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105TH CONGRESS, 1st Session | HOUSE OF REPRESENTATIVES | REPT. 105–99 Part 2

ENVIRONMENTAL RESEARCH, DEVELOPMENT, AND DEMONSTRATION AUTHORIZATION ACT OF 1997

JUNE 26, 1997.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. BLILEY, from the Committee on Commerce, submitted the following

REPORT

[To accompany H.R. 1276]

[Including cost estimate of the Congressional Budget Office]

The Committee on Commerce, to whom was referred the bill (H.R. 1276) 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, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

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41–706

AMENDMENT

The amendment is as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Environmental Research, Development, and Demonstration Authorization Act of 1997".

SEC. 2. DEFINITIONS.

For the purposes of this Act, the term—

(1) "Administrator" means the Administrator of the Environmental Protection Agency;

(2) "Agency" means the Environmental Protection Agency; and

(3) "Assistant Administrator" means the Assistant Administrator for Research and Development of the Agency.

SEC. 3. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated to the Administrator for the Office of Research and Development in the Environmental Protection Agency for environmental research and development activities not authorized under other authority of law, $401,278,500 for fiscal year 1998 and $412,626,600 for fiscal year 1999, of which—

(1) $105,457,900 for fiscal year 1998 and $108,621,600 for fiscal year 1999 shall be available for ecosystem protection research;

(2) $14,138,600 for fiscal year 1998 and $14,562,800 for fiscal year 1999 shall be available for global change research;

(3) $19,871,100 for fiscal year 1998 and $20,467,200 for fiscal year 1999 shall be available for air toxics research;

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

(5) $5,448,900 for fiscal year 1998 and $5,612,400 for fiscal year 1999 shall be available for waste management and site remediation research;

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

(7) $15,872,900 for fiscal year 1998 and $16,349,100 for fiscal year 1999 shall be available for special environmental hazards research;

(8) $42,036,000 for fiscal year 1998 and $43,297,100 for fiscal year 1999 shall be available for new technology and pollution prevention research; and

(9) $141,482,300 for fiscal year 1998 and $145,036,500 for fiscal year 1999 shall be available for science quality and infrastructure research.

(b) PESTICIDES.—For pesticide registration activities, $1,546,299 for fiscal year 1998 and $1,592,600 for fiscal year 1999, and for pesticide reregistration activities, $1,889,800 for fiscal year 1998 and $1,946,500 for fiscal year 1999.

(c) LIMITATIONS.—Other than amounts awarded through a competitive process, or as specifically authorized by an Act other than a general appropriations Act, no funds are authorized to be appropriated by this Act for any of the following:

(1) Oil Spill Restoration at the Louisiana Environmental Research Center.

(2) The Mine Waste Technology Program.

(3) Livestock and Agriculture Pollution Abatement.

(4) Resource and Agriculture Policy Development.

(5) The National Decentralized Water Resources Capacity Project.

(d) ADDITIONAL AUTHORIZATIONS.—There are authorized to be appropriated to the Administrator for environmental research and development activities not authorized under other authority of law—

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

(2) for research related to the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, $39,755,900 for fiscal year 1998 and $40,948,600 for fiscal year 1999.

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

SEC. 4. SCIENTIFIC RESEARCH REVIEW.

The Administrator shall assign to the Assistant Administrator the duties of—

(1) developing a strategic plan for scientific and technical research activities throughout the Agency;

(2) integrating that strategic plan into ongoing Agency research and development planning activities; and

(3) reviewing all Agency research to determine whether the research—

(A) is of high quality; and

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

SEC. 5. GRADUATE STUDENT FELLOWSHIPS.

In carrying out the graduate student fellowship program for which funds are authorized to be appropriated by this Act, the Administrator shall ensure that any fellowship award to a student selected after the date of the enactment of this Act is used only to support scientific research activities of the Environmental Protection Agency.

SEC. 6. SCIENCE ADVISORY BOARD.

