

107TH CONGRESS
1ST SESSION

S. 707

To provide grants for special environmental assistance for the regulation of communities and habitat (“SEARCH grants”) to small communities.

IN THE SENATE OF THE UNITED STATES

APRIL 5, 2001

Mr. CRAPO introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

A BILL

To provide grants for special environmental assistance for the regulation of communities and habitat (“SEARCH grants”) to small communities.

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 “Project SEARCH Act
5 of 2001”.

6 **SEC. 2. FINDINGS.**

7 Congress finds that—

8 (1) small communities often struggle to meet
9 environmental goals because of difficulty in securing
10 funding;

1 (2) often, sources of funding for environmental
2 projects require expensive, complex studies or other
3 application materials;

4 (3) a small community that secures funding for
5 an environmental project from a traditional source
6 often is unable to provide matching funds required
7 by the traditional source; and

8 (4) small communities would benefit from a
9 grant program designed to provide funding for envi-
10 ronmental projects—

11 (A) through a simplified application proc-
12 ess; and

13 (B) without the requirement of matching
14 funds.

15 **SEC. 3. DEFINITIONS.**

16 In this Act:

17 (1) ADMINISTRATOR.—The term “Adminis-
18 trator” means the Administrator of the Environ-
19 mental Protection Agency.

20 (2) COUNCIL.—The term “council” means an
21 independent citizens’ council established by section
22 4(b).

23 (3) ENVIRONMENTAL PROJECT.—

24 (A) IN GENERAL.—The term “environ-
25 mental project” means a project that—

1 (i) benefits human health or the envi-
 2 ronment; and

3 (ii) is necessary to comply with an en-
 4 vironmental law (including a regulation).

5 (B) INCLUSION.—The term “environ-
 6 mental project” includes an initial feasibility
 7 study of a project.

8 (4) REGION.—The term “region” means a geo-
 9 graphic area of a State, as determined by the Gov-
 10 ernor of the State.

11 (5) SEARCH GRANT.—The term “SEARCH
 12 grant” means a grant for special environmental as-
 13 sistance for the regulation of communities and habi-
 14 tat awarded under section 4(c)(3).

15 (6) SMALL COMMUNITY.—The term “small
 16 community” means an incorporated or unincor-
 17 porated community having a population of not more
 18 than 2,500 individuals.

19 **SEC. 4. SEARCH GRANT PROGRAM.**

20 (a) IN GENERAL.—

21 (1) ESTABLISHMENT.—There is established the
 22 SEARCH Grant Program.

23 (2) STATE REQUIREMENTS.—

24 (A) IN GENERAL.—Not later than October
 25 1 of each fiscal year, a State may submit to the

1 Administrator an application to receive a grant
2 under paragraph (3) for the fiscal year.

3 (B) APPLICATION REQUIREMENTS.—An
4 application under subparagraph (A) shall
5 contain—

6 (i) a certification by the State that
7 the State has appointed members to the
8 council of the State under subsection
9 (b)(2)(C); and

10 (ii) such information as the Adminis-
11 trator may reasonably require.

12 (3) GRANT TO STATE.—Not later than 60 days
13 after the date on which the Office of Management
14 and Budget apportions any amounts made available
15 under this Act, for each fiscal year after the date of
16 enactment of this Act, the Administrator shall, on
17 request by a State—

18 (A) determine whether any application
19 submitted by the State under paragraph (2)
20 meets the requirements of that paragraph; and

21 (B) subject to section 6(b), if the Adminis-
22 trator determines that the application meets the
23 requirements of paragraph (2)(B), award a
24 grant of \$1,000,000 to the State, to be used by

1 the council of the State to award SEARCH
2 grants under subsection (b)(3).

3 (b) INDEPENDENT CITIZENS' COUNCIL.—

4 (1) ESTABLISHMENT.—There is established in
5 each State an independent citizens' council to carry
6 out the duties described in this section.

7 (2) COMPOSITION.—

8 (A) IN GENERAL.—Each council shall be
9 composed of 9 members, appointed by the Gov-
10 ernor of the State.

11 (B) REPRESENTATION; RESIDENCE.—Each
12 member of a council shall—

13 (i) represent an individual region of
14 the State, as determined by the Governor
15 of the State in which the council is estab-
16 lished; and

17 (ii) reside in a small community of the
18 State.

19 (C) APPOINTMENT.—Before a State re-
20 ceives funds under this Act, the State shall ap-
21 point members to the council for the fiscal year,
22 except that not more than 1 member shall be
23 an agent, employee, or official of the State gov-
24 ernment.

1 (D) CHAIRPERSON.—Each council shall se-
 2 lect a chairperson from among the members of
 3 the council, except that a member who is an
 4 agent, employee, or official of the State govern-
 5 ment shall not serve as chairperson.

6 (E) FEDERAL REPRESENTATION.—An
 7 agent, employee, or official of the Federal Gov-
 8 ernment shall participate in the activities of the
 9 council only—

10 (i) in an advisory capacity; and

11 (ii) at the invitation of the council.

