

103D CONGRESS
2D SESSION

S. 2019

AN ACT

To reauthorize and amend title XIV of the Public Health Service Act (commonly known as the "Safe Drinking Water Act"), and for other purposes.

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To reauthorize and amend title XIV of the Public Health Service Act (commonly known as the “Safe Drinking Water Act”), and for other purposes.

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

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS; REF-**
4 **ERENCES.**

5 (a) SHORT TITLE.—This Act may be cited as the
6 “Safe Drinking Water Act Amendments of 1994”.

1 (b) TABLE OF CONTENTS.—The table of contents of
2 this Act is as follows:

- Sec. 1. Short title; table of contents; references.
- Sec. 2. Findings.
- Sec. 3. State revolving loan funds.
- Sec. 4. National drinking water regulations.
- Sec. 5. Small systems programs.
- Sec. 6. Enforcement of drinking water regulations.
- Sec. 7. Control of lead in drinking water.
- Sec. 8. Radon in drinking water.
- Sec. 9. Water quality protection partnership.
- Sec. 10. Emergency powers.
- Sec. 11. Drinking water research, education, and certification.
- Sec. 12. State drinking water program funding.
- Sec. 13. Information and inspections.
- Sec. 14. Federal agencies.
- Sec. 15. Assessing environmental priorities, costs, and benefits.
- Sec. 16. Bottled drinking water standards.
- Sec. 17. Research plan for harmful substances in drinking water.
- Sec. 18. Risk assessment and cost-benefit analysis.
- Sec. 19. Private property rights.
- Sec. 20. Other amendments.

TITLE I—DEPARTMENT OF ENVIRONMENTAL PROTECTION

- Sec. 100. Short title.

SUBTITLE A—ELEVATION OF THE ENVIRONMENTAL PROTECTION AGENCY
TO CABINET LEVEL

- Sec. 101. Short title.
- Sec. 102. Findings.
- Sec. 103. Establishment of the Department of Environmental Protection.
- Sec. 104. Assistant Secretaries.
- Sec. 105. Deputy Assistant Secretaries.
- Sec. 106. Office of the General Counsel.
- Sec. 107. Office of the Inspector General.
- Sec. 108. Small business compliance assistance.
- Sec. 109. Small governmental jurisdiction compliance assistance.
- Sec. 110. Bureau of Environmental Statistics.
- Sec. 111. Grant and contract authority for certain activities.
- Sec. 112. Study of data needs.
- Sec. 113. Miscellaneous employment restrictions.
- Sec. 114. Termination of the Council on Environmental Quality and transfer of functions.
- Sec. 115. Administrative provisions.
- Sec. 116. Inherently governmental functions.
- Sec. 117. References.
- Sec. 118. Savings provisions.
- Sec. 119. Conforming amendments.
- Sec. 120. Additional conforming amendments.
- Sec. 121. Sense of the Senate.
- Sec. 122. Office of Environmental Justice.
- Sec. 123. Wetland determinations by a single agency.

SUBTITLE B—ESTABLISHMENT OF THE COMMISSION ON IMPROVING
ENVIRONMENTAL PROTECTION

- Sec. 201. Establishment; membership.
- Sec. 202. Commission responsibilities.
- Sec. 203. Report to the President and Congress.
- Sec. 204. Commission staff.
- Sec. 205. Advisory groups.
- Sec. 206. Termination of Commission.
- Sec. 207. Funding; authorization of appropriations.

SUBTITLE C—EFFECTIVE DATE

- Sec. 301. Effective date.

1 (c) REFERENCES TO TITLE XIV OF THE PUBLIC
2 HEALTH SERVICE ACT.—Except as otherwise expressly
3 provided, whenever in this Act an amendment or repeal
4 is expressed in terms of an amendment to, or repeal of,
5 a section or other provision, the reference shall be consid-
6 ered to be made to a section or other provision of title
7 XIV of the Public Health Service Act (commonly known
8 as the “Safe Drinking Water Act”) (42 U.S.C. 300f et
9 seq.).

10 **SEC. 2. FINDINGS.**

11 Congress finds that—

- 12 (1) safe drinking water is essential to the pro-
13 tection of public health;
- 14 (2) the Federal Government needs to assist
15 communities in the financing of drinking water
16 treatment and related projects;
- 17 (3) small drinking water systems need addi-
18 tional technical assistance and information from

1 State and Federal agencies to ensure the provision
2 of safe and affordable drinking water;

3 (4) the existing process for the assessment and
4 regulation of additional drinking water contaminants
5 needs to be improved and revised to provide for
6 more extensive participation from interested parties
7 and to strengthen the scientific basis for drinking
8 water regulations;

9 (5) States play a central role in the implemen-
10 tation of safe drinking water programs and States
11 need increased financial resources to ensure the
12 prompt and effective development and implementa-
13 tion of drinking water programs; and

14 (6) there is substantial noncompliance with re-
15 quirements of the Safe Drinking Water Act (42
16 U.S.C. 300f et seq.) and Federal and State agencies
17 need more effective authorities to ensure the imple-
18 mentation of the Act.

19 **SEC. 3. STATE REVOLVING LOAN FUNDS.**

20 (a) ESTABLISHMENT OF STATE LOAN FUNDS.—The
21 title (42 U.S.C. 300f et seq.) is amended by adding at
22 the end the following new part:

1 **“PART G—STATE REVOLVING LOAN FUNDS**

2 **“GENERAL AUTHORITY**

3 **“SEC. 1471. (a) CAPITALIZATION GRANT AGREE-**
4 **MENTS.—**The Administrator shall offer to enter into an
5 agreement with each State to make capitalization grants
6 to the State pursuant to section 1472 (referred to in this
7 part as ‘capitalization grants’) to establish a drinking
8 water treatment State revolving loan fund (referred to in
9 this part as a ‘State loan fund’).

10 **“(b) REQUIREMENTS OF AGREEMENTS.—**An agree-
11 ment entered into pursuant to this section shall establish,
12 to the satisfaction of the Administrator, that—

13 “(1) the State has established a State loan fund
14 that complies with the requirements of this part;

15 “(2) the State loan fund will be administered by
16 an instrumentality of the State that has the powers
17 and authorities that are required to operate the
18 State loan fund in accordance with this part;

19 “(3) the State will deposit the capitalization
20 grants into the State loan fund;

21 “(4) the State will deposit all loan repayments
22 received, and interest earned on the amounts depos-
23 ited into the State loan fund under this part, into
24 the State loan fund;

25 “(5) the State will deposit into the State loan
26 fund an amount equal to at least 20 percent of the

1 total amount of each payment to be made to the
2 State on or before the date on which the payment
3 is made to the State, except as provided in sub-
4 section (c)(4);

5 “(6) the State will use funds in the State loan
6 fund in accordance with an intended use plan pre-
7 pared pursuant to section 1474(b);

8 “(7) the State and loan recipients that receive
9 funds that the State makes available from the State
10 loan fund will use accounting, audit, and fiscal pro-
11 cedures that conform to generally accepted account-
12 ing standards, as determined by the Administrator;
13 and

14 “(8) the State has adopted policies and proce-
15 dures to ensure that loan recipients are reasonably
16 likely to be able to repay a loan.

17 “(c) ADMINISTRATION OF STATE LOAN FUNDS.—

18 “(1) IN GENERAL.—The authority to establish
19 assistance priorities for financial assistance provided
20 with amounts deposited into the State loan fund
21 shall remain with the State agency that has primary
22 responsibility for the administration of the State
23 program pursuant to section 1413(a), after consulta-
24 tion with other appropriate State agencies.

1 “(2) FINANCIAL ADMINISTRATION.—A State
2 may combine the financial administration of the
3 State loan fund pursuant to this part with the finan-
4 cial administration of a State water pollution control
5 revolving fund established by the State pursuant to
6 title VI of the Federal Water Pollution Control Act
7 (33 U.S.C. 1381 et seq.) or other State revolving
8 funds providing financing for similar purposes if the
9 Administrator determines that the grants to be pro-
10 vided to the State under this part, together with
11 loan repayments and interest deposited into the
12 State loan fund pursuant to this part, will be sepa-
13 rately accounted for and used solely for the purposes
14 of and in compliance with the requirements specified
15 in this part.

16 “(3) TRANSFER OF FUNDS.—

17 “(A) IN GENERAL.—Notwithstanding any
18 other provision of law, a Governor of a State
19 may—

20 “(i) reserve up to 50 percent of a cap-
21 italization grant made pursuant to section
22 1472 and add the funds reserved to any
23 funds provided to the State pursuant to
24 section 601 of the Federal Water Pollution
25 Control Act (33 U.S.C. 1381); and

1 “(ii) reserve in any year a dollar
2 amount up to the dollar amount that may
3 be reserved under clause (i) for that year
4 from capitalization grants made pursuant
5 to section 601 of such Act (33 U.S.C.
6 1381) and add the reserved funds to any
7 funds provided to the State pursuant to
8 section 1472.

9 “(B) STATE MATCH.—Funds reserved pur-
10 suant to this paragraph shall not be considered
11 a State match of a capitalization grant required
12 pursuant to this title or the Federal Water Pol-
13 lution Control Act (33 U.S.C. 1251 et seq.).

14 “(4) STATE MATCH.—Notwithstanding sub-
15 section (b)(5), a State shall not be required to de-
16 posit a State matching amount in the fund prior to
17 the date on which each payment is made for pay-
18 ments from funds appropriated for fiscal years 1994
19 and 1995, if the matching amounts for the pay-
20 ments are deposited in the State fund prior to Sep-
21 tember 30, 1998.

22 “CAPITALIZATION GRANTS

23 “SEC. 1472. (a) GENERAL AUTHORITY.—The Ad-
24 ministrators may make grants to capitalize State loan
25 funds to a State that has entered into an agreement pur-
26 suant to section 1471.

1 “(b) FORMULA FOR ALLOTMENT OF FUNDS.—

2 “(1) IN GENERAL.—Subject to subsection (c)
3 and paragraph (2), funds made available to carry
4 out this part shall be allotted to States that have en-
5 tered into an agreement pursuant to section 1471 in
6 accordance with—

7 “(A) for each of fiscal years 1994 through
8 1997, a formula that is the same as the for-
9 mula used to distribute public water system su-
10 pervision grant funds under section 1443 in fis-
11 cal year 1994, except that the minimum propor-
12 tionate share established in the formula shall be
13 1 percent of available funds and the formula
14 shall be adjusted to include a minimum propor-
15 tionate share for the State of Wyoming; and

16 “(B) for each of fiscal years 1998 through
17 2000, a formula that allocates to each State the
18 proportional share of the State needs identified
19 in the most recent survey conducted pursuant
20 to section 1475(c), except that the minimum
21 proportion provided to each State shall be the
22 same as the minimum proportion provided
23 under subparagraph (A).

24 “(2) OTHER JURISDICTIONS.—The formula es-
25 tablished pursuant to paragraph (1) shall reserve a

1 total of not less than 0.5 percent of the amounts
2 made available to carry out this part for a fiscal
3 year for providing direct grants to the jurisdictions,
4 other than Indian tribes, referred to in subsection
5 (f).

6 “(c) RESERVATION OF FUNDS FOR INDIAN
7 TRIBES.—

8 “(1) IN GENERAL.—For each fiscal year, prior
9 to the allotment of funds made available to carry out
10 this part, the Administrator shall reserve 1.5 percent
11 of the funds for providing financial assistance to In-
12 dian tribes pursuant to subsection (f).

13 “(2) USE OF FUNDS.—Funds reserved pursu-
14 ant to paragraph (1) shall be used to address the
15 most significant threats to public health associated
16 with public water systems that serve Indian tribes,
17 as determined by the Administrator in consultation
18 with the Commissioner of Indian Affairs and Indian
19 tribes.

20 “(3) NEEDS ASSESSMENT.—The Administrator,
21 in consultation with the Commissioner of Indian Af-
22 fairs and Indian tribes, shall, in accordance with a
23 schedule that is consistent with the needs surveys
24 conducted pursuant to section 1475(c), prepare sur-
25 veys and assess the needs of drinking water treat-

1 ment facilities to serve Indian tribes, including an
2 evaluation of the public water systems that pose the
3 most significant threats to public health.

4 “(d) TECHNICAL ASSISTANCE FOR SMALL SYS-
5 TEMS.—

6 “(1) DEFINITIONS.—As used in this subsection:

7 “(A) SMALL SYSTEM.—The term ‘small
8 system’ means a public water system that
9 serves a population of 10,000 or less.

10 “(B) TECHNICAL ASSISTANCE.—The term
11 ‘technical assistance’ means assistance provided
12 by a State to a small system, including assist-
13 ance to potential loan recipients and assistance
14 for planning and design related to the develop-
15 ment and implementation of a source water
16 quality protection petition program, alternative
17 supplies of drinking water, restructuring or con-
18 solidation of a small system, and treatment to
19 comply with a national primary drinking water
20 regulation.

21 “(2) RESERVATION OF FUNDS.—To provide
22 technical assistance pursuant to this subsection,
23 each State may reserve from capitalization grants
24 received in any year an amount that does not exceed
25 the greater of—

1 “(A) an amount equal to 2 percent of the
2 amount of the capitalization grants received by
3 the State pursuant to this section; or

4 “(B) \$300,000.

5 “(e) ALLOTMENT PERIOD.—

6 “(1) PERIOD OF AVAILABILITY FOR FINANCIAL
7 ASSISTANCE.—

8 “(A) IN GENERAL.—Except as provided in
9 subparagraph (B), the sums allotted to a State
10 pursuant to subsection (b) for a fiscal year shall
11 be available to the State for obligation during
12 the fiscal year for which the sums are author-
13 ized and during the following fiscal year.

14 “(B) FUNDS MADE AVAILABLE FOR FISCAL
15 YEAR 1994.—The sums allotted to a State pur-
16 suant to subsection (b) from funds that are
17 made available by appropriations for fiscal year
18 1994 shall be available to the State for obliga-
19 tion during each of fiscal years 1994 through
20 1996.

21 “(2) REALLOTMENT OF UNOBLIGATED
22 FUNDS.—Prior to obligating new allotments made
23 available to the State pursuant to subsection (b),
24 each State shall obligate funds accumulated before a
25 date that is 180 days prior to the date of the obliga-

1 tion of a new allotment from loan repayments and
2 interest earned on amounts deposited in a State loan
3 fund. The amount of any allotment that is not obli-
4 gated by a State by the last day of the period of
5 availability established by paragraph (1) may, at the
6 election of the Governor of such State, be reallocated
7 in the form of additional grants pursuant to sub-
8 section (f)(1) for eligible projects. Otherwise such
9 amount shall be immediately reallocated by the Ad-
10 ministrator on the basis of the same ratio as is ap-
11 plicable to sums allotted under subsection (b), except
12 that the Administrator may reserve and allocate 10
13 percent of such remaining amount for financial as-
14 sistance to Indian tribes in addition to the amount
15 allotted under section 1472(c). None of the funds re-
16 allotted by the Administrator shall be reallocated to
17 any State that has not obligated all sums allotted to
18 the State pursuant to this section during the period
19 that the sums were available for obligation.

20 “(3) ALLOTMENT OF WITHHELD FUNDS.—All
21 funds withheld by the Administrator pursuant to
22 subsection (g) and section 1442(e)(4) shall be allot-
23 ted by the Administrator on the basis of the same
24 ratio as is applicable to funds allotted under sub-
25 section (b). None of the funds allotted by the Ad-

1 administrator pursuant to this paragraph shall be al-
2 lotted to a State unless the State has viability au-
3 thority pursuant to section 1418 and has an ade-
4 quate certification program pursuant to section
5 1442(e).

6 “(f) DIRECT GRANTS.—

7 “(1) IN GENERAL.—The Administrator is au-
8 thorized to make grants for the improvement of pub-
9 lic water systems of Indian tribes, the District of
10 Columbia, the United States Virgin Islands, the
11 Commonwealth of the Northern Mariana Islands,
12 American Samoa, Guam, and the Republic of Palau
13 (pending the entry into full force and effect of the
14 Compact of Free Association between the United
15 States and the Republic of Palau); and

16 “(2) ALASKA NATIVE VILLAGES.—In the case of
17 a grant for a project under this subsection in an
18 Alaska Native village, the Administrator is also au-
19 thorized to make grants to the State of Alaska for
20 the benefit of Native villages. An amount not to ex-
21 ceed 4 percent of the grant amount may be used by
22 the State of Alaska for project management.

23 “(g) VIABILITY.—Beginning in fiscal year 1998, the
24 Administrator shall withhold the percentage prescribed in
25 the following sentence of each capitalization grant made

1 pursuant to this section to a State if the Administrator
2 has not approved a viability program pursuant to section
3 1418(c) for the State. The percentage withheld shall be
4 10 percent for fiscal year 1998, 30 percent for fiscal year
5 1999, and 30 percent for each subsequent fiscal year.

6 “ELIGIBLE ASSISTANCE

7 “SEC. 1473. (a) IN GENERAL.—The amounts depos-
8 ited into a State loan fund, including any amounts equal
9 to the amounts of loan repayments and interest earned
10 on the amounts deposited, may be used by the State to
11 carry out projects that are consistent with this section.

12 “(b) PROJECTS ELIGIBLE FOR ASSISTANCE.—

13 “(1) IN GENERAL.—The amounts deposited
14 into a State loan fund shall be used only for provid-
15 ing financial assistance for capital expenditures (ex-
16 cluding the cost of land acquisition, unless the cost
17 is incurred to acquire land for the construction of a
18 treatment facility or for a consolidation project)
19 for—

20 “(A) capital expenditures for a project that
21 will facilitate compliance with national primary
22 drinking water regulations promulgated pursu-
23 ant to section 1412;

24 “(B) capital expenditures for a project that
25 will facilitate the consolidation of public water

1 systems or the use of an alternative source of
2 water supply;

3 “(C) capital expenditures for a project that
4 will upgrade a drinking water treatment sys-
5 tem; and

6 “(D) capital expenditures for the develop-
7 ment of a public water system to replace private
8 drinking water supplies if the water poses a sig-
9 nificant threat to human health.

10 “(2) ASSISTANCE TO NONVIABLE SYSTEMS.—

11 “(A) IN GENERAL.—Except as provided in
12 subparagraph (B), no assistance under this
13 part shall be provided to a public water system
14 that—

15 “(i) does not have the technical, man-
16 agerial, and financial capability to ensure
17 compliance with the requirements of this
18 title; and

19 “(ii) has a history of past violations of
20 any maximum contaminant level, treat-
21 ment technique, monitoring requirement,
22 or other requirement of a national primary
23 drinking water regulation or variance.

24 “(B) RESTRUCTURING.—A nonviable pub-
25 lic water system may receive assistance under

1 this part if the owner or operator of the system
2 agrees to undertake changes in operations (in-
3 cluding ownership, management, accounting,
4 rates, maintenance, consolidation, alternative
5 water supply, or other procedures) to ensure
6 that the system has the technical, managerial,
7 and financial capability to comply with the re-
8 quirements of this title over the long-term.

9 “(C) PROHIBITION.—No assistance under
10 this part shall be provided to a public water
11 system for a project for which the State deter-
12 mines that consolidation is appropriate other
13 than assistance for consolidation.

14 “(c) ELIGIBLE PUBLIC WATER SYSTEMS.—A State
15 loan fund may provide financial assistance only to commu-
16 nity water systems and publicly owned and nonprofit
17 noncommunity water systems.

18 “(d) TYPES OF ASSISTANCE.—Except as otherwise
19 limited by State law, the amounts deposited into a State
20 loan fund under this section may be used only—

21 “(1) to make loans, on the condition that—

22 “(A) the interest rate for each loan is less
23 than or equal to the market interest rate, in-
24 cluding an interest free loan;

1 “(B) principal and interest payments on
2 each loan will commence not later than 1 year
3 after completion of the project for which the
4 loan was made and each loan will be fully amor-
5 tized not later than 20 years after the comple-
6 tion of the project, except that in the case of a
7 disadvantaged community (as defined in sub-
8 section (e)(1)), a State may provide an ex-
9 tended term for a loan, if the extended term—

10 “(i) terminates not later than the date
11 that is 30 years after the date of project
12 completion; and

13 “(ii) does not exceed the expected de-
14 sign life of the project;

15 “(C) the recipient of each loan will estab-
16 lish a dedicated source of revenue for the repay-
17 ment of the loan; and

18 “(D) the State loan fund will be credited
19 with all payments of principal and interest on
20 each loan;

21 “(2) to buy or refinance the debt obligation of
22 a municipality or an intermunicipal or interstate
23 agency within the State at an interest rate that is
24 less than or equal to the market interest rate in any
25 case in which a debt obligation is incurred after Oc-

1 tober 14, 1993, or to refinance a debt obligation for
2 a project constructed to comply with a regulation es-
3 tablished pursuant to an amendment to this title
4 made by the Safe Drinking Water Act Amendments
5 of 1986 (Public Law 99–339; 100 Stat. 642);

6 “(3) to guarantee, or purchase insurance for, a
7 local obligation if the guarantee or purchase would
8 improve credit market access or reduce the interest
9 rate applicable to the obligation;

10 “(4) as a source of revenue or security for the
11 payment of principal and interest on revenue or gen-
12 eral obligation bonds issued by the State if the pro-
13 ceeds of the sale of the bonds will be deposited into
14 the State loan fund;

15 “(5) as a source of revenue or security for the
16 payment of interest on a local obligation; and

17 “(6) to earn interest on the amounts deposited
18 into the State loan fund.

19 “(e) ASSISTANCE FOR DISADVANTAGED COMMU-
20 NITIES.—

21 “(1) DEFINITION OF DISADVANTAGED COMMU-
22 NITY.—As used in this subsection, the term ‘dis-
23 advantaged community’ means the service area of a
24 public water system that meets affordability criteria
25 established after public review and comment by the

1 State in which the public water system is located.
2 The Administrator may publish information to assist
3 States in establishing affordability criteria.

4 “(2) LOAN SUBSIDY.—Notwithstanding sub-
5 section (d), in any case in which the State makes a
6 loan pursuant to subsection (d) to a disadvantaged
7 community or to a community that the State expects
8 to become a disadvantaged community as the result
9 of a proposed project, the State may provide addi-
10 tional subsidization (including forgiveness of prin-
11 cipal).

12 “(3) TOTAL AMOUNT OF SUBSIDIES.—For each
13 fiscal year, the total amount of loan subsidies made
14 by a State pursuant to paragraph (2) may not ex-
15 ceed 30 percent of the amount of the capitalization
16 grant received by the State for the year.

17 “STATE LOAN FUND ADMINISTRATION

18 “SEC. 1474. (a) ADMINISTRATION, TECHNICAL AS-
19 SISTANCE, AND MANAGEMENT.—

20 “(1) ADMINISTRATION.—Each State that has a
21 State loan fund is authorized to expend from the
22 State loan fund a reasonable amount not to exceed
23 4 percent of the capitalization grant made to the
24 State, for the costs of the administration of the
25 State loan fund.

1 “(2) STATE PROGRAM MANAGEMENT ASSIST-
2 ANCE.—

3 “(A) IN GENERAL.—Each State that has a
4 loan fund is authorized to expend from the
5 State loan fund an amount, determined pursu-
6 ant to this paragraph, to carry out the public
7 water system supervision program and source
8 water quality protection petition program in the
9 State.

10 “(B) LIMITATION.—Amounts expended
11 pursuant to this paragraph in a fiscal year may
12 not exceed the amount that is equal to the per-
13 centage specified in subparagraph (C) of the
14 amount that is the difference between the grant
15 funds available to the State in the fiscal year
16 pursuant to section 1443(a) (including non-
17 Federal funds matching the grant funds) and
18 the amounts identified in the public water sys-
19 tem supervision resource model established pur-
20 suant to section 1443, including State source
21 water protection programs established pursuant
22 to section 1429.

23 “(C) PERCENTAGE.—The percentage re-
24 ferred to in subparagraph (B) shall be—

25 “(i) 50 percent in fiscal year 1995;

1 “(ii) 100 percent in each of fiscal
2 years 1996, 1997, and 1998; and

3 “(iii) 50 percent in fiscal year 1999.

4 “(D) STATE FUNDS.—Funds may not be
5 expended pursuant to this paragraph unless the
6 Administrator determines that—

7 “(i) the amount of State funds sup-
8 porting the water supply supervision pro-
9 gram is not less than the amount of State
10 funds provided in fiscal year 1993; and

11 “(ii) in fiscal year 1999, funding for
12 the water supply supervision program in
13 the State (including funding provided pur-
14 suant to this paragraph) will be at a level
15 that is no less than the level specified in
16 the resource model established pursuant to
17 section 1443.

18 “(b) INTENDED USE PLANS.—

19 “(1) IN GENERAL.—After providing for public
20 review and comment, each State that has entered
21 into a capitalization agreement pursuant to this part
22 shall annually prepare a plan that identifies the in-
23 tended uses of the amounts available to its State
24 loan fund.

1 “(2) CONTENTS.—An intended use plan shall
2 include—

3 “(A) a list of the projects to be assisted in
4 the first fiscal year that begins after the date
5 of the plan, including a description of the
6 project, the expected terms of financial assist-
7 ance, and the size of the community served;

8 “(B) the criteria and methods established
9 for the distribution of funds;

10 “(C) a description of the financial status of
11 the State loan fund and the short-term and
12 long-term goals of the State loan fund;

13 “(D) to the maximum extent practicable, a
14 description of all projects for which public
15 water systems sought financial assistance for
16 the fiscal year and the per household costs for
17 drinking water for the systems; and

18 “(E) to the maximum extent practicable, a
19 description of projects expected to be assisted in
20 the 2 fiscal years following the fiscal year for
21 which a list was prepared under subparagraph
22 (A).

23 “(3) USE OF FUNDS.—An intended use plan
24 shall provide, to the maximum extent practicable,
25 that priority for the use of funds be given to those

1 projects that address the most serious risk to human
2 health and that assist systems most in need on a per
3 household basis according to State affordability cri-
4 teria.

5 “STATE LOAN FUND MANAGEMENT

6 “SEC. 1475. (a) IN GENERAL.—Not later than 1 year
7 after the date of enactment of this part, and annually
8 thereafter, the Administrator shall conduct such reviews
9 and audits as the Administrator considers appropriate, or
10 require each State to have the reviews and audits inde-
11 pendently conducted, in accordance with the single audit
12 requirements of chapter 75 of title 31, United States
13 Code.

14 “(b) STATE REPORTS.—Not later than 2 years after
15 the date of enactment of this part, and biennially there-
16 after, each State that administers a State loan fund shall
17 publish and submit to the Administrator a report on the
18 activities of the State under this part, including the find-
19 ings of the most recent audit of the State loan fund.

20 “(c) DRINKING WATER NEEDS SURVEY AND ASSESS-
21 MENT.—Not later than 2 years after the date of enact-
22 ment of this part, and every 2 years thereafter, the Ad-
23 ministrator shall submit to Congress a survey and assess-
24 ment of the needs for facilities in each State eligible for
25 assistance under this part. The survey shall be submitted
26 in even-numbered years so as to alternate annually with

1 the estimate and comprehensive study of costs required
2 to be submitted to Congress in each odd-numbered year
3 under section 516(b) of the Federal Water Pollution Con-
4 trol Act (33 U.S.C. 1381(b)). The survey and assessment
5 conducted pursuant to this subsection shall—

6 “(1) identify, by State, the needs for projects or
7 facilities owned or controlled by community water
8 systems eligible for assistance under this part on the
9 date of the assessment (other than refinancing for a
10 project pursuant to section 1473(d)(2));

11 “(2) estimate the needs for eligible facilities
12 over the 20-year period following the date of the as-
13 sessment;

14 “(3) identify, by size category, the population
15 served by public water systems with needs identified
16 pursuant to paragraph (1); and

17 “(4) include such other information as the Ad-
18 ministrator determines to be appropriate.

19 “(d) EVALUATION.—The Administrator shall conduct
20 an evaluation of the effectiveness of the State loan funds
21 through fiscal year 1996. The evaluation shall be submit-
22 ted to Congress at the same time as the President submits
23 to Congress, pursuant to section 1108 of title 31, United
24 States Code, an appropriations request for fiscal year

1 1998 relating to the budget of the Environmental Protec-
2 tion Agency.

3 “ENFORCEMENT

4 “SEC. 1476. The failure or inability of any public
5 water system to receive funds under this part or any other
6 loan or grant program, or any delay in obtaining the
7 funds, shall not alter the obligation of the system to com-
8 ply in a timely manner with all applicable drinking water
9 standards and requirements of this title.

10 “LABOR STANDARDS

11 “SEC. 1477. (a) IN GENERAL.—The Administrator
12 shall take such action as is necessary to ensure that all
13 laborers and mechanics employed by contractors or sub-
14 contractors of projects for which financial assistance is
15 provided under this part (including any assistance derived
16 from repayments to the State loan fund) shall be paid
17 wages at rates not less than the prevailing rates for the
18 same type of work on similar construction in the imme-
19 diate locality, as determined by the Secretary of Labor in
20 accordance with the Act entitled ‘An Act relating to the
21 rate of wages for laborers and mechanics employed on
22 public buildings of the United States and the District of
23 Columbia by contractors and subcontractors, and for other
24 purposes’, approved March 3, 1931 (commonly known as
25 the ‘Davis-Bacon Act’) (40 U.S.C. 276a et seq.).

1 “(b) AUTHORITY AND FUNCTIONS.—With respect to
2 the labor standards described in subsection (a), the Sec-
3 retary of Labor shall have the authority and functions set
4 forth in Reorganization Plan Numbered 14 of 1950 (15
5 Fed. Reg. 3176) and section 2 of the Act of June 13,
6 1934 (48 Stat. 948, chapter 482; 40 U.S.C. 276c).

7 “REGULATIONS AND GUIDANCE

8 “SEC. 1478. The Administrator shall publish such
9 guidance and promulgate such regulations as are nec-
10 essary to carry out this part, including guidance and regu-
11 lations to ensure that—

12 “(1) each State commits and expends funds
13 from State loan funds in accordance with the re-
14 quirements of this part and applicable Federal and
15 State laws; and

16 “(2) the States and eligible public water sys-
17 tems that receive funds under this part use account-
18 ing, audit, and fiscal procedures that conform to
19 generally accepted accounting standards.