(a) ANNUAL REPORT.—The Science Advisory Board shall submit to Congress and to the Administrator an annual report that contains the views of the Science Advisory Board on proposed research programs as described in the President's budget for research, development, and demonstration activities at the Environmental Protection Agency. Such report shall be submitted to Congress as soon as practicable after the submission of the President's budget to Congress. The Administrator shall cooperate with the Director of the Science Advisory Board, particularly with respect to the timely provision of budget information to the Science Advisory Board, to allow the Science Advisory Board to carry out its duties under this subsection.

(b) EVALUATION.—The Science Advisory Board shall conduct periodic evaluations of selected areas of the current and planned research, development, and demonstration activities of the Environmental Protection Agency. The areas of evaluation shall be selected by the Science Advisory Board in consultation with the Administrator, the Office of Research and Development, other Agency programs, and appropriate committees of the Congress. Reports containing the Science Advisory Board's evaluations and recommendations shall be filed with such committees and the Administrator. The Administrator shall provide to such committees a written response to the Science Advisory Board's evaluation and recommendations within 60 days after the Science Advisory Board's report has been submitted.

(c) SUBMISSION TO CONGRESS.—The Administrator shall submit to the Congress any report required by law to be submitted to the Administrator by the Science Advisory Board. The Administrator shall make any such submission not later than 60 days after the Administrator receives the report from the Science Advisory Board.

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

SEC. 7. LIMITATIONS.

(a) PROHIBITION OF LOBBYING ACTIVITIES.—None of the funds authorized by this Act shall be available for any activity whose purpose is to influence legislation pending before the Congress, except that this subsection shall not prevent officers or employees of the United States or of its departments or agencies from communicating to Members of Congress on the request of any Member or to Congress, through the proper channels, requests for legislation or appropriations which they deem necessary for the efficient conduct of the public business.

(b) ELIGIBILITY FOR AWARDS.—

(1) IN GENERAL.—The Administrator shall exclude from consideration for grant agreements made by the Agency after fiscal year 1997 any person who received funds, other than those described in paragraph (2), appropriated for a fiscal year after fiscal year 1997, under a grant agreement from any Federal funding source for a project that was not subjected to a competitive, merit-based award process. Any exclusion from consideration pursuant to this subsection shall be effective for a period of 5 years after the person receives such Federal funds.

(2) EXCEPTION.—Paragraph (1) shall not apply to the receipt of Federal funds by a person due to the membership of that person in a class specified by law for which assistance is awarded to members of the class according to a formula provided by law.

(3) DEFINITION.—For purposes of this subsection, the term "grant agreement" means a legal instrument whose principal purpose is to transfer a thing of value to the recipient to carry out a public purpose of support or stimulation author-

ized by a law of the United States, and does not include the acquisition (by purchase, lease, or barter) of property or services for the direct benefit or use of the United States Government. Such term does not include a cooperative agreement (as such term is used in section 6305 of title 31, United States Code) or a cooperative research and development agreement (as such term is defined in section 12(d)(1) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a(d)(1))).

SEC. 8. NOTICE.

(a) NOTICE OF REPROGRAMMING.—If any funds authorized by this Act are subject to a reprogramming action that requires notice to be provided to the Appropriations Committees of the House of Representatives and the Senate, notice of such action shall concurrently be provided to the Committees on Science, Commerce, and Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate.

(b) NOTICE OF REORGANIZATION.—The Administrator shall provide notice to the Committees on Science, Commerce, Transportation and Infrastructure, and Appropriations of the House of Representatives, and the Committees on Environment and Public Works and Appropriations of the Senate, not later than 15 days before any major reorganization of any program, project, or activity of the Agency.

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

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

(1) give high priority to correcting all 2-digit date-related problems in its computer systems to ensure that those systems continue to operate effectively in the year 2000 and beyond;

(2) assess immediately the extent of the risk to the operations of the Environmental Protection Agency posed by the problems referred to in paragraph (1), and plan and budget for achieving Year 2000 compliance for all of its mission-critical systems; and

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

SEC. 10. BUY AMERICAN.

(a) COMPLIANCE WITH BUY AMERICAN ACT.—No funds appropriated pursuant to this Act may be expended by an entity unless the entity agrees that in expending the assistance the entity will comply with sections 2 through 4 of the Act of March 3, 1933 (41 U.S.C. 10a–10c, popularly known as the "Buy American Act").

