Mr. SMITH of Texas introduced a bill (H.R. 2765) for the relief of Rocco A. Trecosta; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to the public bills and resolutions as follows:

H.R. 142: Mr. CALVERT.
H.R. 249: Mr. FILNER.
H.R. 294: Mr. MEEHAN.
H.R. 359: Mr. BONIOR.
H.R. 580: Mr. FAZIO of California.
H.R. 789: Mr. HOLDEN.
H.R. 864: Mr. LAUGHLIN.
H.R. 969: Mr. KLINK.
H.R. 1023: Mrs. THURMAN.
H.R. 1073: Mr. BARRETT of Wisconsin, Mr. MATSUI, and Mr. COYNE.
H.R. 1074: Mr. BARRETT of Wisconsin, Mr. MATSUI, and Mr. COYNE.
H.R. 1227: Mr. GREENWOOD.
H.R. 1416: Mr. COYNE and Mr. MENENDEZ.
H.R. 1458: Mr. OBERSTAR.
H.R. 1512: Mr. DOOLITTLE.
H.R. 1527: Mr. HASTINGS of Washington.
H.R. 1574: Mr. CHRYSLER.
H.R. 1656: Mr. KENNEDY of Massachusetts, Mr. MEEHAN, Mr. COOLEY, Ms. JACKSON-LEE, and Mrs. MALONEY.
H.R. 1684: Mr. MYERS of Indiana, Mr. GEJDENSON, and Mr. HINCHEY.
H.R. 1718: Mr. SHUSTER, Mr. GREENWOOD, Mr. FOGLIETTA, Mr. WALKER, Mr. WELDON of Pennsylvania, and Mr. GOODLING.
H.R. 1803: Mr. SCHIFF.
H.R. 1998: Mr. TALENT.
H.R. 2190: Mr. TALENT, Mr. BACHUS, and Mrs. CLAYTON.
H.R. 2245: Mr. COLEMAN.
H.R. 2326: Mr. HAMILTON.
H.R. 2435: Mrs. LOWEY.
H.R. 2458: Ms. ROYBAL-ALLARD, Mr. WYDEN, Mr. MARKEY, Mr. OBERSTAR, and Mrs. THURMAN.
H.R. 2463: Mr. HILLIARD and Mr. JEFFERSON.
H.R. 2529: Mr. PALLONE.
H.R. 2531: Mr. HOSTETTLER, Mr. WAMP, Mr. EHLERS, Mr. BURR, Mr. WELDON of Florida, Ms. PRYCE, Mr. CALVERT, and Mr. COOLEY.
H.R. 2540: Mr. CHRYSLER, Mr. COOLEY, Mr. PACKARD, Mr. WICKER, Mr. COBLE, Mr. FOLEY, and Mr. NORWOOD.
H.R. 2543: Mr. FOLEY, Mrs. MYRICK, Mr. BARCIA of Michigan, and Mr. CALVERT.
H.R. 2579: Mr. GENE GREEN of Texas, Mr. THOMPSON, Mr. JEFFERSON, Mr. GORDON, Mr. HINCHEY, Mr. BAKER of Louisiana, Mr. REED, and Mr. CRAPO.
H.R. 2582: Mr. SMITH of New Jersey.
H.R. 2597: Mr. BARR, Mr. KINGSTON, and Mr. MCDADE.
H.R. 2651: Mr. JACOBS and Mrs. THURMAN.
H.R. 2654: Mr. MEEHAN, Ms. LOFGREN, Mr. WYNN, Mr. FLAKE, Mrs. MINK of Hawaii, Ms. VELAZQUEZ, and Mr. BARRETT of Wisconsin.
H.R. 2664: Mr. FLAKE, Mr. BROWN of Ohio, Mr. ORTON, Mr. PAYNE of Virginia, Mr. MILLER of Florida, Mr. BLUTE, Ms. SLAUGHTER, and Mrs. MALONEY.
H.R. 2671: Mrs. LINCOLN, Mr. BALDACCI, Ms. RIVERS, Mr. SISISKY, Mr. ENGLISH of Pennsylvania, Mr. BARCIA, Mr. BISHOP, and Ms. DELAURO.
H.R. 2677: Mr. PETE GEREN of Texas, Mr. BREWSTER, Mr. DICKEY, Mr. HUTCHINSON, Mr. TAYLOR of North Carolina, Mr. RADANOVICH, and Mr. WELDON of Florida.
H.R. 2682: Mr. FLAKE, Mr. BOEHLERT, Mr. HINCHEY, and Mr. ENGEL.
H.R. 2691: Mr. DELLUMS, Mrs. SCHROEDER, Mr. SERRANO, Mr. HASTINGS of Florida, and Mr. COLEMAN.
H.R. 2694: Mr. GENE GREEN of Texas.
H.R. 2697: Mrs. MEEK of Florida, Ms. NORTON, Mr. FATTAH, Mr. BISHOP, Mr. OWENS, Miss COLLINS of Michigan, Ms. JACKSON-LEE, Mr. HILLIARD, Mr. LEWIS of Georgia, Mr. DELLUMS, and Mr. MORAN.
H.R. 2698: Mr. COOLEY.
H.R. 2723: Mr. CALVERT and Mr. COOLEY.
H.R. 2745: Ms. ROYBAL-ALLARD and Mr. REED.
H.J. Res. 127: Mr. BREWSTER, Mr. FRAZER, and Mr. CALVERT.
H. Con. Res. 102: Mr. DEFAZIO, Mr. FROST, and Mr. TORRICELLI.
H. Con. Res. 117: Mr. HUNTER, Mr. PORTER, Mr. BURTON of Indiana, and Ms. ESHOO.
H. Con. Res. 118: Mr. CALVERT, Mr. GILCHREST, Mr. BROWDER, Mr. MURTHA, Mr. HOLDEN, Mrs. FOWLER, and Mr. FOX.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 1020

OFFERED BY: MR. ENSIGN

AMENDMENT NO. 13. Page 15, beginning in line 5, strike ''originating in Lincoln County, Nevada'' insert ''originating in Lincoln County, Nebraska, but staying outside of Clark County, Nevada''.

