

105TH CONGRESS } HOUSE OF REPRESENTATIVES { REPORT
1st Session } { 105-99, Part 1

ENVIRONMENTAL RESEARCH, DEVELOPMENT, AND
DEMONSTRATION AUTHORIZATION ACT OF 1997

—————
MAY 16, 1997.—Ordered to be printed
—————

Mr. SENSENBRENNER, from the Committee on Science,
submitted the following

R E P O R T

together with

ADDITIONAL VIEWS

[To accompany H.R. 1276]

[Including cost estimate of the Congressional Budget Office]

The Committee on Science, 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, reports favorably thereon with an amendment and recommends that the bill as amended do pass.

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I. 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 \$481,064,800 for fiscal year 1998 and \$494,806,500 for fiscal year 1999 for Science and Technology activities, including program management and support, in the areas specified in subsection (b).

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

- (1) For administration and resource management, \$227,700 for fiscal year 1998 and \$234,500 for fiscal year 1999.
- (2) For research in the Office of Air and Radiation, \$81,898,900 for fiscal year 1998 and \$84,355,800 for fiscal year 1999, of which—
 - (A) \$43,183,300 for fiscal year 1998 and \$44,478,800 for fiscal year 1999 shall be available for ozone, carbon monoxide, and nitrogen oxides research;
 - (B) \$6,741,200 for fiscal year 1998 and \$6,943,400 for fiscal year 1999 shall be available for particulate matter, visibility, and haze research;
 - (C) \$4,249,200 for fiscal year 1998 and \$4,376,700 for fiscal year 1999 shall be available for air toxics research;
 - (D) \$4,000,000 for fiscal year 1998 and \$4,120,000 for fiscal year 1999 shall be available for acid rain research;
 - (E) \$16,408,200 for fiscal year 1998 and \$16,900,400 for fiscal year 1999 shall be available for climate change research;
 - (F) \$2,389,900 for fiscal year 1998 and \$2,461,600 for fiscal year 1999 shall be available for indoor environment research;
 - (G) \$4,147,100 for fiscal year 1998 and \$4,271,500 for fiscal year 1999 shall be available for radiation research; and
 - (H) \$780,000 for fiscal year 1998 and \$803,400 for fiscal year 1999 shall be available for the working capital fund to support the National Vehicle and Fuel Emissions Laboratory in Ann Arbor, Michigan, the National Air

and Radiation Environmental Laboratory in Montgomery, Alabama, and the Radiation and Indoor Environments National Laboratory in Las Vegas, Nevada.

(3) For enforcement and compliance assurance at the National Enforcement Investigation Center, \$8,893,100 for fiscal year 1998 and \$9,159,900 for fiscal year 1999.

(4) For prevention, pesticides, and toxic substances, \$3,436,000 for fiscal year 1998 and \$3,539,100 for fiscal year 1999, of which—

(A) \$1,546,200 for fiscal year 1998 and \$1,592,600 for fiscal year 1999 shall be available for registration activities; and

(B) \$1,889,800 for fiscal year 1998 and \$1,946,500 for fiscal year 1999 shall be available for reregistration activities.

(5) For the Office of Research and Development, \$401,278,500 for fiscal year 1998 and \$412,626,600 for fiscal year 1999, of which—

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

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

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

(D) \$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;

(E) \$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;

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

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

(H) \$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

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

(6) For the Drinking Water Technical Support Center, \$1,738,800 for fiscal year 1998 and \$1,791,000 for fiscal year 1999.

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

(c) ADDITIONAL AUTHORIZATIONS.—There are authorized to be appropriated to the Administrator—

(1) for criteria air pollutants research by the Office of Research and Development, \$75,163,100 for fiscal year 1998 and \$77,418,000 for fiscal year 1999, including—

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

(B) \$18,700,000 for fiscal year 1998 and \$19,260,000 for fiscal year 1999 for ozone research, including study of the transportation of ozone and ozone precursors on a national scale;

(2) for drinking water research by the Office of Research and Development, \$39,467,600 for fiscal year 1998 and \$40,651,600 for fiscal year 1999;

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

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

(5) 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.

(d) 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—

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

(2) Oil Spill Restoration at the Louisiana Environmental Research Center;

(3) the Mine Waste Technology Program;

(4) Livestock and Agriculture Pollution Abatement;

(5) Resource and Agriculture Policy Development;

(6) San Joaquin Valley PM-10 Study;

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

- (8) the National Decentralized Water Resources Capacity Project;
- (9) the Lung Disease Study by the National Jewish Center;
- (10) the Lower Mississippi River Cancer Study; or
- (11) the Northern Iowa Small Business Pollution Prevention Center.

(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 planning activities; and
- (3) reviewing all Agency research to ensure 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 that would further missions of the Office of Research and Development.

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) **LIMITATION ON APPROPRIATIONS.**—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.

(c) **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 authorized 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.

II. PURPOSE OF THE BILL

The purpose of the bill is to authorize appropriations for Fiscal Years 1998 and 1999 for research, development, and demonstration programs of the Environmental Protection Agency (EPA). H.R.

1276 authorizes \$639,580,500 for Fiscal Year 1998 and \$658,077,600 for Fiscal Year 1999 for these programs.

III. BACKGROUND AND NEED FOR LEGISLATION

EPA research and development (R&D) programs are funded in five separate appropriation accounts in the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriation Bill: Environmental Programs and Management (Science Advisory Board), Science and Technology, Hazardous Substance Superfund, Leaking Underground Storage Tank Research, and Oil Spill Response.

The Science and Technology appropriation account, created in 1996, represents the largest component of EPA's R&D activities and funds the operating programs of the Office of Research and Development, the Office of Air and Radiation's research and development programs and the Program Office laboratories.