(b) SENSE OF CONGRESS.—In the case of any equipment or products that may be authorized to be purchased with financial assistance provided under this Act, it is the sense of Congress that entities receiving such assistance should, in expending the assistance, purchase only American-made equipment and products.

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

PURPOSE AND SUMMARY

The purpose of H.R. 1276, the Environmental Research, Development, and Demonstration Authorization Act of 1997, is to authorize appropriations for environmental research and development programs within the Office of Research and Development of the Environmental Protection Agency and to make certain other additional authorizations for environmental research and development programs within the Environmental Protection Agency.

In addition, H.R. 1276 provides authorization for pesticide registration and reregistration activities, places limitations on certain environmental research and development projects, authorizes funds for transboundary pollution research, requires a strategic plan for environmental research activities, contains provisions respecting graduate student fellowships, provides reporting requirements for the Science Advisory Board, places limitations on lobbying activities, provides for notice of reprogramming and restructuring activities by the Environmental Protection Agency (EPA), contains a

Sense of the Congress on the year 2000 problem, and contains a Sense of the Congress on certain "Buy American" provisions.

BACKGROUND AND NEED FOR LEGISLATION

The Committee on Science's report on H.R. 1276 states that the rationale for this legislation is that "Congress has funded most of EPA R&D programs through direct appropriation without annual legislative authorization."[1] The Science Committee's report notes that the last comprehensive EPA research and development bill expired on September 30, 1981.

The Commerce Committee respectfully disagrees with the Science Committee's assertion that H.R. 1276 is necessary to provide authorizations for "most" programs that are otherwise unauthorized. First, the Committee notes that H.R. 1276 contains a significantly broader scope of programs than in previous Science Committee EPA R&D bills.

Second, the Committee notes that H.R. 1276 is conterminous with the President's budget request for Science and Technology activities, established in 1996.[2] Thus, the bill contains a number of provisions which have not been authorized previously by the Science Committee and which do not appear to be matters within the Science Committee's jurisdiction. For example, H.R. 1276 as reported by the Science Committee would authorize funding for pesticide registration and reregistration, and for the National Enforcement Investigation Center.

Third, the Commerce Committee considers many provisions within H.R. 1276 to be unnecessary due to other statutory authorities. In this regard, a recent report by the Congressional Research Service noted that EPA's authority to conduct scientific activities derives from a number of authorities:

> EPA's statutory mandate for research and development (R&D) grew piecemeal from provisions of many environmental protection laws as enacted or amended over the years. The authority to conduct basic and applied research, to develop and demonstrate new technologies, to monitor the ambient environment—air, water, land, plants, and animals—and to conduct diverse special studies was conferred by Congress in two ways: in the context of at least 12 different environmental protection laws and in the Environmental Research, Development, and Demonstration Authorization Act (ERDDA) [. . .] Although the annual ERDDA authorizations, when enacted, provide the overall statutory authority for environmental R&D, the provisions of the various environmental protection statutes have remained in effect, and as previously noted, amendments to other environmental statutes often include new R&D provisions. Thus, EPA's current and continuing authority for R&D activities derives from the combination of authoriza-

[1] H. Rpt. 105–99, Part 1, pg. 6.

[2] The Science Committee report (H. Rpt. 105–99, Part 1) contains a Table 1 providing a summary of the President's Fiscal Year 1998 request and comparable amounts provided under H.R. 1276. The report further notes on page 10 that, "The funding authorized in H.R. 1276 is generally consistent with the funding levels requested by EPA for Fiscal Year 1998 and supports a 3-percent increase for most programs for Fiscal Year 1999."

tion provisions in basic environmental protection statutes, requirements and precedents established by the laws that authorized appropriations for EPA's overall R&D program annually (though the funding authorization has expired), and annual (unauthorized) appropriations for EPA.[3]