20 “AUTHORIZATION OF APPROPRIATIONS

21 “SEC. 1479. (a) GENERAL AUTHORIZATION.—There
22 are authorized to be appropriated to the Environmental
23 Protection Agency to carry out this part \$600,000,000 for
24 fiscal year 1994 and \$1,000,000,000 for each of fiscal
25 years 1995 through 2000.

1 “(b) NATIONAL ACADEMY OF SCIENCES.—The Ad-
2 ministrator is authorized to reserve from funds appro-
3 priated pursuant to this section for fiscal year 1995 an
4 amount not to exceed \$1,000,000 to support a study by
5 the National Academy of Sciences of scientific practices
6 related to the development of drinking water standards for
7 contaminants that are regulated on the basis of a health
8 effect other than a carcinogenic effect.”.

9 (b) DEFINITIONS.—Section 1401 (42 U.S.C. 300f) is
10 amended—

11 (1) in paragraph (13)—

12 (A) by striking “The” and inserting “(A)
13 Except as provided in subparagraph (B), the”;
14 and

15 (B) by adding at the end the following new
16 subparagraph:

17 “(B) For purposes of part G, the term ‘State’
18 means each of the 50 States and the Commonwealth
19 of Puerto Rico.”;

20 (2) in paragraph (14), by adding at the end the
21 following new sentence: “For purposes of part G, the
22 term includes any Native village, as defined in sec-
23 tion 3(c) of the Alaska Native Claims Settlement
24 Act (43 U.S.C. 1602(c)).”; and

1 (3) by adding at the end the following new
2 paragraphs:

3 “(15) The term ‘community water system’
4 means a public water system that—

5 “(A) serves at least 15 service connections
6 used by year-round residents of the area served
7 by the system; or

8 “(B) regularly serves at least 25 year-
9 round residents.

10 “(16) The term ‘noncommunity water system’
11 means a public water system that is not a commu-
12 nity water system.”.

13 **SEC. 4. NATIONAL DRINKING WATER REGULATIONS.**

14 (a) STANDARDS.—Section 1412(b) (42 U.S.C. 300g-
15 1(b)) is amended by striking “(b)(1)” and all that follows
16 through the end of paragraph (2) and inserting the follow-
17 ing:

18 “(b) STANDARD SETTING SCHEDULES AND DEAD-
19 LINES.—

20 “(1) IN GENERAL.—

21 “(A) GOALS AND REGULATIONS FOR CER-
22 TAIN CONTAMINANTS.—In the case of those
23 contaminants listed in the Advance Notice of
24 Proposed Rulemaking published in volume 47,
25 Federal Register, page 9352, and in volume 48,

1 Federal Register, page 45502, the Adminis-
2 trator shall publish maximum contaminant level
3 goals and promulgate national primary drinking
4 water regulations—

5 “(i) not later than 12 months after
6 June 19, 1986, for not less than 9 of the
7 listed contaminants;

8 “(ii) not later than 24 months after
9 June 19, 1986, for not less than 40 of the
10 listed contaminants; and

11 “(iii) not later than 36 months after
12 June 19, 1986, for the remainder of the
13 listed contaminants.

14 “(B) SUBSTITUTION OF CONTAMINANTS.—

15 If the Administrator identifies a drinking water
16 contaminant the regulation of which, in the
17 judgment of the Administrator, is more likely to
18 be protective of public health (taking into ac-
19 count the schedule for regulation under sub-
20 paragraph (A)), the Administrator may publish
21 a maximum contaminant level goal and promul-
22 gate a national primary drinking water regula-
23 tion for the identified contaminant in lieu of
24 regulating the contaminant referred to in such
25 subparagraph. There may be no more than 7

1 contaminants in subparagraph (A) for which
2 substitutions may be made. Regulation of a
3 contaminant identified under this subparagraph
4 shall be in accordance with the schedule appli-
5 cable to the contaminant for which the substi-
6 tution is made.

7 “(2) DISINFECTANTS AND DISINFECTION BY-
8 PRODUCTS.—

9 “(A) PROPOSED GOALS AND REGULA-
10 TION.—Not later than May 31, 1994, the Ad-
11 ministrator shall propose maximum contami-
12 nant level goals or maximum residual disinfect-
13 ant level goals, and a national primary drinking
14 water regulation, for disinfectants and disinfec-
15 tion byproducts (including maximum residual
16 disinfectant levels). The Administrator shall
17 also propose an interim enhanced surface water
18 treatment rule for systems serving a population
19 of more than 10,000 that includes a maximum
20 contaminant level goal for cryptosporidium. The
21 proposed regulation shall be consistent with the
22 ‘Disinfection and Disinfection Byproducts Ne-
23 gotiated Rulemaking Committee Agreement’.

24 “(B) STAGE I REGULATION.—Not later
25 than December 31, 1996, the Administrator

1 shall, after notice and opportunity for public
2 comment, publish maximum contaminant level
3 goals or maximum residual disinfectant level
4 goals, and promulgate a revised national pri-
5 mary drinking water regulation for disinfectants
6 and disinfection byproducts (including maxi-
7 mum residual disinfectant levels) and an in-
8 terim enhanced surface water treatment rule for
9 systems serving a population of more than
10 10,000 for microbial contaminants, including
11 cryptosporidium.

12 “(C) INFORMATION COLLECTION RULE.—
13 Not later than July 29, 1994, the Adminis-
14 trator shall, after notice and opportunity for
15 comment, promulgate an information collection
16 rule to obtain information that will facilitate
17 further revisions to the national primary drink-
18 ing water regulation for disinfectants and dis-
19 infection byproducts, including information on
20 microbial contaminants such as
21 cryptosporidium.

22 “(D) PROPOSED RULE.—Not later than
23 June 30, 1997, the Administrator shall propose
24 a long-term enhanced surface water treatment
25 rule for all public water systems (including any

1 appropriate revisions to the interim regulations
2 for public water systems serving a population of
3 more than 10,000) promulgated pursuant to
4 subparagraph (B).

5 “(E) FINAL RULE.—Not later than De-
6 cember 31, 1998, the Administrator shall pro-
7 mulgate a long-term enhanced surface water
8 treatment rule for all public water systems (in-
9 cluding any appropriate revisions to the interim
10 regulations for public water systems serving a
11 population of more than 10,000) promulgated
12 pursuant to subparagraph (B).

13 “(F) STAGE II REGULATION.—Not later
14 than June 30, 2000, the Administrator shall,
15 after notice and opportunity for comment, pro-
16 mulgate a revised national primary drinking
17 water regulation for disinfectants and disinfec-
18 tion byproducts taking into account the infor-
19 mation collected under subparagraph (C). To
20 the extent practicable, the Administrator shall
21 develop the revised national primary drinking
22 water regulation through the negotiated rule-
23 making procedure provided for under sub-
24 chapter III of chapter 5 of title 5, United
25 States Code.”.

1 (b) FILTRATION TECHNOLOGY FOR SMALL SYS-
2 TEMS.—Section 1412(b)(7)(C) (42 U.S.C. 300g-
3 1(b)(7)(C) is amended by adding at the end the following
4 new clause:

5 “(v) FILTRATION TECHNOLOGY FOR
6 SMALL SYSTEMS.—At the same time as the
7 Administrator proposes a regulation pursu-
8 ant to paragraph (2)(A), the Administrator
9 shall propose a regulation that describes
10 treatment techniques that meet the re-
11 quirements for filtration pursuant to this
12 subparagraph and are feasible for commu-
13 nity water systems serving a population of
14 3,300 or less and noncommunity water
15 systems.”.

16 (c) IDENTIFICATION OF CONTAMINANTS FOR LIST-
17 ING.—Paragraph (3) of section 1412(b) (42 U.S.C. 300g-
18 1(b)(3)) is amended to read as follows:

19 “(3) IDENTIFICATION OF CONTAMINANTS FOR
20 LISTING.—

21 “(A) GENERAL AUTHORITY.—The Admin-
22 istrator shall publish a maximum contaminant
23 level goal, and promulgate a national primary
24 drinking water regulation, for each contaminant
25 (other than a contaminant referred to in para-

1 graph (1) or (2) for which a national primary
2 drinking water regulation has been promul-
3 gated) if, in the judgment of the Administrator,
4 the contaminant may have an adverse effect on
5 the health of persons and the contaminant is
6 known or anticipated to occur in public water
7 systems with a frequency and at levels of public
8 health concern.

9 “(B) CONTAMINANTS TO BE CONSID-
10 ERED.—

11 “(i) INITIAL LIST.—Not later than 3
12 years after the date of enactment of the
13 Safe Drinking Water Act Amendments of
14 1994, the Administrator shall publish a list
15 of not fewer than 15 contaminants that, in
16 the judgment of the Administrator (after
17 consultation with the Secretary of the De-
18 partment of Health and Human Services
19 acting through the Director of the Centers
20 for Disease Control and Prevention),
21 present the greatest public health concern,
22 based on available information with respect
23 to the adverse health effects associated
24 with the contaminants and the known or

1 anticipated occurrence of the contaminants
2 in public water systems.

3 “(ii) SUBSEQUENT LISTS.—Not later
4 than 5 years after the date of publication
5 of the initial list under clause (i), and
6 every 5 years thereafter, the Administrator
7 shall publish a list of not fewer than 7 ad-
8 ditional contaminants meeting the criteria
9 set forth in clause (i).

10 “(iii) COMMENT.—The Administrator
11 shall seek comment on each of the lists re-
12 quired under clauses (i) and (ii) prior to
13 publication of each list from officials of
14 State and local governments, operators of
15 public water systems, the scientific commu-
16 nity, and the general public.

17 “(iv) LIST OF CONTAMINANTS.—Each
18 of the contaminants listed pursuant to
19 clause (ii) shall be on the list of contami-
20 nants established pursuant to section
21 1445(a)(2)(B).

22 “(v) PROPOSED WORK PLANS.—Pro-
23 posed work plans, including schedules and
24 milestones, for meeting the requirements of
25 subparagraphs (C), (D), and (E) shall be

1 published at the time a list is published
2 under this subparagraph.

3 “(C) PROPOSED GOAL AND REGULA-
4 TION.—Not later than 18 months after the date
5 on which a contaminant has been listed pursu-
6 ant to subparagraph (B), the Administrator
7 shall publish a maximum contaminant level
8 goal, and propose a national primary drinking
9 water regulation, for the contaminant, if the
10 Administrator determines that—

11 “(i) appropriate, peer-reviewed, sci-
12 entific information and an assessment of
13 health risks, conducted in accordance with
14 sound scientific practices (considering ap-
15 plicable guidance from the National Acad-
16 emy of Sciences), have been considered;

17 “(ii) adequate data are available to
18 develop the regulation; and

19 “(iii) the contaminant meets the cri-
20 teria for regulation established in subpara-
21 graph (A).

22 A determination under this subparagraph shall
23 be a final agency action for purposes of section
24 1448.

1 “(D) FINAL WORK PLAN FOR INFORMA-
2 TION.—Not later than 18 months after the date
3 on which a contaminant is listed pursuant to
4 subparagraph (B) and for each of the contami-
5 nants for which a national primary drinking
6 water regulation is not proposed pursuant to
7 subparagraph (C)(ii), the Administrator shall
8 publish a final work plan with respect to the
9 contaminant for collecting information and con-
10 ducting studies necessary for development of a
11 national primary drinking water regulation for
12 the contaminant.

13 “(E) PUBLICATION OF GOAL AND REGULA-
14 TION OR DETERMINATION.—After the comple-
15 tion of studies for a contaminant identified in
16 a work plan under subparagraph (D), but not
17 later than 5 years after a contaminant is first
18 listed under subparagraph (B), the Adminis-
19 trator shall publish—

20 “(i) a maximum contaminant level
21 goal and propose a national primary drink-
22 ing water regulation for the contaminant;
23 or

1 “(ii) a determination that the con-
2 taminant does not meet the criteria for
3 regulation under subparagraph (A).

4 A determination under clause (ii) shall be a
5 final agency action for purposes of section
6 1448.

7 “(F) ISSUANCE OF REGULATIONS.—The
8 Administrator shall promulgate a national pri-
9 mary drinking water regulation for each con-
10 taminant for which a regulation is proposed
11 under this paragraph not later than 24 months
12 after the date on which the regulation is pro-
13 posed.

14 “(G) URGENT THREATS TO PUBLIC
15 HEALTH.—The Administrator may promulgate
16 a national primary drinking water regulation
17 for a contaminant using procedures other than
18 the procedures specified in subparagraphs (B)
19 through (F) to address an urgent threat to pub-
20 lic health.

21 “(H) MONITORING DATA AND OTHER IN-
22 FORMATION.—The Administrator may require,
23 in accordance with section 1445(a)(2), the sub-
24 mission of monitoring data and other informa-
25 tion necessary for the development of studies,

1 work plans, or national primary drinking water
2 regulations.

3 “(I) NATIONAL DRINKING WATER OCCUR-
4 RENCE DATA BASE.—

5 “(i) IN GENERAL.—Not later than 3
6 years after the date of enactment of the
7 Safe Drinking Water Act Amendments of
8 1994, the Administrator shall assemble
9 and maintain a national drinking water oc-
10 currence data base, using information on
11 the occurrence of both regulated and un-
12 regulated contaminants in public water
13 systems obtained under section 1445(a)
14 and information from other public and pri-
15 vate sources.

16 “(ii) USE.—The data shall be used by
17 the Administrator in making determina-
18 tions under this section with respect to the
19 occurrence of a contaminant in drinking
20 water at a level of public health concern.

21 “(iii) PUBLIC RECOMMENDATIONS.—
22 The Administrator shall periodically solicit
23 recommendations from the appropriate of-
24 ficials of the National Academy of
25 Sciences, and any person may submit rec-

1 ommendations to the Administrator, with
2 respect to contaminants that should be in-
3 cluded in the national drinking water oc-
4 currence data base, including recommenda-
5 tions with respect to additional unregu-
6 lated contaminants that should be listed
7 under section 1445(a)(2).

8 “(iv) PUBLIC AVAILABILITY.—The in-
9 formation from the data base shall be
10 available to the public in readily accessible
11 form.

12 “(v) REGULATED CONTAMINANTS.—
13 With respect to each contaminant for
14 which a national primary drinking water
15 regulation has been established, the data
16 base shall include information on the de-
17 tection of the contaminant at a quantifi-
18 able level in public water systems (includ-
19 ing detection of the contaminant at levels
20 not constituting a violation of the maxi-
21 mum contaminant level for the contami-
22 nant).

23 “(vi) UNREGULATED CONTAMI-
24 NANTS.—With respect to contaminants for
25 which a national primary drinking water

1 regulation has not been established, the
2 data base shall include—

3 “(I) monitoring information col-
4 lected by public water systems that
5 serve a population of more than
6 10,000, as required by the Adminis-
7 trator under section 1445;

8 “(II) monitoring information col-
9 lected by the States from a represent-
10 ative sampling of public water systems
11 that serve a population of 10,000 or
12 less; and

13 “(III) other appropriate monitor-
14 ing information on the occurrence of
15 the contaminants in public water sys-
16 tems that is available to the Adminis-
17 trator.

18 “(J) PRIOR REQUIREMENTS.—The require-
19 ments of subparagraph (C) of this paragraph
20 (as it existed before the amendment made by
21 section 4(b) of the Safe Drinking Water Act
22 Amendments of 1994), and any obligations to
23 promulgate regulations not promulgated as of
24 the date of enactment of such Act, are super-
25 seded by this paragraph and paragraph (2).”.

1 (d) GOALS AND STANDARDS.—Section 1412(b)(4)
2 (42 U.S.C. 300g-1(b)(4)) is amended—

3 (1) by striking “(4) Each maximum” and in-
4 serting the following:

5 “(4) GOALS AND STANDARDS.—

6 “(A) IN GENERAL.—Each maximum”; and

7 (2) by adding at the end the following new sub-
8 paragraphs:

9 “(B) HEALTH RISK REDUCTION AND
10 COST.—At the time a maximum contaminant
11 level is proposed, the Administrator shall pub-
12 lish and seek public comment on, and consider
13 for the purposes of subparagraph (C), an analy-
14 sis of—

15 “(i) the health risk reduction benefits
16 that are likely to occur as the result of
17 treatment to comply with the maximum
18 contaminant level;

19 “(ii) the costs that will be experienced
20 as a result of compliance with the maxi-
21 mum contaminant level, including monitor-
22 ing, treatment, and other costs;

23 “(iii) any potential increased health
24 risk that may occur as a result of compli-

1 ance with the maximum contaminant level;
2 and

3 “(iv) the effects of the contaminant
4 upon subpopulations that are identified as
5 being at greater risk for adverse health ef-
6 fects in the research and evidence de-
7 scribed in section 1442(j).

8 “(C) ADDITIONAL AUTHORITY.—

9 “(i) Notwithstanding subparagraph
10 (A), the Administrator may establish a
11 maximum contaminant level that is less
12 stringent than is feasible (as determined
13 under paragraph (5)), if the Administrator
14 determines that the less stringent level will
15 result in compliance costs that are sub-
16 stantially less than costs that would be ex-
17 perienced by public water systems to com-
18 ply with the level that is feasible and that
19 the less stringent level will—

20 “(I) for any contaminant that is
21 regulated on the basis of the carcino-
22 genic effects of the contaminant, not
23 result in a significant increase in indi-
24 vidual lifetime cancer risks from con-
25 centrations of the contaminant in

1 drinking water relative to the feasible
2 level; or

3 “(II) for any contaminant that is
4 regulated on the basis of a health ef-
5 fect other than a carcinogenic effect,
6 ensure a reasonable certainty of no
7 harm.

8 “(ii) For contaminants that are regu-
9 lated on the basis of health effects other
10 than carcinogenic effects, the Adminis-
11 trator shall use the authority provided in
12 this subparagraph only after the Adminis-
13 trator publishes in the Federal Register
14 guidelines establishing sound scientific
15 practices for the implementation of the au-
16 thority with respect to the contaminant.
17 The Administrator may publish guidelines
18 pursuant to this clause only after the Na-
19 tional Academy of Sciences has completed
20 a study and made recommendations con-
21 cerning the scientific information, methods,
22 and practices that would be necessary to
23 support the implementation of clause
24 (i)(II) and ensure that decisions by the Ad-
25 ministrator pursuant to clause (i)(II) are

1 based on appropriate, peer-reviewed, sci-
2 entific information and sound scientific
3 practices. The study by the National Acad-
4 emy of Sciences shall be completed as ex-
5 peditiously as practicable.

6 “(D) CONSIDERATION OF OTHER HEALTH
7 EFFECTS.—

8 “(i) Notwithstanding the provisions of
9 subparagraph (A), the Administrator may
10 establish a maximum contaminant level for
11 a contaminant at a level that is less strin-
12 gent than is feasible if the technology,
13 treatment techniques, and other means
14 used to determine the feasible level would
15 result in an increase in the overall health
16 risk from drinking water by—

17 “(I) increasing the concentration
18 of other contaminants in drinking
19 water; or

20 “(II) interfering with the efficacy
21 of drinking water treatment tech-
22 niques or processes that are used to
23 comply with other national primary
24 drinking water regulations.

1 “(ii) If the Administrator establishes
2 a maximum contaminant level for any con-
3 taminant pursuant to the authority of this
4 subparagraph, the level shall minimize the
5 overall risk of adverse health effects, in-
6 cluding the risk from the contaminant and
7 the risk from other contaminants the con-
8 centrations of which may be affected by
9 the use of treatment techniques and proc-
10 esses that would be employed to attain the
11 maximum contaminant level.”.

12 (e) MONITORING FOR UNREGULATED CONTAMI-
13 NANTS.—Section 1445(a) (42 U.S.C. 300j-4(a)) is
14 amended by striking paragraphs (2) through (8) and in-
15 serting the following new paragraphs:

16 “(2) MONITORING PROGRAM FOR UNREGU-
17 LATED CONTAMINANTS.—

18 “(A) ESTABLISHMENT.—The Adminis-
19 trator shall promulgate regulations establishing
20 the criteria for a monitoring program for un-
21 regulated contaminants. The regulations shall
22 require monitoring of drinking water supplied
23 by public water systems and shall vary the fre-
24 quency and schedule for monitoring require-
25 ments for systems based on the number of per-

1 sons served by the system, the source of supply,
2 and the contaminants likely to be found.

3 “(B) MONITORING PROGRAM FOR CERTAIN
4 UNREGULATED CONTAMINANTS.—

5 “(i) IN GENERAL.—Not later than 3
6 years after the date of enactment of the
7 Safe Drinking Water Amendments of
8 1994, and every 5 years thereafter, the
9 Administrator shall issue a list pursuant to
10 subparagraph (A) of not more than 30 un-
11 regulated contaminants to be monitored by
12 public water systems and to be included in
13 the national drinking water data base
14 maintained pursuant to section
15 1412(b)(3)(I).

16 “(ii) GOVERNORS’ PETITION.—The
17 Administrator shall include among the list
18 of contaminants for which monitoring is
19 required under section 1445(a)(2) each
20 contaminant recommended in a petition
21 signed by the Governor of each of 7 or
22 more States, unless the Administrator de-
23 termines that the action would prevent the
24 listing of other contaminants of a higher
25 public health concern.

1 “(C) MONITORING BY LARGE SYSTEMS.—A
2 public water system that serves a population of
3 more than 10,000 shall conduct monitoring for
4 all contaminants listed under subparagraph
5 (B).

6 “(D) MONITORING PLAN FOR SMALL AND
7 MEDIUM SYSTEMS.—Based on the regulations
8 promulgated by the Administrator, each State
9 shall develop a representative monitoring plan
10 to assess the occurrence of unregulated con-
11 taminants in public water systems that serves a
12 population of 10,000 or less. The plan shall re-
13 quire monitoring for systems representative of
14 different sizes, types, and geographic locations
15 within the State.

16 “(E) MONITORING RESULTS.—Each public
17 water system that conducts monitoring of un-
18 regulated contaminants pursuant to this para-
19 graph shall provide the results of the monitor-
20 ing to the primary enforcement authority for
21 the system.

22 “(F) WAIVER OF MONITORING REQUIRE-
23 MENT.—The Administrator may waive the re-
24 quirement for monitoring for a contaminant
25 under this paragraph in a State, if the State

1 demonstrates that the criteria for listing the
 2 contaminant do not apply in that State.

3 “(3) AUTHORIZATION OF APPROPRIATIONS.—
 4 There are authorized to be appropriated to carry out
 5 this subsection \$15,000,000 for each of fiscal years
 6 1995 through 2000.”.

7 (f) DRINKING WATER STANDARD REVIEW AND COM-
 8 PLIANCE PERIODS.—

9 (1) REVIEW PERIOD.—The first and second
 10 sentences of section 1412(b)(9) (42 U.S.C. 300g-
 11 1(b)(9)) are each amended by striking “3” each
 12 place it appears and inserting “6”.

13 (2) COMPLIANCE PERIOD.—Paragraph (10) of
 14 section 1412(b) (42 U.S.C. 300g-1(b)(10)) is
 15 amended to read as follows:

16 “(10) COMPLIANCE PERIOD.—A national pri-
 17 mary drinking water regulation promulgated under
 18 this section shall take effect on the date that is 3
 19 years after the date on which the regulation is pro-
 20 mulgated unless the Administrator determines that
 21 an earlier date is practicable, except that the Admin-
 22 istrator or, a State in the case of an individual sys-
 23 tem, may allow up to 2 additional years to comply
 24 with a maximum contaminant level or treatment
 25 technique if the Administrator or State determines

1 that additional time is necessary for capital improve-
2 ments.”.

3 (3) EXEMPTIONS.—Section 1416 (42 U.S.C.
4 300g-5) is amended—

5 (A) in subsection (a)(1)—

6 (i) by inserting after “(which may in-
7 clude economic factors” the following: “,
8 including qualification of the public water
9 system as a ‘disadvantaged community’
10 pursuant to section 1473(e)(1)”;

11 (ii) by inserting after “treatment tech-
12 nique requirement,” the following: “or to
13 implement measures to develop an alter-
14 native source of water supply or restruc-
15 ture or consolidate the system,”;

16 (B) in subsection (b)—

17 (i) in the first sentence of paragraph
18 (1)—

19 (I) by inserting after “(A)” the
20 following: “(i)”;

21 (II) by striking “(B)” and insert-
22 ing “(ii)”;

23 (III) by striking the period at the
24 end of the sentence and inserting “;
25 or”;

1 (IV) by inserting after subpara-
2 graph (A) (as amended by subclauses
3 (I), (II), and (III)) the following new
4 subparagraph:

5 “(B) implementation by the public water system
6 of measures needed to ensure compliance with the
7 requirements of this title, including development of
8 an alternative source of water supply or restructur-
9 ing or consolidation of the system.”; and

10 (ii) in paragraph (2)—

11 (I) by striking “(except as pro-
12 vided in subparagraph (B))” in sub-
13 paragraph (A) and all that follows
14 through “3 years after the date of the
15 issuance of the exemption if” in sub-
16 paragraph (B) and inserting the fol-
17 lowing: “not later than 3 years after
18 the otherwise applicable compliance
19 date established in section
20 1412(b)(10).

21 “(B) No exemption shall be granted unless”;

22 (II) in subparagraph (B)(i), by
23 striking “within the period of such ex-
24 emption” and inserting “prior to the

1 date established pursuant to section
2 1412(b)(10)’’;

3 (III) in subparagraph (B)(ii), by
4 inserting after “such financial assist-
5 ance” the following: “or assistance
6 pursuant to part G or any other Fed-
7 eral or State program is reasonably
8 likely to be available within the period
9 of the exemption’’;

10 (IV) in subparagraph (C)—

11 (aa) by striking “500 service
12 connections” and inserting “a
13 population of 3,300’’; and

14 (bb) by striking “for one or
15 more additional 2-year periods”
16 and inserting “for one additional
17 2-year period’’; and

18 (V) by adding at the end the fol-
19 lowing new subparagraph:

20 “(D) VARIANCES.—A public water system
21 may not receive an exemption under this section
22 if the system was granted a variance under sec-
23 tion 1415(e).”.

24 (g) MONITORING REQUIREMENTS.—

1 (1) ALTERNATIVE MONITORING PROGRAM.—
2 Section 1445(a)(1) (42 U.S.C. 300j-4(a)(1)) is
3 amended—

4 (A) by designating the first and second
5 sentences as subparagraphs (A) and (B), re-
6 spectively; and

7 (B) by adding at the end the following new
8 subparagraphs:

9 “(C) REVIEW.—The Administrator shall—

10 “(i) not later than 1 year after the
11 date of enactment of this subparagraph,
12 after consultation with public health ex-
13 perts, representatives of the general public,
14 and officials of State and local govern-
15 ments, review the monitoring requirements
16 for not less than 12 contaminants identi-
17 fied by the Administrator; and

18 “(ii) not later than 1 year after the
19 review, promulgate any necessary modifica-
20 tions.

21 “(D) STATE-ESTABLISHED REQUIRE-
22 MENTS.—

23 “(i) IN GENERAL.—Each State with
24 primary enforcement responsibility may
25 submit an application to the Administrator

1 to establish for any national drinking
2 water regulation, other than a regulation
3 applicable to a microbial contaminant (or
4 indicator of a microbial contaminant),
5 monitoring requirements applicable to pub-
6 lic water systems identified by the State, in
7 lieu of the monitoring requirements con-
8 tained in the regulation, if the monitoring
9 requirements established by the State—

10 “(I) are based on occurrence
11 data and other relevant characteristics
12 of the contaminant or the systems
13 subject to the requirements; and

14 “(II) include monitoring fre-
15 quencies for public water systems in
16 which a contaminant has been de-
17 tected at a quantifiable level no less
18 frequent than required in the national
19 primary drinking water regulation for
20 the contaminant for a period of 5
21 years after the detection.

22 “(ii) COMPLIANCE AND ENFORCE-
23 MENT.—The monitoring requirement es-
24 tablished by the State shall be adequate to
25 ensure compliance with, and enforcement

1 of, each national primary drinking water
2 regulation.

3 “(iii) APPROVAL.—The Administrator
4 shall review an application submitted by a
5 State pursuant to this subparagraph and
6 approve the application, in whole or in
7 part, if the application meets the require-
8 ments of this subparagraph. If the Admin-
9 istrator has not acted pursuant to this
10 clause within 180 days after submission of
11 the application, the application shall be
12 deemed to be approved. If the Adminis-
13 trator disapproves an application, or a part
14 of an application, the Administrator shall
15 provide to the State a description of the
16 changes needed for the program to be ap-
17 proved. A monitoring program approved
18 pursuant to this clause shall be approved
19 for a period of 3 years and each subse-
20 quent approval shall be for a period of 5
21 years.

22 “(iv) OTHER STATES.—The Governor
23 of any State that does not have primary
24 enforcement responsibility under section
25 1413 on the date of enactment of this

1 clause may submit to the Administrator a
2 request that the Administrator modify the
3 monitoring requirements established by the
4 Administrator and applicable to public
5 water systems in that State, and the Ad-
6 ministrator shall modify the requirements
7 for public water systems in that State if
8 the request of the Governor is in accord-
9 ance with each of the requirements of this
10 subparagraph that apply to applications
11 from States that have primary enforcement
12 responsibility. A decision by the Adminis-
13 trator to approve a request under this
14 clause shall be for a period of 3 years and
15 may subsequently be extended for periods
16 of 5 years.”.

17 (2) SMALL SYSTEM MONITORING.—Section
18 1445(a)(1) (42 U.S.C. 300j-4(a)(1)) (as amended
19 by paragraph (1)(B)) is further amended by adding
20 at the end the following new subparagraph:

21 “(E) SMALL SYSTEM MONITORING.—With
22 respect to monitoring requirements for contami-
23 nants regulated on the basis of the carcinogenic
24 effects of the contaminants, the Administrator
25 or a State that has primary enforcement re-

1 sponsibility pursuant to section 1413(a) may
2 modify the requirements to provide that any
3 public water system that serves a population of
4 10,000 or less shall not be required to conduct
5 additional quarterly monitoring during any 3-
6 year period for a specific contaminant if mon-
7 itoring conducted at the beginning of the period
8 for the contaminant fails to detect the presence
9 of the contaminant in the water supplied by the
10 public water system, and the State determines
11 that the contaminant is unlikely to be detected
12 by further monitoring in the period.”.