The EPA Office of Research and Development controls twelve research laboratories and four assessment offices, which fall under the management of three national laboratories and two national centers: (1) the National Health and Environmental Effects Research Laboratory in Triangle Park, North Carolina; (2) the National Exposure Research Laboratory in Triangle Park, North Carolina; (3) the National Risk Management Laboratory in Cincinnati, Ohio; (4) the National Center for Environmental Research Quality Assurance in Washington, DC; and (5) the National Center for Environmental Assessment in Washington, DC.

The Science and Technology Appropriations account also funds five non-Office of Research and Development Laboratories: (1) the National Vehicles and Fuels Emission Laboratory, (2) National Radiation Laboratories, (3) Analytical and Environmental Chemistry Laboratories, (4) Drinking Water Program Laboratory, and (5) National Enforcement Investigations Center. Congress has funded most of EPA R&D programs through direct appropriation without annual legislative authorization. The last comprehensive EPA research and development bill was the Environmental Research, Development and Demonstration Act of 1981 (Public Law 96-569), which expired on September 30, 1981.

IV. SUMMARY OF HEARINGS

The Subcommittee on Energy and Environment held a hearing on March 11, 1997, and heard testimony on the Fiscal Year 1998 budget request of \$658,154,400 for EPA R&D, the Science Advisory Board, and EPA's peer review practices. Witnesses included Mr. Joseph K. Alexander, EPA's Deputy Assistant Administrator for Research and Development; Dr. Mark A. Harwell, Director of the Center for Marine Environmental Analysis at the Rosenstiel School of Marine and Atmospheric Science at the University of Miami in Miami, Florida, and Chairman, Ecological Processes and Effects Committee, EPA Science Advisory Board (SAB); and Mr. Stanley J. Czerwinski, Associate Director, Resources, Community and Economic Development Division, U.S. General Accounting Office (GAO).

Mr. Alexander presented the Administration's Fiscal Year 1998 budget request and identified three major research areas for new or expanded attention: "(1) Research to Tackle Today's High-Risk Environmental Problems, (2) Research and Development of Capability to Take Us Beyond Today's Science Tools, and (3) Research to Solve the Next Generation of Environmental Problems." Mr. Alexander also said that the Office of Research and Development's use of peer review had strengthened EPA's scientific enterprise and broadened its partnership base.

Dr. Harwell reviewed the activities of SAB. He noted that although the SAB has been actively providing advice to the Administrator and to Congress on science at EPA for many years, the Board had not been able to conduct a formal review of the Fiscal Year 1998 budget request. One of the major factors hampering SAB's review of EPA's science budget, said Dr. Harwell, is that ". . . the Agency's budget submission is a complicated document and difficult to decipher and analyze. The budget is structured around a cluster of Congressional appropriations, making rational, holistic assessment and analysis very difficult, if not impossible."

Mr. Czerwinski discussed the EPA's implementation of its peer review policy. The GAO found that peer review continues to be implemented unevenly at the Agency, but that EPA appears to be more serious about peer review than in the past.

The Subcommittee also held a hearing on March 12, 1997, and heard testimony on the science behind the EPA's proposed revisions to the National Ambient Air Quality Standards for ozone and particulate matter (PM) from Dr. Joe L. Mauderly, Director of External Affairs, Lovelace Respiratory Research Institute, Albuquerque, New Mexico, and Chairman of EPA's Clean Air Scientific Advisory Committee (CASAC); Dr. George T. Wolff, Principal Scientist, General Motors Environmental and Energy Staff, General Motors Corporation, Detroit, Michigan, and Chair of CASAC's Panels on Ozone and PM; Dr. Morton Lippmann, CASAC, Professor of Environmental Medicine, Institute of Environmental Medicine, New York University Medical Center, Tuxedo, New York, and Member of CASAC's Panels on Ozone and PM; and Mr. Daniel S. Greenbaum, President, Health Effects Institute, Cambridge, Massachusetts. Dr. Mauderly stated that "the current level of national support for epidemiological, laboratory, and atmospheric research on air pollution is badly inadequate in comparison to the magnitude of the health and socioeconomic stakes" and recommended "an effort on the order of \$50 million/year on PM research alone." All the other witnesses emphasized the need for more research on the health effects of particulate matter.

Finally, the Subcommittee heard testimony on EPA and its Fiscal Year 1998 budget request at a hearing on April 9, 1997, from Mr. Fred L. Smith, Jr., President of the Competitive Enterprise Institute of Washington, DC; and Ms. Anna Aurillo, Staff Scientist, U.S. Public Interest Research Group (U.S. PIRG), Washington, DC. Mr. Smith expressed concern that some of EPA's R&D programs suffer from a "regulatory bias" that "seeks only evidence for ever more stringent regulation" without supporting "research on the unintended consequences of regulation." Ms. Aurillo testified that U.S. PIRG supported the Administration's Fiscal Year 1998 budget

for EPA, and recommended that Congress “fully fund EPA so that it can do its job of protecting our health and environment.”

V. COMMITTEE ACTIONS

As summarized in the previous section, the Subcommittee on Energy and Environment heard testimony relevant to EPA’s Fiscal Year 1998 budget request at hearings held on March 11, March 12, and April 9, 1997.

On April 10, 1997, Mr. Calvert, Chairman of the Subcommittee on Energy and Environment, introduced H.R.1276, the Environmental Research, Development, and Demonstration Authorization Act of 1997, to authorize appropriations for EPA research, development, and demonstration activities for Fiscal Years 1998 and 1999.

The Full Committee met to consider H.R. 1276 on Wednesday, April 16, 1997.

Amendment 1.—Mr. Calvert, Chairman of the Science Committee’s Subcommittee on Energy and Environment, offered a manager’s amendment, which was adopted by voice vote.

Amendment 2.—Mr. Hastings, on behalf of Mr. Traficant, offered an amendment to add a new Section 10 to the bill that requires any entity that is appropriated funds pursuant to this act or amendments thereto, to comply with sections 2-4 of the Act of March 3, 1933 (41 U.S.C. 10a-10c, popularly known as the “Buy American Act”), and that recipients of funds pursuant to this act shall be notified of subsection (a)’s requirement of compliance with the Buy American Act. The amendment was adopted by voice vote.