A number of the separate statutory provisions authorizing EPA research and development activities fall within the jurisdiction of the Commerce Committee. For example,[4] H.R. 1276 contains authorizations for scientific activities to be conducted under the Safe Drinking Water Act Amendments of 1996 and the Food Quality Protection Act of 1996.[5] However, both of these statutory provisions were adopted by the Commerce Committee in the 104th Congress and are authorized for multi-year periods. Thus, no further authorizations are required. The Commerce Committee is also concerned that a separate authorization for such activities in H.R. 1276 is redundant of, and potentially inconsistent with,[6] the direction provided by the authorizing committee. Thus, the Commerce Committee is recommending that these provisions be deleted from the bill (in the instance of section 3(c)(2) of the Science Committee bill) or that authorizations be confined to activity involving environmental research and development and not authorized under other authority of law (in the case of the general authorization for the Office of Research and Development under section 3(a) of H.R. 1276, as reported by the Commerce Committee).

H.R. 1276 as reported by the Science Committee contains a number of other provisions which are redundant of, and potentially inconsistent with, existing authorizations provided by the Commerce Committee. For example, the bill contains extensive authorizations for scientific activities under the Clean Air Act. The Commerce Committee notes that these activities are directly related to EPA's obligations under the Clean Air Act and are authorized by the Clean Air Act. This conclusion is supported by the Administration's budget request for air toxics research which notes explicitly that the program "provides the scientific information needed to carry

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[3] Summaries of Environmental Laws Administered by the Environmental Protection Agency; Congressional Research Service, January 2, 1997, pg. 103 and pg. 105.

[4] The following discussion of examples of provisions in H.R. 1276 is not intended as an exhaustive list of the jurisdictional concerns of the Commerce Committee. Instead, they are provided as examples of provisions in H.R. 1276, as reported by the Science Committee, that would create duplicative, and potentially inconsistent, authorizations for EPA scientific activities.

[5] The President's budget proposal for Fiscal Year 1998 indicates that the request for the Science and Technology Account includes money "to fund research and development necessary to support implementation of two recently passed pieces of environmental legislation—The Safe Drinking Water Act Amendments of 1996 (SDWA) and the Food Quality Production [sic] Act (FQPA)" Justification of Appropriation Estimates For the Committee on Appropriations, USEPA, February 1997, page 3–40. The budget proposal includes this activity within funds requested for the Office of Research and Development. H.R. 1276 as reported by the Science Committee contains such authorizations within section 3(b)(5) and section 3(c).

[6] A further reading of the Science Committee bill could indicate that H.R. 1276 was actually designed to replace current statutory authorizations with new authorizations contained in H.R. 1276. Section 7(b) of the Science Committee bill attempted to provide that "no sums are authorized to be appropriated to the Administrator for Fiscal Years 1998 and 1999 for the activities for which sums are authorized by this Act, unless such sums are specifically authorized to be appropriated by this Act." The Science Committee report is not particularly helpful in clarifying the intent of this provision other than noting that "It is the Committee's position that annual authorizations designating specific sums are required for appropriations of such sums to be authorized." (H. Rpt. 105–99, Part 1, page 19). The Commerce Committee does not believe that existing statutory authority under several environmental statutes under the committee's jurisdiction can or should be replaced by enactment of H.R. 1276. For this reason, the Commerce Committee deleted section 7(b) of the Science Committee bill through adoption of the Oxley Amendment in the Nature of a Substitute.

out the requirements of the Clean Air Act (CAA) Amendments and Title IV of the Superfund Amendments and Reauthorization Act."[7] Moreover, the Administration's budget request also notes that "the program includes activities that will directly support the development of the national urban air toxics strategy mandated under Title III of the 1990 Clean Air Act Amendments . . ."[8] Thus, the Commerce Committee concludes that the authorization contained in section 3(b)(2)(C) of H.R. 1276 as reported by the Science Committee is redundant of an existing authorization provided by the Clean Air Act and thus the authorization should be confined to environmental research and development activities.