13 **SEC. 5. SMALL SYSTEMS PROGRAMS.**

14 (a) SMALL SYSTEM VARIANCES.—

15 (1) IN GENERAL.—Section 1415 (42 U.S.C.
16 300g-4) is amended by adding at the end the follow-
17 ing new subsection:

18 “(e) SMALL SYSTEM VARIANCES.—

19 “(1) IN GENERAL.—The Administrator, or a
20 State with primary enforcement responsibility for
21 public water systems under section 1413, may grant
22 to a public water system serving a population of
23 10,000 or less (referred to in this subsection as a
24 ‘small system’) a variance under this subsection for
25 compliance with a requirement specifying a maxi-

1 mum contaminant level or treatment technique con-
2 tained in a national primary drinking water regula-
3 tion, if the variance meets all the requirements of
4 this subsection.

5 “(2) AVAILABILITY OF VARIANCES.—A small
6 system may receive a variance under this subsection
7 if the system installs, operates, and maintains, in ac-
8 cordance with guidance or regulations issued by the
9 Administrator, treatment technology that is feasible
10 for small systems as determined by the Adminis-
11 trator pursuant to section 1412(b)(12).

12 “(3) CONDITIONS FOR GRANTING VARIANCES.—
13 A variance under this subsection shall be available
14 only to a system—

15 “(A) that cannot afford to comply, in ac-
16 cordance with affordability criteria established
17 by the State (or the Administrator for State
18 that does not have primary enforcement respon-
19 sibility under section 1413), with a national pri-
20 mary drinking water regulation, including com-
21 pliance through treatment, alternative source
22 water supply, or restructuring, including con-
23 solidation; and

24 “(B) for which the Administrator or, if the
25 State has primary enforcement responsibility

1 under section 1413, the State determines that
2 the terms of the variance ensure adequate pro-
3 tection of human health, considering the quality
4 of the source water for the system and the re-
5 moval efficiencies and expected useful life of the
6 treatment technology required by the variance.

7 “(4) APPLICATIONS.—An application for a vari-
8 ance for a national primary drinking water regula-
9 tion under this subsection shall be submitted to the
10 Administrator or the State not later than the date
11 that is the later of—

12 “(A) 3 years after the date of enactment
13 of this subsection; or

14 “(B) 1 year after the compliance date of
15 the national primary drinking water regulation
16 as established under section 1412(b)(10) for
17 which a variance is requested.

18 “(5) VARIANCE REVIEW AND DECISION.—

19 “(A) TIMETABLE.—The Administrator or
20 the State shall grant or deny a variance not
21 later than 1 year after the application deadlines
22 established in paragraph (4).

23 “(B) PENALTY MORATORIUM.—Each pub-
24 lic water system that submits a timely applica-
25 tion for a variance under this subsection shall

1 not be subject to a penalty in an enforcement
2 action under section 1414 for a violation of a
3 maximum contaminant level or treatment tech-
4 nique in the national primary drinking water
5 regulation with respect to which the variance
6 application was submitted prior to the date of
7 a decision to grant or deny the variance.

8 “(6) COMPLIANCE SCHEDULES.—

9 “(A) VARIANCES.—A variance granted
10 under this subsection shall require compliance
11 with the conditions of the variance not later
12 than 3 years after the date on which the vari-
13 ance is granted, except that the State may
14 allow up to 2 additional years to comply with
15 a treatment technique if the State determines
16 that additional time is necessary for capital im-
17 provements, or to allow for financial assistance
18 provided pursuant to part G or any other Fed-
19 eral or State program.

20 “(B) DENIED APPLICATIONS.—If the Ad-
21 ministrator or a State denies a variance appli-
22 cation under this subsection, the public water
23 system shall be in compliance with the require-
24 ments of the national primary drinking water
25 regulation for which the variance was requested

1 not later than 4 years after the date on which
2 the national primary drinking water regulation
3 was promulgated.

4 “(7) DURATION OF VARIANCES.—

5 “(A) IN GENERAL.—A State shall review
6 each variance granted under this subsection not
7 less often than every 5 years after the compli-
8 ance date established in the variance to deter-
9 mine whether the system remains eligible for
10 the variance and is conforming to all conditions
11 of the variance.

12 “(B) REVOCATION OF VARIANCES.—The
13 Administrator or, if the State has primary en-
14 forcement responsibility under section 1413, the
15 State shall revoke a variance in effect under
16 this subsection if the Administrator or the
17 State determines that—

18 “(i) the system is no longer eligible
19 for a variance;

20 “(ii) the system has failed to comply
21 with any term or condition of the variance,
22 other than a reporting or monitoring re-
23 quirement; or

24 “(iii) the terms of the variance do not
25 ensure adequate protection of human

1 health, considering the quality of source
2 water available to the system and the re-
3 moval efficiencies and expected useful life
4 of the treatment technology required by
5 the variance.

6 “(8) INELIGIBILITY FOR VARIANCES.—A vari-
7 ance shall not be available under this subsection
8 for—

9 “(A) any maximum contaminant level or
10 treatment technique for a contaminant with re-
11 spect to which a national primary drinking
12 water regulation was promulgated prior to Jan-
13 uary 1, 1986; or

14 “(B) a national primary drinking water
15 regulation for a microbial contaminant (includ-
16 ing a bacterium, virus, or other organism) or an
17 indicator or treatment technique for a microbial
18 contaminant.

19 “(9) REGULATIONS AND GUIDANCE.—

20 “(A) IN GENERAL.—Not later than 2 years
21 after the date of enactment of this subsection,
22 the Administrator shall promulgate regulations
23 for variances to be granted under this sub-
24 section. The regulations shall, at a minimum,
25 specify—

1 “(i) procedures to be used by the Ad-
2 ministrator or a State to grant or deny
3 variances, including requirements for noti-
4 fying the Administrator and consumers of
5 the public water system applying for a
6 variance and requirements for a public
7 hearing on the variance before the variance
8 is granted;

9 “(ii) requirements for the installation
10 and proper operation of treatment tech-
11 nology that is feasible for small systems;

12 “(iii) eligibility criteria for a variance
13 for each national primary drinking water
14 regulation, including requirements for the
15 quality of the source water (pursuant to
16 section 1412(b)(12)(A)) and the financial
17 and technical capability to operate the
18 treatment system, including operator train-
19 ing and certification; and

20 “(iv) information requirements for
21 variance applications.

22 “(B) AFFORDABILITY CRITERIA.—Not
23 later than 18 months after the date of enact-
24 ment of the Safe Drinking Water Act Amend-
25 ments of 1994, the Administrator, in consulta-

tion with the States, shall publish information to assist the States in developing affordability criteria. The affordability criteria shall be reviewed by the States not less often than every 5 years to determine if changes are needed to the criteria.

“(10) REVIEW BY THE ADMINISTRATOR.—

“(A) IN GENERAL.—The Administrator shall periodically review State decisions with respect to variances to determine whether the variances granted by the State comply with the requirements of this subsection and the regulations promulgated by the Administrator. With respect to affordability, the determination of the Administrator shall be limited to whether the variances granted by the State comply with the affordability criteria developed by the State.

“(B) OBJECTIONS TO VARIANCES.—

“(i) BY THE ADMINISTRATOR.—If any variance proposed to be granted by a State contains provisions that are determined by the Administrator as not in compliance with this subsection (including the requirement that a variance not be granted to a system that can comply with the national

1 primary drinking water regulations
2 through treatment, an alternative source of
3 water supply, or restructuring) and the
4 regulations promulgated by the Adminis-
5 trator pursuant to paragraph (9), the Ad-
6 ministrator shall object to the granting of
7 the variance. The State shall respond in
8 writing to each objection of the Adminis-
9 trator. The State shall not grant the vari-
10 ance until the objections of the Adminis-
11 trator have been resolved.

12 “(ii) PETITION BY CONSUMERS.—If
13 the Administrator does not object to the
14 granting of a variance, any person served
15 by the system may petition the Adminis-
16 trator to object to the granting of a vari-
17 ance. The Administrator shall respond to
18 the petition not later than 90 days after
19 the receipt of the petition. The State shall
20 not grant the variance during the 90-day
21 period. The petition shall be based on com-
22 ments made by the petitioner during public
23 review of the variance by the State.

24 “(C) NOTICE AND PUBLICATION.—If the
25 Administrator determines that variances grant-

1 ed by a State are not in full compliance with af-
2 fordability criteria developed by the State and
3 the regulations promulgated by the Adminis-
4 trator pursuant to paragraph (9), the Adminis-
5 trator shall notify the State in writing of the
6 deficiencies and make public the determina-
7 tion.”.

8 (2) SMALL SYSTEM TREATMENT TECH-
9 NOLOGIES.—Section 1412(b) (42 U.S.C. 300g-1(b))
10 is amended by adding at the end the following new
11 paragraph:

12 “(12) SMALL SYSTEM TREATMENT TECH-
13 NOLOGIES.—

14 “(A) IN GENERAL.—At the same time as
15 the Administrator promulgates a national pri-
16 mary drinking water regulation pursuant to this
17 section, the Administrator shall issue guidance
18 or regulations describing a treatment tech-
19 nology (or technologies) for the contaminant
20 that is the subject of the regulation that is fea-
21 sible (as defined in paragraph (5)) for public
22 water systems serving a population of 10,000 or
23 less. The Administrator may classify systems by
24 the size of the population served and describe a
25 technology or technologies that are appropriate

1 for systems in each class. The guidance or reg-
2 ulations shall identify the effectiveness of the
3 technology, the cost of the technology, and
4 other factors related to the use of the tech-
5 nology, including requirements for the quality
6 of source water to ensure adequate protection
7 of human health, considering removal effi-
8 ciencies of the technology, and installation, and
9 operation and maintenance requirements, for
10 the technology. The Administrator shall not
11 issue guidance or regulations for a technology
12 under this paragraph unless the technology ade-
13 quately protects human health, considering the
14 expected useful life of the technology and the
15 source waters available to systems for which the
16 technology is considered feasible.

17 “(B) REGULATIONS AND GUIDANCE.—Not
18 later than 2 years after the date of enactment
19 of this paragraph, the Administrator shall issue
20 guidance or regulations under subparagraph
21 (A) for each national primary drinking water
22 regulation promulgated prior to the date of en-
23 actment of this paragraph for which a variance
24 may be granted under section 1415(e). The Ad-
25 ministrator may, at any time after a national

1 primary drinking water regulation has been
2 promulgated, issue guidance or regulations de-
3 scribing additional treatment technologies that
4 meet the requirements of subparagraph (A) for
5 public water systems serving a population of
6 3,300 or less that are subject to the regula-
7 tion.”.

8 (3) AVAILABILITY OF INFORMATION ON SMALL
9 SYSTEM TECHNOLOGIES.—Section 1445 (42 U.S.C.
10 300j-4) is amended by adding at the end the follow-
11 ing new subsection:

12 “(g) AVAILABILITY OF INFORMATION ON SMALL SYS-
13 TEM TECHNOLOGIES.—For purposes of section
14 1412(b)(12), the Administrator may request information
15 on the characteristics of commercially available treatment
16 systems and technologies, including the effectiveness and
17 performance of the systems and technologies under var-
18 ious operating conditions. The Administrator may specify
19 the form, content, and date by which information shall be
20 submitted by manufacturers, States, and other interested
21 persons for the purpose of considering the systems and
22 technologies in the development of regulations or guidance
23 under section 1412(b)(12).”.

1 (b) VIABILITY OF PUBLIC WATER SYSTEMS.—Part
2 B (42 U.S.C. 300g et seq.) is amended by adding at the
3 end the following new section:

4 “STATE VIABILITY PROGRAMS

5 “SEC. 1418. (a) IN GENERAL.—Each State shall
6 adopt a State Drinking Water System Viability Program
7 (referred to in this section as the ‘State Viability Pro-
8 gram’) to ensure the capability of public water systems
9 in the State to comply with the requirements of this title.

10 “(b) PROGRAM ELEMENTS.—A State Viability Pro-
11 gram complies with this section if it includes—

12 “(1) the legal authority to ensure that all new
13 public water systems commencing operation after
14 October 1, 1997, have the managerial, technical, and
15 financial capability to comply with national primary
16 drinking water regulations and other requirements
17 of this title; and

18 “(2) a program to secure the voluntary restruc-
19 turing (including physical consolidation) of existing
20 systems that are in violation of a national primary
21 drinking water regulation or other requirement of
22 this title and that lack the managerial, technical, or
23 financial capability to comply with the regulation or
24 requirement.

25 “(c) SUBMISSION AND APPROVAL OF PROGRAMS.—

1 “(1) SUBMISSION.—Not later than 36 months
2 after the date of enactment of this section, each
3 State shall submit to the Administrator a proposal
4 for a State Viability Program that meets the re-
5 quirements of this section.

6 “(2) APPROVAL OR DISAPPROVAL.—The Ad-
7 ministrator shall approve or disapprove each State
8 Viability Program not later than 180 days after re-
9 ceipt of the Program. If the Administrator dis-
10 approves a Program, the Administrator shall notify
11 the State of the reasons for disapproval in writing
12 and the State may resubmit the Program as modi-
13 fied to resolve the objections of the Administrator.

14 “(3) WITHDRAWAL OF APPROVAL.—The Ad-
15 ministrator may, after notifying a State, withdraw
16 approval of a State Viability Program, if the State
17 fails to carry out the Program as provided in this
18 section.

19 “(d) PENALTY MORATORIUM.—A public water sys-
20 tem in violation of a requirement specifying a maximum
21 contaminant level or treatment technique that seeks as-
22 sistance from a State for restructuring, including physical
23 consolidation, shall not be subject to a penalty in an en-
24 forcement action under section 1414 for a violation of the
25 requirement for a period of 3 years, if the system is meet-

1 ing the terms and conditions of a State restructuring
2 order. The extension described in the preceding sentence
3 shall not apply to a system that applies for assistance after
4 the date that is 4 years after the date of enactment of
5 this section.

6 “(e) SYSTEMS IN COMPLIANCE.—Nothing in this sec-
7 tion requires a State to prohibit the operation of a public
8 water system that is in compliance with national primary
9 drinking water regulations and other requirements of this
10 title.

11 “(f) EPA GUIDANCE.—Not later than 2 years after
12 the date of enactment of this section, the Administrator
13 shall, after consultation with officials of State and local
14 governments, publish guidance for use by the States—

15 (1) identifying the factors contributing to
16 nonviability of public water systems; and

17 (2) identifying technical, managerial, financial,
18 and other options to address the factors, including
19 options that have been successfully employed by
20 States.

21 “(g) EPA SURVEY.—Not later than 2 years after the
22 date of enactment of this section, the Administrator shall
23 conduct a survey of public water systems to identify public
24 water systems that are likely to be nonviable based on the
25 requirements of law and factors contributing to

1 nonviability, including the economic circumstances of the
2 community. The results of the survey shall be published
3 with the guidance prepared by the Administrator pursuant
4 to subsection (f).”.

5 (c) SMALL WATER SYSTEMS TECHNOLOGY CEN-
6 TERS.—Section 1442 (42 U.S.C. 300j-1) is amended by
7 adding at the end the following new subsection:

8 “(h) SMALL PUBLIC WATER SYSTEMS TECHNOLOGY
9 ASSISTANCE CENTERS.—

10 “(1) GRANT PROGRAM.—The Administrator
11 shall make grants to institutions of higher learning
12 to establish and operate not fewer than 5 small pub-
13 lic water system technology assistance centers in the
14 United States.

15 “(2) RESPONSIBILITIES OF THE CENTERS.—
16 The responsibilities of the small public water system
17 technology assistance centers established under this
18 subsection shall include the conduct of research,
19 training, and technical assistance relating to the in-
20 formation, performance, and technical needs of small
21 public water systems or public water systems that
22 serve Indian tribes.

23 “(3) APPLICATIONS.—Any institution of higher
24 learning interested in receiving a grant under this
25 subsection shall submit to the Administrator an ap-

1 plication in such form and containing such informa-
2 tion as the Administrator may require by regulation.

3 “(4) SELECTION CRITERIA.—The Administrator
4 shall select recipients of grants under this subsection
5 on the basis of the following criteria:

6 “(A) The small public water system tech-
7 nology assistance center shall be located in a
8 State that is representative of the needs of the
9 region in which the State is located for address-
10 ing the drinking water needs of rural small
11 communities or Indian tribes.

12 “(B) The grant recipient shall be located
13 in a region that has experienced problems with
14 rural water supplies.

15 “(C) There is available to the grant recipi-
16 ent for carrying out this subsection dem-
17 onstrated expertise in water resources research,
18 technical assistance, and training.

19 “(D) The grant recipient shall have the ca-
20 pability to provide leadership in making na-
21 tional and regional contributions to the solution
22 of both long-range and intermediate rural water
23 system technology management problems.

24 “(E) The grant recipient shall have a dem-
25 onstrated interdisciplinary capability with ex-

1 pertise in small public water system technology
2 management and research.

3 “(F) The grant recipient shall have a dem-
4 onstrated capability to disseminate the results
5 of small public water system technology re-
6 search and training programs through an inter-
7 disciplinary continuing education program.

8 “(G) The projects that the grant recipient
9 proposes to carry out under the grant are nec-
10 essary and appropriate.

11 “(H) The grant recipient has regional sup-
12 port beyond the host institution.

13 “(I) For purposes of this subsection, the
14 State of Alaska shall be considered a region.

15 “(5) CONSORTIA OF STATES.—At least 2 of the
16 grants shall be made to consortia of States with low
17 population densities. As used in this paragraph, the
18 term ‘consortia of States with low population den-
19 sities’ means a consortia of States, each State of
20 which has an average population density of less than
21 12.3 persons per square mile, based on data for
22 1993 from the Bureau of the Census.”.

23 (d) Section 1412(b)(6) (42 U.S.C. 300g-1(b)(6)) is
24 amended by adding at the end thereof the following: “The
25 Administrator shall include in the list any technology,

1 treatment technique or other means that is feasible for
2 small public water systems and that achieves compliance
3 with the maximum contaminant level, including (A)
4 packaged or modular systems; and (B) point of entry
5 treatment units that are controlled by the public water
6 system to ensure proper operation and maintenance and
7 compliance with the maximum contaminant level and
8 equipped with mechanical warnings to ensure that cus-
9 tomers are automatically notified of operational prob-
10 lems.”.

11 **SEC. 6. ENFORCEMENT OF DRINKING WATER REGULA-**
12 **TIONS.**

13 (a) IN GENERAL.—Section 1414 (42 U.S.C. 300g–
14 3) is amended to read as follows:

15 “ENFORCEMENT OF DRINKING WATER REGULATIONS

16 “SEC. 1414. (a) CIVIL ENFORCEMENT AUTHOR-
17 ITY.—If, on the basis of information available to the Ad-
18 ministrator, the Administrator finds that a person has vio-
19 lated an applicable requirement and the State with pri-
20 mary enforcement responsibility for the requirement has
21 not commenced or is not diligently prosecuting an enforce-
22 ment action to require compliance with the requirement,
23 the Administrator shall notify the person and the State
24 of the finding and shall issue an order pursuant to sub-
25 section (b) requiring the person to comply with the re-
26 quirement or shall initiate an action for the assessment

1 of an administrative penalty pursuant to subsection (c),
2 or both, or shall initiate a civil action pursuant to sub-
3 section (e).

4 “(b) ADMINISTRATIVE COMPLIANCE ORDERS.—If
5 the Administrator finds that a person has violated an ap-
6 plicable requirement, the Administrator may issue a com-
7 pliance order. A compliance order shall be served by per-
8 sonal service, state with reasonable specificity the nature
9 of the violation, and specify a reasonable time for compli-
10 ance that takes into account the nature of the violation.
11 If an administrative compliance order is issued to a cor-
12 poration, a copy of the compliance order shall be served
13 on any appropriate corporate officer.

14 “(c) ADMINISTRATIVE PENALTY ORDERS.—

15 “(1) IN GENERAL.—If the Administrator finds
16 that a person has violated an applicable requirement,
17 the Administrator may issue a penalty order assess-
18 ing a class I or a class II civil penalty against the
19 person.

20 “(2) PENALTIES.—

21 “(A) CLASS I.—Except as provided in sub-
22 section (d), the Administrator may, after notice
23 and opportunity for hearing (but without regard
24 to chapters 5 and 7 of title 5, United States
25 Code), assess a class I civil penalty under para-

graph (1) in an amount not to exceed \$10,000 per day per violation, except that the maximum amount of a class I civil penalty may not exceed \$25,000.

“(B) CLASS II.—

“(i) IN GENERAL.—Except as provided in subsection (d), the Administrator may, after notice and opportunity for a hearing on the record in accordance with chapters 5 and 7 of title 5, United States Code, assess a class II civil penalty under paragraph (1) in an amount not to exceed \$10,000 per day per violation, except that the maximum amount of a class II civil penalty may not exceed \$200,000.

“(ii) PUBLIC NOTICE AND OPPORTUNITY TO COMMENT.—Before assessing a class II civil penalty under clause (i), the Administrator shall provide public notice of, and reasonable opportunity to comment on, the proposed issuance of such order.

“(3) FINALITY OF ORDERS.—An order assessing a civil penalty under this subsection shall become final 30 days after the order is issued, except that

1 an order issued upon consent shall become final
2 upon issuance.

3 “(4) ELECTION OF CIVIL PENALTY REMEDY.—
4 If a civil penalty is assessed by the Administrator
5 for a violation pursuant to this subsection, an addi-
6 tional penalty may not be assessed by the Adminis-
7 trator or a Federal court pursuant to this section for
8 the same violation.

9 “(5) JUDICIAL REVIEW.—

10 “(A) IN GENERAL.—A person against
11 whom a penalty order is issued under this sub-
12 section, except upon consent, or who com-
13 mented on the proposed assessment of the pen-
14 alty in accordance with paragraph (2)(B)(ii),
15 may obtain review of the order in the United
16 States District Court for the District of Colum-
17 bia or in the district court in the district in
18 which the violation is alleged to have occurred
19 by filing, during the 30-day period beginning on
20 the date the penalty order becomes final, a com-
21 plaint with the court. The person shall simulta-
22 neously send a copy of the complaint by cer-
23 tified mail to the Administrator and the Attor-
24 ney General. The Administrator shall promptly

1 file in the court a certified copy of the record
2 on which the order was issued.

3 “(B) STANDARD OF REVIEW.—The court
4 shall not set aside or remand the order unless
5 the court finds that there is not substantial evi-
6 dence in the record, taken as a whole, to sup-
7 port the finding of a violation or that the as-
8 sessment of the penalty by the Administrator
9 constitutes an abuse of discretion. The court
10 may not impose an additional civil penalty for
11 a violation that is the subject of the assessment
12 by the Administrator unless the court finds that
13 the assessment constitutes an abuse of discre-
14 tion by the Administrator.

15 “(C) FORUM.—Notwithstanding section
16 1448(a)(2), a penalty order issued under this
17 subsection shall be subject to judicial review
18 only under subparagraph (A).

19 “(6) COLLECTION.—If a person fails to pay an
20 assessed civil penalty after the order making the as-
21 sessment has become final, or after a court in an ac-
22 tion brought under paragraph (5) has entered a
23 final judgment in favor of the Administrator, the
24 Administrator shall request the Attorney General to
25 bring a civil action in an appropriate district court

1 to recover the amount assessed (plus interest at cur-
2 rently prevailing rates from the date of the final
3 order or the date of the final judgment, as the case
4 may be). In the action, the validity, amount, and ap-
5 propriateness of the penalty shall not be subject to
6 judicial review. A person who fails to pay on a timely
7 basis the amount of an assessed civil penalty as de-
8 scribed in the first sentence of this paragraph shall
9 be required to pay, in addition to the amount and
10 interest, attorney fees and costs for collection pro-
11 ceedings and a quarterly nonpayment penalty for
12 each quarter during which the failure to pay per-
13 sists. The nonpayment penalty shall be in an amount
14 equal to 20 percent of the aggregate amount of the
15 penalties and nonpayment penalties of the person
16 that are unpaid as of the beginning of the quarter.

17 “(7) SUBPOENAS.—The Administrator, in con-
18 nection with administrative proceedings brought
19 under this subsection or in connection with inves-
20 tigations conducted pursuant to this part, may issue
21 subpoenas for the attendance and testimony of wit-
22 nesses and subpoenas duces tecum, and may request
23 the Attorney General to bring an action to enforce
24 any subpoena under this part. The district courts

1 shall have jurisdiction to enforce the subpoenas and
2 impose sanctions.

3 “(d) FEDERAL FACILITIES.—

4 “(1) MAXIMUM PENALTY AMOUNTS.—The
5 amount of a civil penalty assessed against a Federal
6 agency may exceed the maximum amounts described
7 in subsection (c)(2), but may not exceed \$25,000 per
8 day per violation.

9 “(2) PROCEDURE.—Before a civil penalty order
10 or administrative compliance order issued pursuant
11 to this section applicable to a Federal agency
12 becomes final, the Administrator shall provide the
13 agency an opportunity to confer with the Adminis-
14 trator and shall provide the agency notice and an
15 opportunity for a hearing on the record in accord-
16 ance with chapters 5 and 7 of title 5, United States
17 Code.

18 “(3) PUBLIC REVIEW.—Any interested person
19 may obtain review of a civil penalty order issued
20 pursuant to this subsection to a Federal agency. The
21 review shall be in accordance with the procedures
22 provided under subsection (c)(5) for persons against
23 whom a penalty order is issued under subsection (c).

24 “(e) CIVIL ACTIONS.—

1 “(1) IN GENERAL.—If the Administrator finds
2 that a person has violated an applicable requirement
3 or has failed to comply with an order issued under
4 subsection (b) or section 1431, the Administrator
5 may commence a civil action pursuant to this sub-
6 section for appropriate relief, including a permanent
7 or temporary injunction.

8 “(2) JURISDICTION.—An action under this sub-
9 section may be brought in the district court of the
10 United States for the district in which the defendant
11 is located, resides, or is doing business. The court
12 shall have jurisdiction to restrain any applicable vio-
13 lation and to require compliance with a requirement
14 referred to in paragraph (1). The court may enter
15 such judgment as the protection of public health
16 requires.

17 “(3) PENALTIES.—A person who has violated
18 an applicable requirement or has failed to comply
19 with any order issued under subsection (b) or sec-
20 tion 1431 shall be subject to a civil judicial penalty
21 in an amount not to exceed \$25,000 per day for
22 each violation.

23 “(f) PENALTY FACTORS.—In determining the
24 amount of a civil penalty assessed pursuant to this section,
25 the Administrator or court shall consider the seriousness

1 of each violation, the economic benefit (if any) resulting
2 from the violation, any history of similar violations includ-
3 ing violations that are not part of the current action, any
4 good faith efforts to comply with applicable requirements
5 before the initiation of the civil action, the size of the sys-
6 tem, the economic impact of the penalty on the violator,
7 and such other matters as justice may require.

8 “(g) EFFECT OF ENFORCEMENT ACTION.—Nothing
9 in this section limits the authority of the Administrator
10 to take enforcement action against a person under any
11 other provision or affects the obligation of a person to
12 comply with an applicable requirement or an order issued
13 by the Administrator pursuant to this title (except an
14 order superseding a previous order issued under sub-
15 section (b)).

16 “(h) DEFINITION OF APPLICABLE REQUIREMENT.—
17 As used in this section, the term ‘applicable requirement’
18 means—

19 “(1) a requirement of section 1412, 1415,
20 1416, 1417, 1419, 1441, 1442, 1445, 1447, 1463,
21 1464, 1466, or 1471;

22 “(2) a regulation promulgated pursuant to a
23 section referred to in paragraph (1);

24 “(3) a schedule or requirement imposed pursu-
25 ant to a section referred to in paragraph (1);

1 “(4) a duty to allow access under section
2 1445(b); and

3 “(5) a requirement of, or permit issued, under
4 an applicable State program for which the Adminis-
5 trator has made a determination that the require-
6 ments of section 1413 have been satisfied, or an ap-
7 plicable State program approved pursuant to this
8 part.

9 “(i) VARIANCES AND EXEMPTIONS.—For purposes of
10 this section, compliance with the requirements of a vari-
11 ance granted pursuant to section 1415 or an exemption
12 issued pursuant to section 1416 for any national primary
13 drinking water regulation shall be considered compliance
14 with the regulation during the term of the variance or ex-
15 emption.

16 “(j) CONSOLIDATION INCENTIVE.—

17 “(1) IN GENERAL.—An owner or operator of a
18 public water system may submit to the State in
19 which the system is located (if the State has primary
20 enforcement responsibility pursuant to section 1413)
21 or to the Administrator (if the State does not have
22 primary enforcement responsibility) a plan (includ-
23 ing specific measures and schedules) for—

24 “(A) the physical consolidation of the sys-
25 tem with 1 or more other systems;

1 “(B) the consolidation of significant man-
2 agement and administrative functions of the
3 system with 1 or more other systems; or

4 “(C) the transfer of ownership of the sys-
5 tem that may reasonably be expected to im-
6 prove drinking water quality.

7 “(2) CONSEQUENCES OF APPROVAL.—If the
8 State or the Administrator approves a plan pursuant
9 to paragraph (1) no enforcement action shall be
10 taken pursuant to this part and with respect to a
11 specific violation identified in the approved plan
12 prior to the date that is the earlier of the date that
13 consolidation is completed according to the plan or
14 the date that is 2 years after the plan is approved.

15 “(k) NOTICE OF PUBLIC WATER SYSTEM TO PER-
16 SONS SERVED.—

17 “(1) IN GENERAL.—Each owner or operator of
18 a public water system shall give notice to the per-
19 sons served by the system—

20 “(A) of any failure on the part of the pub-
21 lic water system to—

22 “(i) comply with an applicable maxi-
23 mum contaminant level or treatment tech-
24 nique requirement of, or a testing proce-

1 dure prescribed by, a national primary
2 drinking water regulation; or

3 “(ii) perform monitoring required by
4 section 1445(a); and

5 “(B) if the public water system is subject
6 to a variance granted under section
7 1415(a)(1)(A), 1415(a)(2), or 1415(e) for an
8 inability to meet a maximum contaminant level
9 requirement or is subject to an exemption
10 granted under section 1416, of—

11 “(i) the existence of the variance or
12 exemption; and

13 “(ii) any failure to comply with the
14 requirements of any schedule prescribed
15 pursuant to the variance or exemption.