12 (3) SEARCH GRANTS.—

13 (A) IN GENERAL.—Each council shall re-
 14 view applications for, and recommend awards
 15 of, SEARCH grants to small communities that
 16 meet the eligibility criteria under subsection (c).

17 (B) RECOMMENDATIONS.—In accordance
 18 with State law, in awarding a SEARCH grant,
 19 a State shall—

20 (i) follow the recommendations of the
 21 council; and

22 (ii) award the funds for any rec-
 23 ommended environmental project in a
 24 timely and expeditious manner.

1 (C) NO MATCHING REQUIREMENT.—A
 2 small community that receives a SEARCH
 3 grant under this section shall not be required to
 4 provide matching funds.

5 (c) SEARCH GRANTS FOR SMALL COMMUNITIES.—

6 (1) ELIGIBILITY.—A council may recommend
 7 the award of a SEARCH grant under this section to
 8 a small community for an environmental project for
 9 which the small community—

10 (A) demonstrates, to the satisfaction of the
 11 council, that the small community has pursued
 12 traditional funding sources for the environ-
 13 mental project and has not obtained funding, or
 14 has obtained insufficient funding, from those
 15 sources; or

16 (B) needs funds to carry out initial feasi-
 17 bility or environmental studies before applying
 18 to traditional funding sources.

19 (2) APPLICATION.—To apply for a SEARCH
 20 grant under this section, not later than February 5
 21 of the fiscal year for which the grant is to be rec-
 22 ommended for award, a small community shall sub-
 23 mit to the council in the State in which the small
 24 community is located an application that includes—

1 (A) a description of the proposed environ-
 2 mental project (including an explanation of how
 3 the project would assist the small community in
 4 complying with an environmental law (including
 5 a regulation));

6 (B) an explanation of why the project is
 7 important to the small community;

8 (C) a description of all actions taken with
 9 respect to the project, including any attempt to
 10 secure funding and a description of dem-
 11 onstrated need for funding for the project, as of
 12 the date of the application; and

13 (D) a SEARCH grant application form
 14 provided by the council, completed and with all
 15 required supporting documentation.

16 (3) REVIEW AND AWARD.—Not later than
 17 March 5 of each fiscal year, each council shall—

18 (A) review all applications received under
 19 paragraph (2); and

20 (B) recommend for award SEARCH
 21 grants to small communities based on—

22 (i) an evaluation of the eligibility cri-
 23 teria under paragraph (1); and

24 (ii) the content of the application.

25 (4) UNEXPENDED FUNDS.—

1 (A) IN GENERAL.—If any unexpended
 2 funds remain after SEARCH grants are award-
 3 ed under subsection (b)(3)(B), the council may
 4 repeat the application and review process so
 5 that any remaining funds may be recommended
 6 for award, and awarded, not later than July 30.

7 (B) RETENTION OF FUNDS.—Any unex-
 8 pended funds that are not awarded under sub-
 9 section (b)(3)(B) or subparagraph (A) shall be
 10 retained for award during the following fiscal
 11 year.

12 **SEC. 5. REPORT.**

13 Not later than September 1 of the first fiscal year
 14 for which a SEARCH grant is awarded by a council, and
 15 annually thereafter, the council shall submit to the Admin-
 16 istrator a report that—

17 (1) describes the number of SEARCH grants
 18 awarded during the fiscal year;

19 (2) identifies each small community that re-
 20 ceived a SEARCH grant during the fiscal year;

21 (3) describes the project or purpose for which
 22 each SEARCH grant was awarded, including a
 23 statement of the benefit to public health or the envi-
 24 ronment of the environmental project receiving the
 25 grant funds; and

1 (4) describes the status of each project or por-
2 tion of a project for which a SEARCH grant was
3 awarded, including a project or portion of a project
4 for which a SEARCH grant was awarded for any
5 fiscal year before the fiscal year in which the report
6 is submitted.

7 **SEC. 6. FUNDING.**

8 (a) AUTHORIZATION OF APPROPRIATIONS.—There is
9 authorized to be appropriated to carry out section 4(a)(3)
10 \$50,000,000.

11 (b) ACTUAL APPROPRIATION.—If funds to carry out
12 section 4(a)(3) are made available for a fiscal year in an
13 amount that is less than the amount authorized under
14 subsection (a) for the fiscal year, the appropriated funds
15 shall be divided equally among the 50 States.

16 (c) UNUSED FUNDS.—If, for any fiscal year, a State
17 does not apply, or does not qualify, to receive funds under
18 section 4(a)(2), the funds that would have been made
19 available to the State under section 4(a)(3) on submission
20 by the State of a successful application under section
21 4(a)(2) shall be redistributed for award under this Act
22 among States, the councils of which awarded 1 or more
23 SEARCH grants during the preceding fiscal year.

1 (d) OTHER EXPENSES.—There are authorized to be
2 appropriated such sums as are necessary to carry out the
3 provisions of this Act (other than section 4(a)(3)).

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