Section 3(b)(5)(F) of H.R. 1276 as reported by the Science Committee is another example of a redundant, and potentially inconsistent, authorization. Section 3(b)(5)(F) would provide funding in both FY 1998 and FY 1999 for "human health protection research." The Science Committee report is silent on the committee's views regarding this specific authorization. However, the Administration's budget request indicates that this funding is required under Title III of the FQPA and that information on human health risks "is particularly critical to the Office of Prevention, Pesticides, and Toxic Substances (OPPTS) in the implementation of the Toxic Substances Control Act (TOSCA), the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), and other legislation."[9] Authorizations exist for all of these statutes; therefore, most if not all of the authorization in section 3(b)(5)(F) is outside the jurisdiction of the Science Committee and redundant of existing authorizations.

The Commerce Committee adopted an Amendment in the Nature of a Substitute which deletes those provisions of H.R. 1276 for which there are existing authorizations within the sole jurisdiction of the Commerce Committee. In some areas of H.R. 1276, however, the Committee was unable to determine from the available information precisely what level of funding requested by EPA for Fiscal Year 1998 falls within the jurisdictional lines of the Commerce Committee for either the general appropriation authorization for the Office of Research and Development or for any authorization contained within section 3(a)(1) through section 3(a)(8) of H.R. 1276 (as reported by the Science Committee). As also noted by the Science Committee in its report, the EPA's budget justification document "provides little of the information the Committee requires to analyze the EPA research budget."[10]

For this reason, the Commerce Committee in adopting the Amendment in the Nature of a Substitute offered by Mr. Oxley specifically limited the authorized appropriations for the Office of Research and Development and additional authorizations to "environmental research and development activities not authorized under other authority of law." It is the intent of the Commerce Committee, in adopting this legislative language, to provide EPA with authorization for only those research activities which fall within the jurisdiction of the Science Committee as expressed in Rule X of the

[7] Justification of Appropriation Estimates For the Committees On Appropriations, USEPA, February 1997, page 3–100.
[8] Id, at page 3–101.
[9] Id, at page 3–127.
[10] H. Rpt. 105–99, Part 1, page 13.

Rules of the U.S. House of Representatives and to recognize that in areas of shared jurisdiction between the House Commerce Committee and the House Science Committee it may not be possible, from currently available information, to draw firm conclusions regarding a specific dollar amount which demarks the lines of jurisdiction between the two committees.

Similarly, the Commerce Committee added legislative language to Section 4 of the Science Committee's reported version of H.R. 1276. In Section 4, duties of the Assistant Administrator for Research and Development to integrate a strategic plan for ongoing Agency planning activities was confined specifically to "research and development" planning activities. The Commerce Committee would also note that authorizations contained within Section 3(e) concerning transboundary pollution research are also understood by the committee to be limited to environmental research activities.

The elimination of provisions within the jurisdiction of the Commerce Committee is not intended to be construed as a lack of endorsement of those programs. As noted variously above, in many instances, the Commerce Committee considers that programs contained within the Science Committee reported version of H.R. 1276 already contain sufficient authorization and in the case of safe drinking water and food quality protection programs, very recent authorizations. Similarly, since the Committee on Commerce had no referral of the provisions solely within the jurisdiction of the Committee on Science, the Commerce Committee's actions in adopting the Oxley Amendment in the Nature of a Substitute cannot be construed as an endorsement of those provisions. As previously noted, in areas where the Commerce Committee and the Committee on Science share jurisdiction and where available information does not allow authorizations to be divided between the jurisdiction of the two committees, the Commerce Committee added language to ensure that such authorized activities only involved those activities within the jurisdiction of the Science Committee and not authorized under any other authority of law.

HEARINGS

The Committee on Commerce has not held hearings on the legislation. However, the Committee did conduct three separate briefings which addressed the EPA's budget for Fiscal Year 1998 and the issues and programs addressed in H.R. 1276. On February 10, 1997, the Committee on Commerce conducted a briefing at which representatives of the Environmental Protection Agency presented information on the EPA's Proposed Budget Request for Fiscal Year 1998. On May 16, 1997, representatives of the Environmental Protection Agency briefed majority and minority Committee staff on the impact of H.R. 1276. On June 18, 1997, the Committee on Commerce conducted a briefing specifically on H.R. 1276, as reported by the Committee on Science, at which representatives of EPA were present and responded to questions about the legislation.