H.R. 1020

OFFERED BY: MR. ENSIGN

AMENDMENT NO. 14: Page 15, line 7, insert after the period the following: ''The Secretary shall develop such corridor only (1) with the approval of the Governor of each State in which the corridor is located, or (2) after consultation with each such Governor.''.

H.R. 1020

OFFERED BY: MR. ENSIGN

AMENDMENT NO. 15: Page 21, insert after line 18 the following:

(i) STATE FEE.—The State of Nevada may impose a fee on the transfer of high level radioactive waste and spent nuclear fuel by rail transportation or intermodal transfer in the State of Nevada. Such fee shall be imposed when the transfer of such waste and fuel crosses the State boundary.

H.R. 1020

OFFERED BY: MR. ENSIGN

AMENDMENT NO. 16: Page 32, line 22, insert before the comma the following: ''or if the State of Nevada has communicated to the Secretary its decision to not permit the construction of the repository at the Yucca Mountain site''.

H.R. 1020

OFFERED BY: MR. ENSIGN

AMENDMENT NO. 17: Page 66, insert after line 9 the following:

''(g) UNFUNDED MANDATES.—The provisions of the Unfunded Mandates Reform Act of 1995 and all amendments made by that Act shall apply to this Act and the Waste Fund shall be used to pay all of the costs incurred by State and local governments by reason of any Federal intergovernmental mandate contained in this Act. For purposes of this section the term 'Federal intergovernmental mandate' has the same meaning as when used in section 421 of title IV of the Congressional Budget and Impoundment Control Act of 1974.''

H.R. 1020

OFFERED BY: MR. ENSIGN

AMENDMENT NO. 18: Page 66, after line 9 insert the following:

''(g) PRIVATE PROPERTY.—

''(1) FEDERAL POLICY AND DIRECTION.—

''(A) GENERAL POLICY.—It is the policy of the Federal Government that no law or agency action with respect to the transportation, interim storage, or disposal of high-level radioactive waste should limit the use of privately-owned property so as to diminish its value.

''(B) APPLICATION TO FEDERAL AGENCY ACTION.—Each Federal agency, officer, and employee should exercise Federal authority to ensure that agency action with respect to the transportation, interim storage, or disposal of high-level radioactive waste will not limit the use of privately owned property so as to diminish its value.

''(2) RIGHT TO COMPENSATION.—

''(A) IN GENERAL.—The Federal Government shall compensate an owner of property whose use of any portion of that property has been limited by an agency action, under this Act relating to the transportation, interim storage, or permanent disposition of high-level radioactive waste, that diminishes the fair market value of that portion by 20 percent or more. The amount of the compensation shall equal the diminution in value that resulted from the agency action. If the diminution in value of a portion of that property is greater than 50 percent, at the option of the owner, the Federal Government shall buy that portion of the property for its fair market value.

''(B) DURATION OF LIMITATION ON USE.—Property with respect to which compensation has been paid under this subsection shall not thereafter be used contrary to the limitation imposed by the agency action, even if that action is later rescinded or otherwise vitiated. However, if that action is later rescinded or otherwise vitiated, and the owner elects to refund the amount of the compensation, adjusted for inflation, to the Treasury of the United States, the property may be so used.

''(3) EFFECT OF STATE LAW.—If a use is a nuisance as defined by the law of a State or is already prohibited under a local zoning ordinance, no compensation shall be made under this subsection with respect to a limitation on that use.

''(4) EXCEPTIONS.—

''(A) PREVENTION OF HAZARD TO HEALTH OR SAFETY OR DAMAGE TO SPECIFIC PROPERTY.—No compensation shall be made under this subsection with respect to an agency action the primary purpose of which is to prevent an identifiable—

''(i) hazard to public health or safety; or

''(ii) damage to specific property other than the property whose use is limited.

''(5) PROCEDURE.—

''(A) REQUEST OF OWNER.—An owner seeking compensation under this subsection shall make a written request for compensation to the Secretary of the Commission, as the case may be, whose action resulted in the limitation. No such request may be made later than 180 days after the owner receives actual notice of that agency action.

''(B) NEGOTIATIONS.—The Secretary of the Commission, as the case may be, may bargain with that owner to establish the amount of the compensation. If the agency and the owner agree to such an amount, the agency shall promptly pay the owner the amount agreed upon.

''(C) CHOICE OF REMEDIES.—If, not later than 180 days after the written request is made, the parties do not come to an agreement as to the right to and amount of compensation, the owner may choose to take the matter to binding arbitration or seek compensation in a civil action.

''(D) ARBITRATION.—The procedures that govern the arbitration shall, as nearly as practicable, be those established under title 9, United States Code, for arbitration proceedings to which that title applies. An

award made in such arbitration shall include a reasonable attorney's fee and other arbitration costs (including appraisal fees). The agency shall promptly pay any award made to the owner.