16 “(2) FORM, MANNER, AND FREQUENCY OF NO-
17 TICE.—

18 “(A) IN GENERAL.—The Administrator
19 shall, by regulation, prescribe the form, man-
20 ner, and frequency for giving notice under this
21 subsection.

22 “(B) VIOLATIONS WITH POTENTIAL TO
23 CAUSE SERIOUS ADVERSE EFFECTS ON HUMAN
24 HEALTH.—Regulations promulgated under this
25 subsection shall specify notification procedures

1 for each violation by a community water system
2 that has the potential to cause serious adverse
3 effects on human health. Each notice of a viola-
4 tion provided under this subparagraph shall—

5 “(i) be distributed as soon as prac-
6 ticable after the violation, but not later
7 than 24 hours after the violation;

8 “(ii) be provided to appropriate broad-
9 cast media;

10 “(iii) be prominently published in a
11 newspaper of general circulation serving
12 the area not later than 1 day after the dis-
13 tribution of a notice pursuant to clause (i),
14 or the date of publication of the next issue
15 of the newspaper;

16 “(iv) provide a clear and readily un-
17 derstandable explanation of—

18 “(I) the violation;

19 “(II) any potential adverse ef-
20 fects on human health;

21 “(III) the steps that the public
22 water system is taking to correct the
23 violation; and

1 “(IV) the necessity of seeking al-
2 ternative water supplies until the vio-
3 lation is corrected; and

4 “(v) be provided to the State agency
5 that has primary enforcement responsibil-
6 ity pursuant to section 1413 and to the
7 Administrator.

8 “(C) NOTICE BY MAIL.—Regulations pro-
9 mulgated under this subsection shall specify
10 that community water systems shall provide no-
11 tice by mail to each customer of the system of
12 any violation of a maximum contaminant level
13 or treatment technique, in the first billing, if
14 any, that occurs after the violation, but not
15 later than 1 year after the violation. The Ad-
16 ministrator shall prescribe the form and man-
17 ner of the notice to ensure a clear and readily
18 understandable explanation of the violation, any
19 potential adverse health effects, the steps that
20 the system is taking to correct the violation,
21 and the necessity to seek alternative water sup-
22 plies, if any, until the violation is corrected.

23 “(D) OTHER VIOLATIONS.—Notice of vio-
24 lations other than violations by a community

1 water system identified under subparagraph (B)
2 shall be—

3 “(i) provided not less frequently than
4 annually and prominently published in a
5 newspaper of general circulation serving
6 the area; and

7 “(ii) provided to the State agency that
8 has primary enforcement responsibility
9 pursuant to section 1413 and to the Ad-
10 ministrator.

11 “(E) VIOLATIONS BY NONCOMMUNITY SYS-
12 TEMS.—The Administrator shall establish ap-
13 propriate procedures for notifying the users or
14 potential users of a noncommunity water sys-
15 tem of violations by the system, including post-
16 ing wherever access to the water of the system
17 is available to the public, if the violation may
18 present a serious threat to human health.

19 “(F) ANNUAL REPORT BY STATE.—Not
20 later than January 1, 1996, and annually there-
21 after, each State that has primary enforcement
22 responsibility pursuant to section 1413 shall
23 publish an annual report on public water sys-
24 tem compliance in the State and submit the re-
25 port to the Administrator.

1 “(G) ANNUAL REPORT BY ADMINIS-
2 TRATOR.—Not later than July 1, 1996, and an-
3 nually thereafter, the Administrator shall sub-
4 mit to Congress an annual report summarizing
5 and evaluating reports submitted by States pur-
6 suant to subparagraph (F) and notices submit-
7 ted by public water systems serving Indian
8 tribes provided to the Administrator pursuant
9 to subparagraph (B) or (D) and making rec-
10 ommendations concerning the resources needed
11 to improve compliance with this title. The re-
12 port shall include information about public
13 water system compliance on Indian reservations
14 and about enforcement activities undertaken
15 and financial assistance provided by the Admin-
16 istrator on Indian reservations, and shall make
17 specific recommendations concerning the re-
18 sources needed to improve compliance with this
19 title on Indian reservations.

20 “(I) NOTICE OF NONCOMPLIANCE WITH SECONDARY
21 DRINKING WATER REGULATIONS.—Whenever, on the
22 basis of information available to the Administrator, the
23 Administrator finds that within a reasonable time after
24 national secondary drinking water regulations have been
25 promulgated, 1 or more public water systems in a State

1 do not comply with the secondary regulations, and that
 2 the noncompliance appears to result from a failure of the
 3 State to take reasonable action to ensure that public water
 4 systems throughout the State meet the secondary regula-
 5 tions, the Administrator shall so notify the State.

6 “(m) STATE AUTHORITY TO ADOPT OR ENFORCE
 7 LAWS OR REGULATIONS.—Nothing in this title shall di-
 8 minish any authority of a State or political subdivision to
 9 adopt or enforce any law or regulation respecting drinking
 10 water regulations or public water systems, but no such law
 11 or regulation shall relieve any person of any requirement
 12 otherwise applicable under this title.”.

13 (b) STATE AUTHORITY FOR ADMINISTRATIVE PEN-
 14 ALTIES.—Section 1413(a) (42 U.S.C. 300g-2(a)) is
 15 amended—

16 (1) by striking “and” at the end of paragraph
 17 (4);

18 (2) by striking the period at the end of para-
 19 graph (5) and inserting “; and”; and

20 (3) by adding at the end the following new
 21 paragraph:

22 “(6) has adopted authority for administrative
 23 penalties comparable to the authority in section
 24 1414(c).”.

1 **SEC. 7. CONTROL OF LEAD IN DRINKING WATER.**

2 (a) FITTINGS AND FIXTURES.—Section 1417 (42
3 U.S.C. 300g-6) is amended—

4 (1) in subsection (a)—

5 (A) by striking paragraph (1) and insert-
6 ing the following new paragraph:

7 “(1) PROHIBITIONS.—

8 “(A) IN GENERAL.—No person may use
9 any pipe, pipe or plumbing fitting or fixture,
10 solder, or flux, after June 19, 1986, in the in-
11 stallation or repair of—

12 “(i) any public water system; or

13 “(ii) any plumbing in a residential or
14 nonresidential facility providing water for
15 human consumption,

16 that is not lead free (within the meaning of
17 subsections (d) and (e)(4)).

18 “(B) LEADED JOINTS.—Subparagraph (A)
19 shall not apply to leaded joints necessary for
20 the repair of cast iron pipes.”;

21 (B) in paragraph (2)(A), by inserting after
22 “Each” the following: “owner or operator of a”;
23 and

24 (C) by adding at the end the following new
25 paragraph:

1 “(3) UNLAWFUL ACTS.—Effective 2 years after
2 the date of enactment of this paragraph, it shall be
3 unlawful—

4 “(A) for any person to introduce into com-
5 merce any pipe or pipe or plumbing fitting or
6 fixture that is not lead free;

7 “(B) for any person engaged in the busi-
8 ness of selling plumbing supplies, except manu-
9 facturers, to sell solder or flux that is not lead
10 free; or

11 “(C) for any person to introduce into com-
12 merce any solder or flux that is not lead free
13 unless the solder or flux bears a prominent
14 label stating that it is illegal to use the solder
15 or flux in the installation or repair of any
16 plumbing providing water for human consump-
17 tion.”;

18 (2) in subsection (d)—

19 (A) by striking “For” and inserting “Ex-
20 cept as provided in subsection (e)(4), for”; and

21 (B) in paragraph (2), by striking “pipe fit-
22 tings” each place it appears and inserting “pipe
23 and plumbing fittings and fixtures”; and

24 (3) by adding at the end the following new sub-
25 sections:

1 “(e) PLUMBING FITTINGS AND FIXTURES.—

2 “(1) IN GENERAL.—The Administrator shall
3 provide accurate and timely technical information
4 and assistance to qualified third-party certifiers in
5 the development of voluntary standards and testing
6 protocols for the leaching of lead from new plumbing
7 fittings and fixtures that are intended by the manu-
8 facturer to dispense water for human ingestion.

9 “(2) STANDARDS.—

10 “(A) IN GENERAL.—If a voluntary stand-
11 ard for the leaching of lead is not established
12 by the date that is 1 year after the date of en-
13 actment of this subsection, the Administrator
14 shall, not later than 2 years after the date of
15 enactment of this subsection, promulgate regu-
16 lations setting a health-effects-based perform-
17 ance standard establishing maximum leaching
18 levels from new plumbing fittings and fixtures
19 that are intended by the manufacturer to dis-
20 pense water for human ingestion. The standard
21 shall become effective on the date that is 5
22 years after the date of promulgation of the
23 standard.

24 “(B) ALTERNATIVE REQUIREMENT.—If
25 regulations are required to be promulgated

1 under subparagraph (A) and have not been pro-
2 mulgated by the date that is 5 years after the
3 date of enactment of this subsection, no person
4 may import, manufacture, process, or distribute
5 in commerce a new plumbing fitting or fixture,
6 intended by the manufacturer to dispense water
7 for human ingestion, that contains more than 4
8 percent lead by dry weight.

9 “(f) WATER WELL PUMPS AND WATER WELL SYS-
10 TEM COMPONENT PARTS.—

11 “(1) The Administrator shall, within one year
12 from the date of enactment, complete a report re-
13 viewing data and information on the leaching of lead
14 from water well pumps and water well system com-
15 ponent parts (not to include above-ground pipes,
16 pipe fittings and fixtures specified under subsection
17 (e)) that come into contact with drinking water and
18 the adequacy of voluntary consensus standards for
19 protecting the health of persons from the leaching of
20 lead. In conducting a review under this paragraph,
21 the Administrator shall identify the potential health
22 risks to children and other vulnerable subpopulations
23 associated with water well pumps and water well
24 system component parts.

1 “(2) Not later than two years after the date of
2 enactment of this paragraph, if the Administrator
3 determines that a voluntary consensus standard is
4 not effectively protecting the health of persons, then
5 the Administrator shall establish a health-effects
6 based performance standard and testing protocol for
7 the maximum leaching of lead from water well
8 pumps and water well system components parts (not
9 to include above-ground pipes, pipe fittings and fix-
10 tures specified under subsection (e)) in water well
11 systems that come into contact with drinking water.

12 “(3) It shall be a violation of this Act to im-
13 port, manufacture, sell, distribute or install a water
14 well pump or water well system component parts
15 (not to include above-ground pipes, pipe fittings and
16 fixtures specified in subsection (e)) that leach lead
17 above the maximum level identified in the standard
18 established by the Administrator under paragraph
19 (2).

20 “(4) Not later than 180 days after the date of
21 enactment of this subsection, the Administrator shall
22 request information as is reasonably required to as-
23 sist the administrator in carrying out the require-
24 ments of this subsection.

1 “(5) REPORT ON LEAKING OIL FROM SUBMERS-
2 IBLE WELL PUMPS.—

3 “(A) STUDY.—Not later than 1 year after
4 the date of enactment of this subsection, the
5 Administrator shall complete a study that—

6 “(i) reviews data and information on
7 the leaking of oil, including nonfood grade
8 oil and food grade oil, and polychlorinated
9 biphenyls from well pumps that come into
10 contact with drinking water in private
11 wells and wells in public water systems;
12 and

13 “(ii) identifies potential health risks
14 from the leaking oil and polychlorinated
15 biphenyls in wells.

16 “(B) REPORT.—Not later than 18 months
17 after the date of enactment of this subsection,
18 the Administrator shall publish a report, to be
19 provided to the environmental agency of each
20 State for distribution to the public, that—

21 “(i) identifies each pump that pre-
22 sents a health risk referred to in subpara-
23 graph (A), including the manufacturer and
24 model number of the pump; and

1 “(ii) provides recommendations on
 2 precautions to be taken to avoid the risk,
 3 such as the replacement of the pump,
 4 cleaning of the well and plumbing system
 5 in which the pump is located, and testing
 6 of the well after the removal of the
 7 pump.”.

8 (b) RECORDS AND INSPECTIONS.—Subparagraph (A)
 9 of section 1445(a)(1) (42 U.S.C. 300j-4(a)(1)) (as des-
 10 ignated by section 4(g)(1)(A)) is amended by striking
 11 “Every person” and all that follows through “is a grant-
 12 ee,” and inserting “Every person who is subject to any
 13 requirement of this title or who is a grantee”.

14 **SEC. 8. RADON IN DRINKING WATER.**

15 Part B (42 U.S.C. 300g et seq.) (as amended by sec-
 16 tion 5(b)(2)) is further amended by adding at the end the
 17 following new section:

18 “RADON IN DRINKING WATER

19 “SEC. 1419. (a) REGULATIONS FOR RADON IN
 20 DRINKING WATER.—Notwithstanding any other provision
 21 of this title or any other Federal law, not later than 1
 22 year after the date of enactment of this section, the Ad-
 23 ministrator shall promulgate national primary drinking
 24 water regulations for radon.

25 “(b) RADON STANDARD.—

1 “(1) MAXIMUM CONTAMINANT LEVEL.—The
2 regulations promulgated pursuant to subsection (a)
3 shall specify a maximum contaminant level goal and
4 a maximum contaminant level determined pursuant
5 to section 1412(b).

6 “(2) ALTERNATIVE CONTAMINANT LEVEL.—
7 Notwithstanding the requirements of section
8 1412(b), the regulations promulgated pursuant to
9 subsection (a) shall—

10 “(A) specify an alternative contaminant
11 level that—

12 “(i) results in a radon concentration
13 level in indoor air from drinking water that
14 is equivalent to the national average con-
15 centration in outdoor air; or

16 “(ii) is not less than 50 percent of the
17 national level specified in clause (i), reflect-
18 ing consideration of risks other than risks
19 from radon in ambient air, including risks
20 from ingestion of radon in drinking water
21 and episodic uses of drinking water, if the
22 National Academy of Sciences considers it
23 appropriate to include the risk referred to
24 in this clause;

1 “(B) specify a period of compliance of 3
2 years; and

3 “(C) require compliance pursuant to para-
4 graph (3).

5 “(3) ALTERNATIVE COMPLIANCE PROGRAMS.—

6 A public water system may comply with the alter-
7 native contaminant level specified in paragraph (2)
8 in lieu of the maximum contaminant level estab-
9 lished pursuant to paragraph (1) if the system is—

10 “(A) located in a State that is implement-
11 ing a program to reduce radon in indoor air or
12 is receiving State grant assistance for the pro-
13 gram pursuant to section 306 of the Toxic Sub-
14 stances Control Act (15 U.S.C. 2666); or

15 “(B) implementing a service area alter-
16 native compliance program pursuant to sub-
17 section (c).

18 “(c) SERVICE AREA ALTERNATIVE COMPLIANCE
19 PROGRAM.—

20 “(1) IN GENERAL.

21 “(A) SUBMITTAL OF PROGRAM.—The ap-
22 propriate official of a public water system that
23 proposes to carry out an alternative compliance
24 program shall submit a program to the State
25 agency that has primary enforcement respon-

1 sibility pursuant to section 1413 or another ap-
2 propriate State agency designated by the Gov-
3 ernor.

4 “(B) PUBLIC REVIEW AND COMMENT.—

5 The appropriate official of the public water sys-
6 tem shall provide opportunity for public review
7 and comment on the program prior to the sub-
8 mittal of the program to the State pursuant to
9 subparagraph (A) and shall provide to the State
10 a summary of public comments concerning the
11 program.

12 “(C) REVIEW BY STATE.—

13 “(i) IN GENERAL.—Not later than
14 180 days after the date of submittal of the
15 program, the appropriate official of the
16 State shall review and approve the pro-
17 gram if the program is consistent with the
18 requirements of this section.

19 “(ii) REVIEW BY ADMINISTRATOR.—

20 The Administrator shall, at the request of
21 a State, review and approve a program
22 submitted to the State pursuant to this
23 subparagraph.

24 “(2) EDUCATIONAL MATERIAL.—Each alter-
25 native compliance program referred to in paragraph

1 (1)(A) shall provide for the distribution to each resi-
2 dential customer, not later than 1 year after the ap-
3 proval by the State of the program and every 5
4 years thereafter, educational material concerning
5 radon.

6 “(3) TESTING FOR RADON IN INDOOR AIR.—

7 “(A) IN GENERAL.—Each alternative com-
8 pliance program referred to in paragraph
9 (1)(A) shall provide for testing of radon in in-
10 door air (or evidence that the resident declined
11 to have the residence tested) in not less than 50
12 percent of the residences of residential cus-
13 tomers served by the public water system as ex-
14 peditiously as practicable, but not later than 5
15 years after the date of approval of an alter-
16 native compliance program pursuant to this
17 subsection.

18 “(B) REQUIREMENT FOR TESTING.—Test-
19 ing for radon in indoor air conducted pursuant
20 to this paragraph shall be conducted by a per-
21 son certified as proficient in conducting testing
22 for radon in air by the Administrator.

23 “(4) RADON NEW CONSTRUCTION STAND-
24 ARDS.—Each program developed pursuant to this
25 subsection shall include the adoption, prior to ap-

1 proval of the program, of enforceable mechanisms
2 requiring compliance with radon new home construc-
3 tion standards established by the Administrator pur-
4 suant to section 304 of the Toxic Substances Con-
5 trol Act (15 U.S.C. 2664) for each new home to be
6 served by the public water system that is the subject
7 of the program beginning on the date that is 2 years
8 after the date of adoption of the mechanisms.

9 “(5) ASSESSMENT AND EVALUATION.—

10 “(A) SUBMITTAL OF ASSESSMENTS.—Each
11 public water system with a program approved
12 by a State pursuant to this subsection shall re-
13 port on program implementation to the State
14 not later than 5 years after the date of approval
15 of the program, and every 5 years thereafter.

16 “(B) PROGRAM DISAPPROVAL.—In any
17 case in which a State or the Administrator de-
18 termines that a public water system has not
19 fully complied with the requirements of this
20 subsection, the State or the Administrator
21 shall—

22 “(i) notify the public water system of
23 the determination; and

24 “(ii) disapprove the alternative com-
25 pliance program not later than 1 year after

1 providing notice pursuant to clause (i), un-
2 less the system takes sufficient corrective
3 action.

4 “(C) COMPLIANCE.—A public water sys-
5 tem for which an alternative compliance pro-
6 gram is disapproved shall comply with the max-
7 imum contaminant level for radon (as deter-
8 mined by the regulations promulgated under
9 subsection (a)) not later than 3 years after the
10 date of disapproval by the Administrator or the
11 State.

12 “(6) ROLE OF STATE.—A State may assume
13 some or all of the responsibilities of carrying out an
14 alternative compliance program approved pursuant
15 to this subsection.

16 “(d) REPORT.—

17 “(1) IN GENERAL.—Not later than 7 years
18 after the date of enactment of this section, the Ad-
19 ministrator shall submit a report to Congress that
20 assesses and evaluates the implementation of the
21 regulations promulgated pursuant to subsection (a).

22 “(2) CONTENTS OF REPORT.—The report
23 shall—

24 “(A) identify the number of public water
25 systems that are in violation of a maximum

1 contaminant level or alternative contaminant
2 level established pursuant to the regulations;

3 “(B) identify the number of programs of
4 public water systems approved by a State pur-
5 suant to this subsection and the number of
6 States receiving grant assistance under section
7 306 of the Toxic Substances Control Act (15
8 U.S.C. 2666);

9 “(C) evaluate the implementation of the
10 public water system and State programs; and

11 “(D) estimate the overall change in radon
12 exposure attained as a result of alternative
13 compliance programs and State radon pro-
14 grams.

15 “(e) RESIDENTIAL CUSTOMER DEFINED.—As used
16 in this section, the term ‘residential customer’ means a
17 customer of a public water system that occupies a resi-
18 dence other than an apartment located above the first
19 story of a building.”.

20 **SEC. 9. WATER QUALITY PROTECTION PARTNERSHIP.**

21 (a) SOURCE WATER QUALITY PROTECTION.—Part B
22 (42 U.S.C. 300g et seq.) (as amended by section 8) is fur-
23 ther amended by adding at the end the following new sec-
24 tion:

1 “SOURCE WATER QUALITY PROTECTION

2 “SEC. 1420. (a) SOURCE WATER QUALITY PROTEC-
3 TION PETITION PROGRAM.—

4 “(1) IN GENERAL.—

5 “(A) ESTABLISHMENT.—A State may es-
6 tablish a program under which an owner or op-
7 erator of a community water system of the
8 State, or a municipal or local government or po-
9 litical subdivision of the government in the
10 State, may submit a water quality protection
11 petition to the State requesting that the State
12 assist in addressing—

13 “(i) the origins of drinking water con-
14 taminants of public health concern, includ-
15 ing to the extent practicable the specific
16 activities, that affect the drinking water
17 supply of a community; and

18 “(ii) the financial or technical limita-
19 tions that impair the ability of a commu-
20 nity water system to provide drinking
21 water that complies with a national pri-
22 mary drinking water regulation for—

23 “(I) a contaminant listed under
24 this title; or

1 “(II) an unregulated contaminant
2 for which the Administrator has de-
3 termined that there is an urgent
4 threat to public health pursuant to
5 section 1412(b)(3)(G).

6 “(B) FUNDING.—The State may provide
7 assistance in response to the petition using
8 funds referred to in subsections (b)(2)(C) and
9 (c).

10 “(2) GOAL.—The objective of a petition submit-
11 ted under this subsection shall be to seek assistance
12 from the State in directing or redirecting resources
13 under Federal or State water quality programs to
14 establish voluntary, incentive-based partnerships in
15 order to address the origins of drinking water con-
16 taminants of public health concern, including to the
17 extent practicable the specific activities, that affect
18 the drinking water supply of a community.

19 “(3) CONTENTS OF PETITION.—A petition sub-
20 mitted under this subsection shall, at a minimum—

21 “(A) include a delineation of the source
22 water area in the State that is the subject of
23 the petition;

24 “(B) identify the origins of the drinking
25 water contaminants of public health concern,

1 including to the extent practicable the specific
2 activities, in the source water area delineated
3 under subparagraph (A);

4 “(C) identify any deficiencies in informa-
5 tion that will inhibit the identification of signifi-
6 cant origins of drinking water contaminants of
7 public health concern; and

8 “(D) identify any public participation solici-
9 ted from affected persons in the source water
10 area delineated under subparagraph (A), includ-
11 ing—

12 “(i) voluntary efforts to address the
13 origins of the drinking water contaminants
14 of public health concern, including specific
15 activities; and

16 “(ii) the assistance that may be need-
17 ed to facilitate the efforts.

18 “(b) APPROVAL OR DISAPPROVAL OF PETITIONS.—

19 “(1) IN GENERAL.—After providing notice and
20 an opportunity for public comment on a petition
21 submitted under subsection (a), the State shall ap-
22 prove or disapprove in whole or in part the petition
23 in an expeditious manner.

24 “(2) APPROVAL.—The State may approve a pe-
25 tition if the petition meets the requirements estab-

1 lished under subsection (a). The notice of approval
2 shall, at a minimum, include—

3 “(A) a determination that the drinking
4 water contaminants referred to in the petition
5 pose a public health concern;

6 “(B) a description of the options available,
7 including voluntary measures and practices, for
8 the protection of source waters to address the
9 problems described in the petition;

10 “(C) an identification of technical or finan-
11 cial assistance that the State will provide to as-
12 sist in addressing the drinking water contami-
13 nants of public health concern based on—

14 “(i) the relative priority of the public
15 health concern identified in the petition as
16 compared to the other water quality needs
17 identified by the State;

18 “(ii) any appropriate studies or as-
19 sessments that are available to identify sig-
20 nificant origins of drinking water contami-
21 nants of public health concern;

22 “(iii) any necessary coordination that
23 the State will perform of the program es-
24 tablished under this section with programs

1 implemented or planned by other States
2 under this section; and

3 “(iv) funds available (including funds
4 available from a State revolving loan fund
5 established under title VI of the Federal
6 Water Pollution Control Act (33 U.S.C.
7 1381 et seq.) or part G) and the appro-
8 priate distribution of the funds to assist in
9 addressing the problems described in the
10 petition;

11 “(D) a description of Federal and State
12 programs available to assist in addressing the
13 problems described in the petition, including—

14 “(i) any program established under
15 the Federal Water Pollution Control Act
16 (33 U.S.C. 1251 et seq.);

17 “(ii) the program established under
18 section 6217 of the Coastal Zone Act Re-
19 authorization Amendments of 1990 (16
20 U.S.C. 1455b);

21 “(iii) the agricultural water quality
22 protection program established under chap-
23 ter 2 of subtitle D of title XII of the Food
24 Security Act of 1985 (16 U.S.C. 3838 et
25 seq.);

1 “(iv) the sole source aquifer protection
2 program established under section 1427;

3 “(v) the community wellhead protec-
4 tion program established under section
5 1428;

6 “(vi) any pesticide or ground water
7 management plan; and

8 “(vii) any abandoned well closure pro-
9 gram;

10 “(E) a description of activities that will be
11 undertaken to coordinate Federal and State
12 programs to respond to the petition; and

13 “(F) a description of alternative manage-
14 ment measures or treatment techniques and
15 other strategies, including an evaluation of the
16 costs associated with each alternative, and a de-
17 scription of sources of funding available to im-
18 plement the alternative.

19 “(3) DISAPPROVAL.—If the State disapproves a
20 petition submitted under subsection (a), the State
21 shall notify the entity submitting the petition in
22 writing of the reasons for disapproval. A petition
23 may be resubmitted at any time if new information
24 becomes available or conditions affecting the source
25 water that is the subject of the petition change.

1 “(c) ELIGIBILITY FOR WATER QUALITY PROTECTION
2 ASSISTANCE.—A sole source aquifer plan developed pursu-
3 ant to section 1427, a wellhead protection plan developed
4 pursuant to section 1428, and a source water quality pro-
5 tection measure assisted in response to a petition submit-
6 ted under subsection (a) shall be eligible for assistance
7 under the Federal Water Pollution Control Act (33 U.S.C.
8 1251 et seq.), including assistance provided under section
9 319 and title VI of such Act (33 U.S.C. 1329 and 1381
10 et seq.), in the same manner as a project, measure, or
11 practice identified in a State plan under such section 319
12 is eligible for assistance under such Act. In the case of
13 funds made available under such section 319 to assist a
14 source water quality protection measure in response to a
15 petition submitted under subsection (a), the funds may be
16 used only for a measure that addresses nonpoint source
17 pollution.

18 “(d) GRANTS TO SUPPORT STATE PROGRAMS.—

19 “(1) IN GENERAL.—The Administrator is au-
20 thorized to make grants to each State that estab-
21 lishes a program under this section that is approved
22 under paragraph (2). The amount of each grant
23 shall not exceed 50 percent of the cost of admin-
24 istering the petition program for the year in which
25 the grant is available.

1 “(2) APPROVAL.—As a condition of receiving
2 grant assistance under this subsection, a State shall
3 submit to the Administrator for approval a source
4 water protection petition program that is consistent
5 with the guidance published under paragraph (3).

6 “(3) GUIDANCE.—Not later than 1 year after
7 the date of enactment of this section, the Adminis-
8 trator shall publish guidance to assist States in the
9 development of a source water protection petition
10 program. The guidance shall, at a minimum—

11 “(A) recommend procedures for the ap-
12 proval by a State of a source water protection
13 petition submitted under subsection (a);

14 “(B) recommend procedures by which a
15 community water system may submit a source
16 water protection petition developed under sub-
17 section (a);

18 “(C) recommend criteria for the delineation of source water protection areas within a
19 State; and
20 State; and

21 “(D) describe sources of funding that are
22 available to develop and respond to source
23 water protection petitions.

24 “(4) AUTHORIZATION OF APPROPRIATIONS.—
25 There are authorized to be appropriated to carry out

1 this subsection such sums as are necessary for each
 2 of fiscal years 1995 through 2000. Each State with
 3 a program approved under paragraph (2) shall re-
 4 ceive an equitable portion of the funds available for
 5 any fiscal year.”.

6 (b) CRITICAL AQUIFER PROTECTION.—Section 1427
 7 (42 U.S.C. 300h-6) is amended—

8 (1) by striking subsections (a) and (b) and in-
 9 serting the following new subsections:

10 “(a) PURPOSE.—The purpose of this section is to
 11 support and assist the establishment of programs for the
 12 protection of critical aquifer protection areas.

13 “(b) DEFINITION OF CRITICAL AQUIFER PROTEC-
 14 TION AREA.—As used in this section, the term ‘critical
 15 aquifer protection area’ means an area that contains
 16 ground water that—

17 “(1) is the principal source of supply to a pub-
 18 lic water system;

19 “(2) if contaminated, would create a significant
 20 hazard to public health; and

21 “(3) satisfies the criteria established pursuant
 22 to subsection (d).”;

23 (2) in subsection (c)—

24 (A) in the first sentence—

25 (i) by striking “State,”;

1 (ii) by striking “the Administrator”
 2 and inserting “a State with a program
 3 pursuant to section 1420”; and

4 (iii) by striking “selection of such
 5 area for a demonstration program” and in-
 6 serting “approval of an application for the
 7 designation of the area”; and

8 (B) by striking the last sentence; and

9 (3) in the first sentence of subsection (n), by
 10 adding at the end the following:

“1992–200020,000,000.”.

11 (c) WELLHEAD PROTECTION AREAS.—

12 (1) APPLICATIONS.—Section 1428(a) (42
 13 U.S.C. 300h–7(a)) is amended by striking “shall,
 14 within 3 years of the date of enactment of the Safe
 15 Drinking Water Act Amendments of 1986,” and in-
 16 serting “may”.

17 (2) AUTHORIZATION OF APPROPRIATIONS.—
 18 Section 1428(k) (42 U.S.C. 300h–7(k)) is amended
 19 by adding at the end the following:

“1992–200035,000,000.”.