COMMITTEE CONSIDERATION

On May 16, 1997, the Committee on Science reported H.R. 1276 to the House (H. Rpt. 105–99, Part 1). On May 16, 1997, H.R. 1276

was referred sequentially to the Committee on Commerce for a period ending not later than June 20, 1997. On June 20, 1997, the referral of the bill to the Committee on Commerce was extended for a period ending not later than June 26, 1997.

On June 25, 1997, the Full Committee on Commerce met in open markup session to consider H.R. 1276. A unanimous consent request by Mr. Bliley to proceed to the immediate consideration of H.R. 1276, as reported by the Committee on Science, was agreed to without objection. The Full Committee then ordered H.R. 1276 reported to the House, amended, by a voice vote, a quorum being present.

ROLLCALL VOTES

Clause 2(l)(2)(B) of Rule XI of the Rules of the House requires the Committee to list the recorded votes on the motion to report legislation and amendments thereto. There were no recorded votes taken in connection with ordering H.R. 1276 reported or in adopting the amendment. The following are the voice votes that were taken in Committee:

COMMITTEE ON COMMERCE—VOICE VOTES, 6/25/97

Bill: H.R. 1276, Environmental Research, Development, and Demonstration Authorization Act of 1997.

Unanimous consent request: A unanimous consent request by Mr. Bliley to proceed to the immediate consideration of H.R. 1276, as reported to the House by the Committee on Science.

Disposition: Agreed to, without objection.

Amendment: Amendment in the Nature of a Substitute by Mr. Oxley, re: delete certain authorizations within the jurisdiction of the Committee on Commerce.

Disposition: Agreed to, by a voice vote.

Motion: Motion by Mr. Bliley to order H.R. 1276 reported to the House, amended.

Disposition: Agreed to, by a voice vote, a quorum being present.

COMMITTEE OVERSIGHT FINDINGS

Pursuant to clause 2(l)(3)(A) of Rule XI of the Rules of the House of Representatives, the Committee did not hold oversight or legislative hearings on this legislation.

COMMITTEE ON GOVERNMENT REFORM AND OVERSIGHT

Pursuant to clause 2(l)(3)(D) of Rule XI of the Rules of the House of Representatives, no oversight findings have been submitted to the Committee by the Committee on Government Reform and Oversight.

NEW BUDGET AUTHORITY AND TAX EXPENDITURES

In compliance with clause 2(l)(3)(B) of Rule XI of the Rules of the House of Representatives, the Committee finds that H.R. 1276, the Environmental Research, Development, and Demonstration Act of 1997, would result in no new or increased budget authority or tax expenditures or revenues.

COMMITTEE COST ESTIMATE

The Committee adopts as its own the cost estimate prepared by the Director of the Congressional Budget Office pursuant to section 403 of the Congressional Budget Act of 1974.

CONGRESSIONAL BUDGET OFFICE ESTIMATE

Pursuant to clause 2(l)(3)(C) of Rule XI of the Rules of the House of Representatives, the following is the cost estimate provided by the Congressional Budget Office pursuant to section 403 of the Congressional Budget Act of 1974:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, June 26, 1997.

Hon. TOM BLILEY,
Chairman, Committee on Commerce,
House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 1276, the Environmental Research, Development, and Demonstration Authorization Act of 1997.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contacts are Kim Cawley (for federal costs), and Pepper Santalucia (for the state and local impact).

Sincerely,

JAMES L. BLUM
(For June E. O'Neill, Director.).

H.R. 1276—Environmental Research, Development, and Demonstration Authorization Act of 1997

Summary—H.R. 1276 would authorize the appropriation of $449 million in fiscal year 1998 and $462 million in fiscal year 1999 for the Environmental Protection Agency's (EPA's) Office of Research and Development to conduct environmental research, development, and demonstration activities and for the activities of EPA's Science Advisory Board. The bill would not affect direct spending or receipts; therefore, pay-as-you-go procedures would not apply. The bill contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act of 1995 (UMRA), and would not impose any costs on state, local, or tribal governments.

Estimated cost to the Federal Government—For purposes of this estimate, CBO assumes that the amounts authorized will be appropriated by the beginning of each fiscal year and that outlays will occur at rates similar to those of past appropriations for EPA research and development activities. The estimated budgetary impact of H.R. 1276 is shown in the following table.