''(E) CIVIL ACTION—An owner who does not choose arbitration, or who does not receive prompt payment when required by this section, may obtain appropriate relief in a civil action against the agency. An owner who prevails in a civil action under this section shall be entitled to, and the agency shall be liable for, a reasonable attorney's fee and other litigation costs (including appraisal fees). The court shall award interest on the amount of any compensation from the time of the limitation.

''(F) SOURCE OF PAYMENTS.—Any payment made under this section to an owner, and any judgment obtained by an owner in a civil action under this section shall, notwithstanding any other provision of law, be made from the Nuclear Waste Disposal Fund. If insufficent funds exist for the payment or to satisfy the judgment, it shall be the duty of the head of the agency to seek the appropriation of such funds for the next fiscal year.

''(6) LIMITATION.—Notwithstanding any other provision of law, any obligation of the United States to make any payment under this subsection shall be subject to the availability of appropriations.

''(7) DUTY OF NOTICE TO OWNERS.—Whenever an agency takes an agency action limiting the use of private property under this Act, the agency shall give appropriate notice to the owners of that property directly affected explaining their rights under this subsection and the procedures for obtaining any compensation that may be due to them under this subsection.

''(8) RULES OF CONSTRUCTION.—

''(A) EFFECT ON CONSTITUTIONAL RIGHT TO COMPENSATION.—Nothing in this subsection shall be construed to limit any right to compensation that exists under the Constitution or under other laws of the United States.

''(B) EFFECT OF PAYMENT.—Payment of compensation under this subsection (other than when the property is bought by the Federal Government at the option of the owner) shall not confer any rights on the Federal Government at the option of the owner) shall not confer any rights on the Federal Government other than the limitation on use resulting from the agency action.

''(9) DEFINITIONS.—For the purposes of this subsection—

''(A) The term 'property' means land and includes the right to use or receive water.

''(B) A use of property is limited by an agency action if a particular legal right to use that property no longer exists because of the action.

''(C) The term 'agency action' has the meaning given that term in section 551 of title 5, United States Code, but also includes the making of a grant to a public authority conditioned upon an action by the recipient that would constitute a limitation if done directly by the agency.

''(D) The term 'agency' has the meaning given that term in section 551 of title 5, United States Code.

''(E) The term 'fair market value' means the most probable price at which property would change hands, in a competitive and open market under all conditions requisite to a fair sale, between a willing buyer and a willing seller, neither being under any compulsion to buy or sell and both having reasonable knowledge of relevant facts, at the time the agency action occurs.

''(F) The term 'State' includes the District of Columbia, Puerto Rico, and any other territory or possession of the United States.

''(G) The term 'law of the State' includes the law of a political subdivision of a State.''.

H.R. 1020

OFFERED BY: MR. ENSIGN

AMENDMENT NO. 19: Page 80, insert after line 25 the following:

SEC. 510. RISK ASSESSMENT AND COST-BENEFIT ANALYSIS.

''(a) COVERAGE.—This section does not apply to any of the following:

''(1) A situation that the Secretary or the Commission, as the case may be, determines to be an emergency. In such circumstance, the Secretary or the Commission, as the case may be, shall comply with the provisions of this subsection within as reasonable a time as it is practical.

''(2) Activities necessary to maintain military readiness.

''(b) UNFUNDED MANDATES.—Nothing in this section itself shall, without Federal funding and further Federal agency action, create my new obligation or burden on any State or local government or otherwise impose any financial burden on any State or local government in the absence of Federal funding, except with respect to routine information requests.

''(c) DEFINITIONS.—For purposes of this section:

''(1) COSTS.—The term 'costs' includes the direct and indirect costs to the United States Government, to State, local, and tribal governments, and to the private sector, wage earners, consumers, and the economy, of implementing and complying with a rule or alternative strategy.

''(2) BENEFIT.—The term 'benefit' means the reasonably identifiable significant health, safety, environmental, social and economic benefits that are expected to result directly or indirectly for implementation of a rule or alternative strategy.

''(3) MAJOR RULE.—The term 'major rule' means any regulation that is likely to result in an annual increase in costs of $25,000,000 or more. Such term does not include any regulation or other action taken by an agency to authorize or approve any individual substance or product.

''(4) EMERGENCY.—The term 'emergency' means a situation that is immediately impending and extraordinary in nature, demanding attention due to an condition, circumstance, or practice reaonsably expected to cause death, serious illness, or severe injury to humans, or substantial endangerment to private property or the environment if no action is taken.

''(d) AVAILABILITY OF INFORMATION AMONG FEDERAL AGENCIES.—The Secretary and the Commission shall make existing databases and information developed under this section available to other Federal agencies, subject to applicable confidentiality requirements, for the purpose of meeting the requirements of this section. Within 15 months after the date of enactment of this section, the President shall issue guidelines for the Secretary of the Commission to comply with this section.

''(e) EFFECTIVE DATE: APPLICABILITY; SAVINGS PROVISIONS.—

''(1) EFFECTIVE DATE.—Except as otherwise specifically provided in this section, the provisions of this section shall take effect 18 months after the date of enactment of this section.

''(2) APPLICABILITY.—

''(A) IN GENERAL.—Except as provided in subparagraph (C), this title applies to all significant risk assessment documents and significant risk characterization documents, as defined in subparagraph (B).

''(B) DEFINITIONS.—

''(i) SIGNIFICANT RISK ASSESSMENT DOCUMENT, SIGNIFICANT RISK CHARACTERIZATION DOCUMENT.—As used in this section, the terms 'significant risk assessment document' and 'significant risk characterization document' include, at a minimum, risk assessment documents or risk characterization documents prepared by or on behalf of a covered Federal agency in the implementation of a regulatory program designed to protect human health, safety, or the environment, used as a basis for one of the items referred to in clause (ii), and included by the agency in that item or inserted by the agency in the administrative record for that item.