With a quorum present, Mr. Roemer, Ranking Democratic Member of the Subcommittee on Energy and Environment moved that the Committee report the bill, H.R. 1276, as amended, to the House and that the staff prepare the legislative report and make technical and conforming changes, and that the Chairman take all necessary steps to bring the bill before the House for consideration. The motion was approved by voice vote.

Mr. Sensenbrenner, Chairman of the Committee on Science, asked and received unanimous consent that Committee members have 2 subsequent calendar days in which to submit supplemental, minority or additional views on the measure, and that, pursuant to Clause 1 of Rule XX of the Rules of the House of Representatives, the Committee authorize the Chairman to offer such motions as may be necessary in the House to go to conference with the Senate on H.R. 1276 or a similar Senate bill.

VI. SUMMARY OF MAJOR PROVISIONS OF THE BILL

H.R. 1276 authorizes appropriations for all research, development, and demonstration activities at the Environmental Protection Agency. Major provisions of the bill are as follows:

- Authorizes \$639,580,500 for Fiscal Year 1998, an increase of \$48,399,800—or 8.2 percent—above the Fiscal Year 1997 appropriations of \$591,180,700; and \$658,077,600 for Fiscal Year 1999, an increase of \$66,396,900—or 11.2 percent—above the Fiscal Year 1997 appropriations.
- Authorizes \$50 million for particulate matter research in Fiscal Year 1998 and \$51.5 million in Fiscal Year 1999.

- Authorizes \$53,626,000 for Fiscal Year 1998, an increase of \$11,125,400—or 26.2 percent—above the Fiscal Year 1997 appropriations of \$42,500,600; and \$55,234,800 for Fiscal Year 1999, an increase of \$12,734,200—or 30.0 percent—above the Fiscal Year 1997 appropriations for Human Health Protection research. This includes increases for research on the health effects and exposure of sensitive subpopulations and for assessing health risks to children.
- Eliminates funding authorization for 11 Congressionally-earmarked activities funded in Fiscal Year 1997 for which EPA did not request funds for Fiscal Year 1998.
- Assigns the Assistant Administrator the duties of developing and integrating a strategic plan for EPA research activities. In addition, it requires the Assistant Administrator to review all Agency research to ensure that it is of high quality and not duplicative.
- Requires the EPA Administrator to ensure that any fellowship award to a student selected after the date of enactment is used only to support research that will further the research mission of the Agency.
- Requires the Science Advisory Board (SAB) to submit to Congress and to the Administrator a report on the Board's views on proposed research programs as described in the President's budget for research, development and demonstration activities of the EPA and to evaluate selected planned research development and demonstration activities of the EPA. In addition, the Administrator is required to submit to Congress any SAB report required to be submitted to the Administrator. Such submissions shall be made no later than 60 days after the Administrator receives the report.
- Prohibits lobbying activities, limits appropriations for Fiscal Years 1998 and 1999, and excludes from consideration for grant agreements, for a period of 5 years, any person who received funding for a project not subject to a competitive, merit-based award process.
- Provides that 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 and Senate, then notice of such action shall concurrently be provided to the House Committees on Science, Commerce, and Transportation and Infrastructure, and to the Senate Committee on Environment and Public Works. Also requires the EPA Administrator to provide notice to the aforementioned House and Senate Committees, as well as the Appropriations Committees of each body, not later than 15 days before any major reorganization of any program, project, or activity of the EPA.
- Expresses the sense of Congress that the EPA should (1) give high priority to correcting all 2-digit date-related ("Year 2000") 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 its operations by the Year 2000 problem, 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 cannot be corrected.
- Requires any entity that is appropriated funds pursuant to this act or amendments thereto, to comply with sections 2-4 of the Act of March 3, 1933 (41 U.S.C. 10a-10c, popularly known as the “Buy American Act”); and that recipients of funds pursuant to this act shall be notified of subsection (a)’s requirement of compliance with the Buy American Act.

VII. SECTION-BY-SECTION ANALYSIS AND COMMITTEE VIEWS

Section 1. Short Title

Section 1 cites the Act as the “Environmental Research, Development, and Demonstration Authorization Act of 1997.”

Section 2. Definitions

Section 2 defines: (1) the term “Administrator” as the Administrator of the Environmental Protection Agency; (2) the term “Agency” as the Environmental Protection Agency; and, (3) the term “Assistant Administrator” as the Assistant Administrator for Research and Development of the Agency.

Section 3. Authorization of Appropriations

Table 1 provides a summary of the amounts appropriated in Fiscal Year 1997, the President’s Fiscal Year 1988 request, and the Committee’s recommended authorization levels for Fiscal Years 1998 and 1999. Also shown is the difference between the Committee’s recommended authorization for Fiscal Year 1998 from the Fiscal Year 1997 appropriation, and the difference between the Committee’s recommended authorization for Fiscal Year 1999 and the Fiscal Year 1998 recommendation. 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.

Major changes to EPA’s Fiscal Year budget request recommended by the Committee are concentrated in five accounts and include the following:

- Authorizing funding for the Office of Air and Radiation’s Climate Change program and the Office Research and Development’s Global Change program at Fiscal Year 1997 levels for Fiscal Year 1998 and a 3-percent increase for Fiscal Year 1999;
- Increasing the available funding for particulate matter research from the requested level of \$26,577,700 to \$50,000,000 in Fiscal Year 1998 and \$51,500,000 in Fiscal Year 1999;

- Restoring the drinking water research program to the Fiscal Year 1997 appropriated level in Fiscal Year 1998 and a 3-percent increase for Fiscal Year 1999; and
- Assuming no funding of EPA's Fiscal Year 1998 request for \$15,000,000 for the President's Kalamazoo Right-to-Know Initiative in the New Technology and Pollution Prevention program.

These levels should provide adequate funding for EPA to carry out its research programs and are in keeping with the goal of balancing the budget by the year 2002.