	By fiscal year, in millions of dollars					
	1997	1998	1999	2000	2001	2002
SPENDING SUBJECT TO APPROPRIATION						
EPA R&D Spending Under Current Law:						
Budget Authority[a]	587	0	0	0	0	0
Estimated Outlays	535	339	88	0	0	0
Proposed Changes:						
Authorization Level	0	449	462	0	0	0
Estimated Outlays	0	180	387	275	69	0
EPA R&D Spending Under H.R. 1276:						
Authorization Level[a]	587	449	462	0	0	0
Estimated Outlays	535	519	475	275	69	0

[a] The 1997 level is the amount appropriated for that year.

The costs of this legislation fall within budget function 300 (natural resources and environment).

Pay-as-you-go considerations: None.

Impact on State, local, and tribal governments: The bill contains no intergovernmental mandates as defined in UMRA, and would not impose any costs on state, local or tribal government. Two provisions in the bill would affect eligibility for federal grants. The first would require compliance with the Buy American Act. The second would exclude grantees from consideration for awards if they had received funds under any other federal grant program that was not subject to a competitive, merit-based award process. The latter provision could change the allocation of funds among grant recipients, including state universities and colleges. CBO cannot predict how the share of research funding awarded to public universities and colleges would change because of this provision.

Impact on the private sector: H.R. 1276 contains no new private-sector mandates as defined in UMRA.

Previous CBO estimate: On April 21, 1997, CBO prepared an estimate for a version of H.R. 1276 that was approved by the House Committee on Science. This estimate reflects the different authorization levels approved by the Committee on Commerce.

Estimate prepared by: Federal Costs: Kim Cawley, Impact on State, Local, and Tribal Governments: Pepper Santalucia.

Estimate approved by: Paul N. Van de Water, Assistant Director for Budget Analysis.

FEDERAL MANDATES STATEMENT

The Committee adopts as its own the estimate of Federal mandates prepared by the Director of the Congressional Budget Office pursuant to section 423 of the Unfunded Mandates Reform Act.

ADVISORY COMMITTEE STATEMENT

No advisory committees within the meaning of section 5(b) of the Federal Advisory Committee Act were created by this legislation.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 2(l)(4) of Rule XI of the Rules of the House of Representatives, the Committee finds that the Constitutional authority for this legislation is provided in Article I, section 8, clause

3, which grants Congress the power to regulate commerce with foreign nations, among the several States, and with the Indian tribes.

APPLICABILITY TO LEGISLATIVE BRANCH

The Committee finds that the legislation does not relate to the terms and conditions of employment or access to public services or accommodations within the meaning of section 102(b)(3) of the Congressional Accountability Act.

SECTION-BY-SECTION ANALYSIS OF THE LEGISLATION

Section 1. Short Title

This section designates the short title of the Act as the "Environmental Research, Development, and Demonstration Authorization of 1997".

Section 2. Definitions

The section provides definitions for certain terms within the Act.

Section 3. Authorization of Appropriations

Section 3(a) provides $401,278,500 for Fiscal Year 1998 and $412,626,600 for Fiscal Year 1999 for environmental research and development activities within the Office of Research and Development in the Environmental Protection Agency which are not authorized under any other authority of law.

Section 3(a) further provides authorized levels for environmental research and development activities, subject to the general authorization level of appropriations contained in section 3(a), as follows:

(1) $105,457,900 for Fiscal Year 1998 and $108,621,600 for Fiscal Year 1999 for ecosystem protection research;

(2) $14,138,600 for Fiscal Year 1998 and $14,562,800 for Fiscal Year 1999 for global change research;

(3) $19,871,100 for Fiscal Year 1998 and $20,467,200 for Fiscal Year 1999 for air toxics research;

(4) $3,344,800 for Fiscal Year 1998 and $3,445,100 for Fiscal Year 1999 for waste, site, and risk characterization research;

(5) $5,448,900 for Fiscal Year 1998 and $5,612,400 for Fiscal Year 1999 for waste management and site remediation research;

(6) $53,626,000 for Fiscal Year 1998 and $55,234,800 for Fiscal Year 1999 for human health protection research;

(7) $15,872,900 for Fiscal Year 1998 and $16,349,100 for Fiscal Year 1999 for special environmental hazards research;

(8) $42,036,000 for Fiscal Year 1998 and $43,297,100 for Fiscal Year 1999 for new technology and pollution prevention research; and

(9) $141,482,300 for Fiscal Year 1998 and $145,036,500 for Fiscal Year 1999 for science quality and infrastructure research.