20 **SEC. 10. EMERGENCY POWERS.**

21 Section 1431 (42 U.S.C. 300i) is amended—

22 (1) in subsection (a)—

23 (A) by striking “(a)”;

1 (B) in the first sentence, by striking “and
 2 that appropriate State and local authorities
 3 have not acted to protect the health of such
 4 persons” and inserting “and upon providing
 5 concurrent notice to appropriate State and local
 6 officials”;

7 (C) by striking the second sentence; and

8 (D) in the last sentence, by inserting “or
 9 to restore or protect the public water system or
 10 underground source of drinking water” after
 11 “endangerment,”; and
 12 (2) by striking subsection (b).

13 **SEC. 11. DRINKING WATER RESEARCH, EDUCATION, AND**
 14 **CERTIFICATION.**

15 Section 1442 (42 U.S.C. 300j-1) (as amended by sec-
 16 tion 5(c)) is further amended—

17 (1) by redesignating paragraph (3) of sub-
 18 section (b) as paragraph (3) of subsection (d) and
 19 moving such paragraph to appear after paragraph
 20 (2) of subsection (d);

21 (2) by striking subsection (b) (as so amended);

22 (3) by redesignating subparagraph (B) of sub-
 23 section (a)(2) as subsection (b) and moving such
 24 subsection to appear after subsection (a);

25 (4) in subsection (a)—

1 (A) by striking paragraph (2) (as so
2 amended) and inserting the following new para-
3 graph:

4 “(2) INFORMATION AND RESEARCH FACILI-
5 TIES.—In carrying out this title, the Administrator
6 is authorized to—

7 “(A) collect and make available informa-
8 tion pertaining to research, investigations, and
9 demonstrations with respect to providing a de-
10 pendably safe supply of drinking water, to-
11 gether with appropriate recommendations in
12 connection with the information; and

13 “(B) make available research facilities of
14 the Agency to appropriate public authorities, in-
15 stitutions, and individuals engaged in studies
16 and research relating to this title.”;

17 (B) by striking paragraph (3) and insert-
18 ing the following new paragraph:

19 “(3) SCIENTIFIC BASIS FOR DECISIONS.—

20 “(A) IN GENERAL.—In carrying out this
21 title, the Administrator shall use the best avail-
22 able peer-reviewed science and supporting stud-
23 ies conducted in accordance with sound and ob-
24 jective scientific practices.

1 “(B) PUBLIC INFORMATION.—In carrying
2 out this title, the Administrator shall ensure
3 that the presentation of information on public
4 health effects is complete and informative. The
5 Administrator shall, in a document made avail-
6 able to the public in support of a regulation is-
7 sued under this title, specify, to the extent fea-
8 sible—

9 “(i) each population addressed by any
10 estimate of public health effects;

11 “(ii) the expected risk or central esti-
12 mate of risk for the specific population;

13 “(iii) each appropriate upper-bound or
14 lower-bound estimate of risk;

15 “(iv) each uncertainty identified in the
16 process of the assessment of public health
17 effects and future research that is nec-
18 essary to address the uncertainty; and

19 “(v) any study known to the Adminis-
20 trator that supports or fails to support any
21 estimate of public health effects, including
22 the methodology used to reconcile varying
23 scientific data.”; and

24 (C) by adding at the end the following new
25 paragraph:

1 “(12) AUTHORIZATION OF APPROPRIATIONS.—

2 There are authorized to be appropriated to carry out
3 this subsection and subsection (h) \$25,000,000 for
4 each of fiscal years 1994 through 2000.”;

5 (5) in subsection (b) (as so amended)—

6 (A) by striking “subparagraph” each place
7 it appears and inserting “subsection”; and

8 (B) by adding at the end the following new
9 sentence: “There are authorized to be appro-
10 priated to carry out this subsection \$8,000,000
11 for each of fiscal years 1995 through 2000.”;

12 (6) in the first sentence of subsection (c), by
13 striking “eighteen months after the date of enact-
14 ment of this subsection” and inserting “2 years
15 after the date of enactment of the Safe Drinking
16 Water Act Amendments of 1994, and every 5 years
17 thereafter”;

18 (7) in subsection (d) (as amended by paragraph
19 (1))—

20 (A) in paragraph (1), by striking “, and”
21 at the end and inserting a semicolon;

22 (B) in paragraph (2), by striking the pe-
23 riod at the end and inserting “; and”;

1 (C) by adding after paragraph (3) (as re-
2 designated by paragraph (1)) the following new
3 paragraph:

4 “(4) develop and maintain a system for fore-
5 casting the supply of, and demand for, various pro-
6 fessional occupational categories and other occupa-
7 tional categories needed for the protection and treat-
8 ment of drinking water in each region of the United
9 States.”; and

10 (D) by adding at the end the following new
11 sentence: “There are authorized to be appro-
12 priated to carry out this subsection
13 \$10,000,000 for each of fiscal years 1994
14 through 2000.”;

15 (8) by striking subsection (e) and inserting the
16 following new subsection:

17 “(e) CERTIFICATION OF OPERATORS AND LABORA-
18 TORIES.—

19 “(1) REQUIREMENT.—The principal operator of
20 each community and noncommunity water systems
21 serving nontransient populations and any laboratory
22 conducting tests pursuant to this title, and such ad-
23 ditional personnel as may be designated by the Ad-
24 ministrator, shall be required to be certified as pro-

1 ficient pursuant to this section by a State or the Ad-
2 ministrator.

3 “(2) EFFECTIVE DATE.—The requirement re-
4 ferred to in paragraph (1) shall become effective on
5 the date that is 4 years after the date of enactment
6 of the Safe Drinking Water Act Amendments of
7 1994.

8 “(3) GUIDELINES.—Not later than 2 years
9 after the date of enactment of the Safe Drinking
10 Water Act Amendments of 1994, the Administrator
11 shall publish guidelines developed in consultation
12 with the States describing minimum standards for
13 certification of the proficiency of operators and other
14 appropriate personnel by a State pursuant to this
15 subsection.

16 “(4) NONCOMPLIANCE.—Effective beginning
17 October 1, 1999, if the Administrator determines
18 that the certification program implemented by a
19 State lacks a major element identified in the guid-
20 ance published pursuant to paragraph (3) or an ele-
21 ment of the program is substantially inconsistent
22 with the guidelines established in paragraph (3), the
23 Administrator shall withhold a percentage (pre-
24 scribed in the second sentence) of the capitalization
25 grant made to the State pursuant to part G. The

1 percentage withheld shall be 10 percent for fiscal
2 year 1999, 30 percent for fiscal year 2000, and 50
3 percent for each subsequent fiscal year.”;

4 (9) in subsection (g)—

5 (A) in the second sentence, by inserting
6 “and multi-State regional technical assistance”
7 after “‘circuit rider’”; and

8 (B) in the third sentence, by striking
9 “1987 through 1991” and inserting “1994
10 through 2000. If the Administrator makes a
11 grant to a non-profit organization to provide
12 technical assistance under this section, the Ad-
13 ministrator shall assure that the program ad-
14 ministered by the non-profit organization, in
15 combination with other grants under this sec-
16 tion, provides technical assistance among the
17 States in an equitable manner. A non-profit or-
18 ganization conducting any activities supported
19 by a grant under this subsection, shall consult
20 with the State agency having primary enforce-
21 ment responsibility under section 1413 on the
22 activities to be conducted in the State”; and

23 (10) by adding at the end the following new
24 subsections:

25 “(i) RESEARCH.—

1 “(1) IN GENERAL.—In conducting research
2 under this section, the Administrator shall conduct
3 studies to—

4 “(A) determine the levels and national dis-
5 tributions of contaminants in drinking water
6 that have adverse effects on human populations;

7 “(B) develop more reliable and cost-effec-
8 tive monitoring methods to identify and charac-
9 terize drinking water contaminants;

10 “(C) determine the diseases drinking water
11 contaminants likely cause;

12 “(D) identify other sources of exposure
13 that exist for the hazardous agents found in
14 drinking water and whether drinking water is a
15 major or minor contributor to the overall expo-
16 sure to the hazardous agents;

17 “(E) develop improved technologies and al-
18 ternative strategies for treating water, particu-
19 larly for small systems, that emphasize risk re-
20 duction; and

21 “(F) evaluate the relative risks, costs, and
22 benefits of each strategy to provide safe drink-
23 ing water to citizens of the United States.

1 “(2) RISK ASSESSMENT RESEARCH.—In carry-
2 ing out paragraph (1), the Administrator shall con-
3 duct research necessary to—

4 “(A) develop a more accurate, coordinated
5 national data base on the occurrence of con-
6 taminants (including chemicals, microbes, and
7 radiologics) in drinking water, as well as in air,
8 food, and other media;

9 “(B) understand the mechanisms by which
10 chemical contaminants are absorbed, distrib-
11 uted, metabolized, and eliminated from the
12 human body, so as to develop more accurate
13 physiologically based models of the phenomena;

14 “(C) understand the effects of contami-
15 nants referred to in subparagraph (A) and the
16 mechanisms by which the contaminants cause
17 adverse effects (especially noncancer and infec-
18 tious effects) and the variations in the effects
19 among humans, especially sensitive subpopula-
20 tions, and from test animals to humans;

21 “(D) develop new tools, such as
22 biomarkers, to allow epidemiological studies of
23 higher resolution so as to confirm the pre-
24 dictions of health hazards to humans that are
25 derived from animal studies; and

1 “(E) develop new approaches to the study
2 of complex mixtures, such as mixtures found in
3 drinking water, especially to determine the
4 prospects for synergistic or antagonistic inter-
5 actions that may affect the shape of the dose-
6 response relationship of the individual chemicals
7 and microbes, and to examine noncancer
8 endpoints and infectious diseases, and suscep-
9 tible individuals and subpopulations.

10 “(3) STUDIES.—In carrying out paragraph (1),
11 the Administrator shall—

12 “(A) conduct studies on the relative risks
13 of alternative disinfectants and the byproducts
14 of the disinfectants;

15 “(B) conduct studies on the microorga-
16 nisms that occur in drinking water and surveys
17 to identify highly susceptible populations that
18 are at greater risk of disease because of the
19 microorganisms found in drinking water;

20 “(C) conduct social science studies to bet-
21 ter evaluate how to weigh and analyze compet-
22 ing risks, such as risks associated with chemical
23 exposures versus microbial exposures in drink-
24 ing water;

1 “(D) establish a national data base that
2 describes the occurrences of the synthetic or-
3 ganic chemicals found in drinking water, and
4 conduct studies to identify the relative contribu-
5 tions of the chemicals from poor quality source
6 water, highly treated wastewaters considered
7 for direct reuse, treatment processes, and mate-
8 rials used in plumbing or distribution systems;

9 “(E) conduct studies on inorganic and syn-
10 thetic organic chemicals to evaluate the effects
11 of treatment processes, such as coagulation and
12 chemical oxidation, on the level and toxic effects
13 of chemicals in drinking water and the potential
14 risks associated with the disposal of sludges and
15 other wastes resulting from drinking water
16 treatment; and

17 “(F) develop microbial models to predict
18 the impact of waterborne microorganisms on
19 community health, assess the costs and benefits
20 of control strategies, evaluate competing risks,
21 and develop and implement risk management
22 decisions.

23 “(4) PRIORITIZATION.—Congress finds that re-
24 search conducted under this section will be costly
25 and will require years to achieve. In light of the

1 costs, a high priority for research under this section
2 should be placed on any substance in drinking water
3 that meets the following criteria:

4 “(A) The concentrations at which the sub-
5 stance is commonly found in drinking water are
6 sufficiently high to suggest that the substance
7 may significantly impact the public health as
8 judged by then current risk assessments.

9 “(B) There is significant concern over the
10 accuracy of then current assessments.

11 “(C) Viable and compelling hypotheses can
12 be proposed concerning potential mechanisms of
13 action that are amenable to testing.

14 “(D) Measurement of the substance and,
15 in the case of a chemical, the important
16 metabolites of the substance, in the body is fea-
17 sible.

18 “(E) There is significant concern over the
19 substance such that there is a need to develop
20 methods to measure the substance or the im-
21 portant metabolites of the substance, or both.

22 “(F) Regulation has the potential of im-
23 posing adverse impacts on public health, such
24 as dictating the use of a water treatment proc-

1 ess that is less well proven or potentially more
2 toxic than the process in use.

3 “(5) RISK CHARACTERIZATION AND RISK MAN-
4 AGEMENT.—

5 “(A) IN GENERAL.—The Administrator
6 shall develop an integrated risk characterization
7 strategy for drinking water quality.

8 “(B) DEADLINES.—The strategy shall
9 be—

10 “(i) submitted to Congress not later
11 than 1 year after the date of enactment of
12 this subsection; and

13 “(ii) revised every 3 years thereafter.

14 “(C) PURPOSES.—The strategy shall—

15 “(i) define the policy of the Adminis-
16 trator for drinking water protection;

17 “(ii) describe the plans of the Admin-
18 istrator to conduct research, over the 12-
19 to 15-year period beginning on the date of
20 the submission or revision, to resolve the
21 uncertainties about drinking water risks;

22 “(iii) identify unmet needs, priorities
23 for study, how the results of the studies
24 may be used to better understand the risks
25 of drinking water exposures for near-term

1 decisionmaking, and to improve the sci-
2 entific basis for decisionmaking over time;
3 and

4 “(iv) address the uncertainties that
5 will likely remain even after the research is
6 completed and what the uncertainties
7 imply for decisionmaking by the Adminis-
8 trator and for communicating the decisions
9 to the public and Congress.

10 “(j) SUBPOPULATIONS AT GREATER RISK.—The Ad-
11 ministrator shall conduct a continuing program of re-
12 search to identify groups within the general population
13 that may be at greater risk of adverse health effects due
14 to exposure to contaminants in drinking water than the
15 general population. The Administrator shall report to Con-
16 gress on the results of this research not later than 3 years
17 after the date of enactment of this subsection, and every
18 3 years thereafter, and indicate in the reports whether
19 there is any evidence that infants, children, pregnant
20 women, the elderly, individuals with a history of serious
21 illness, or other subpopulations that can be identified and
22 characterized are likely to experience elevated health risks,
23 including risks of cancer, from contaminants in drinking
24 water. In characterizing the health effects of drinking
25 water contaminants under this Act, the Administrator

1 shall take into account all relevant factors, including the
2 margin of safety for variability in the general population
3 and the results of research required under this subsection
4 and other sound scientific evidence (including the 1993
5 and 1994 reports of the National Academy of Sciences)
6 regarding subpopulations at greater risk for adverse
7 health effects.”.

8 **SEC. 12. STATE DRINKING WATER PROGRAM FUNDING.**

9 (a) PUBLIC WATER SYSTEM SUPERVISION PRO-
10 GRAM.—Section 1443(a) (42 U.S.C. 300j-2(a)) is amend-
11 ed—

12 (1) in paragraph (3)—

13 (A) by striking “(3) A grant” and insert-
14 ing the following:

15 “(3) AMOUNT OF GRANT.—

16 “(A) IN GENERAL.—A grant”; and

17 (B) by adding at the end the following new
18 subparagraphs:

19 “(B) DETERMINATION OF COSTS.—In
20 order to determine the costs of a grant recipient
21 pursuant to this paragraph, the Administrator
22 shall, in cooperation with the States and not
23 later than 60 days after the date of enactment
24 of this subparagraph, establish a resource
25 model for the public water system supervision

1 program and review and revise the model as
2 necessary.

3 “(C) STATE COST ADJUSTMENTS.—The
4 Administrator shall revise cost estimates used
5 in the resource model for any particular State
6 to reflect costs more likely to be experienced in
7 that State, if—

8 “(i) the State requests the modifica-
9 tion;

10 “(ii) the revised estimates assure full
11 and effective administration of the public
12 water system supervision program in the
13 States and the revised estimates do not
14 overstate the resources needed to admin-
15 ister such program; and

16 “(iii) the basis for the estimates are
17 used consistently under this title, including
18 for purposes of section 1474(a)(2) in each
19 fiscal year for which such section is appli-
20 cable.”;

21 (2) in paragraph (7), by adding at the end a
22 period and the following new flush sentence: “For
23 the purpose of making grants under paragraph (1),
24 there are authorized to be appropriated such sums
25 as are necessary for each of fiscal years 1992 and

1 1993 and \$100,000,000 for each of fiscal years
2 1994 through 2000.”; and

3 (3) by adding at the end the following new
4 paragraphs:

5 “(8) RESERVATION OF FUNDS BY THE ADMIN-
6 ISTRATOR.—If the Administrator assumes the pri-
7 mary enforcement responsibility of a State water
8 system supervision program, the Administrator may
9 reserve from funds made available pursuant to this
10 subsection, an amount equal to the amount that
11 would otherwise have been provided to the State
12 pursuant to this subsection. The Administrator shall
13 use the funds reserved pursuant to this paragraph to
14 ensure the full and effective administration of a pub-
15 lic water system supervision program in the State.

16 “(9) STATE LOAN FUNDS.—

17 “(A) IN GENERAL.—In addition to
18 amounts made available pursuant to paragraph
19 (8), the Administrator may use the amount re-
20 served pursuant to subparagraph (B) for the
21 administration of the public water system su-
22 pervision program of States in which the Ad-
23 ministrator implements the program.

24 “(B) RESERVATION OF FUNDS.—For any
25 fiscal year for which the amounts made avail-

1 able to the Administrator by appropriation are
 2 less than the amount the Administrator deter-
 3 mines is needed to supplement funds made
 4 available pursuant to paragraph (8) and ensure
 5 the full and effective administration of a public
 6 water system supervision program in a State,
 7 the Administrator may reserve from funds
 8 made available to the State pursuant to section
 9 1479 the difference between the amounts.”.

10 (b) STATE GROUND WATER PROTECTION GRANTS.—

11 Section 1443 (42 U.S.C. 300j-2) is amended—

12 (1) by redesignating subsection (c) as sub-
 13 section (d); and

14 (2) by inserting after subsection (b) the follow-
 15 ing new subsection:

16 “(c) STATE GROUND WATER PROTECTION
 17 GRANTS.—

18 “(1) IN GENERAL.—The Administrator may
 19 make a grant to a State for the development and im-
 20 plementation of a State program to ensure the co-
 21 ordinated and comprehensive protection of ground
 22 water resources within the State.

23 “(2) GUIDANCE.—Not later than 1 year after
 24 the date of enactment of the Safe Drinking Water
 25 Act Amendments of 1994, and annually thereafter,

1 the Administrator shall publish guidance that estab-
2 lishes procedures for application for State ground
3 water protection program assistance and that identi-
4 fies key elements of State ground water protection
5 programs.

6 “(3) CONDITIONS OF GRANTS.—

7 “(A) IN GENERAL.—The Administrator
8 shall award grants to States that submit an ap-
9 plication that is approved by the Administrator.
10 The Administrator shall determine the amount
11 of a grant awarded pursuant to this paragraph
12 on the basis of an assessment of the extent of
13 ground water resources in the State and the
14 likelihood that awarding the grant will result in
15 sustained and reliable protection of ground
16 water quality.

17 “(B) INNOVATIVE PROGRAM GRANTS.—

18 The Administrator may also award a grant pur-
19 suant to this paragraph for innovative programs
20 proposed by a State for the prevention of
21 ground water contamination.

22 “(C) ALLOCATION OF FUNDS.—The Ad-

23 ministrator shall, at a minimum, ensure that,
24 for each fiscal year, not less than 1 percent of
25 funds made available to the Administrator by

1 appropriations to carry out this subsection are
2 allocated to each State that submits an applica-
3 tion that is approved by the Administrator pur-
4 suant to this subsection.

5 “(D) LIMITATION ON GRANTS.—No grant
6 awarded by the Administrator may be used for
7 a project to remediate ground water contamina-
8 tion.

9 “(4) COORDINATION WITH OTHER GRANT PRO-
10 GRAMS.—The awarding of grants by the Adminis-
11 trator pursuant to this subsection shall be coordi-
12 nated with the awarding of grants pursuant to sec-
13 tion 319(i) of the Federal Water Pollution Control
14 Act (33 U.S.C. 1329(i)) and the awarding of other
15 Federal grant assistance that provides funding for
16 programs related to ground water protection.

17 “(5) AMOUNT OF GRANTS.—The amount of a
18 grant awarded pursuant to paragraph (1) shall not
19 exceed 50 percent of the eligible costs of carrying
20 out the ground water protection program that is the
21 subject of the grant (as determined by the Adminis-
22 trator) for the 1-year period beginning on the date
23 that the grant is awarded. The State shall pay a
24 State share to cover the costs of the ground water
25 protection program from State funds in an amount

1 that is not less than 50 percent of the cost of con-
 2 ducting the program.

3 “(6) EVALUATIONS AND REPORTS.—Not later
 4 than 3 years after the date of enactment of the Safe
 5 Drinking Water Act Amendments of 1994, and
 6 every 3 years thereafter, the Administrator shall
 7 evaluate the State ground water protection programs
 8 that are the subject of grants awarded pursuant to
 9 this subsection and report to Congress on the status
 10 of ground water quality in the United States and the
 11 effectiveness of State programs for ground water
 12 protection.

13 “(7) AUTHORIZATION OF APPROPRIATIONS.—
 14 There are authorized to be appropriated to the Envi-
 15 ronmental Protection Agency to carry out this sub-
 16 section \$20,000,000 for each of fiscal years 1995
 17 through 2000.”.

18 (c) UNDERGROUND INJECTION CONTROL GRANT.—
 19 Section 1443(b)(5) (42 U.S.C. 300j-2(b)(5)) is amended
 20 by adding at the end the following:

“1992	\$20,850,000
1993	\$20,850,000
1994	\$20,850,000
1995	\$20,850,000
1996	\$20,850,000
1997	\$20,850,000
1998	\$20,850,000
1999	\$20,850,000
2000	\$20,850,000.”.

1 **SEC. 13. INFORMATION AND INSPECTIONS.**

2 (a) INFORMATION GATHERING.—Subparagraph (A)
3 of section 1445(a)(1) (42 U.S.C. 300j–4(a)(1)) (as des-
4 ignated by section 4(g)(1)(A)) is amended by striking
5 “such information as the Administrator may reasonably
6 require” and all that follows through the period at the end
7 and inserting the following: “such information as the Ad-
8 ministrator may reasonably require—

9 “(i) to assist the Administrator in establishing
10 regulations under this title or to assist the Adminis-
11 trator in determining, on a case-by-case basis,
12 whether the person has acted or is acting in compli-
13 ance with this title; and

14 “(ii) by regulation to assist the Administrator
15 in determining compliance with national primary
16 drinking water regulations promulgated under sec-
17 tion 1412 or in administering any program of finan-
18 cial assistance under this title.”.

19 (b) INSPECTIONS.—Subsections (b) and (c) of section
20 1445 (42 U.S.C. 300j–4) are amended to read as follows:

21 “(b) INSPECTIONS.—

22 “(1) IN GENERAL.—The Administrator, or the
23 authorized representative of the Administrator (in-
24 cluding an authorized contractor acting as a rep-
25 resentative of the Administrator), on presentation of

1 appropriate credentials to any person who is or may
2 be subject to—

3 “(A) a national primary drinking water
4 regulation prescribed pursuant to section 1412;

5 “(B) an applicable underground injection
6 control program;

7 “(C) any requirement to monitor an un-
8 regulated contaminant pursuant to subsection
9 (a); or

10 “(D) any other requirement of this title,
11 or to a person in charge of any of the property of
12 a person referred to in subparagraph (A), (B), (C),
13 or (D) (or the senior employee present at the site),
14 is authorized to enter any establishment, facility, or
15 other property of a person referred to in subpara-
16 graph (A), (B), (C), or (D).

17 “(2) PURPOSES OF INSPECTIONS.—The Admin-
18 istrator or an authorized representative of the Ad-
19 ministrator may enter an establishment, facility, or
20 other property pursuant to paragraph (1)—

21 “(A) in order to determine whether a per-
22 son has acted or is acting in compliance with
23 this title, including for this purpose, inspecting,
24 at reasonable times, records, files, papers, proc-
25 esses, controls, and facilities; or

1 “(B) in order to test any feature of a pub-
2 lic water system, including the raw water source
3 of the system.

4 “(3) ACCESS TO RECORDS.—The Administrator
5 or the Comptroller General of the United States (or
6 any authorized representative designated by the Ad-
7 ministrator or the Comptroller General of the United
8 States) shall have access for the purpose of audit
9 and examination to any record, report, or informa-
10 tion of a person or grantee that—

11 “(A) is required to be maintained under
12 subsection (a); or

13 “(B) is pertinent to any financial assist-
14 ance provided pursuant to this title.

15 “(4) SCHEDULE OF INSPECTIONS.—

16 “(A) IN GENERAL.—The Administrator or
17 authorized representative of the Administrator
18 shall conduct inspections undertaken pursuant
19 to this subsection during the normal operating
20 hours of the establishment, facility, or other
21 property.

22 “(B) SMALL SYSTEMS.—For a public
23 water system serving a population of 3,300 or
24 less, the Administrator or authorized represent-

1 ative of the Administrator shall, to the extent
2 practicable—

3 “(i) notify the person referred to in
4 paragraph (1), at least 3 days before the
5 inspection, of the time when the inspection
6 is scheduled to occur, and

7 “(ii) schedule the inspection at a mu-
8 tually convenient time.

9 “(C) WAIVER.—The Administrator or an
10 authorized representative of the Administrator
11 may waive the requirements of subparagraphs
12 (A) or (B) if the Administrator or authorized
13 representative of the Administrator determines
14 that it may be necessary to conduct an inspec-
15 tion to protect public health.

16 “(c) COMPLIANCE.—Any person, who is subject to
17 any requirement of this title (including a person that the
18 Administrator determines may be subject to a requirement
19 of this title), shall—

20 “(1) comply with the requirements of subsection
21 (a);

22 “(2) allow the Administrator or the authorized
23 representative of the Administrator to enter and
24 make determinations and test and take samples pur-

1 suant to paragraphs (1) and (2) of subsection (b);
2 and

3 “(3) allow the Administrator, the Comptroller
4 General of the United States, or an authorized rep-
5 resentative of the Administrator or the Comptroller
6 General of the United States, to have access to,
7 audit, and examine records, reports, and information
8 pursuant to subsection (b)(3).”.

9 **SEC. 14. FEDERAL AGENCIES.**

10 (a) IN GENERAL.—Subsections (a) and (b) of section
11 1447 (42 U.S.C. 300j–6) are amended to read as follows:

12 “(a) COMPLIANCE.—

13 “(1) IN GENERAL.—Each Federal agency shall
14 be subject to, and comply with, all Federal, State,
15 interstate, and local substantive and procedural re-
16 quirements, administrative authorities, and process
17 and sanctions concerning the provision of safe drink-
18 ing water or underground injection in the same
19 manner, and to the same extent, as any nongovern-
20 mental entity is subject to, and shall comply with,
21 the requirements, authorities, and process and sanc-
22 tions.

23 “(2) ADMINISTRATIVE ORDERS AND PEN-
24 ALTIES.—The Federal, State, interstate, and local
25 substantive and procedural requirements, adminis-

1 trative authorities, and process and sanctions re-
2 ferred to in paragraph (1) include all administrative
3 orders and all civil and administrative penalties or
4 fines, regardless of whether the penalties or fines are
5 punitive or coercive in nature or are imposed for iso-
6 lated, intermittent, or continuing violations.

7 “(3) LIMITED WAIVER OF SOVEREIGN IMMU-
8 NITY.—The United States expressly waives any im-
9 munity otherwise applicable to the United States
10 with respect to any requirement, administrative au-
11 thority, or process or sanction referred to in para-
12 graph (2) (including any injunctive relief, adminis-
13 trative order, or civil or administrative penalty or
14 fine referred to in paragraph (2), or reasonable serv-
15 ice charge). The reasonable service charge referred
16 to in the preceding sentence includes a fee or charge
17 assessed in connection with the processing, issuance,
18 renewal, or amendment of a permit, variance, or ex-
19 emption, review of a plan, study, or other document,
20 or inspection or monitoring of a facility, as well as
21 any other nondiscriminatory charge that is assessed
22 in connection with a Federal, State, interstate, or
23 local safe drinking water regulatory program.

24 “(4) CIVIL PENALTIES.—No agent, employee,
25 or officer of the United States shall be personally

1 liable for any civil penalty under this subsection with
2 respect to any act or omission within the scope of
3 the official duties of the agent, employee, or officer.

4 “(5) CRIMINAL SANCTIONS.—An agent, em-
5 ployee, or officer of the United States may be sub-
6 ject to a criminal sanction under a State, interstate,
7 or local law concerning the provision of drinking
8 water or underground injection. No department,
9 agency, or instrumentality of the executive, legisla-
10 tive, or judicial branch of the Federal Government
11 shall be subject to a sanction referred to in the pre-
12 ceding sentence.

13 “(b) WAIVER OF COMPLIANCE.—

14 “(1) IN GENERAL.—The President may waive
15 compliance with subsection (a) by any department,
16 agency, or instrumentality in the executive branch if
17 the President determines waiving compliance with
18 such subsection to be in the paramount interest of
19 the United States.

20 “(2) WAIVERS DUE TO LACK OF APPROPRIA-
21 TIONS.—No waiver described in paragraph (1) shall
22 be granted due to the lack of an appropriation un-
23 less the President has specifically requested the ap-
24 propriation as part of the budgetary process and

1 Congress has failed to make available the requested
2 appropriation.

3 “(3) PERIOD OF WAIVER.—A waiver under this
4 subsection shall be for a period of not to exceed 1
5 year, but an additional waiver may be granted for a
6 period of not to exceed 1 year on the termination of
7 a waiver if the President reviews the waiver and
8 makes a determination that it is in the paramount
9 interest of the United States to grant an additional
10 waiver.

11 “(4) REPORT.—Not later than January 31 of
12 each year, the President shall report to Congress on
13 each waiver granted pursuant to this subsection dur-
14 ing the preceding calendar year, together with the
15 reason for granting the waiver.”.