[Table 1 follows:]

**TABLE 1. ENVIRONMENTAL PROTECTION AGENCY
RESEARCH, DEVELOPMENT, AND DEMONSTRATION**
(Dollars in Thousands)

Appropriation Account/Program/Activity	FY 1997 Appropriation	FY 1998 Request	FY 1998 Recommendation	FY 1998	FY 1999	FY 1999
				Recommendation Compared With (+ or -) FY 1997		Recommendation Compared With (+ or -) FY 1998
Environmental Programs and Management:						
Science Advisory Board	2,427.1	2,418.3	2,418.3	-78.8	2,490.8	+72.5
Total, Environmental Programs and Management	2,427.1	2,418.3	2,418.3	-78.8	2,490.8	+72.5
Science and Technology:						
Administration and Resource Management	227.7	227.7	227.7	0.0	234.5	+6.8
Office of Air and Radiation:						
Ozone/Carbon Monoxide/Nitrogen Oxides	35,935.6	43,183.3	43,183.3	+7,247.7	44,478.8	+1,295.5
Particulate Matter/Visibility/Haze	5,123.4	6,741.2	6,741.2	+1,617.8	6,943.4	+202.2
Air Toxics	1,014.1	4,249.2	4,249.2	+3,235.1	4,376.7	+127.5
Acid Rain	0.0	4,000.0	4,000.0	+4,000.0	4,120.0	+120.0
Climate Change	16,408.2	21,977.8	16,408.2	0.0	16,900.4	+492.2
Indoor Environments	1,390.6	2,389.9	2,389.9	+999.3	2,461.6	+71.7
Radiation	3,956.9	4,147.1	4,147.1	+190.2	4,271.5	+124.4
Working Capital Fund	780.0	780.0	780.0	0.0	803.4	+23.4
Total, Office of Air and Radiation	64,608.8	87,468.5	81,898.9	+17,290.1	84,355.8	+2,456.9
Enforcement and Compliance Assurance	8,766.9	8,893.1	8,893.1	+126.2	9,159.9	+266.8
Prevention, Pesticides and Toxic Substances:						
Registration	1,581.7	1,546.2	1,546.2	-35.5	1,592.6	+46.4
Reregistration	1,652.3	1,882.8	1,882.8	+230.5	1,946.5	+66.7
Total, Prevention, Pesticides and Toxic Substances	3,241.0	3,430.0	3,430.0	+190.0	3,539.1	+103.1
Office of Research and Development:						
Ecosystem Protection	107,159.5	105,457.9	105,457.9	-1,701.6	108,621.6	+3,163.7
Global Change	14,138.6	21,053.7	14,138.6	0.0	14,562.8	+424.2
Air Toxics	25,825.6	19,871.1	19,871.1	-5,954.5	20,467.2	+596.1
Waste/Site/Risk Characterization	3,314.9	3,344.8	3,344.8	+29.9	3,445.1	+100.3
Waste Management and Site Remediation	6,119.7	5,448.9	5,448.9	-670.8	5,612.4	+163.5
Human Health Protection	42,500.6	53,626.0	53,626.0	+11,125.4	55,234.8	+1,608.8
Special Environmental Hazards	11,990.8	15,872.9	15,872.9	+3,882.1	16,349.1	+476.2
New Technology and Pollution Prevention	35,861.7	57,073.6	42,036.0	+6,174.3	43,297.1	+1,261.1
Science Quality and Infrastructure	145,054.5	144,661.8	141,482.3	-3,572.2	145,036.3	+3,554.2
Total, Office of Research and Development	391,965.9	426,410.7	401,278.5	+9,312.6	412,626.6	+11,348.1
Drinking Water Technical Support Center	1,673.6	1,738.8	1,738.8	+65.2	1,791.0	+52.2
General Reduction	0.0	0.0	-16,408.2	-16,408.2	-16,900.4	-492.2
Subtotal, Science and Technology	470,483.9	528,174.8	481,064.8	+10,580.9	494,806.3	+13,741.7
Other Office of Research and Development:						
Criteria Air Pollutants	42,048.5	50,163.1	75,163.1	+33,114.6	77,418.0	+2,254.9
Drinking Water	39,467.6	35,921.2	39,467.6	0.0	40,651.6	+1,184.0
Total, Science and Technology	552,000.0	614,249.4	595,695.5	+43,695.5	612,876.1	+17,180.6
Leaking Underground Storage Tank Research	666.4	693.6	693.6	+27.2	714.4	+20.8
Oil Spill Research	1,017.2	1,017.2	1,017.2	0.0	1,047.7	+30.5
Superfund Research and Development	35,000.0	39,755.9	39,755.9	+4,755.9	40,948.6	+1,192.7
Total, EPA Research and Development	591,180.7	658,154.4	639,580.5	+48,399.8	658,077.6	+18,497.1

The Committee is, however, concerned with EPA's Budget Justification for Fiscal Year 1998. This document provides little of the information the Committee requires to analyze the EPA research budget. Detailed information on the funding requested for particular programs and initiatives is notable by its absence, and the Committee notes that EPA has not been forthcoming in providing it with descriptions and funding levels for many activities. The Committee expects that in future Budget Justifications EPA will make a better effort to provide a more coherent, detailed, and useful picture of its programs and activities than it has to date.

Subsection 3(a) authorizes \$481,064,800 for Fiscal Year 1998 and \$494,806,500 for Fiscal Year 1999 for the Science and Technology account, including program management and support.

Of the total amounts authorized in Subsection 3(a):

Subsection 3(b)(1) authorizes \$227,700 for Fiscal Year 1998 and \$234,500 for Fiscal Year 1999 for Administration and Resource Management.