Section 3(b) provides $1,546,299 in Fiscal Year 1998 and $1,592,600 in Fiscal Year 1999 for pesticide registration and $1,889,800 in Fiscal Year 1998 and $1,946,500 in Fiscal Year 1999 for pesticide reregistration activities.

Section 3(c) contains limitations on funds for certain enumerated projects.

Section 3(d) contains additional authorizations for environmental research and development activities not authorized under other authority of law for oil pollution related research and for research related to the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA). $1,017,200 in Fiscal Year 1998 and $1,047,700 in Fiscal Year 1999 is provided for such oil pollution related research, and $39,755,900 in Fiscal Year 1998 and $40,948,600 in Fiscal Year 1999 is provided for such CERCLA research.

Section 3(e) authorizes $1,000,000 for each of Fiscal Years 1998 and 1999 for environmental research activities related to the United States-Mexico Foundation for Science. It is the understanding of the Commerce Committee that these funds are authorized to support environmental research and development activities.

Section 4. Scientific Research Review

This section provides that the Assistant Administrator for Research and Development shall be assigned duties to develop a strategic plan for research within EPA and that this plan shall be integrated into EPA's environmental research and development planning activities. The section also requires the Assistant Administrator for Research and Development to determine the quality of research and whether any research is duplicative.

Section 5. Graduate Student Fellowships

This section provides that graduate student fellowships will support only the scientific research activities of the Environmental Protection Agency.

Section 6. Science Advisory Board

This section requires the Science Advisory Board (SAB) to submit an annual report to Congress regarding research programs which are proposed in EPA's annual budget request and requires the EPA Administrator to cooperate with the Director of the Science Advisory Board in this effort. This section also requires the Science Advisory Board to conduct periodic evaluations of selected areas of research, development, and demonstration. Such areas are to be selected in consultation with the EPA Administrator, the Office of Research and Development, and appropriate committees of Congress. The EPA Administrator must further provide the appropriate committees of Congress with a written response to the SAB's evaluation of these selected areas and recommendations regarding these areas. The section further requires the EPA Administrator to submit to Congress any report required by law to be submitted to the EPA Administrator by the SAB.

Section 7. Limitations

This section provides that no funds authorized by the Act are available, with certain exceptions, for any activity whose purpose is to influence legislation. The section further requires that the EPA Administrator exclude, with certain exceptions, any person from consideration for grant agreements if that person received

funds after Fiscal Year 1997 under a non-competitive grant agreement.

Section 8. Notice

This section requires that currently required notices of reprogramming actions be provided to the House Committee on Science, the House Committee on Commerce, and the House Committee on Transportation and Infrastructure, and to the Senate Committee on Environment and Public Works. The section also requires notice to these same committees of any major reorganization of any program.

Section 9. Sense of Congress on the Year 2000 Problem

This section expresses the Sense of Congress that the EPA give high priority to all 2-digit date-related problems in its computer system, asses the extent of risk, and plan and budget for activities for achieving Year 2000 compliance for all of its mission-critical activities. The Sense of Congress also indicates that EPA should develop contingency plans for those systems that EPA is unable to correct in time.

Section 10. Buy American

This section requires that no funds appropriated pursuant to the Act may be expended by an entity unless such entity agrees that it will comply with the "Buy American Act" (41 U.S.C. 10a–10c). The section further contains a Sense of Congress expressing that any equipment or products purchased with funds provided by the Act be American-made. The section further requires that any recipient of financial assistance under the Act be given notice of the Buy American provisions.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

This legislation does not amend any existing Federal statute.

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