16 (b) CITIZEN ENFORCEMENT.—The first sentence of
17 section 1449(a) (42 U.S.C. 300j–8(a)) is amended—

18 (1) in paragraph (1), by striking “, or” and in-
19 serting a semicolon;

20 (2) in paragraph (2), by striking the period at
21 the end and inserting “; or”; and

22 (3) by adding at the end the following new
23 paragraph:

24 “(3) for the collection of a penalty (and associ-
25 ated costs and interest) against any Federal agency

1 that fails, by the date that is 1 year after the effec-
2 tive date of a final order to pay a penalty assessed
3 by the Administrator pursuant to section 1414(c), to
4 pay the penalty.”.

5 (c) CONFORMING AMENDMENTS.—Subsection (c) of
6 section 1447 (42 U.S.C. 300j-6(c)) is amended—

7 (1) by striking “(c)(1)” and inserting the fol-
8 lowing:

9 “(c) INDIANS.—

10 “(1) INDIAN LANDS.—”; and

11 (2) in paragraph (2), by striking “(2) For” and
12 inserting the following:

13 “(2) DEFINITION OF FEDERAL AGENCY.—For”.

14 **SEC. 15. ASSESSING ENVIRONMENTAL PRIORITIES, COSTS,**
15 **AND BENEFITS.**

16 (a) DEFINITIONS.—As used in this section:

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

20 (2) ADVERSE EFFECT ON HUMAN HEALTH.—
21 The term “adverse effect on human health” includes
22 any increase in the rate of death or serious illness,
23 including disease, cancer, birth defects, reproductive
24 dysfunction, developmental effects (including effects

1 on the endocrine and nervous systems), and other
2 impairments in bodily functions.

3 (3) RISK.—The term “risk” means the likeli-
4 hood of an occurrence of an adverse effect on human
5 health, the environment, or public welfare.

6 (4) SOURCE OF POLLUTION.—The term “source
7 of pollution” means a category or class of facilities
8 or activities that alter the chemical, physical, or bio-
9 logical character of the natural environment.

10 (b) FINDINGS.—Congress finds that—

11 (1) cost-benefit analysis and risk assessment
12 are useful but imperfect tools that serve to enhance
13 the information available in developing environ-
14 mental regulations and programs;

15 (2) cost-benefit analysis and risk assessment
16 can also serve as useful tools in setting priorities
17 and evaluating the success of environmental protec-
18 tion programs;

19 (3) cost and risk are not the only factors that
20 need to be considered in evaluating environmental
21 programs as other factors, including values and eq-
22 uity, must also be considered;

23 (4) cost-benefit analysis and risk assessment
24 should be presented with a clear statement of the
25 uncertainties in the analysis or assessment;

1 (5) current methods for valuing ecological re-
2 sources and assessing intergenerational effects of
3 sources of pollution need further development before
4 integrated rankings of sources of pollution based on
5 the factors referred to in paragraph (3) can be used
6 with high levels of confidence;

7 (6) methods to assess and describe the risks of
8 adverse human health effects, other than cancer,
9 need further development before integrated rankings
10 of sources of pollution based on the risk to human
11 health can be used with high levels of confidence;

12 (7) periodic reports by the Administrator on the
13 costs and benefits of regulations promulgated under
14 Federal environmental laws, and other Federal ac-
15 tions with impacts on human health, the environ-
16 ment, or public welfare, will provide Congress and
17 the general public with a better understanding of—

18 (A) national environmental priorities; and

19 (B) expenditures being made to achieve re-
20 ductions in risk to human health, the environ-
21 ment, and public welfare; and

22 (8) periodic reports by the Administrator on the
23 costs and benefits of environmental regulations will
24 also—

1 (A) provide Congress and the general pub-
2 lic with a better understanding of the strengths,
3 weaknesses, and uncertainties of cost-benefit
4 analysis and risk assessment and the research
5 needed to reduce major uncertainties; and

6 (B) assist Congress and the general public
7 in evaluating environmental protection regula-
8 tions and programs, and other Federal actions
9 with impacts on human health, the environ-
10 ment, or public welfare, to determine the extent
11 to which the regulations, programs, and actions
12 adequately and fairly protect affected segments
13 of society.

14 (c) REPORT ON ENVIRONMENTAL PRIORITIES,
15 COSTS, AND BENEFITS.—

16 (1) RANKING.—

17 (A) IN GENERAL.—The Administrator
18 shall identify and, taking into account available
19 data, to the extent practicable, rank sources of
20 pollution with respect to the relative degree of
21 risk of adverse effects on human health, the en-
22 vironment, and public welfare.

23 (B) METHOD OF RANKING.—In carrying
24 out the rankings under subparagraph (A), the
25 Administrator shall—

1 (i) rank the sources of pollution con-
2 sidering the extent and duration of the
3 risk; and

4 (ii) take into account broad societal
5 values, including the role of natural re-
6 sources in sustaining economic activity into
7 the future.

8 (2) EVALUATION OF REGULATORY AND OTHER
9 COSTS.—In addition to carrying out the rankings
10 under paragraph (1), the Administrator shall esti-
11 mate the private and public costs associated with
12 each source of pollution and the costs and benefits
13 of complying with regulations designed to protect
14 against risks associated with the sources of pollu-
15 tion; and

16 (3) EVALUATION OF OTHER FEDERAL AC-
17 TIONS.—In addition to carrying out the require-
18 ments of paragraphs (1) and (2), the Administrator
19 shall also estimate the private and public costs and
20 benefits associated with selected major Federal ac-
21 tions chosen by the Administrator that have the
22 most significant impact on human health or the en-
23 vironment, including the direct development projects,
24 grant and loan programs to support infrastructure
25 construction and repair, and permits, licenses, and

1 leases to use natural resources or to release pollution
2 to the environment, and other similar actions.

3 (4) RISK REDUCTION OPPORTUNITIES.—In as-
4 sessing risks, costs, and benefits as provided in
5 paragraphs (1) and (2), the Administrator shall also
6 identify reasonable opportunities to achieve signifi-
7 cant risk reduction through modifications in environ-
8 mental regulations and programs and other Federal
9 actions with impacts on human health, the environ-
10 ment, or public welfare.

11 (5) UNCERTAINTIES.—In evaluating the risks
12 referred to in paragraphs (1) and (2), the Adminis-
13 trator shall—

14 (A) identify the major uncertainties associ-
15 ated with the risks;

16 (B) explain the meaning of the uncertain-
17 ties in terms of interpreting the ranking and
18 evaluation; and

19 (C) determine—

20 (i) the type and nature of research
21 that would likely reduce the uncertainties;
22 and

23 (ii) the cost of conducting the re-
24 search.

1 (6) CONSIDERATION OF BENEFITS.—In carry-
2 ing out this section, the Administrator shall consider
3 and, to the extent practicable, estimate the monetary
4 value, and such other values as the Administrator
5 determines to be appropriate, of the benefits associ-
6 ated with reducing risk to human health and the en-
7 vironment, including—

8 (A) avoiding premature mortality;

9 (B) avoiding cancer and noncancer dis-
10 eases that reduce the quality of life;

11 (C) preserving biological diversity and the
12 sustainability of ecological resources;

13 (D) maintaining an aesthetically pleasing
14 environment;

15 (E) valuing services performed by
16 ecosystems (such as flood mitigation, provision
17 of food or material, or regulating the chemistry
18 of the air or water) that, if lost or degraded,
19 would have to be replaced by technology;

20 (F) avoiding other risks identified by the
21 Administrator; and

22 (G) considering the benefits even if it is
23 not possible to estimate the monetary value of
24 the benefits in exact terms.

25 (7) REPORTS.—

1 (A) PRELIMINARY REPORT.—Not later
2 than 1 year after the date of enactment of this
3 Act, the Administrator shall report to Congress
4 on the sources of pollution and other Federal
5 actions that the Administrator will address, and
6 the approaches and methodology the Adminis-
7 trator will use, in carrying out the rankings and
8 evaluations under this section. The report shall
9 also include an evaluation by the Administrator
10 of the need for the development of methodolo-
11 gies to carry out the ranking.

12 (B) PERIODIC REPORT.—

13 (i) IN GENERAL.—On completion of
14 the ranking and evaluations conducted by
15 the Administrator under this section, but
16 not later than 3 years after the date of en-
17 actment of this Act, and every 3 years
18 thereafter, the Administrator shall report
19 the findings of the rankings and evalua-
20 tions to Congress and make the report
21 available to the general public.

22 (ii) EVALUATION OF RISKS.—Each
23 periodic report prepared pursuant to this
24 subparagraph shall, to the extent prac-
25 ticable, evaluate risk management deci-

1 sions under Federal environmental laws,
2 including title XIV of the Public Health
3 Service Act (commonly known as the “Safe
4 Drinking Water Act”) (42 U.S.C. 300f et
5 seq.), that present inherent and unavail-
6 able choices between competing risks, in-
7 cluding risks of controlling microbial ver-
8 sus disinfection contaminants in drinking
9 water. Each periodic report shall address
10 the policy of the Administrator concerning
11 the most appropriate methods of weighing
12 and analyzing the risks, and shall incor-
13 porate information concerning—

14 (I) the severity and certainty of
15 any adverse effect on human health,
16 the environment, or public welfare;

17 (II) whether the effect is imme-
18 diate or delayed;

19 (III) whether the burden associ-
20 ated with the adverse effect is borne
21 disproportionately by a segment of the
22 general population or spread evenly
23 across the general population; and

24 (IV) whether a threatened ad-
25 verse effect can be eliminated or rem-

1 edied by the use of an alternative
2 technology or a protection mechanism.

3 (d) IMPLEMENTATION.—In carrying out this section,
4 the Administrator shall—

5 (1) consult with the appropriate officials of
6 other Federal agencies and State and local govern-
7 ments, members of the academic community, rep-
8 resentatives of regulated businesses and industry,
9 representatives of citizen groups, and other knowl-
10 edgeable individuals to develop, evaluate, and inter-
11 pret scientific and economic information;

12 (2) make available to the general public the in-
13 formation on which rankings and evaluations under
14 this section are based; and

15 (3) establish, not later than 24 months after
16 the date of enactment of this Act, methods for deter-
17 mining costs and benefits of environmental regula-
18 tions and other Federal actions, including the valu-
19 ation of natural resources and intergenerational
20 costs and benefits, by rule after notice and oppor-
21 tunity for public comment.

22 (e) REVIEW BY THE SCIENCE ADVISORY BOARD.—
23 Before the Administrator submits a report prepared under
24 this section to Congress, the Science Advisory Board, es-
25 tablished by section 8 of the Environmental Research, De-

1 velopment, and Demonstration Act of 1978 (42 U.S.C.
2 4365), shall conduct a technical review of the report in
3 a public session.

4 **SEC. 16. BOTTLED DRINKING WATER STANDARDS.**

5 Section 410 of the Federal Food, Drug, and Cosmetic
6 Act (21 U.S.C. 349) is amended—

7 (1) by striking “Whenever” and inserting “(a)
8 Except as provided in subsection (b), whenever”;
9 and

10 (2) by adding at the end following new sub-
11 section:

12 “(b)(1) After the Administrator of the Environmental
13 Protection Agency publishes a proposed maximum con-
14 taminant level, but not later than 180 days after the Ad-
15 ministrator of the Environmental Protection Agency pub-
16 lishes a final maximum contaminant level, for a contami-
17 nant under section 1412 of the Public Health Service Act
18 (42 U.S.C. 300g-1), the Secretary, after public notice and
19 comment, shall issue a regulation that establishes a qual-
20 ity level for the contaminant in bottled water or make a
21 finding that a regulation is not necessary to protect the
22 public health because the contaminant is contained in
23 water in the public water systems (as defined under sec-
24 tion 1401(4) of such Act (42 U.S.C. 300f(4)) and not in
25 water used for bottled drinking water.

1 “(2) The regulation shall include any monitoring re-
2 quirements that the Secretary determines appropriate for
3 bottled water.

4 “(3) The regulation—

5 “(A) shall require that the quality level for the
6 contaminant in bottled water be as stringent as the
7 maximum contaminant level for the contaminant
8 published by the Administrator of the Environ-
9 mental Protection Agency; and

10 “(B) may require that the quality level be more
11 stringent than the maximum contaminant level if
12 necessary to provide ample public health protection
13 under this Act.

14 “(4)(A) If the Secretary fails to establish a regulation
15 within the 180-day period described in paragraph (1), the
16 regulation with respect to the final maximum contaminant
17 level published by the Administrator of the Environmental
18 Protection Agency (as described in such paragraph) shall
19 be considered, as of the date on which the Secretary is
20 required to establish a regulation under paragraph (1), as
21 the final regulation for the establishment of the quality
22 level for a contaminant required under paragraph (1) for
23 the purpose of establishing or amending a bottled water
24 quality level standard with respect to the contaminant.

1 “(B) Not later than 30 days after the end of the 180-
2 day period described in paragraph (1), the Secretary shall,
3 with respect to a maximum contaminant level that is con-
4 sidered as a quality level under subparagraph (A), publish
5 a notice in the Federal Register that sets forth the quality
6 level and appropriate monitoring requirements required
7 under paragraphs (1) and (2) and that provides that the
8 quality level standard and requirements shall take effect
9 on the date on which the final regulation of the maximum
10 contaminant level takes effect.”.

11 **SEC. 17. RESEARCH PLAN FOR HARMFUL SUBSTANCES IN**
12 **DRINKING WATER.**

13 Section 1412 (42 U.S.C. 300g-1) is amended by add-
14 ing at the end the following new subsection:

15 “(f) RESEARCH PLAN FOR HARMFUL SUBSTANCES
16 IN DRINKING WATER.—

17 “(1) DEVELOPMENT OF PLAN.—The Adminis-
18 trator shall—

19 “(A) not later than September 30, 1994,
20 develop a research plan to support the develop-
21 ment and implementation of the most current
22 version of the—

23 “(i) enhanced surface water treatment
24 rule (announced at 59 Fed. Reg. 6332
25 (February 10, 1994));

1 “(ii) disinfectant and disinfection by-
2 products rule (Stage 2) (announced at 59
3 Fed. Reg. 6332 (February 10, 1994)); and

4 “(iii) ground water disinfection rule
5 (availability of draft summary announced
6 at 57 Fed. Reg. 33960 (July 31, 1992));
7 and

8 “(B) carry out the research plan.

9 “(2) CONTENTS OF PLAN.—

10 “(A) IN GENERAL.—The research plan
11 shall include, at a minimum—

12 “(i) an identification and character-
13 ization of new disinfection byproducts asso-
14 ciated with the use of different disinfect-
15 ants;

16 “(ii) toxicological and epidemiological
17 studies to determine what levels of expo-
18 sure from disinfectants and disinfection by-
19 products, if any, may be associated with
20 developmental and birth defects and other
21 potential toxic end points;

22 “(iii) toxicological and epidemiological
23 studies to quantify the carcinogenic poten-
24 tial from exposure to disinfection byprod-
25 ucts resulting from different disinfectants;

1 “(iv) the development of practical an-
2 alytical methods for enumerating microbial
3 contaminants, including giardia, crypto-
4 sporidium, and viruses;

5 “(v) the development of dose-response
6 curves for pathogens, including crypto-
7 sporidium and the Norwalk virus;

8 “(vi) the development of indicators
9 that define treatment effectiveness for
10 pathogens and disinfection byproducts; and

11 “(vii) bench, pilot, and full-scale stud-
12 ies and demonstration projects to evaluate
13 optimized conventional treatment, ozone,
14 granular activated carbon, and membrane
15 technology for controlling pathogens (in-
16 cluding cryptosporidium) and disinfection
17 byproducts.

18 “(B) RISK DEFINITION STRATEGY.—The
19 research plan shall include a strategy for deter-
20 mining the risks and estimated extent of dis-
21 ease resulting from pathogens, disinfectants,
22 and disinfection byproducts in drinking water,
23 and how the risks can most effectively be con-
24 trolled, taking into consideration the costs of

1 various control methods and the sizes of various
2 systems.

3 “(3) IMPLEMENTATION OF PLAN.—In carrying
4 out the research plan, the Administrator shall use
5 the most cost-effective mechanisms available, includ-
6 ing coordination of research with, and use of match-
7 ing funds from institutions and utilities.

8 “(4) AUTHORIZATION OF APPROPRIATIONS.—
9 There are authorized to be appropriated to carry out
10 this subsection \$12,500,000 for each of fiscal years
11 1995 through 1998.”.

12 **SEC. 18. RISK ASSESSMENT AND COST-BENEFIT ANALYSIS.**

13 (a) REQUIREMENT.—Except as provided in sub-
14 section (b), in promulgating any proposed or final major
15 regulation relating to human health or the environment,
16 the Administrator of the Environmental Protection Agen-
17 cy shall publish in the Federal Register along with the
18 regulation a clear and concise statement that—

19 (1) describes and, to the extent practicable,
20 quantifies the risks to human health or the environ-
21 ment to be addressed by the regulation (including,
22 where applicable and practicable, the human health
23 risks to significant subpopulations who are dis-
24 proportionately exposed or particularly sensitive);

1 (2) compares the human health or environ-
2 mental risks to be addressed by the regulation to
3 other risks chosen by the Administrator, including—

4 (A) at least three other risks regulated by
5 the Environmental Protection Agency or an-
6 other Federal agency; and

7 (B) at least three other risks that are not
8 directly regulated by the Federal Government;

9 (3) estimates—

10 (A) the costs to the United States Govern-
11 ment, State and local governments, and the pri-
12 vate sector of implementing and complying with
13 the regulation; and

14 (B) the benefits of the regulation;
15 including both quantifiable measures of costs and
16 benefits, to the fullest extent that they can be esti-
17 mated, and qualitative measures that are difficult to
18 quantify; and

19 (4) contains a certification by the Adminis-
20 trator that—

21 (A) the analyses performed under sub-
22 section (a)(1) through (a)(3) are based on the
23 best reasonably obtainable scientific informa-
24 tion;

1 (B) the regulation is likely to significantly
2 reduce the human health or environmental risks
3 to be addressed;

4 (C) there is no regulatory alternative that
5 is allowed by the statute under which the regu-
6 lation is promulgated and that would achieve an
7 equivalent reduction in risk in a more cost-ef-
8 fective manner, along with a brief explanation
9 of why other such regulatory alternatives that
10 were considered by the Administrator were
11 found to be less cost-effective; and

12 (D) the regulation is likely to produce ben-
13 efits to human health or the environment that
14 will justify the costs to the United States Gov-
15 ernment, State and local governments, and the
16 private sector of implementing and complying
17 with the regulation.

18 (b) SUBSTANTIALLY SIMILAR FINAL REGULA-
19 TIONS.—If the Administrator determines that a final
20 major regulation is substantially similar to the proposed
21 version of the regulation with respect to each of the mat-
22 ters referred to in subsection (a), the Administrator may
23 publish in the Federal Register a reference to the state-
24 ment published under subsection (a) for the proposed reg-

1 ulation in lieu of publishing a new statement for the final
2 regulation.

3 (c) REPORTING.—If the Administrator cannot certify
4 with respect to one or more of the matters addressed in
5 subsection (a)(4), the Administrator shall identify those
6 matters for which certification cannot be made, and shall
7 include a statement of the reasons therefor in the Federal
8 Register along with the regulation. Not later than March
9 1 of each year, the Administrator shall submit a report
10 to Congress identifying those major regulations promul-
11 gated during the previous calendar year for which com-
12 plete certification was not made, and summarizing the rea-
13 sons therefor.

14 (d) OTHER REQUIREMENTS.—Nothing in this section
15 affects any other provision of Federal law, or changes the
16 factors that the Administrator is authorized to consider
17 in promulgating a regulation pursuant to any statute, or
18 shall delay any action required to meet a deadline imposed
19 by statute or a court.

20 (e) JUDICIAL REVIEW.—Nothing in this section cre-
21 ates any right to judicial or administrative review, nor cre-
22 ates any right or benefit, substantive or procedural, en-
23 forceable at law or equity by a party against the United
24 States, its agencies or instrumentalities, its officers or em-
25 ployees, or any other person. If a major regulation is sub-

1 ject to judicial or administrative review under any other
 2 provision of law, the adequacy of the certification prepared
 3 pursuant to this section, and any alleged failure to comply
 4 with this section, may not be used as grounds for affecting
 5 or invalidating such major regulation, although the state-
 6 ments and information prepared pursuant to this section,
 7 including statements contained in the certification, may
 8 be considered as part of the record for judicial or adminis-
 9 trative review conducted under such other provision of law.

10 (f) DEFINITION OF MAJOR REGULATION.—For pur-
 11 poses of this section, “major regulation” means a regula-
 12 tion that the Administrator determines may have an effect
 13 on the economy of \$100,000,000 or more in any one year.

14 (g) EFFECTIVE DATE.—This section shall take effect
 15 180 days after the date of enactment of this Act.

16 **SEC. 19. PRIVATE PROPERTY RIGHTS.**

17 (a) SHORT TITLE.—This section may be cited as the
 18 “Private Property Rights Act of 1994”.

19 (b) FINDINGS.—The Congress finds that—

20 (1) the protection of private property from a
 21 taking by the Government without just compensation
 22 is an integral protection for private citizens incor-
 23 porated into the Constitution by the Fifth Amend-
 24 ment and made applicable to the States by the
 25 Fourteenth Amendment; and

1 (2) Federal agencies should take into consider-
2 ation the impact of Governmental actions on the use
3 and ownership of private property.

4 (c) PURPOSE.—The Congress, recognizing the impor-
5 tant role that the use and ownership of private property
6 plays in ensuring the economic and social well-being of the
7 Nation, declares that the Federal Government should pro-
8 tect the health, safety, and welfare of the public and, in
9 doing so, to the extent practicable, avoid takings of private
10 property.

11 (d) DEFINITIONS.—For purposes of this section—

12 (1) the term “agency” means an Executive
13 agency as defined under section 105 of title 5, Unit-
14 ed States Code, and—

15 (A) includes the United States Postal
16 Service; and

17 (B) does not include the General Account-
18 ing Office; and

19 (2) the term “taking of private property”
20 means any action whereby private property is taken
21 in such a way as to require compensation under the
22 Fifth Amendment to the United States Constitution.

23 (e) PRIVATE PROPERTY TAKING IMPACT ANALY-
24 SIS.—

1 (1) IN GENERAL.—The Congress authorizes
2 and directs that, to the fullest extent possible—

3 (A) the policies, regulations, and public
4 laws of the United States shall be interpreted
5 and administered in accordance with the poli-
6 cies under this section; and

7 (B) all agencies of the Federal Government
8 shall complete a private property taking impact
9 analysis before issuing or promulgating any pol-
10 icy, regulation, proposed legislation, or related
11 agency action which is likely to result in a tak-
12 ing of private property, except that—

13 (i) this subparagraph shall not apply
14 to—

15 (I) an action in which the power
16 of eminent domain is formally exer-
17 cised;

18 (II) an action taken—

19 (aa) with respect to property
20 held in trust by the United
21 States; or

22 (bb) in preparation for, or in
23 connection with, treaty negotia-
24 tions with foreign nations;

1 (III) a law enforcement action,
2 including seizure, for a violation of
3 law, of property for forfeiture or as
4 evidence in a criminal proceeding;

5 (IV) a study or similar effort or
6 planning activity;

7 (V) a communication between an
8 agency and a State or local land-use
9 planning agency concerning a planned
10 or proposed State or local activity
11 that regulates private property, re-
12 gardless of whether the communica-
13 tion is initiated by an agency or is un-
14 dertaken in response to an invitation
15 by the State or local authority;

16 (VI) the placement of a military
17 facility or a military activity involving
18 the use of solely Federal property;
19 and

20 (VII) any military or foreign af-
21 fairs function (including a procure-
22 ment function under a military or for-
23 eign affairs function), but not includ-
24 ing the civil works program of the
25 Army Corps of Engineers; and

1 (ii) in a case in which there is an im-
2 mediate threat to health or safety that con-
3 stitutes an emergency requiring immediate
4 response or the issuance of a regulation
5 pursuant to section 553(b)(B) of title 5,
6 United States Code, the taking impact
7 analysis may be completed after the emer-
8 gency action is carried out or the regula-
9 tion is published.

10 (2) CONTENT OF ANALYSIS.—A private prop-
11 erty taking impact analysis shall be a written state-
12 ment that includes—

13 (A) the specific purpose of the policy, regu-
14 lation, proposal, recommendation, or related
15 agency action;

16 (B) an assessment of the likelihood that a
17 taking of private property will occur under such
18 policy, regulation, proposal, recommendation, or
19 related agency action;

20 (C) an evaluation of whether such policy,
21 regulation, proposal, recommendation, or relat-
22 ed agency action is likely to require compensa-
23 tion to private property owners;

24 (D) alternatives to the policy, regulation,
25 proposal, recommendation, or related agency ac-

tion that would achieve the intended purposes of the agency action and lessen the likelihood that a taking of private property will occur; and

(E) an estimate of the potential liability of the Federal Government if the Government is required to compensate a private property owner.

(3) SUBMISSION TO OMB.—Each agency shall provide an analysis required by this section as part of any submission otherwise required to be made to the Office of Management and Budget in conjunction with the proposed regulation.

(f) GUIDANCE AND REPORTING REQUIREMENTS.—

(1) GUIDANCE.—The Attorney General shall provide legal guidance in a timely manner, in response to a request by an agency, to assist the agency in complying with this section.

(2) REPORTING.—Not later than 1 year after the date of enactment of this Act and at the end of each 1-year period thereafter, each agency shall provide a report to the Director of the Office of Management and Budget and the Attorney General identifying each agency action that has resulted in the preparation of a taking impact analysis, the filing of a taking claim, or an award of compensation pursu-

1 ant to the Just Compensation Clause of the Fifth
2 Amendment to the Constitution. The Director of the
3 Office of Management and Budget and the Attorney
4 General shall publish in the Federal Register, on an
5 annual basis, a compilation of the reports of all
6 agencies made pursuant to this paragraph.

7 (g) RULES OF CONSTRUCTION.—Nothing in this sec-
8 tion shall be construed to—

9 (1) limit any right or remedy, or bar any claim
10 of any person relating to such person's property
11 under any other law, including claims made under
12 section 1346 or 1402 of title 28, United States
13 Code, or chapter 91 of title 28, United States Code;
14 or

15 (2) constitute a conclusive determination of the
16 value of any property for purposes of an appraisal
17 for the acquisition of property, or for the determina-
18 tion of damages.

19 (h) STATUTE OF LIMITATIONS.—No action may be
20 filed in a court of the United States to enforce the provi-
21 sions of this section on or after the date occurring 6 years
22 after the date of the submission of the certification of the
23 applicable private property taking impact analysis with the
24 Attorney General.

1 **SEC. 20. OTHER AMENDMENTS.**

2 (a) DEFINITION OF PUBLIC WATER SYSTEM.—

3 (1) The first sentence of section 1401(4) (42
4 U.S.C. 300f(4)) is amended by striking “piped water
5 for human consumption” and inserting “water for
6 human consumption through pipes or other con-
7 structed conveyances”.

8 (2) Such section is further amended by adding
9 at the end thereof the following: “A connection for
10 residential use (drinking, bathing, cooking or other
11 similar uses) or to a facility for similar uses to a
12 water system that conveys water by means other
13 than a pipe principally for purposes other than resi-
14 dential use (other purposes, including irrigation,
15 stock watering, industrial use, or municipal source
16 water prior to treatment) shall not be considered a
17 connection for determining whether the system is a
18 public water system under this title, if—

19 “(A) the Administrator or the State in
20 which the residential use or facility is located
21 has identified any treatment or conditioning
22 necessary to protect human health if the water
23 is used for human consumption and the resi-
24 dential user or owner of the facility is employ-
25 ing such treatment or conditioning at the point
26 of entry; or

1 “(B) the system certifies to the Adminis-
2 trator or the State that an alternative source of
3 water for drinking and cooking is being pro-
4 vided to the residential users or using the facil-
5 ity.

6 An irrigation district in existence prior to May 18,
7 1994 that provides primarily agricultural service
8 through a piped system with only incidental residen-
9 tial use shall not be considered a public water sys-
10 tem, if the system and its residential users comply
11 with subparagraphs (A) and (B).”.

12 (3) The provisions of this subsection shall take
13 effect 1 year after the date of enactment.

14 (b) STATE PRIMARY ENFORCEMENT RESPONSIBIL-
15 ITY.—Section 1413(a) (42 U.S.C. 300g-2(a)) is amended
16 by striking paragraph (1) and inserting the following new
17 paragraph:

18 “(1) has adopted drinking water regulations
19 that are no less stringent than the national primary
20 drinking water regulations promulgated by the Ad-
21 ministrator under section 1412 not later than 2
22 years after the date on which the regulations are
23 promulgated by the Administrator;”.

24 (c) JUDICIAL REVIEW.—Section 1448(a) (42 U.S.C.
25 300j-7(a)) is amended—

1 (1) in paragraph (2) of the first sentence, by
2 inserting “final” after “any other”; and

3 (2) in the second sentence, by striking “or issu-
4 ance of the order” and inserting “or any other final
5 Agency action”.

6 (d) ANNUAL REPORT.—Section 1450 (42 U.S.C.
7 300j–9) is amended by striking subsection (h).

8 (e) REPORT TO CONGRESS ON PRIVATE DRINKING
9 WATER.—Section 1450 (42 U.S.C. 300j–9) (as amended
10 by subsection (d)) is further amended by inserting after
11 subsection (g) the following new subsection:

12 “(h) REPORT TO CONGRESS ON PRIVATE DRINKING
13 WATER.—The Administrator shall conduct a study to de-
14 termine the extent and seriousness of contamination of
15 private sources of drinking water that are not regulated
16 under this title. Not later than 3 years after the date of
17 enactment of the Safe Drinking Water Act Amendments
18 of 1994, the Administrator shall submit to Congress a re-
19 port that includes the findings of the study and rec-
20 ommendations by the Administrator concerning responses
21 to any problems identified under the study. In designing
22 and conducting the study, including consideration of re-
23 search design, methodology, and conclusions and rec-
24 ommendations, the Administrator shall consult with ex-
25 perts outside the Agency, including scientists,

1 hydrogeologists, well contractors and suppliers, and other
2 individuals knowledgeable in ground water protection and
3 remediation.”.