Subsection 3(b)(2) authorizes a total of \$81,898,900 for Fiscal Year 1998 and \$84,355,800 for Fiscal Year 1999 for research in the Office of Air and Radiation, of which:

(A) \$43,183,300 for Fiscal Year 1998 and \$44,478,800 for Fiscal Year 1999 shall be available for Ozone, Carbon Monoxide, and Nitrogen Oxides research;

(B) \$6,741,200 for Fiscal Year 1998 and \$6,943,400 for Fiscal Year 1999 shall be available for Particulate Matter, Visibility, and Haze research;

(C) \$4,249,200 for Fiscal Year 1998 and \$4,376,700 for Fiscal Year 1999 shall be available for Air Toxics research;

(D) \$4,000,000 for Fiscal Year 1998 and \$4,120,000 for Fiscal Year 1999 shall be available for Acid Rain research;

(E) \$16,408,200 for Fiscal Year 1998 and \$16,900,400 for Fiscal Year 1999 shall be available for Climate Change research;

(F) \$2,389,900 for Fiscal Year 1998 and \$2,461,600 for Fiscal Year 1999 shall be available for Indoor Environment research;

(G) \$4,147,100 for Fiscal Year 1998 and \$4,271,500 for Fiscal Year 1999 shall be available for Radiation research; and

(H) \$780,000 for Fiscal Year 1998 and \$803,400 for Fiscal Year 1999 shall be available for the Working Capital Fund to support the National Vehicle and Fuel Emissions Laboratory in Ann Arbor, Michigan, the National Air and Radiation Environmental Laboratory in Montgomery, Alabama, and the Radiation and Indoor Environments National Laboratory in Las Vegas, Nevada.

Subsection 3(b)(3) authorizes \$8,893,100 for Fiscal Year 1998 and \$9,159,900 for Fiscal Year 1999 for Enforcement and Compliance Assurance at the National Enforcement Investigation Center.

Subsection 3(b)(4) authorizes \$3,436,000 for Fiscal Year 1998 and \$3,539,100 for Fiscal Year 1999 for Prevention, Pesticides, and Toxic Substances, of which:

(A) \$1,546,200 for Fiscal Year 1998 and \$1,592,600 for Fiscal Year 1999 shall be available for Pesticide Registration activities; and

(B) \$1,889,800 for Fiscal Year 1998 and \$1,946,500 for Fiscal Year 1999 shall be available for Pesticide Reregistration activities.

Subsection 3(b)(5) authorizes \$401,278,500 for Fiscal Year 1998 and \$412,626,600 for Fiscal Year 1999 for the Office of Research and Development, of which:

(A) \$105,457,900 for Fiscal Year 1998 and \$108,621,600 for Fiscal Year 1999 shall be available for Ecosystem Protection research;

(B) \$14,138,600 for Fiscal Year 1998 and \$14,562,800 for Fiscal Year 1999 shall be available for Global Change research;

(C) \$19,871,100 for Fiscal Year 1998 and \$20,467,200 for Fiscal Year 1999 shall be available for Air Toxics research;

(D) \$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;

(E) \$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;

(F) \$53,626,000 for Fiscal Year 1998 and \$55,234,800 for Fiscal Year 1999 shall be available for Human Health Protection research;

(G) \$15,872,900 for Fiscal Year 1998 and \$16,349,100 for Fiscal Year 1999 shall be available for Special Environmental Hazards research;

(H) \$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

(I) \$141,482,300 for Fiscal Year 1998 and \$145,036,500 for Fiscal Year 1999 shall be available for Science Quality and Infrastructure research.

Committee Views

The Committee's authorization recommendation for Fiscal Year 1998 for New Technology and Pollution Prevention assumes no funding of EPA's Fiscal Year 1998 request for \$15,000,000 for the President's Kalamazoo Right-to-Know Initiative. The Committee is concerned that at this time the Initiative is ill-defined and may represent an open-ended commitment of resources that might be better spent on more pressing research.

The Committee authorization recommendation for Fiscal Year 1998 for Science Quality and Infrastructure provides an increase in funding for environmental fellowships. The Committee, however, expects the Office of Research and Development to demonstrate that the research conducted through these fellowships is directly linked the Offices's mission and research needs.

Subsection 3(b)(6) authorizes \$1,738,800 in Fiscal Year 1998 and \$1,791,000 for Fiscal Year 1999 for the Drinking Water Technical Support Center.

The total amount authorized under Subsection 3(b) is not to exceed the overall sums stated in Subsection 3(a).

The specific programs listed under the Science and Technology Account in subsection 3(b) contain authorization levels that exceed the total sum stated in Subsection 3(a) by \$16,408,200 in Fiscal Year 98 and by \$16,900,400 in Fiscal Year 99. However, the bill provides that the total amount authorized under Subsection 3(b) is not to exceed the overall sums stated in Subsection 3(a). As a result, the bill will require a general reduction to the programs included in the Science and Technology Account. The Committee leaves the specific program areas in which these reductions will be made to the discretion of the Administrator. However, two program areas are specifically exempted from the general reductions: Criteria Air Pollutants and Drinking Water Research.

Subsection 3(c)(1) authorizes \$75,163,100 for Fiscal Year 1998 and \$77,418,000 for Fiscal Year 1999 for Criteria Air Pollutants research by the Office of Research and Development including: (A) \$50,000,000 for Fiscal Year 1998 and \$51,500,000 for Fiscal Year 1999 for particulate matter research; and (B) \$18,700,000 for Fiscal Year 1998 and \$19,260,000 for Fiscal Year 1999 for Ozone research, including study of the transportation of ozone and ozone precursors on a national scale.

Committee View

The Committee notes that EPA has recently proposed a new National Ambient Air Quality Standard for fine particulate matter (PM), and it is concerned that the scientific justification for the new fine PM standard, which is likely to have significant costs to the economy, may be inadequate. The Committee has heard testimony from scientists who are expert in this field and who have urged EPA to institute a large-scale, comprehensive program of research into the health effects of fine PM. The Committee supports increased research in this area and recommends funding levels of \$50,000,000 for Fiscal Year 1998 and \$51,500,000 for Fiscal Year 1999. The Committee also encourages EPA to consult with the Clean Air Scientific Advisory Committee as it designs its research program.