''(ii) INCLUDED ITEMS.—The items referred to in clause (i) are the following: Any proposed or final major rule, including any analysis or certification promulgated as part of any Federal regulatory program designed to protect human health, safety, or the environmental clean-up plan for a facility or Federal guidelines for the issuance of any such plan. As used in this clause, the term 'environmental clean-up' means a corrective action under the Solid Waste Disposal Act, a removal or remedial action under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, and any other environmental restoration and waste management carried out by or on behalf of a covered Federal agency with respect to any substance other than municipal waste; any proposed or final permit condition placing a restriction on facility siting or operation under Federal laws administered by the Environmental Protection Agency or the Department of the Interior. Nothing in this clause shall apply to the requirements of section 404 of the Clean Water Act; any report to Congress; any regulatory action to place a substance on any official list of carcinogens or toxic or hazardous substances or to place a new health effects value on such list, including the Integrated Risk Information System Database maintained by the Environmental Protection Agency; any guidance, including protocols of general applicability, establishing policy regarding risk assessment or risk characterization.

''(iii) ALSO INCLUDED.—The terms 'significant risk assessment document' and 'significant risk characterization document' shall also include the following: Any such risk assessment and risk characterization documents provided by an covered Federal agency to the public and which are likely to result in an annual increase in costs of $25,000,000 or more; environmental restoration and waste management carried out by or on behalf of the Department of Defense with respect to any substance other than municipal waste.

''(iv) RULE.—Within 15 months after the date of the enactment of this section, the Secretary and the Commission shall each promulgate a rule establishing those additional categories, if any, of risk assessment and risk characterization documents prepared by or on behalf of the Secretary or the Commission, as the case may be, that the Secretary or the Commission, as the case may be, will consider significant risk assessment documents or significant risk characterization documents for purposes of this section. In establishing such categories, the Secretary and the Commission shall consider each of the following: The benefits of consistent compliance by documents of the Secretary and the Commission in the categories; the administrative burdens of including documents in the categories; the need to make expeditious administrative decisions regarding documents in the categories; the possible use of a risk assessment or risk characterization in any compilation of risk hazards or health or environmental effects prepared by the Secretary and the Commission and commonly made available to, or used by, any Federal, State, or local government agency; and such other factors as may be appropriate.

''(3) EXCEPTIONS.—This section does not apply to risk assessment or risk characterization documents containing risk assessments or risk characterizations performed with respect to the following: A screening analysis, where appropriately labeled as such, including a screening analysis for purposes of product regulation or premanufacturing notices or any health, safety, or environmental inspections. No analysis shall be treated as a screening analysis if the results of such analysis are used as the basis for imposing restrictions on substances or activities.

''(4) SAVINGS PROVISIONS.—The provisions of this section shall be supplemental to any other provisions of law relating to risk assessments and risk characterizations, except that nothing in this section shall be construed to modify any statutory standard or statutory requirement designed to protect health, safety, or the environment. Nothing in this section shall be interpreted to preclude the consideration of any data or the calculation of any estimate to more fully describe risk or provide examples of scientific uncertainty or variability. Nothing in this section shall be construed to require the disclosure of any trade secret or other confidential information.

''(f) PRINCIPLES FOR RISK ASSESSMENT.—

''(1) IN GENERAL.—The Secretary and the Commission shall apply the principles set forth in paragraph (2) in order to assure that significant risk assessment documents and all of their components distinguish scientific findings from other considerations and are, to the extent feasible, scientifically objective, unbiased, and inclusive of all relevant data and rely, to the extent available and practicable, on scientific findings. Discussions or explanations required under this section need not be repeated in each risk assessment document as long as there is a reference to the relevant discussion or explanation in another agency document which is available to the public.

''(2) PRINCIPLES.—The principles to be applied are as follows:

''(A) When discussing human health risks, a significant risk assessment document shall contain a discussion of both relevant laboratory and relevant epidemiological data for sufficient quality which finds, or fails to find, a correlation between health risks and a potential toxin or activity. Where conflicts among such data appear to exist, or where animal data is used as a basis to assess human health, the significant risk assessment document shall, to the extent feasible and appropriate, include discussion of possible reconciliation of conflicting information, and as relevant, differences in study designs, comparative physiology, routes of exposure, bioavailability, pharmacokinetics, and any other relevant factor, including the sufficiency of basic data for review. The discussion of possible reconciliation should indicate whether there is a biological basis to assume a resulting harm in humans. Animal data shall be reviewed with regard to its relevancy to humans.

''(B) Where a significant risk assessment document involves selection of any significant assumption, inference, or model, the document shall, to the extent feasible: present a representative list and explanation of plausible and alternative assumptions, inferences, or models, explain that basis for any choices, identify any policy or value judgments; fully describe any model used in the risk assessment and make explicit the assumptions incorporated in the model; and indicate the extent to which any significant model has been validated by, or conflicts with, empirical data.

''(g) PRINCIPLES FOR RISK CHARACTERIZATION AND COMMUNICATIONS.—Each significant risk charactization document shall meet each of the following requirements:

''(1) ESTIMATES OF RISK.—The risk characterization shall describe the populations or natural resources which are the subject of the risk characterization. If a numerical estimate of risk is provided, the agency shall, to the extent feasible, provide—

''(A) the best estimate or estimates for the specific populations or natural resources which are the subject of the characterization (based on the information available to the Federal agency); and

''(B) a statement of the reasonable range of scientific uncertainties.