4 (f) CAPITAL IMPROVEMENTS FOR THE WASHINGTON
5 AQUEDUCT.—

6 (1) IN GENERAL.—Subject to paragraphs (2),
7 (3), and (4), and notwithstanding any other provi-
8 sion of law, at the request of the public water supply
9 customers of the Washington Aqueduct—

10 (A) the Secretary of the Army, acting
11 through the Chief of Engineers of the Army
12 Corps of Engineers, shall borrow from the Fed-
13 eral Financing Bank such funds as the Sec-
14 retary of the Army determines are required to
15 finance capital improvements for the Washing-
16 ton Aqueduct; and

17 (B) the Board of Directors of the Federal
18 Financing Bank shall loan the funds to the Sec-
19 retary of the Army on such terms as may be es-
20 tablished by the Secretary of the Army and the
21 Board of Directors.

22 (2) INTEREST.—The rate of interest to be
23 charged in connection with a loan made under para-
24 graph (1) shall be not less than a rate determined
25 by the Secretary of the Treasury, taking into consid-

1 eration current market yields on outstanding mar-
2 ketable obligations of the United States of com-
3 parable maturities.

4 (3) CONTRACT.—The Secretary of the Army
5 shall borrow funds under paragraph (1) after the
6 public water supply customers enter into a written
7 contract with the Secretary of the Army to repay the
8 funds and to pay the costs associated with borrowing
9 the funds.

10 (4) NET PRESENT VALUE OF LOAN.—The Sec-
11 retary of the Army may borrow funds under para-
12 graph (1) if amounts sufficient to pay for the cost,
13 as defined in section 502(5) of the Congressional
14 Budget Act of 1974 (2 U.S.C. 661a(5)), of the loan
15 involved are provided in advance in appropriation
16 Acts.

17 (5) DEFINITION.—As used in this subsection,
18 the term “public water supply customers” means the
19 District of Columbia, the county of Arlington, Vir-
20 ginia, and the city of Falls Church, Virginia.

21 (g) CERTIFICATION OF RESIDENTIAL WATER TREAT-
22 MENT DEVICES.—Part F (42 U.S.C. 300j–21 et seq.) is
23 amended by adding at the end the following new section:

24 “RESIDENTIAL WATER TREATMENT DEVICES

25 “SEC. 1466. (a) CERTIFICATION.—For the purpose
26 of certifying residential water treatment devices for mate-

1 rial safety and effectiveness in reducing the concentration
2 of drinking water contaminants of health concern, the Ad-
3 ministrator shall—

4 “(1) not later than 1 year after the date of en-
5 actment of this section, develop, by rule, criteria to
6 identify qualified independent certifiers; and

7 “(2) identify certifiers meeting the criteria de-
8 veloped pursuant to paragraph (1).

9 The Administrator shall provide technical assistance and
10 information to independent certifiers for the purposes of
11 this section. Any person may submit to the Administrator
12 an application to be identified as a qualified independent
13 certifier. The Administrator shall promptly approve the
14 application if the person meets the criteria developed by
15 the Administrator.

16 “(b) LIST OF CERTIFIED DEVICES.—Not later than
17 2 years after the date of enactment of this section and
18 annually thereafter, the Administrator shall publish a list
19 of residential water treatment devices that are certified by
20 qualified independent certifiers. A list published under this
21 subsection shall identify, for each listed device, consumer
22 information on the effectiveness of the device for removing
23 drinking water contaminants of health concern, the period
24 of effectiveness, and recommended operational procedures.

1 “(c) PRODUCT CLAIMS.—No person shall claim or
2 imply product certification under this section for a water
3 treatment device unless the device has been certified by
4 a qualified independent certifier and the claim is consist-
5 ent with the certification.

6 “(d) PROHIBITION.—It shall be a violation of this
7 title to distribute, sell, or promote the sale of any residen-
8 tial water treatment device on the basis of false or mis-
9 leading claims concerning the effectiveness of the device
10 in removing drinking water contaminants, the protection
11 of health, or the safety of product materials.”.

12 (h) DRINKING WATER ADVISORY COUNCIL.—The
13 second sentence of section 1446(a) (42 U.S.C. 300j-6(a))
14 is amended by inserting before the period at the end the
15 following: “, of which two such members shall be associ-
16 ated with small, rural public water systems”.

17 (i) HARDSHIP COMMUNITY DEMONSTRATION PRO-
18 GRAM.—Section 1444 (42 U.S.C. 300j-3) is amended by
19 adding at the end the following new subsection:

20 “(e) HARDSHIP COMMUNITY DEMONSTRATION PRO-
21 GRAM.—

22 “(1) IN GENERAL.—The State agency admin-
23 istering a loan fund pursuant to part G in the State
24 of Virginia (referred to in this subsection as the
25 ‘State agency’) may conduct a program in accord-

1 ance with this subsection to demonstrate alternative
2 approaches to intergovernmental coordination in the
3 financing of drinking water projects in rural commu-
4 nities in southwestern Virginia that are experiencing
5 severe economic hardship.

6 “(2) REGIONAL ASSISTANCE FUND.—

7 “(A) ESTABLISHMENT.—The State agency
8 may establish a regional endowment fund (re-
9 ferred to in this subsection as the ‘regional
10 fund’) to assist in financing projects that are el-
11 igible under this subsection.

12 “(B) USE OF REGIONAL FUND.—The State
13 agency shall invest amounts in the regional
14 fund and shall use interest earned on amounts
15 in the regional fund to pay a portion of the
16 non-Federal share of a Federal grant to assist
17 a project that is eligible under this subsection.
18 Interest earned on amounts in the regional fund
19 shall not be considered to be Federal funds.

20 “(C) DEPOSITS TO REGIONAL FUND.—

21 “(i) IN GENERAL.—Notwithstanding
22 any other provision of this title, the State
23 agency may deposit into the regional fund
24 \$2,000,000 from funds made available pur-
25 suant to section 1472 for each of fiscal

1 years 1994 through 1997, if there are
2 commitments to deposit into the regional
3 fund a total of not less than 25 percent of
4 that amount from non-Federal sources.

5 “(ii) LESSER AMOUNT.—Notwith-
6 standing clause (i), the State agency may
7 deposit into the regional fund an amount
8 less than \$2,000,000 from funds made
9 available pursuant to section 1472, if the
10 amount deposited is equal to 3 times the
11 amount committed to be deposited into the
12 regional fund from non-Federal sources.

13 “(3) ELIGIBLE PROJECTS.—

14 “(A) IN GENERAL.—Assistance provided
15 under this subsection shall meet the require-
16 ments of subsections (a), (b), and (c) of section
17 1473.

18 “(B) ELIGIBLE RECIPIENTS.—Assistance
19 under this subsection shall be available only—

20 “(i) for a project that serves a dis-
21 advantaged community (as defined in sec-
22 tion 1473(e)(1)); and

23 “(ii) to a public water system located,
24 in whole or in part, in Lee County, Wise
25 County, Scott County, Dickenson County,

1 Russell County, Buchanan County, Taze-
2 well County, and the city of Norton, Vir-
3 ginia.

4 “(4) ADVISORY GROUP.—The State agency
5 shall establish an advisory group, including rep-
6 resentatives of jurisdictions identified in paragraph
7 (3)(B)(ii) and other appropriate parties, to assist
8 the State agency in setting priorities for the use of
9 funds under this subsection. The advisory group
10 shall include a representative of Mountain Empire
11 Community College, Wise County, Virginia.”.

12 (j) SHORT TITLE.—

13 (1) IN GENERAL.—The title (42 U.S.C. 1401 et
14 seq.) is amended by inserting after the title heading
15 the following new section:

16 “SHORT TITLE

17 “SEC. 1400. This title may be cited as the ‘Safe
18 Drinking Water Act’.”.

19 (2) CONFORMING AMENDMENT.—Section 1 of
20 Public Law 93–523 (88 Stat. 1660) is amended by
21 inserting “of 1974” after “Water Act”.

22 (k) TECHNICAL AMENDMENTS TO SECTION HEAD-
23 INGS.—

24 (1) The section heading and subsection designa-
25 tion of subsection (a) of section 1417 (42 U.S.C.
26 300g–6) are amended to read as follows:

1 “PROHIBITION ON USE OF LEAD PIPES, SOLDER, AND
2 FLUX, AND ON CERTAIN RETURN FLOWS
3 “SEC. 1417. (a)”.

4 (2) The section heading and subsection designa-
5 tion of subsection (a) of section 1426 (42 U.S.C.
6 300h-5) are amended to read as follows:

7 “REGULATION OF STATE PROGRAMS
8 “SEC. 1426. (a)”.

9 (3) The section heading and subsection designa-
10 tion of subsection (a) of section 1427 (42 U.S.C.
11 300h-6) are amended to read as follows:

12 “SOLE SOURCE AQUIFER DEMONSTRATION PROGRAM
13 “SEC. 1427. (a)”.

14 (4) The section heading and subsection designa-
15 tion of subsection (a) of section 1428 (42 U.S.C.
16 300h-7) are amended to read as follows:

17 “STATE PROGRAMS TO ESTABLISH WELLHEAD
18 PROTECTION AREAS
19 “SEC. 1428. (a)”.

20 (5) The section heading and subsection designa-
21 tion of subsection (a) of section 1432 (42 U.S.C.
22 300i-1) are amended to read as follows:

23 “TAMPERING WITH PUBLIC WATER SYSTEMS
24 “SEC. 1432. (a)”.

1 (6) The section heading and subsection designa-
2 tion of subsection (a) of section 1451 (42 U.S.C.
3 300j-11) are amended to read as follows:

4 “INDIAN TRIBES

5 “SEC. 1451. (a)”.

6 (7) The section heading and first word of sec-
7 tion 1461 (42 U.S.C. 300j-21) are amended to read
8 as follows:

9 “DEFINITIONS

10 “SEC. 1461. As”.

11 (8) The section heading and first word of sec-
12 tion 1462 (42 U.S.C. 300j-22) are amended to read
13 as follows:

14 “RECALL OF DRINKING WATER COOLERS WITH LEAD-

15 LINED TANKS

16 “SEC. 1462. For”.

17 (9) The section heading and subsection designa-
18 tion of subsection (a) of section 1463 (42 U.S.C.
19 300j-23) are amended to read as follows:

20 “DRINKING WATER COOLERS CONTAINING LEAD

21 “SEC. 1463. (a)”.

22 (10) The section heading and subsection des-
23 ignation of subsection (a) of section 1464 (42 U.S.C.
24 300j-24) are amended to read as follows:

25 “LEAD CONTAMINATION IN SCHOOL DRINKING WATER

26 “SEC. 1464. (a)”.

1 (11) The section heading and subsection des-
2 ignation of subsection (a) of section 1465 (42 U.S.C.
3 300j-25) are amended to read as follows:

4 “FEDERAL ASSISTANCE FOR STATE PROGRAMS REGARD-
5 ING LEAD CONTAMINATION IN SCHOOL DRINKING
6 WATER

7 “SEC. 1465. (a)”.

8 (l) ESTROGENIC SUBSTANCES SCREENING PRO-
9 GRAM.—Section 1442 (42 U.S.C. 300j-1) (as amended by
10 section 11(a)(10)) is further amended by adding at the
11 end the following new subsection:

12 “(j) SCREENING PROGRAM.—

13 “(1) DEVELOPMENT.—Not later than 1 year
14 after the date of enactment of this subsection, the
15 Administrator shall develop a screening program,
16 using appropriate validated test systems, to deter-
17 mine whether certain substances may have an effect
18 in humans that is similar to an effect produced by
19 a naturally occurring estrogen, or such other endo-
20 crine effect as the Administrator may designate.

21 “(2) IMPLEMENTATION.—Not later than 2
22 years after the date of enactment of this subsection,
23 after obtaining review of the screening program de-
24 scribed in paragraph (1) by the scientific advisory
25 panel established under section 25(d) of the Act of
26 June 25, 1947 (chapter 125), and the Science Advi-

1 sory Board established by section 8 of the Environ-
2 mental Research, Development, and Demonstration
3 Act of 1978 (42 U.S.C. 4365), the Administrator
4 shall implement the program.

5 “(3) SUBSTANCES.—In carrying out the screen-
6 ing program described in paragraph (1), the Admin-
7 istrator shall provide for the testing of all active and
8 inert ingredients used in products described in sec-
9 tion 103(e) of the Comprehensive Environmental Re-
10 sponse, Compensation, and Liability Act of 1980 (42
11 U.S.C. 9603(e)), and may provide for the testing of
12 any other substance if the Administrator determines
13 that a widespread population may be exposed to the
14 substance.

15 “(4) EXEMPTION.—Notwithstanding paragraph
16 (3), the Administrator may, by regulation, exempt
17 from the requirements of this subsection a biologic
18 substance or other substance if the Administrator
19 determines that the substance does not have any ef-
20 fect in humans similar to an effect produced by a
21 naturally occurring estrogen.

22 “(5) COLLECTION OF INFORMATION.—

23 “(A) IN GENERAL.—The Administrator
24 shall issue an order to a person that manufac-
25 tures a substance for which testing is required

1 under this subsection to conduct testing in ac-
2 cordance with the screening program described
3 in paragraph (1), and submit information ob-
4 tained from the testing to the Administrator,
5 within a time period that the Administrator de-
6 termines is sufficient for the generation of the
7 information.

8 “(B) FAILURE TO SUBMIT INFORMA-
9 TION.—

10 “(i) SUSPENSION.—If a person re-
11 ferred to in subparagraph (A) fails to sub-
12 mit the information required under such
13 subparagraph within the time period estab-
14 lished by the order, the Administrator shall
15 issue a notice of intent to suspend the sale
16 or distribution of the substance by the per-
17 son. Any suspension proposed under this
18 subparagraph shall become final at the end
19 of the 30-day period beginning on the date
20 that the person receives the notice of in-
21 tent to suspend, unless during that period
22 a person adversely affected by the notice
23 requests a hearing or the Administrator
24 determines that the person referred to in

1 subparagraph (A) has complied fully with
2 this paragraph.

3 “(ii) HEARING.—If a person requests
4 a hearing under clause (i), the hearing
5 shall be conducted in accordance with sec-
6 tion 554 of title 5, United States Code.
7 The only matter for resolution at the hear-
8 ing shall be whether the person has failed
9 to submit information required under this
10 paragraph. A decision by the Adminis-
11 trator after completion of a hearing shall
12 be considered to be a final agency action.

13 “(iii) TERMINATION OF SUSPEN-
14 SIONS.—The Administrator shall terminate
15 a suspension under this subparagraph is-
16 sued with respect to a person if the Ad-
17 ministrator determines that the person has
18 complied fully with this paragraph.

19 “(6) AGENCY ACTION.—In the case of any sub-
20 stance that is found to have a potential adverse ef-
21 fect on humans as a result of testing and evaluation
22 under this subsection, the Administrator shall take
23 such action, including appropriate regulatory action
24 by rule or by order under statutory authority avail-

1 able to the Administrator, as is necessary to ensure
2 the protection of public health.

3 “(7) REPORT TO CONGRESS.—Not later than 4
4 years after the date of enactment of this subsection,
5 the Administrator shall prepare and submit to Con-
6 gress a report containing—

7 “(A) the findings of the Administrator re-
8 sulting from the screening program described in
9 paragraph (1);

10 “(B) recommendations for further testing
11 and research needed to evaluate the impact on
12 human health of the substances tested under
13 the screening program; and

14 “(C) recommendations for any further ac-
15 tions (including any action described in para-
16 graph (6)) that the Administrator determines
17 are appropriate based on the findings.”.

18 (m) PREVENTION AND CONTROL OF ZEBRA MUSSEL
19 INFESTATION OF LAKE CHAMPLAIN.—

20 (1) FINDINGS.—Section 1002(a) of the
21 Nonindigenous Aquatic Nuisance Prevention and
22 Control Act of 1990 (16 U.S.C. 4701(a)) is amend-
23 ed—

24 (A) by striking “and” at the end of para-
25 graph (3);

1 (B) by striking the period at the end of
2 paragraph (4) and inserting “; and”; and

3 (C) by adding at the end the following new
4 paragraph:

5 “(5) the zebra mussel was discovered on Lake
6 Champlain during 1993 and the opportunity exists
7 to act quickly to establish zebra mussel controls be-
8 fore Lake Champlain is further infested and man-
9 agement costs escalate.”.

10 (2) EX OFFICIO MEMBERS OF AQUATIC NUI-
11 SANCE SPECIES TASK FORCE.—Section 1201(c) of
12 such Act (16 U.S.C. 4721(c)) is amended by insert-
13 ing “, the Lake Champlain Basin Program,” after
14 “Great Lakes Commission”.

15 (3) AQUATIC NUISANCE SPECIES PROGRAM.—
16 Subsections (b)(6) and (i)(1) of section 1202 of such
17 Act (16 U.S.C. 4722) is amended by inserting “,
18 Lake Champlain,” after “Great Lakes” each place it
19 appears.

20 (4) AUTHORIZATION OF APPROPRIATIONS.—
21 Section 1301(b) of such Act (16 U.S.C. 4741(b)) is
22 amended—

23 (A) in paragraph (3), by inserting “, and
24 the Lake Champlain Research Consortium,”
25 after “Laboratory”; and

1 (B) in paragraph (4)(A)—

2 (i) by inserting after “(33 U.S.C.
3 1121 et seq.)” the following: “and grants
4 to colleges for the benefit of agriculture
5 and the mechanic arts referred to in the
6 first section of the Act of August 30, 1890
7 (26 Stat. 417, chapter 841; 7 U.S.C.
8 322)””; and

9 (ii) by inserting “and the Lake Cham-
10 plain basin” after “Great Lakes region”.

11 **TITLE I—DEPARTMENT OF** 12 **ENVIRONMENTAL PROTECTION**

13 **SEC. 100. SHORT TITLE.**

14 This title may be cited as the “Department of Envi-
15 ronmental Protection Act of 1994”.

16 **Subtitle A—Elevation of the Envi-** 17 **ronmental Protection Agency To** 18 **Cabinet Level**

19 **SEC. 101. SHORT TITLE.**

20 This subtitle may be cited as the “Department of En-
21 vironmental Protection Act”.

22 **SEC. 102. FINDINGS.**

23 The Congress finds that—

24 (1) recent concern with Federal environmental
25 policy has highlighted the necessity of assigning to

1 protection of the domestic and international environ-
2 ment a priority which is at least equal to that as-
3 signed to other functions of the Federal Govern-
4 ment;

5 (2) protection of the environment increasingly
6 involves cooperation with foreign states, including
7 the most highly industrialized states all of whose top
8 environmental officials have ministerial status;

9 (3) the size of the budget and the number of
10 Federal civil servants devoted to tasks associated
11 with environmental protection at the Environmental
12 Protection Agency is commensurate with depart-
13 mental status; and

14 (4) a cabinet-level Department of Environ-
15 mental Protection should be established.

16 **SEC. 103. ESTABLISHMENT OF THE DEPARTMENT OF ENVI-**
17 **RONMENTAL PROTECTION.**

18 (a) REDESIGNATION.—The Environmental Protec-
19 tion Agency is hereby redesignated as the Department of
20 Environmental Protection (hereafter referred to as the
21 “Department”) and shall be an executive department in
22 the executive branch of the Government. The official acro-
23 nym of the Department shall be the “U.S.D.E.P.”.

24 (b) SECRETARY OF ENVIRONMENTAL PROTEC-
25 TION.—(1) There shall be at the head of the Department

1 a Secretary of Environmental Protection who shall be ap-
2 pointed by the President, by and with the advice and con-
3 sent of the Senate. The Department shall be administered
4 under the supervision and direction of the Secretary.

5 (2) The Secretary may not assign duties for or dele-
6 gate authority for the supervision of the Assistant Sec-
7 retaries, the General Counsel, the Director of Environ-
8 mental Statistics, or the Inspector General of the Depart-
9 ment to any officer of the Department other than the Dep-
10 uty Secretary.

11 (3) Except as described under paragraph (2) of this
12 section and section 104(b)(2), and notwithstanding any
13 other provision of law, the Secretary may delegate any
14 functions including the making of regulations to such offi-
15 cers and employees of the Department as the Secretary
16 may designate, and may authorize such successive
17 redelegations of such functions within the Department as
18 determined to be necessary or appropriate.

19 (c) DEPUTY SECRETARY.—There shall be in the De-
20 partment a Deputy Secretary of Environmental Protec-
21 tion, who shall be appointed by the President, by and with
22 the advice and consent of the Senate. The Deputy Sec-
23 retary shall perform such responsibilities as the Secretary
24 shall prescribe and shall act as the Secretary during the

1 absence or disability of the Secretary or in the event of
2 a vacancy in the position of Secretary.

3 (d) OFFICE OF THE SECRETARY.—The Office of the
4 Secretary shall consist of a Secretary and a Deputy Sec-
5 retary and may include an Executive Secretary and such
6 other executive officers as the Secretary may determine
7 necessary.

8 (e) REGIONAL OFFICES.—The Secretary is author-
9 ized to establish, alter, discontinue, or maintain such re-
10 gional or other field offices as he may determine necessary
11 to carry out the functions vested in him or other officials
12 of the Department.

13 (f) INTERNATIONAL RESPONSIBILITIES OF THE SEC-
14 RETARY.—(1) In addition to exercising other international
15 responsibilities under existing provisions of law, the Sec-
16 retary is—

17 (A) encouraged to assist the Secretary of State
18 to carry out his primary responsibilities for coordi-
19 nating, negotiating, implementing and participating
20 in international agreements, including participation
21 in international organizations, relevant to environ-
22 mental protection; and

23 (B) authorized and encouraged to—

24 (i) conduct research on and apply existing
25 research capabilities to the nature and impacts

1 of international environmental problems and de-
2 velop responses to such problems; and

3 (ii) provide technical and other assistance
4 to foreign countries and international bodies to
5 improve the quality of the environment.

6 (2) The Secretary of State shall consult with the Sec-
7 retary of Environmental Protection and such other per-
8 sons as he determines appropriate on such negotiations,
9 implementations, and participations described under para-
10 graph (1)(A).

11 (g) AUTHORITY OF THE SECRETARY WITHIN THE
12 DEPARTMENT.—Except as provided under section 112,
13 nothing in the provisions of this title—

14 (1) authorizes the Secretary of Environmental
15 Protection to require any action by any officer of
16 any executive department or agency other than offi-
17 cers of the Department of Environmental Protection,
18 except that this paragraph shall not affect any au-
19 thority provided for by any other provision of law
20 authorizing the Secretary of Environmental Protec-
21 tion to require any such actions;

22 (2) modifies any Federal law that is adminis-
23 tered by any executive department or agency; or

24 (3) transfers to the Department of Environ-
25 mental Protection any authority exercised by any

1 other Federal executive department or agency prior
2 to the date of the enactment of this Act, except the
3 authority exercised by the Environmental Protection
4 Agency.

5 (h) APPLICATION TO THE DEPARTMENT OF ENVI-
6 RONMENTAL PROTECTION.—The provisions of this title
7 apply only to activities of the Department of Environ-
8 mental Protection, except where expressly provided other-
9 wise.

10 (i) ISSUANCE OF PERMITS.—

11 (1) GUIDES.—At the time a person or small
12 business concern (as defined in section 3 of the
13 Small Business Act), including family farms, con-
14 tacts an officer or employee of the Department to
15 obtain a permit to engage in an activity under the
16 jurisdiction of the Department, the Secretary shall
17 make available, on request of the person, an em-
18 ployee of the Department to—

19 (A) act as a guide for the applicant in ob-
20 taining all necessary permits for the activity in
21 the least quantity of time practicable; and

22 (B) facilitate the gathering and dissemina-
23 tion of information with respect to the Federal
24 agencies and departments and agencies of
25 States and political subdivisions of States that

1 have a regulatory interest in the activity to re-
2 duce the period required to obtain all such nec-
3 essary permits.

4 (2) DUTIES OF SECRETARY.—In issuing a per-
5 mit to an applicant to carry out an activity under
6 the jurisdiction of the Department, the Secretary
7 shall—

8 (A) provide assistance and guidance to,
9 and otherwise facilitate the processing of the
10 application for, the applicant; and

11 (B) set reasonable deadlines for action to
12 be taken on an application for the permit.

13 (3) USE OF GUIDES.—An applicant that choos-
14 es to use the services of a guide referred to in para-
15 graph (1) may subsequently choose not to use the
16 services at any time after requesting the guide.

17 **SEC. 104. ASSISTANT SECRETARIES.**

18 (a) ESTABLISHMENT OF POSITIONS.—There shall be
19 in the Department such number of Assistant Secretaries,
20 not to exceed 12, as the Secretary shall determine, each
21 of whom shall be appointed by the President, by and with
22 the advice and consent of the Senate.

23 (b) RESPONSIBILITIES OF ASSISTANT SECRETAR-
24 IES.—(1) The Secretary shall assign to Assistant Sec-

1 retaries such responsibilities as the Secretary considers
2 appropriate, including, but not limited to—

- 3 (A) enforcement;
- 4 (B) compliance monitoring;
- 5 (C) research and development;
- 6 (D) air;
- 7 (E) radiation;
- 8 (F) water;
- 9 (G) pesticides;
- 10 (H) toxic substances;
- 11 (I) solid waste;
- 12 (J) hazardous waste;
- 13 (K) hazardous waste cleanup;
- 14 (L) emergency response;
- 15 (M) international affairs;
- 16 (N) policy, planning, and evaluation;
- 17 (O) pollution prevention;
- 18 (P) congressional affairs;
- 19 (Q) intergovernmental affairs;
- 20 (R) public affairs;
- 21 (S) administration and resources management,
22 information resources management, procurement
23 and assistance management, and personnel and
24 labor relations; and

1 (T) regional operations and State and local ca-
2 pacity.

3 (2) The Secretary may assign and modify any respon-
4 sibilities at his discretion under paragraph (1), except that
5 the Secretary may not modify the responsibilities of any
6 Assistant Secretary without prior written notification with
7 explanation of such modification to the appropriate com-
8 mittees of the Senate and the House of Representatives.

9 (3) One of the Assistant Secretaries referred to under
10 paragraph (1) shall be an Assistant Secretary for Indian
11 Lands and shall be responsible for policies relating to the
12 environment of Indian lands and affecting Native Ameri-
13 cans.

14 (c) DESIGNATION OF RESPONSIBILITIES PRIOR TO
15 CONFIRMATION.—Whenever the President submits the
16 name of an individual to the Senate for confirmation as
17 Assistant Secretary under this section, the President shall
18 state the particular responsibilities of the Department
19 such individual shall exercise upon taking office.

20 (d) CONTINUING PERFORMANCE OF FUNCTIONS.—
21 On the effective date of this Act, the Administrator and
22 Deputy Administrator of the Environmental Protection
23 Agency shall be redesignated as the Secretary and Deputy
24 Secretary of the Department of Environmental Protection,
25 Assistant Administrators of the Agency shall be redesign-

1 nated as Assistant Secretaries of the Department, the
2 General Counsel and the Inspector General of the Agency
3 shall be redesignated as the General Counsel and the In-
4 spector General of the Department, and the Chief Finan-
5 cial Officer of the Agency shall be redesignated as the
6 Chief Financial Officer of the Department, without re-
7 nomination or reconfirmation.

8 (e) CHIEF INFORMATION RESOURCES OFFICER.—(1)
9 The Secretary shall designate the Assistant Secretary
10 whose responsibilities include information resource man-
11 agement functions as required by section 3506 of title 44,
12 United States Code, as the Chief Information Resources
13 Officer of the Department.

14 (2) The Chief Information Resources Officer shall—

15 (A) advise the Secretary on information re-
16 source management activities of the Department as
17 required by section 3506 of title 44, United States
18 Code;

19 (B) develop and maintain an information re-
20 sources management system for the Department
21 which provides for—

22 (i) the conduct of and accountability for
23 any acquisitions made pursuant to a delegation
24 of authority under section 111 of the Federal

1 Property and Administrative Services Act of
2 1949 (40 U.S.C. 759);

3 (ii) the implementation of all applicable
4 government-wide and Department information
5 policies, principles, standards, and guidelines
6 with respect to information collection, paper-
7 work reduction, privacy and security of records,
8 sharing and dissemination of information, ac-
9 quisition and use of information technology,
10 and other information resource management
11 functions;

12 (iii) the periodic evaluation of and, as
13 needed, the planning and implementation of im-
14 provements in the accuracy, completeness, and
15 reliability of data and records contained with
16 Department information systems; and

17 (iv) the development and annual revision of
18 a 5-year plan for meeting the Department's in-
19 formation technology needs; and

20 (C) report to the Secretary as required under
21 section 3506 of title 44, United States Code.

22 **SEC. 105. DEPUTY ASSISTANT SECRETARIES.**

23 (a) ESTABLISHMENT OF POSITIONS.—There shall be
24 in the Department such number of Deputy Assistant Sec-
25 retaries as the Secretary may determine.

1 (b) APPOINTMENTS.—Each Deputy Assistant Sec-
2 retary—

3 (1) shall be appointed by the Secretary; and

4 (2) shall perform such functions as the Sec-
5 retary shall prescribe.

6 (c) FUNCTIONS.—Functions assigned to an Assistant
7 Secretary under section 104(b) may be performed by one
8 or more Deputy Assistant Secretaries appointed to assist
9 such Assistant Secretary.

10 **SEC. 106. OFFICE OF THE GENERAL COUNSEL.**

11 There shall be in the Department the Office of the
12 General Counsel. There shall be at the head of such office
13 a General Counsel who shall be appointed by the Presi-
14 dent, by and with the advice and consent of the Senate.
15 The General Counsel shall be the chief legal officer of the
16 Department and shall provide legal assistance to the Sec-
17 retary concerning the programs and policies of the Depart-
18 ment.

19 **SEC. 107. OFFICE OF THE INSPECTOR GENERAL.**

20 The Office of Inspector General of the Environmental
21 Protection Agency, established in accordance with the In-
22 spector General Act of 1978, is hereby redesignated as the
23 Office of Inspector General of the Department of Environ-
24 mental Protection.

1 **SEC. 108. SMALL BUSINESS COMPLIANCE ASSISTANCE.**

2 (a) ESTABLISHMENT.—

3 (1) IN GENERAL.—The Secretary of Environ-
4 mental Protection shall establish within the Depart-
5 ment a Small Business Ombudsman Office (here-
6 after in this section referred to as the “Office”). The
7 Office shall be headed by a Director designated by
8 the Secretary.