Further, the Committee recommends funding levels of \$18,700,000 for Fiscal Year 1998 and \$19,260,000 for Fiscal Year 1999 for research into the production and transportation of ozone. The Committee agrees with the National Academy of Sciences that more scientific research is necessary to develop effective national strategies for ozone pollution. In order to ensure that EPA is basing its ambient ozone standards on sound scientific grounds, the Committee supports EPA's ongoing research efforts in atmospheric chemistry and modeling, and its participation in the North American Research Strategy on Tropospheric Ozone (NARSTO).

Subsection 3(c)(2) authorizes \$39,467,600 for Fiscal Year 1998 and \$40,651,600 for Fiscal Year 1999 for Drinking Water research in the Office of Research and Development.

Committee View

The Committee is concerned that the Administration request calls for a cut in drinking water research. The Committee supports funding Drinking Water research at the Fiscal Year 1997 level. Maintaining funding for this research is, in the Committee's view, necessary to support EPA's responsibilities under the Safe Drinking Water Act as amended in 1996.

Subsection 3(c)(3) authorizes \$1,017,200 for Fiscal Year 1998 and \$1,047,700 for Fiscal Year 1999 for Oil Spill Research.

Subsection 3(c)(4) authorizes \$693,600 for Fiscal Year 1998 and \$714,400 for Fiscal Year 1999 for Leaking Underground Storage Tank Research.

Subsection 3(c)(5) authorizes \$39,755,900 for Fiscal Year 1998 and \$40,948,600 for Fiscal Year 1999 for Superfund Research and Development.

Subsection 3(d) states that except for 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 for the following:

- (1) the North Dakota Center for Air Toxic Metals Research;
- (2) Oil Spill Restoration at the Louisiana Environmental Research Center;
- (3) the Mine Waste Technology Program;
- (4) Livestock and Agriculture Pollution Abatement;
- (5) Resources and Agriculture Policy Development;
- (6) San Joaquin Valley PM-10 Study;
- (7) the Clean Air Status and Trends Network (CASNET) monitoring station in New England;
- (8) the National Decentralized Water Resources Capacity Project;
- (9) the Lung Disease Study by the National Jewish Center;
- (10) the Northern Iowa Small Business Pollution Prevention Center; and
- (11) the Lower Mississippi River Cancer Study.

Committee View

The Committee has a long-standing position that awards should be made through a competitive, merit-based process that ensures that taxpayers' dollars are spent in the most cost-effective and productive manner. Based on this position, the Committee supports eliminating funding for earmarked research not subjected to a competitive process.

Subsection 3(e) authorizes \$1,000,000 for each of Fiscal Years 1998 and 1999 from funds appropriated pursuant to this Act to support the United States-Mexico Foundation for research related to environmental issues in the U.S.-Mexico transboundary region, including the Salton Sea.

U.S./Mexico Foundation for Science

The non-governmental US/Mexico Foundation for Science was established in 1992 by the Governments of Mexico and the United States with the strong support of the research and business communities of both countries. Each country provided equal financial support to the Foundation (a total of \$4 million).

The Foundation's mission is to contribute to the technological and scientific strength of the two countries through fostering relevant research, training and human resource development, and promoting collaborative and comprehensive solutions of common problems.

The Foundation is uniquely structured to accomplish this mission. The Foundation's Board of Governors consists of high level and influential members from the Mexican Academy of Scientific Investigation, the National Academy of Medicine, and the Academy of Engineering; and the US National Academies of Science and of Engineering and the Institute of Medicines. In addition, there are representatives of both Mexican and American businesses who are members of the Board.

The Foundation is binational in structure and has the ability to be flexible in selection of priority areas which are defined as being of mutual interest and potential benefit to both countries. The Foundation has a proven track record of supporting high-quality research projects selected with a peer-review system. The Foundation also currently supports a visiting scientist program, a Hewlett Foundation training program in S&T policy and graduate and summer scholarship programs.

The Mexicans have agreed to provide additional funds to the Foundation, contingent upon a US contribution.

Section 4. Scientific Research Review

Section 4 requires the EPA Administrator to assign the Assistant Administrator for Office of Research and Development the duties of: (1) developing a strategic plan for scientific and technical activities throughout the Agency; (2) integrating that strategic plan into ongoing Agency planning activities; and (3) reviewing all Agency research to ensure the research is of high quality, and is not duplicative of any other research being conducted by the Agency.

Committee View

The Committee supports efforts to ensure the quality of research within the Agency by centralizing the responsibility for the quality of all Agency research with the Assistant Administrator for Research and Development.

Section 5. Graduate Student Fellowships

Section 5 directs the Administrator of the EPA to ensure that any fellowship award to a student selected after the enactment date of this Act is used only to support research that would further the missions of the Office of Research and Development.

Committee View

Recognizing that environmental education, while important, is not directly related to Office of Research and Development's mission, the Committee supports EPA's fellowship program but believes any fellowship award by the Office should be used only to support research that would further the Office's missions.

Section 6. Science Advisory Board

Subsection 6(a) requires the Science Advisory Board (SAB) to submit to Congress and the Administrator a report providing the Board's views on proposed research programs as described in the President's budget for research, development and demonstration activities of the EPA.

Subsection 6(b) requires the SAB to evaluate selected planned research, development, and demonstration activities of the EPA. The areas to be evaluated should be selected by the SAB in consultation with the Administrator of the Office of Research and Development, other Agency programs, and appropriate Committees of Congress, and reports of these evaluations and accompanying recommendations should be submitted to the Administrator and the appropriate Congressional Committees. The Administrator must provide a response to each such SAB report within 60 days after it has been submitted.

Subsection 6(c) directs the Administrator to submit to Congress any report required to be submitted to the Administrator by the SAB. Such submissions shall be made no later than 60 days after the Administrator receives the report.

Subsection 6(d) authorizes \$2,418,300 for Fiscal Year 1998 and \$2,490,800 for Fiscal Year 1999 for activities of the Science Advisory Board.