In addition to such best estimate or estimates, the risk characterization document may present plausible upper-bound or conservative estimates in conjunction with plausible lower bounds estimates. Where appropriate, the risk characterization document may present, in lieu of a single best estimate, multiple best estimates based on assumptions, inferences, or models which are equally plausible, given current scientific understanding. To the extent practical and appropriate, the document shall provide descriptions of the distribution and probability of risk estimates to reflect differences in exposure variability or sensitivity in populations and attendant uncertainties. Sensitive subpopulations or highly exposed subpopulations include, where relevant and appropriate, children, the elderly, pregnant women, and disabled persons.

''(2) EXPOSURE SCENARIOS.—The risk characterization document shall explain the exposure scenarios used in any risk assessment, and, to the extent feasible, provide a statement of the size of the corresponding population at risk and the likelihood of such exposure scenarios.

''(3) COMPARISONS.—The document shall contain a statement that places the nature and magnitude of risks to human health, safety, or the environment in context. Such statement shall, to the extent feasible, provide comparisons with estimates of greater, lesser, and substantially equivalent risks that are familiar to and routinely encountered by the general public as well as other risks, and, where appropriate and meaningful, comparisons of those risks with other similar risks regulated by the Federal agency resulting from comparable activities and exposure pathways. Such comparisons should consider relevant distinctions among risks, such as the voluntary or involuntary nature of risks and the preventability or nonpreventability of risks.

''(4) SUBSTITUTION RISKS.—Each significant risk assessment or risk characterization document shall include a statement of any significant substitution risks to human health, where information on such risks has been provided to the agency.

''(5) SUMMARIES OF OTHER RISK ESTIMATES.—If—

''(A) a commenter provides the Secretary and the Commission with a relevant risk assessment document or a risk characterization document, and a summary thereof, during a public comment provided by the Secretary and the Commission for a significant risk assessment document or a significant risk characterization document, or, where no comment period is provided but a commenter provides the Secretary and the Commission with the relevant risk assessment document or risk characterization document, and a summary thereof, in a timely fashion, and

''(B) the risk assessment document or risk characterization document is consistent with the principles and the guidance provided under this section, the Secretary or the Commission, as the case may be, shall, to the extent feasible, present such summary in connection with the presentation of the significant risk assessment document or significant risk characterization document. Nothing in this paragraph shall be construed to limit the inclusion of any comments or material supplied by any person to the administrative record of any proceeding.

A document may satisfy the requirements of paragraph (3), (4), or (5) by reference to information or material otherwise available to the public if the document provides a brief summary of such information or material.

''(h) RECOMMENDATIONS OR CLASSIFICATIONS BY A NON-UNITED STATES-BASED ENTITY.—Neither the Secretary or the Commission shall automatically incorporate or adopt any recommendation or classification made by a non-United States-based entity concerning the health effects value of a substance without an opportunity for notice and comment, and any risk assessment document or risk characterization document adopted by a covered Federal agency on the basis of such a recommendation or classification shall comply with the provisions of this section. For the purposes of this section, the term 'non-United States—based entity' means—

''(1) any foreign government and its agencies;

''(2) the United Nations or any of its subsidiary organizations;

''(3) any other international governmental body or international standards-making organization; or

''(4) any other organization or private entity without a place of business located in the United States or its territories.

''(i) GUIDELINES AND REPORT.—

''(1) GUIDELINES.—Within 15 months after the date of enactment of this section, the President shall issue guidelines for the Secretary and the Commission consistent with the risk assessment and characterization principles set forth in this section and shall provide a format for summarizing risk assessment results. In addition, such guidelines shall include guidance on at least the following subjects: Criteria for scaling animal studies to assess risks to human health; use of different types of dose-response models; thresholds; definitions, use, and interpretations of the maximum tolerated dose; weighting of evidence with respect to extrapolating human health risks from sensitive species; evaluation of benign tumors, and evaluation of different human health endpoints.

''(2) REPORT.—Within 3 years after the date of the enactment of this section, the Secretary and the Commission shall provide a report to the Congress evaluating the categories of policy and value judgments identified under this section.

''(3) PUBLIC COMMENT AND CONSOLATION.—The guidances and report under this subsection, shall be developed after notice and opportunity for public comment, and after consultation with representatives of appropriate State, local, and tribal governments, and such other departments and agencies, offices, organizations, or persons as may be advisable.

''(4) REVIEW.—The President shall review and, where appropriate, revise the guidelines published under this subsection at least every 4 years.

''(j) RESEARCH AND TRAINING IN RISK ASSESSMENT.—

''(1) EVALUATION.—The Secretary and the Commission shall regularly and systematically evaluate risk assessment research and training needs of the Department and the Commission, including, where relevant and appropriate, the following:

''(A) Research to reduce generic data gaps, to address modelling needs (including improved model sensitivity), and to validate

default options, particularly those common to multiple risk assessments.

''(B) Research leading to improvement of methods to quantify and communicate uncertainty and variability among individuals, species, populations, and, in the case of ecological risk assessment, ecological communities.

''(C) Emerging and future areas of research, including research on comparative risk analysis, expose to multiple chemicals and other stressors, noncancer endpoints, biological markers of exposure and effect, mechanisms of action in both mammalian and nonmammalian species, dynamics and probabilities of physiological and ecosystem exposures, and prediction of ecosystem-level responses.

''(D) Long-term needs to adequately train individuals in risk assessment and risk assessment application. Evaluations under this paragraph shall include an estimate of the resources needed to provide necessary training.

