 **problems referred to in paragraph (1),**
14 **and plan and budget for achieving Year**
15 **2000 compliance for all of its mission-crit-**
16 **ical systems; and**

17 **(3) develop contingency plans for**
18 **those systems that the Environmental**
19 **Protection Agency is unable to correct in**
20 **time.**

21 SEC. 10. BUY AMERICAN.

22 **(a) COMPLIANCE WITH BUY AMERICAN ACT.—**
23 **No funds appropriated pursuant to this Act**
24 **may be expended by an entity unless the en-**
25 **tity agrees that in expending the assistance**
26 **the entity will comply with sections 2 through**

1 **4 of the Act of March 3, 1933 (41 U.S.C. 10a-**
2 **10c, popularly known as the “Buy American**
3 **Act”).**

4 **(b) SENSE OF CONGRESS.—In the case of**
5 **any equipment or products that may be au-**
6 **thorized to be purchased with financial assist-**
7 **ance provided under this Act, it is the sense**
8 **of Congress that entities receiving such as-**
9 **sistance should, in expending the assistance,**
10 **purchase only American-made equipment and**
11 **products.**

12 **(c) NOTICE TO RECIPIENTS OF ASSISTANCE.—**
13 **In providing financial assistance under this**
14 **Act, the Administrator shall provide to each**
15 **recipient of the assistance a notice describing**
16 **the statement made in subsection (a) by the**
17 **Congress.**