Committee View

The Committee views the Science Advisory Board as a valuable asset within the Agency and encourages EPA to call on the Board for advice and guidance. However, the Committee is concerned that the traditional Science Advisory Board review of EPA's budget request has not been conducted for the past three fiscal years. This section requires the Board to conduct and submit such a review annually. The Committee also supports giving the Board a greater role in assessing EPA's research programs.

Section 7. Limitations

Subsection 7(a). Prohibition of Lobbying Activities

Subsection 7(a) forbids the use of funds authorized by this Act for any activity whose purpose is to influence legislation pending before Congress. However, this subsection does not prevent employees of the departments or agencies from communicating with Members of Congress to conduct public business.

Committee View

The Committee is committed to ensuring that awards for research are used solely for that purpose. Funds should not be used for any purpose, other than that specified in the award. The Committee, however, does not exclude appropriate communications between the executive branch and the Congress.

Subsection 7(b). Limitation on Appropriations

Subsection 7(b) provides that no sums are authorized to be appropriated that are not specifically authorized to be appropriated

by this Act for Fiscal Years 1998 and 1999, or by an Act of Congress in succeeding fiscal years.

Committee View

The Committee emphasizes that the only funds authorized to be appropriated for Environmental Protection Agency's research, development, and demonstration activities are made available under this Act. It is the Committee's position that annual authorizations designating specific sums are required for appropriations of such sums to be authorized.

Subsection 7(c). Eligibility for Awards

Subsection 7(c) requires the Administrator of the Environmental Protection Agency to exclude from consideration for grant agreements, for a period of 5 years, any person who received funds for a project not subject to competitive, merit-based review process after Fiscal Year 1997. The subsection is not applicable to awards to long-standing Cooperative Research and Development Agreement program nor awards to persons who are members of a class specified by law for which assistance is awarded according to formula provided by law.

Committee View

The Committee has a long-standing position that awards should be made on a competitive, merit-based process that ensures that taxpayers' dollars are spent in the most cost-effective and productive manner.

Section 8. Notice

Section 8(a) requires that if any funds of this Act, or amendments made by this Act, are subject to reprogramming which requires notice to be given to the Appropriations Committees of the House of Representatives and the Senate, notice of such action shall be concurrently provided to the Committees on Science and Commerce of the House of Representatives and the Committee on Environment and Public Works of the Senate.

Section 8(b) requires the Administrator of the Environmental Protection Agency to notify the Committees on Science, Commerce, and Transportation and Infrastructure, and Appropriations of the House of Representatives and the Committees on Environment and Public Works and Appropriations of the Senate if any program, project, or activity of the Environmental Protection Agency is preparing to undergo any major reorganization no later than 15 days prior to such reorganization.

Committee View

The Committee believes that such notice must be given if it is to carry out its oversight responsibilities under the Rules of the House.

Section 9. Sense of Congress on the Year 2000 Problem

It is the sense of Congress that the Environmental Protection Agency should give high priority to correcting the year 2000 problem in all of its computer systems to ensure effective operation in

the year 2000 and beyond. The Environmental Protection Agency needs to assess immediately the risk of the problem upon their systems and develop a plan and a budget to correct the problem for its mission-critical programs. The Environmental Protection Agency also needs to begin consideration of contingency plans, in the event that certain systems are unable to be corrected in time.

Committee Views

Despite knowing of the problem for years, the Federal Government has yet to adequately create strategies to address the year 2000 computer problem. The Committee believes Congress should continue to take a leadership role in raising awareness about the issue with both government and the private sector.

The potential impact on federal programs if the year 2000 problem is not corrected in an effective and timely manner is substantial and potentially serious. If federal computers are not prepared to handle the change of date on January 1, 2000, there is a risk to all government systems and the programs they support. It is imperative that such corrective action be taken to avert disruption to critical Federal Government programs.

Section 10. Buy American

Section 10 requires any entity that is appropriated funds pursuant to this act or amendments thereto, to comply with sections 2-4 of the Act of March 3, 1933 (41 U.S.C. 10a-10c, popularly known as the "Buy American Act"); and that recipients of funds pursuant to this act shall be notified of subsection (a)'s requirement of compliance with the Buy American Act.

Committee View

It is the Committee's position that the Federal Government buy goods manufactured in the United States when feasible, and where cost-effective and practicable.

VIII. COMMITTEE COST ESTIMATE

Clause 7(a) of rule XIII of the Rules of the House of Representatives requires each committee report accompanying each bill or joint resolution of a public character to contain: (1) an estimate, made by such Committee, of the costs which would be incurred in carrying out such bill or joint resolution in the fiscal year in which it is reported, and in each of the 5 fiscal years following such fiscal year (or for the authorized duration of any program authorized by such bill or joint resolution, if less than 5 years); (2) a comparison of the estimate of costs described in subparagraph (1) of this paragraph made by such Committee with an estimate of such costs made by any government agency and submitted to such Committee; and (3) when practicable, a comparison of the total estimated funding level for the relevant program (or programs) with the appropriate levels under current law. However, clause 7(d) of that rule provides that this requirement does not apply when a cost estimate and comparison prepared by the Director of the Congressional Budget Office under section 403 of the Congressional Budget Act of 1974 has been timely submitted prior to the filing of the report and included in the report pursuant to clause 2(1)(3)(C) of rule XI.

A cost estimate and comparison prepared by the Director of the Congressional Budget Office under section 403 of the Congressional Budget Act of 1974 has been timely submitted prior to the filing of this report and included in Section IX of this report pursuant to clause 2(1)(3)(C) of rule XI.

Clause 2(1)(3)(B) of rule XI of the Rules of the House of Representatives requires each committee report that accompanies a measure providing new budget authority (other than continuing appropriations), new spending authority, or new credit authority, or changes in revenues or tax expenditures to contain a cost estimate, as required by section 308(a)(1) of the Congressional Budget Act of 1974 and, when practicable with respect to estimates of new budget authority, a comparison of the total estimated funding level for the relevant program (or programs) to the appropriate levels under current law. H.R. 1276 does not contain any new budget authority, credit authority, or changes in revenues or tax expenditures. Assuming that the sums authorized under the bill are appropriated, H.R. 1276 does authorize additional discretionary spending, as described in the Congressional Budget Office report on the bill, which is contained in Section IX of this report.