''(2) STRATEGY AND ACTIONS TO MEET IDENTIFIED NEEDS.—The head of each covered agency shall develop a strategy and schedule for carrying out research and training to meet the needs identified in paragraph (1).

''(3) REPORT.—Not later than 6 months after the date of the enactment of this section, the Secretary and the Commission shall submit to the Congress a report on the evaluations conducted under paragraph (1) and the strategy and schedule developed under paragraph (2). The Secretary and the Commission shall report to the Congress periodically on the evaluations, strategy, and schedule.

''(k) STUDY OF COMPARATIVE RISK ANALYSIS.—

''(1) IN GENERAL.—

''(A) STUDY.—The Director of the Office of Management and Budget, in consultation with the Office of Science and Technology Policy, shall conduct, or provide for the conduct of, a study using comparative risk analysis to rank health, safety, and environmental risks and to provide a common basis for evaluating strategies for reducing or preventing those risks. The goal of the study shall be to improve methods of comparative risk analysis.

''(B) CONTRACT.—Not later than 90 days after the date of the enactment of this section, the Director, in collaboration with the heads of appropriate Federal agencies, shall enter into a contract with the National Research Council to provide technical guidance on approaches to using comparative risk analysis and other considerations in setting health, safety, and environmental risk reduction priorities.

''(2) SCOPE OF STUDY.—The study shall have sufficient scope and breadth to evaluate comparative risk analysis and to test approaches for improving comparative risk analysis and its use in setting priorities for health, safety, and environmental risk reduction. The study shall compare and evaluate a range of diverse health, safety, and environmental risks.

''(3) STUDY PARTICIPANTS.—In conducting the study, the Director shall provide for the participation of a range of individuals with varying backgrounds and expertise, both technical and nontechnical, comprising broad representation of the public and private sectors.

''(4) DURATION.—The study shall begin within 180 days after the date of the enactment of this section and terminate within 2 years after the date on which it began.

''(5) RECOMMENDATIONS FOR IMPROVING COMPARATIVE RISK ANALYSIS AND ITS USE.—Not later than 90 days after the termination of the study, the Director shall submit to the Congress the report of the National Research Council with recommendations regarding the use of comparative risk analysis and ways to improve the use of comparative risk analysis for decision-making by the Secretary and the Commission.

''(1) DEFINITIONS.—For purposes of this section:

''(1) RISK ASSESSMENT DOCUMENT.—The term 'risk assessment document' means a document containing the explanation of how hazards associated with a substance, activity, or condition have been identified, quantified, and assessed. The term also includes a written statement accepting the findings of any such document.

''(2) RISK CHARACTERIZATION DOCUMENT.—The term 'risk characterization document' means a document quantifying or describing the degree of toxicity, exposure, or other risk posed by hazards associated with a substance, activity, or condition to which individuals, populations, or resources are exposed. The term also includes a written statement accepting the findings of any such document.

''(3) BEST ESTIMATE.—The term 'best estimate' means a scientifically appropriate estimate which is based, to the extent feasible, on one of the following:

''(A) Central estimates of risk using the most plausible assumptions.

''(B) An approach which combines multiple estimates based on different scenarios and weighs the probability of each scenario.

''(C) Any other methodology designed to provide the most unbiased representation of the most plausible level of risk, given the current scientific information available to the Secretary or the Commission, as the case may be.

''(4) SUBSTITUTION RISK.—The term 'substitution risk' means a potential risk to human health, safety, or the environment from a regulatory alternative designed to decrease other risks.

''(5) DOCUMENT.—The term 'document' includes material stored in electronic or digital form.

''(m) ANALYSIS OF RISK REDUCTION BENEFITS AND COSTS.—

''(1) ANALYSIS OF RISK REDUCTION BENEFITS AND COSTS.—

''(A) IN GENERAL.—The President shall require the Secretary and the Commission to prepare the following for each major rule within a program that is proposed or promulgated under this Act after the date of enactment of this section:

''(i) An identification of reasonable alternative strategies, including strategies that require no government action; will accommodate differences among geographic regions and among persons with different levels of resources with which to comply; and employ performance or other market-based mechanisms that permit the greatest flexibility in achieving the identified benefits of the rule; the agency shall consider reasonable alternative strategies proposed during the comment period.

''(ii) An analysis of the incremental costs and incremental risk reduction or other benefits associated with each alternative strategy identified or considered by the agency. Costs and benefits shall be quantified to the extent feasible and appropriate and may otherwise be qualitatively described.

''(iii) A statement that places in context the nature and magnitude of the risks to be addressed and the residual risks likely to remain for each alternative strategy identified or considered by the agency. Such statement shall, to the extent feasible, provide comparisons with estimates of greater, lesser, and substantially equivalent risks that are familiar to and routinely encountered by the general public as well as other risks, and, where appropriate and meaningful, comparisons of those risks with other similar risks regulated by the Secretary and the Commission resulting from comparable activities and exposure pathways. Such comparisons should consider relevant distinctions among risks, such as the voluntary or involuntary nature of risks and the preventability or nonpreventability of risks.

''(iv) For each final rule, an analysis of whether the identified benefits of the rule are likely to exceed the identified costs of the rule.

''(v) An analysis of the effect of the rule on small businesses with fewer than 100 employees; on net employment; and to the extent practicable, on the cumulative financial burden of compliance with the rule and other existing regulations on persons producing products.

''(2) PUBLICATION.—For each major rule referred to in paragraph (1) the Secretary or the Commission, as the case may be, shall publish in a clear and concise manner in the Federal Register along with the proposed and final regulation, or otherwise make publicly available, the information required to be prepared under paragraph (1).