IX. CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

[The CBO estimate follows:]



CONGRESSIONAL BUDGET OFFICE
U.S. CONGRESS
WASHINGTON, D.C. 20515

June E. O'Neill
Director

April 21, 1997

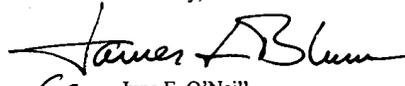
Honorable F. James Sensenbrenner, Jr.
Chairman
Committee on Science
U.S. House of Representatives
Washington, D.C. 20515

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. This cost estimate supersedes the estimate CBO prepared on April 18, 1997, and reflects a subsequent technical amendment changing the total authorization amounts.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Kim Cawley, who can be reached at 226-2860.

Sincerely,


for June E. O'Neill

Enclosure

cc: Honorable George E. Brown, Jr.
Ranking Minority Member



**CONGRESSIONAL BUDGET OFFICE
COST ESTIMATE**

April 21, 1997

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

*As ordered reported by the House Committee on Science on April 16, 1997, with a
subsequent technical amendment*

SUMMARY

H.R. 1276 would authorize the appropriation of \$641 million in fiscal year 1998 and \$659 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. 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

The estimated budgetary impact of H.R. 1276 is shown in the table on the following page. 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.

	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	641	659	0	0	0
Estimated Outlays	0	256	552	393	99	0
EPA R&D Spending Under H.R. 1276						
Authorization Level ^a	587	641	659	0	0	0
Estimated Outlays	535	595	640	393	99	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 governments. 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 18, 1997, CBO prepared an estimate for a version of H.R. 1276 that was approved by the Committee on Science and transmitted to CBO on April 16, 1997. This estimate supersedes the estimate provided on April 18. The new estimate reflects authorization totals contained in the modified version of H.R. 1276, and includes additional information on potential effects of the bill on state government entities, such as state universities and colleges.

ESTIMATE PREPARED BY:

Federal Cost: Kim Cawley (226-2860)

Impact on State, Local, and Tribal Governments: Pepper Santalucia (225-3220)

ESTIMATE APPROVED BY:

Robert A. Sunshine

Deputy Assistant Director for Budget Analysis

X. COMPLIANCE WITH PUBLIC LAW 104-4

H.R. 1276 contains no unfunded mandates.

XI. COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

Clause 2(1)(3)(A) of rule XI of the Rules of the House of Representatives requires each committee report to include oversight findings and recommendations required pursuant to clause 2(b)(1) of rule X. The Committee has no oversight findings.

XII. OVERSIGHT FINDINGS AND RECOMMENDATIONS BY THE COMMITTEE ON GOVERNMENT REFORM AND OVERSIGHT

Clause 2(1)(3)(D) of rule XI of the Rules of the House of Representatives requires each committee report to contain a summary of the oversight findings and recommendations made by the House Government Reform and Oversight Committee pursuant to clause 4(c)(2) of rule X, whenever such findings and recommendations have been submitted to the Committee in a timely fashion. The Committee on Science has received no such findings or recommendations from the Committee on Government Reform and Oversight.

XIII. CONSTITUTIONAL AUTHORITY STATEMENT

Clause 2(1)(4) of rule XI of the Rules of the House of Representatives requires each report of a Committee on a bill or joint resolution of a public character to include a statement citing the specific powers granted to the Congress in the Constitution to enact the law proposed by the bill or joint resolution. Article I, section 8 of the Constitution of the United States grants Congress the authority to enact H.R. 1276.

XIV. FEDERAL ADVISORY COMMITTEE STATEMENT

This legislation does not establish or authorize the establishment of a new advisory committee.

XV. CONGRESSIONAL ACCOUNTABILITY ACT

The Committee finds that H.R. 1276 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 (Public Law 104-1).

XVI. COMMITTEE RECOMMENDATIONS

On April 16, 1997, a quorum being present, the Committee favorably reported the Environmental Research, Development, and Demonstration Authorization Act of 1997, by a voice vote, and recommends its enactment.

XVII. ADDITIONAL VIEWS

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ADDITIONAL VIEWS OF HON. KEN CALVERT

This bill reflects my strong support for basic research in defense of our environment. I restored the Administration's cut in the safe drinking water research and increased funding for criteria air pollution by \$33.1 million. I am concerned that the proposed EPA regulations on PM 2.5 and ozone levels are not based on high quality science, rather on speculation and extrapolation. Numerous experts have testified that research monies must be increased if we are to be certain what pollutants are truly harmful at what levels. My increase in funds should be used to assure the American people that the proper criteria air pollutants are regulated at the proper level. Only then can we guarantee we are gaining the highest possible health benefits at the least possible economic costs.

As Chairman of the Energy and Environment Subcommittee, I am proud that H.R. 1276 passed unanimously by voice vote. This 2-year authorization will provide stability to the Agency. I look forward to continued oversight of EPA's activities and programs.

KEN CALVERT.

Additional Views to HR 1276
Congressman Tom Coburn

While I support some aspects of HR 1276, the Environmental Research, Development and Demonstration Authorization Act, I cannot support the funding levels requested by this bill.

I am pleased that the Committee has chosen to increase funding for Particulate Matter and drinking water research, I am disappointed that greater rescissions were not made in other areas.

The EPA has acted with arrogance and disrespect to the American taxpayer. Furthermore, the EPA has also consistently operated outside its jurisdiction and ignored Congressional intent. But regardless of the EPA's agenda, research and development thrives in the private sector, where competition fuels ingenuity, drives technology, improves efficiency, and stimulates the economy. Acknowledging this, I do not believe the EPA's research and development programs merit a \$62 million increase over the next two years.