''(3) DECISION CRITERIA.—

''(A) IN GENERAL.—No final rule subject to the provisions of this subsection shall be promulgated unless the Secretary or the Commission, as the case may be, certifies the following:

''(i) That the analyses under this subsection are based on objective and unbiased scientific and economic evaluations of all significant and relevant information and risk assessments provided to the Secretary or the Commission, as the case may be, by interested parties relating to the costs, risks, and risk reduction and other benefits addressed by the rule.

''(ii) That the incremental risk reduction or other benefits of any strategy chosen will be likely to justify, and be reasonably related to, the incremental costs incurred by State, local, and tribal governments, the Federal Government, and other public and private entities.

''(iii) That other alternative strategies identified or considered by the agency were found either to be less cost-effective at achieving a substantially equivalent reduction in risk, or to provide less flexibility to State, local, or tribal governments or regulated entities in achieving the otherwise applicable objectives of the regulation, along with a brief explanation of why alternative strategies that were identified or considered by the agency were found to be less cost-effective or less flexible.

''(4) EFFECT OF DECISION CRITERIA.—

''(A) IN GENERAL.—Notwithstanding any other provision of Federal law, the decision criteria of paragraph (3) shall supplement and, to the extent there is a conflict, supersede the decision criteria for rulemaking otherwise applicable under the statute pursuant to which the rule is promulgated.

''(B) SUBSTANTIAL EVIDENCE.—Notwithstanding any other provision of Federal law, no major rule shall be promulgated by the Secretary or the Commission under this Act unless the requirements of this section are met and the certifications required herein are supported by substantial evidence of the rulemaking record.

''(5) PUBLICATION.—The agency shall publish in the Federal Register, along with the final regulation, the certifications required by this subsection.

''(6) NOTICE.—Where the Secretary or the Commission, as the case may be, finds a conflict between the decision criteria of this subsection and the decision criteria of an otherwise applicable statute, the Secretary or the Commission, as the case may be, shall so notify the Congress in writing.

''(n) OFFICE OF MANAGEMENT AND BUDGET GUIDANCE.—The Office of Management and Budget shall issue guidance consistent with this section—

''(1) to assist the agencies, the public, and the regulated community in the implementation of this section, including any new requirements or procedures needed to supplement prior agency practice; and

''(2) governing the development and preparation of analyses of risk reduction benefits and costs.

''(o) PEER REVIEW.—

''(1) ESTABLISHMENT.—The Secretary and the Commission shall each develop a systematic program for independent and external peer review required by this section. Such program shall provide for peer review by the Waste Review Board, may provide specific and reasonable deadlines for the Board to submit reports under this subsection, and shall provide adequate protections for confidential business information and trade secrets, including requiring the Board to enter into confidentiality agreements.

''(2) REQUIREMENT FOR PEER REVIEW.—In connection with any rule under this Act that is likely to result in an annual increase in costs of $100,000,000 or more, the Secretary and the Commission shall each provide for peer review in accordance with this section of any risk assessment or cost analysis which forms the basis for such rule or of any analysis under this section. In addition, the Director of the Office of Management and Budget may order that peer review be provided for any major risk assessment or cost assessment that is likely to have a significant impact on public policy decisions of the Secretary and the Commission.

''(3) CONTENTS.—Each peer review under this subsection shall include a report to the Secretary or the Commission, as the case may be, with respect to the scientific and economic merit of data and methods used for the assessments and analyses.

''(4) RESPONSE TO PEER REVIEW.—The Secretary or the Commission, as the case may be, shall provide a written response to all significant peer review comments.

''(5) AVAILABILITY TO PUBLIC.—All peer review comments or conclusions and the Secretary's or the Commission's response shall be made available to the public and shall be made part of the administrative record.

''(6) PREVIOUSLY REVIEWED DATA AND ANALYSIS.—No peer review shall be required under this subsection for any data or method which has been previously subjected to peer review or for any component of any analysis or assessment previously subjected to peer review.

''(7) NATIONAL PANELS.—The President shall appoint National Peer Review Panels to annually review the risk assessment and cost assessment practices of the Secretary and the Commission under this Act. The Panel shall submit a report to the Congress no less frequently than annually containing the results of such review.

''(p) JUDICIAL REVIEW.—Compliance or noncompliance by the Secretary and the Commission with the requirements of this section shall be reviewable pursuant to this Act and chapter 7 of title 5, United States Code. The court with jurisdiction to review final agency action under this Act shall have jurisdiction to review, at the same time, compliance by the Secretary or the Commission, as the case may be, with the requirements of this section. When a significant risk assessment document or risk characterization document subject to this section is part of the administrative record in a final agency action, in addition to any other matters that the court may consider in deciding whether the action was lawful, the court shall consider the action unlawful if such significant risk assessment document or significant risk characterization document does not substantially comply with the requirements of this section.

''(q) PLAN FOR ASSESSING NEW INFORMATION.—

''(1) PLAN.—Within 18 months after the date of enactment of this section, the Secretary and the Commission shall publish a plan to review and, where appropriate revise any significant risk assessment document or significant risk characterization document published prior to the expiration of such 18-month period if, based on information available at the time of such review, the Secretary or the Commission, as the case may be, head determines that the application of the principles set forth in this section would be likely to significantly alter the results of the prior risk assessment or risk characterization. The plan shall provide procedures for receiving and considering new information and risk assessments from the public. The plan may set priorities and procedures for review and, where appropriate, revision of such risk assessment documents and risk characterization documents and of health or environmental effects values. The plan may also set priorities and procedures for review, and, where appropriate, revision or repeal of major rules promulgated prior to the expiration of such period. Such priorities and procedures shall be based on the potential to more efficiently focus national economic resources within programs carried out under this Act on the most important priorities and on such other factors as the Secretary or the Commission considers appropriate.

''(2) PUBLIC COMMENT AND CONSULTATION.—The plan under this subsection, shall be developed after notice and opportunity for public comment, and after consultation with representatives of appropriate State, local, and tribal governments, and such other departments and agencies, offices, organizations, or persons as may be advisable.

''(r) PRIORITIES.—

''(1) IDENTIFICATION OF OPPORTUNITIES.—In order to assist in the public policy and regulation of risk to public health, the President shall identify opportunities to reflect priorities within programs under this Act in a cost-effective and cost-reasonable manner. The President shall identify each of the following:

''(A) The likelihood and severity of public health risks addressed by such programs.

''(B) The number of individuals affected.

''(C) The incremental costs and risk reduction benefits associated with regulatory or other strategies.

''(D) The cost-effectiveness of regulatory or other strategies to reduce risks to public health.

''(E) Intergovernmental relationships among Federal, State, and local governments among program designed to protect public health.

''(F) Statutory, regulatory, or administrative obstacles to allocating national economic resources based on the most cost-effective, cost-reasonable priorities considering Federal, State, and local programs.

''(2) STATE, LOCAL, AND TRIBAL PRIORITIES.—In identifying national priorities, the President shall consider priorities developed and submitted by State, local, and tribal governments.

''(3) BIENNIAL REPORTS.—The President shall issue biennial reports to Congress, after notice and opportunity for public comment, to recommend priorities for modifications to, elimination of, or strategies for existing programs under this Act. Within 6 months after the issuance of the report, the President shall notify the Congress in writing of the recommendations which can be implemented without further legislative changes and the agency shall consider the priorities set forth in the report and priorities developed and submitted by State, local, and tribal governments when preparing a budget or strategic plan for any such program.

H.R. 1020

OFFERED BY: MRS. VUCANOVICH

AMENDMENT NO. 20: Page 24, insert after the period in line 9 the following: ''The interim storage facility shall be located at the Savannah River Nuclear site and the Hanford Nuclear site.

H.R. 1745

OFFERED BY: MRS. WALDHOLTZ

AMENDMENT NO. 1: Page 2, line 14 (section 2(a)(1)) (relating to Desolation Canyon), strike ''254,478'' and insert ''291,598''.

Page 2, line 16 (section 2(a)(1)), strike ''dated '' and insert ''dated December 3, 1995''.

Page 2, line 19 (section 2(a)(2)) (relating to San Rafael Reef), strike ''47,786'' and insert ''57,955''.

Page 3, line 1 (section 2(a)(2)), strike ''dated '' and insert ''dated December 12, 1995.''

Page 3, line 23 (section 2(a)(6)) (relating to Sids Mountain), strike ''41,154'' and insert ''46,589''.

Page 3, beginning on line 25 (section 2(a)(6)), strike ''dated '' and insert ''dated December 12, 1995''.

Page 7, line 18 (section 2(a)(22)) (relating to Flume Canyon), strike ''37,506'' and insert ''47,236''.

Page 7, line 20 (section 2(a)(22)), strike ''dated '' and insert ''dated December 12, 1995''.

Page 7, line 25 (section 2(a)(23)) (relating to Westwater Canyon), strike ''25,383'' and insert ''26,658''.

Page 8, line 2 (section 2(a)(23)), strike ''dated '' and insert ''dated December 12, 1995''.

Page 9, line 11 (section 2(a)(29)) (relating to Paria-Hackberry), strike ''57,641'' and insert ''94,805''.

Page 9, beginning on line 12 (section 2(a)(29)), strike ''dated '' and insert ''December 3, 1995''.

Page 14, after line 13 (at the end of section 2(a)), add the following:

(50) Certain lands in the Road Canyon Wilderness Study Area comprised of approximately 34,460 acres, as generally depicted on a map entitled ''Grand Gulch Proposed Wilderness'' and dated December 8, 1995, and which shall be known as the Road Canyon Wilderness.

(51) Certain lands in the Fish & Owl Creek Wilderness Study Area comprised of approximately 20,925 acres, as generally depicted on a map entitled ''Grand Gulch Proposed Wilderness'' and dated December 8, 1995, and which shall be known as the Fish & Owl Creek Wilderness.

(52) Certain lands in the Mule Canyon Wilderness Study Area comprised of approximately 5,940 acres, as generally depicted on a map entitled ''Mule Canyon Proposed Wilderness'' and dated December 8, 1995, and which shall be known as the Mule Canyon Wilderness.

(53) Certain lands in the Turtle Canyon Wilderness Study Area comprised of approximately 27,480 acres, as generally depicted on a map entitled ''Desolation Canyon Proposed Wilderness'' and dated December 3, 1995, and which shall be known as the Turtle Canyon Wilderness.

(54) Certain lands in the The Watchman Wilderness Study Area comprised of approximately 664 acres, as generally depicted on a map entitled ''The Watchman Proposed Wilderness'' and dated December 8, 1995, and which shall be known as The Watchman Wilderness.

Page 26, line 18 (section 11(a)(1)), strike ''142,041'' and insert ''242,000''.

Page 28, line 2 (section 11(c)(1)), strike ''dated '' and insert ''dated December 6, 1995,''.

Page 31, line 7, add the following: ''The Secretary shall have the authority to extend any existing leases on such Federal lands prior to consummation of the exchange.''.