9 (2) DUTIES.—

10 (A) IN GENERAL.—The Director shall re-
11 port directly to the Secretary. The Secretary,
12 acting through the Director, shall develop and
13 carry out programs of environmental compli-
14 ance and technical assistance for small business
15 concerns (as defined in section 3 of the Small
16 Business Act), including family farms.

17 (B) SPECIFIC DUTIES.—The duties of the
18 Office shall include—

19 (i) providing to small business con-
20 cerns—

21 (I) confidential compliance assist-
22 ance;

23 (II) explanations of environ-
24 mental regulatory requirements; and

25 (III) available environmental re-
26 ports and documents;

1 (ii) assembling and disseminating to
2 small business concerns information on ap-
3 proaches to achieving compliance with en-
4 vironmental laws and improving environ-
5 mental performance and product yield, in-
6 cluding new environmental technologies
7 and techniques for preventing pollution;

8 (iii) carrying out the functions as-
9 signed to the Small Business Ombudsman
10 under section 507 of the Clean Air Act
11 Amendments of 1990;

12 (iv) serving as the Department's liai-
13 son to and advocate for the small business
14 community;

15 (v) ensuring, as appropriate, consider-
16 ation of the concerns of small business in
17 the regulatory development process, includ-
18 ing ensuring that reporting requirements
19 are consistent and avoid unnecessary re-
20 dundancy across regulatory programs, to
21 the extent possible, and ensuring effective
22 implementation of the Regulatory Flexibil-
23 ity Act;

24 (vi) coordinating the Department's
25 small business compliance and technical

1 assistance programs with other Federal
2 and State agencies having responsibilities
3 for carrying out and enforcing environ-
4 mental laws; and

5 (vii) providing assistance in permit-
6 ting, where appropriate.

7 (b) COORDINATION WITH NATIONAL INSTITUTE OF
8 STANDARDS AND TECHNOLOGY.—Not later than 180 days
9 after the date of enactment of this Act, the Secretary of
10 Environmental Protection and the Secretary of Commerce
11 shall enter into such agreements as may be necessary to
12 permit the Department to provide technical assistance and
13 support to the Manufacturing Technology Centers admin-
14 istered by the National Institute of Standards and Tech-
15 nology of the Department of Commerce. Such assistance
16 shall include—

17 (1) preparing environmental assistance pack-
18 ages for small business concerns generally, and
19 where appropriate, for specific small business sec-
20 tors, including information on—

21 (A) environmental compliance require-
22 ments and methods for achieving compliance;

23 (B) new environmental technologies;

1 (C) alternatives for preventing pollution
2 that are generally applicable to the small busi-
3 ness sector; and

4 (D) guidance for identifying and applying
5 opportunities for preventing pollution at indi-
6 vidual facilities;

7 (2) providing technical assistance to small busi-
8 ness concerns seeking to act on the information pro-
9 vided under paragraph (1);

10 (3) coordinating with the National Institute of
11 Standards and Technology to identify those small
12 business sectors that need improvement in environ-
13 mental compliance or in developing methods to pre-
14 vent pollution; and

15 (4) developing and implementing an action plan
16 for providing assistance to improve environmental
17 performance of small business sectors in need of
18 such improvement.

19 (c) COORDINATION WITH OTHER FEDERALLY SUP-
20 PORTED EXTENSION PROGRAMS.—The Secretary of Envi-
21 ronmental Protection may coordinate with other small
22 business and agricultural extension programs and centers,
23 as appropriate, to provide environmental assistance to
24 small businesses.

1 **SEC. 109. SMALL GOVERNMENTAL JURISDICTION COMPLI-**
2 **ANCE ASSISTANCE.**

3 (a) IN GENERAL.—The Secretary of Environmental
4 Protection shall develop and carry out programs of envi-
5 ronmental compliance and technical assistance for small
6 governmental jurisdictions as defined in section 601(5) of
7 title 5, United States Code.

8 (b) SPECIFIC DUTIES.—The duties of the Secretary
9 of Environmental Protection shall include—

10 (1) providing to small governmental jurisdic-
11 tions—

12 (A) compliance assistance;

13 (B) explanations of environmental regu-
14 latory requirements; and

15 (C) available environmental reports and
16 documents;

17 (2) assembling and disseminating to small gov-
18 ernmental jurisdictions information on approaches to
19 achieving compliance with environmental laws and
20 improving environmental performance, including new
21 environmental technologies and techniques for pre-
22 venting pollution;

23 (3) designating liaisons to serve as advocates
24 for small governmental jurisdictions, as appropriate;

25 (4) ensuring, as appropriate, consideration of
26 the concerns of small governmental jurisdictions in

1 the regulatory development process, including ensur-
2 ing that reporting requirements are consistent and
3 avoid unnecessary redundancy across regulatory pro-
4 grams, to the extent possible, and ensuring effective
5 implementation of the Regulatory Flexibility Act;
6 and

7 (5) coordinating the Department of Environ-
8 mental Protection's small governmental jurisdiction
9 environmental compliance and technical assistance
10 programs with other Federal and State agencies
11 having responsibilities for carrying out and enforcing
12 environmental laws; and

13 (6) providing assistance in permitting, where
14 appropriate.

15 **SEC. 110. BUREAU OF ENVIRONMENTAL STATISTICS.**

16 (a) ESTABLISHMENT.—(1) There is established with-
17 in the Department a Bureau of Environmental Statistics
18 (hereafter referred to as the “Bureau”). The Bureau shall
19 be responsible for—

20 (A) compiling, analyzing, and publishing a com-
21 prehensive set of environmental quality statistics
22 which should provide timely summary in the form of
23 industrywide aggregates, multiyear averages, or to-
24 tals or some similar form and include information
25 on—

1 (i) the nature, source, and amount of pol-
2 lutants in the environment; and

3 (ii) the effects on the public and the envi-
4 ronment of those pollutants;

5 (B) promulgating guidelines for the collection of
6 information by the Department required for the sta-
7 tistics under this paragraph to assure that the infor-
8 mation is accurate, reliable, relevant, and in a form
9 that permits systematic analysis;

10 (C) coordinating the collection of information
11 by the Department for developing such statistics
12 with related information-gathering activities con-
13 ducted by other Federal agencies;

14 (D) making readily accessible the statistics pub-
15 lished under this paragraph; and

16 (E) identifying missing information of the kind
17 described under subparagraph (A) (i) and (ii), re-
18 viewing these information needs at least annually
19 with the Science Advisory Board, and making rec-
20 ommendations to the appropriate Department of En-
21 vironmental Protection officials concerning extra-
22 mural and intramural research programs to provide
23 such information.

24 (2) Nothing in the provisions of paragraph (1) shall
25 authorize the Bureau to require the collection of any data

1 by any other Department, State or local government, or
2 to establish observation or monitoring programs. The Bu-
3 reau shall not duplicate the information collection func-
4 tions of other Federal agencies.

5 (3) Information compiled by the Bureau of Environ-
6 mental Statistics, which has been submitted for purposes
7 of statistical reporting requirements of this law, shall not
8 be disclosed publicly in a manner that would reveal the
9 identity of the submitter, including submissions by Fed-
10 eral, State, or local governments, or reveal the identity of
11 any individual consistent with the provisions of section
12 552a of title 5, United States Code (the Privacy Act of
13 1974). This paragraph shall not affect the availability of
14 data provided to the Department under any other provi-
15 sion of law administered by the Department. The con-
16 fidentiality provisions of other statutes authorizing the col-
17 lection of environmental statistics shall also apply, includ-
18 ing but not limited to, section 14 of the Toxic Substances
19 Control Act (15 U.S.C. 2613), section 2(h) of the Federal
20 Insecticide, Fungicide, and Rodenticide Act (7 U.S.C.
21 136h), section 114(c) of the Clean Air Act (42 U.S.C.
22 741(c)), and section 1905 of title 18, United States Code.

23 (b) DIRECTOR OF ENVIRONMENTAL STATISTICS.—
24 The Bureau shall be under the direction of a Director of
25 Environmental Statistics (hereafter referred to as the “Di-

1 rector'') who shall be appointed by the President, by and
2 with the advice and consent of the Senate. The term of
3 the Director shall be 4 years. The Director shall be a
4 qualified individual with experience in the compilation and
5 analysis of environmental statistics. The Director shall re-
6 port directly to the Secretary. The Director shall be com-
7 pensated at the rate provided for at level V of the Execu-
8 tive Schedule under section 5316 of title 5, United States
9 Code.

10 (c) ENVIRONMENTAL STATISTICS ANNUAL RE-
11 PORT.—On July 1, 1995, and each July 1 thereafter, the
12 Director shall submit to the President an Environmental
13 Statistics Annual Report (hereafter referred to as the
14 “Report”). The Report shall include, but not be limited
15 to—

16 (1) statistics on environmental quality includ-
17 ing—

18 (A) The environmental quality of the Na-
19 tion with respect to all aspects of the environ-
20 ment, including, but not limited to, the air,
21 aquatic ecosystems, including marine, estuarine,
22 and fresh water, and the terrestrial ecosystems,
23 including, but not limited to, the forest, dry-
24 land, wetland, range, urban, suburban, and
25 rural environment; and

1 (B) changes in the natural environment,
2 including the plant and animal systems, and
3 other information for a continuing analysis of
4 these changes or trends and an interpretation
5 of their underlying causes;

6 (2) statistics on the effects of changes in envi-
7 ronmental quality on human health and nonhuman
8 species and ecosystems;

9 (3) documentation of the method used to obtain
10 and assure the quality of the statistics presented in
11 the Report;

12 (4) economic information on the current and
13 projected costs and benefits of environmental protec-
14 tion; and

15 (5) recommendations on improving environ-
16 mental statistical information.

17 (d) CONTINUING PERFORMANCE OF THE FUNCTIONS
18 OF THE DIRECTOR PENDING CONFIRMATION.—An indi-
19 vidual who, on the effective date of this Act, is performing
20 any of the functions required by this section to be per-
21 formed by the Director may continue to perform such
22 functions until such functions are assigned to an individ-
23 ual appointed as the Director under this title.

24 (e) ADVISORY COUNCIL ON ENVIRONMENTAL STA-
25 TISTICS.—The Director shall appoint an Advisory Council

1 on Environmental Statistics, comprised of no more than
2 6 private citizens who have expertise in environmental sta-
3 tistics and analysis (except that at least one of such ap-
4 pointees should have expertise in economics) to advise the
5 Director on environmental statistics and analyses, includ-
6 ing whether the statistics and analyses disseminated by
7 the Bureau are of high quality and are based upon the
8 best available objective information. The Council shall be
9 subject to the provisions of the Federal Advisory Commit-
10 tee Act.

11 (f) REVIEW OF REGULATIONS.—For each proposed
12 new regulation and each proposed change to existing regu-
13 lations the Director shall publish in the Federal Register
14 as part of the notice of the proposed rulemaking, a com-
15 prehensive assessment of specific costs and benefits result-
16 ing from implementation of the proposed new regulation
17 or the proposed regulatory change including an assess-
18 ment of the total number of direct and indirect jobs to
19 be gained or lost as a result of implementation of the pro-
20 posed new regulation or the proposed regulatory change.
21 Such assessment shall be required to the extent that the
22 Department of Environmental Protection is not in compli-
23 ance with any applicable Executive Order requiring an
24 analysis of costs and benefits for proposed regulations
25 submitted to the Office of Management and Budget for

1 review. The assessment required by this subsection shall
2 not be construed to amend, modify, or alter any statute
3 and shall not be subject to judicial review. Nothing in this
4 section shall be construed to grant a cause of action to
5 any person.

6 **SEC. 111. GRANT AND CONTRACT AUTHORITY FOR CER-**
7 **TAIN ACTIVITIES.**

8 The Secretary may make grants to and enter into
9 contracts with State and local governments, Indian tribes,
10 universities, and other organizations to assist them in
11 meeting the costs of collecting specific data and other
12 short term activities that are related to the responsibilities
13 and functions under section 108(a)(1) (A), (B), (C), and
14 (D).

15 **SEC. 112. STUDY OF DATA NEEDS.**

16 (a) STUDY OF DATA NEEDS.—(1) No later than 1
17 year after the start of Bureau operations, the Secretary
18 of the Department of Environmental Protection, in con-
19 sultation with the Director of the Bureau and the Assist-
20 ant Secretary designated as Chief Information Resources
21 Officer, shall enter into an agreement with the National
22 Academy of Sciences for a study, evaluation, and report
23 on the adequacy of the data collection procedures and ca-
24 pabilities of the Department. No later than 18 months fol-
25 lowing an agreement, the National Academy of Sciences

1 shall report its findings to the Secretary and the Congress.

2 The report shall include an evaluation of the Department's

3 data collection resources, needs, and requirements, and

4 shall include an assessment and evaluation of the following

5 systems, capabilities, and procedures established by the

6 Department to meet those needs and requirements:

7 (A) data collection procedures and capabilities;

8 (B) data analysis procedures and capabilities;

9 (C) the ability to integrate data bases;

10 (D) computer hardware and software capabili-

11 ties;

12 (E) management information systems, including

13 the ability to integrate management information sys-

14 tems;

15 (F) Department personnel; and

16 (G) the Department's budgetary needs and re-

17 sources for data collection, including an assessment

18 of the adequacy of the budgetary resources provided

19 to the Department and budgetary resources used by

20 the Department for data collection needs and pur-

21 poses.

22 (2) The report shall include recommendations for im-

23 proving the Department's data collection systems, capa-

24 bilities, procedures, data collection, and analytical hard-

1 ware and software, and for improving its management in-
2 formation systems.

3 (b) AUTHORIZATION OF APPROPRIATIONS.—There
4 are authorized to be appropriated such sums as necessary
5 to carry out the provisions of this section.

6 **SEC. 113. MISCELLANEOUS EMPLOYMENT RESTRICTIONS.**

7 (a) PROHIBITED EMPLOYMENT AND ADVANCEMENT
8 CONSIDERATIONS.—Except as otherwise provided in this
9 title, political affiliation or political qualification may not
10 be taken into account in connection with the appointment
11 of any person to any position in the career civil service
12 or in the assignment or advancement of any career civil
13 servant in the Department.

14 (b) REPORTS ON IMPLEMENTATION.—One year after
15 the date of the enactment of this title and again 3 years
16 after the date of the enactment of this title, the Secretary
17 shall report to the Senate Committees on Appropriations,
18 Governmental Affairs, and Environment and Public
19 Works and to the House of Representatives on the esti-
20 mated additional cost of implementing this title over the
21 cost as if this title had not been implemented, including
22 a justification of increased staffing not required in the exe-
23 cution of this title.

1 **SEC. 114. TERMINATION OF THE COUNCIL ON ENVIRON-**
2 **MENTAL QUALITY AND TRANSFER OF FUNC-**
3 **TIONS.**

4 (a) TRANSFER OF FUNCTIONS OF THE COUNCIL ON
5 ENVIRONMENTAL QUALITY.—(1) Except as provided
6 under paragraph (2), all functions of the Council on Envi-
7 ronmental Quality under titles I and II of the National
8 Environmental Policy Act (42 U.S.C. 4321 et seq.) and
9 under any other law, are transferred to the Secretary. The
10 Secretary is authorized to take all necessary action, in-
11 cluding the promulgation of regulations, to carry out these
12 functions.

13 (2) Referrals of interagency disagreements concern-
14 ing proposed major Federal actions significantly affecting
15 the quality of the human environment under section
16 102(2)(C) of the National Environmental Policy Act (42
17 U.S.C. 102(2)(C)) and concerning matters under section
18 309(b) of the Clean Air Act (42 U.S.C. 7609(b)) shall be
19 made to the President for resolution.

20 (b) TERMINATION OF THE COUNCIL ON ENVIRON-
21 MENTAL QUALITY.—(1) Section 204 of the National Envi-
22 ronmental Policy Act (42 U.S.C. 4344) is amended by
23 striking out “Council” and inserting in lieu thereof “Sec-
24 retary of Environmental Protection”.

1 (2) Sections 202, 203, 205, 206, 207, and 208 of
2 the National Environmental Policy Act (42 U.S.C. 4342,
3 4343, 4345, 4346, 4346a, and 4346b) are repealed.

4 (3) The Environmental Quality Improvement Act of
5 1970 (42 U.S.C. 4371 through 4375) is repealed.

6 (4) Section 204 of the National Environmental Policy
7 Act (42 U.S.C. 4344) (as amended by paragraph (1) of
8 this subsection) is redesignated as section 202 of such Act.

9 (5) The heading for title II of the National Environ-
10 mental Policy Act is amended to read as follows:

11 “TITLE II

12 “ENVIRONMENTAL QUALITY REPORT”.

13 (c) REFERENCES IN FEDERAL LAW.—Reference in
14 any other Federal law, Executive order, rule, regulation,
15 or delegation of authority, or any document of or relating
16 to the Council on Environmental Quality—

17 (1) with regard to functions transferred under
18 subsection (a)(1), shall be deemed to refer to the
19 Secretary; and

20 (2) with regard to disagreements and matters
21 described under subsection (a)(2), shall be deemed
22 to refer to the President.

23 (d) AVAILABILITY OF FUNDS.—Unobligated funds
24 available to the Council on Environmental Quality shall
25 remain available to the Department until expended for the

1 gradual and orderly termination of the Council and trans-
2 fer of Council functions as provided in this title.

3 (e) SAVINGS PROVISIONS.—(1) All orders, determina-
4 tions, rules, regulations, permits, agreements, grants, con-
5 tracts, certificates, licenses, registrations, privileges, and
6 other administrative actions—

7 (A) which have been issued, made, granted, or
8 allowed to become effective by the President, by the
9 Council on Environmental Quality, or by a court of
10 competent jurisdiction, in the performance of func-
11 tions of the Council on Environmental Quality, and

12 (B) which are in effect at the time this title
13 takes effect, or were final before the effective date
14 of this Act and are to become effective on or after
15 the effective date of this Act,

16 shall continue in effect according to their terms until
17 modified, terminated, superseded, set aside, or revoked in
18 accordance with law by the President, the Secretary of En-
19 vironmental Protection, or other authorized official, a
20 court of competent jurisdiction, or by operation of law.

21 (2) The provisions of this title shall not affect any
22 proceedings or any application for any license, permit, cer-
23 tificate, or financial assistance pending before the Council
24 on Environmental Quality at the time this title takes ef-
25 fect, but such proceedings and applications shall be contin-

1 ued. Orders shall be issued in such proceedings, appeals
2 shall be taken therefrom, and payments shall be made pur-
3 suant to such orders, as if this title had not been enacted,
4 and orders issued in any such proceedings shall continue
5 in effect until modified, terminated, superseded, or re-
6 voked by a duly authorized official, by a court of com-
7 petent jurisdiction, or by operation of law. Nothing in this
8 paragraph shall be deemed to prohibit the discontinuance
9 or modification of any such proceeding under the same
10 terms and conditions and to the same extent that such
11 proceeding could have been discontinued or modified if
12 this title had not been enacted.

13 (3) The provisions of this section shall not affect suits
14 commenced before the date this Act takes effect, and in
15 all such suits, proceedings shall be had, appeals taken, and
16 judgments rendered in the same manner and with the
17 same effect as if this title had not been enacted.

18 (4) No suit, action, or other proceeding commenced
19 by or against the Council on Environmental Quality, or
20 by or against any individual in the official capacity of such
21 individual as an officer of the Council on Environmental
22 Quality, shall abate by reason of the enactment of this
23 Act.

24 (5) Any administrative action relating to the prepara-
25 tion or promulgation of a regulation by the Council on

1 Environmental Quality may be continued by the Depart-
2 ment or the President with the same effect as if this title
3 had not been enacted.

4 (6) The contracts, liabilities, records, property, and
5 other assets and interests of the Council on Environmental
6 Quality shall, after the effective date of this Act, be con-
7 sidered to be the contracts, liabilities, records, property,
8 and other assets and interests of the Department.

9 **SEC. 115. ADMINISTRATIVE PROVISIONS.**

10 (a) ACCEPTANCE OF MONEY AND PROPERTY.—(1)
11 The Secretary may accept and retain money, uncompen-
12 sated services, and other real and personal property or
13 rights (whether by gift, bequest, devise, or otherwise) for
14 the purpose of carrying out the Department's programs
15 and activities, except that the Secretary shall not endorse
16 any company, product, organization, or service. Gifts, be-
17 quests, and devises of money and proceeds from sales of
18 other property received as gifts, bequests, or devises shall
19 be credited in a separate fund in the Treasury of the Unit-
20 ed States and shall be available for disbursement upon the
21 order of the Secretary.

22 (2) The Secretary shall prescribe regulations and
23 guidelines setting forth the criteria the Department shall
24 use in determining whether to accept a gift, bequest, or
25 devise. Such criteria shall take into consideration whether

1 the acceptance of the property would reflect unfavorably
2 upon the Department's or any employee's ability to carry
3 out its responsibilities or official duties in a fair and objec-
4 tive manner, or would compromise the integrity of or the
5 appearance of the integrity of a Government program or
6 any official involved in that program.

7 (b) SEAL OF THE DEPARTMENT.—(1) On the effec-
8 tive date of this Act, the seal of the Environmental Protec-
9 tion Agency with appropriate changes shall be the seal of
10 the Department of Environmental Protection, until such
11 time as the Secretary may cause a seal of office to be made
12 for the Department of Environmental Protection of such
13 design as the Secretary shall approve.

14 (2)(A) Chapter 33 of title 18, United States Code,
15 is amended by adding at the end thereof the following new
16 section:

17 **“§ 716. Department of Environmental Protection Seal**

18 “(a) Whoever knowingly displays any printed or other
19 likeness of the official seal of the Department of Environ-
20 mental Protection, or any facsimile thereof, in, or in con-
21 nection with, any advertisement, poster, circular, book,
22 pamphlet, or other publication, public meeting, play, mo-
23 tion picture, telecast, or other production, or on any build-
24 ing, monument, or stationery, for the purpose of convey-
25 ing, or in a manner reasonably calculated to convey, a

1 false impression of sponsorship or approval by the Govern-
2 ment of the United States or by any department, agency,
3 or instrumentality thereof, shall be fined not more than
4 \$250 or imprisoned not more than 6 months, or both.

5 “(b) Whoever, except as authorized under regulations
6 promulgated by the Secretary of Environmental Protec-
7 tion and published in the Federal Register, knowingly
8 manufactures, reproduces, sells, or purchases for resale,
9 either separately or appended to any article manufactured
10 or sold, any likeness of the official seal of the Department
11 of Environmental Protection, or any substantial part
12 thereof, except for manufacture or sale of the article for
13 the official use of the Government of the United States,
14 shall be fined not more than \$250 or imprisoned not more
15 than 6 months, or both.

16 “(c) A violation of subsection (a) or (b) may be en-
17 joined at the suit of the Attorney General of the United
18 States upon complaint by any authorized representative
19 of the Secretary of the Department of Environmental Pro-
20 tection.”.

21 (B) The table of sections for chapter 33 of title 18,
22 United States Code, is amended by adding at the end
23 thereof:

“716. Department of Environmental Protection Seal.”.

24 (c) ACQUISITION OF COPYRIGHTS AND PATENTS.—
25 The Secretary is authorized to acquire any of the following

1 described rights if the property acquired thereby is for use
2 by or for, or useful to, the Department:

3 (1) copyrights, patents, and applications for
4 patents, designs, processes, and manufacturing data;

5 (2) licenses under copyrights, patents, and ap-
6 plications for patents; and

7 (3) releases, before suit is brought, for past in-
8 fringement of patents or copyrights.

9 (d) ADVISORY COMMITTEE COMPENSATION.—The
10 Secretary is authorized to pay members of advisory com-
11 mittees and others who perform services as authorized
12 under section 3109 of title 5, United States Code, at rates
13 for individuals not to exceed the per diem rate equivalent
14 to the rate for level V of the Executive Schedule under
15 section 5316 of title 5, United States Code.

16 **SEC. 116. INHERENTLY GOVERNMENTAL FUNCTIONS.**

17 (a) GOVERNMENT OFFICERS AND EMPLOYEES.—(1)
18 Inherently governmental functions of the Department
19 shall be performed only by officers and employees of the
20 United States. For purposes of this section, the term “in-
21 herently governmental function” means any activity which
22 is so intimately related to the public interest as to man-
23 date performance by Government officers and employees.
24 Inherently governmental functions include those activities
25 which require either the exercise of discretion in applying

1 Government authority or the use of value judgment in
2 making decisions for the Government. The Secretary shall
3 promulgate regulations or internal guidance to implement
4 this section. This section is not intended, and may not be
5 construed, to create any right or benefit, substantive or
6 procedural, enforceable at law by a party against the Unit-
7 ed States, the Department, its officers, or any person.

8 (b) CONFLICTS OF INTEREST.—(1) The Secretary
9 shall by regulation require any person proposing to enter
10 into a contract, grant, or cooperative agreement whether
11 by sealed bid or negotiation, for the conduct of research,
12 development, evaluation activities, or for consulting serv-
13 ices, to provide the Secretary, prior to entering into any
14 such contract, agreement, or arrangement, with all rel-
15 evant information, as determined by the Secretary, bear-
16 ing on whether that person has a possible conflict of inter-
17 est with respect to—

18 (A) being able to render impartial, technically
19 sound, or objective assistance or advice in light of
20 other activities or relationships with other persons;
21 or

22 (B) being given an unfair competitive advan-
23 tage.

24 (2) Such person shall ensure, in accordance with reg-
25 ulations prescribed by the Secretary, compliance with this

1 section by subcontractors of such person who are engaged
2 to perform similar services.

3 (3) For purposes of this subsection, the term “con-
4 sulting services” includes—

5 (A) management and professional support serv-
6 ices;

7 (B) studies, analyses, and evaluations;

8 (C) engineering and technical services, exclud-
9 ing routine engineering services such as automated
10 data processing and architect and engineering con-
11 tracts; and

12 (D) research and development.

13 (c) REQUIRE AFFIRMATIVE FINDING; CONFLICTS OF
14 INTEREST WHICH CANNOT BE AVOIDED; MITIGATION OF
15 CONFLICTS.—(1) Subject to the provisions of paragraph
16 (2), the Secretary may not enter into any such contract,
17 agreement, or arrangement, unless he affirmatively finds,
18 after evaluating all such information and any other rel-
19 evant information otherwise available to him, either that—

20 (A) there is little or no likelihood that a conflict
21 of interest would exist; or

22 (B) that such conflict has been avoided after
23 appropriate conditions have been included in such
24 contract, agreement, or arrangement.

1 (2) If the Secretary determines that such conflict of
2 interest exists and that such conflict of interest cannot be
3 avoided by including appropriate conditions therein, the
4 Secretary may enter into such contract, agreement, or ar-
5 rangement, if the Secretary—

6 (A) determines that it is in the best interests of
7 the United States to do so; and

8 (B) includes appropriate conditions in such con-
9 tract, agreement, or arrangement to mitigate such
10 conflict.

11 (d) PUBLIC NOTICE REGARDING CONFLICTS OF IN-
12 TEREST.—The Secretary shall promulgate regulations
13 which require public notice to be given whenever the Sec-
14 retary determines that the award of a contract, agreement,
15 or arrangement may result in a conflict of interest which
16 cannot be avoided by including appropriate conditions
17 therein.

18 (e) DISCLAIMER.—Nothing in this section shall pre-
19 clude the Department from promulgating regulations to
20 monitor potential conflicts after the contract award.

21 (f) CENTRAL FILE.—The Department shall maintain
22 a central file regarding all cases when a public notice is
23 issued. Other information required under this section shall
24 also be compiled. Access to this information shall be con-
25 trolled to safeguard any proprietary information.

1 (g) REGULATIONS.—No later than 120 days after the
2 effective date of this Act, the Secretary shall promulgate
3 regulations for the implementation of this section.

4 **SEC. 117. REFERENCES.**

5 Reference in any other Federal law, Executive order,
6 rule, regulation, or delegation of authority, or any docu-
7 ment of or pertaining—

8 (1) to the Administrator of the Environmental
9 Protection Agency shall be deemed to refer to the
10 Secretary of Environmental Protection;

11 (2) to the Environmental Protection Agency
12 shall be deemed to refer to the Department of Envi-
13 ronmental Protection;

14 (3) to the Deputy Administrator of the Envi-
15 ronmental Protection Agency shall be deemed to
16 refer to the Deputy Secretary of Environmental Pro-
17 tection; or

18 (4) to any Assistant Administrator of the Envi-
19 ronmental Protection Agency shall be deemed to
20 refer to an Assistant Secretary of the Department of
21 Environmental Protection.

22 **SEC. 118. SAVINGS PROVISIONS.**

23 (a) CONTINUING EFFECT OF LEGAL DOCUMENTS.—
24 All orders, determinations, rules, regulations, permits,

1 agreements, grants, contracts, certificates, licenses, reg-
2 istrations, privileges, and other administrative actions—

3 (1) which have been issued, made, granted, or
4 allowed to become effective by the President, by the
5 Administrator of the Environmental Protection
6 Agency, or by a court of competent jurisdiction, in
7 the performance of functions of the Administrator or
8 the Environmental Protection Agency, and

9 (2) which are in effect at the time this title
10 takes effect, or were final before the effective date
11 of this Act and are to become effective on or after
12 the effective date of this Act,

13 shall continue in effect according to their terms until
14 modified, terminated, superseded, set aside, or revoked in
15 accordance with law by the President, the Secretary of En-
16 vironmental Protection, or other authorized official, a
17 court of competent jurisdiction, or by operation of law.

18 (b) PROCEEDINGS NOT AFFECTED.—The provisions
19 of this title shall not affect any proceedings or any applica-
20 tion for any license, permit, certificate, or financial assist-
21 ance pending before the Environmental Protection Agency
22 at the time this title takes effect, but such proceedings
23 and applications shall be continued. Orders shall be issued
24 in such proceedings, appeals shall be taken therefrom, and
25 payments shall be made pursuant to such orders, as if this

1 title had not been enacted, and orders issued in any such
2 proceedings shall continue in effect until modified, termi-
3 nated, superseded, or revoked by a duly authorized official,
4 by a court of competent jurisdiction, or by operation of
5 law. Nothing in this subsection shall be deemed to prohibit
6 the discontinuance or modification of any such proceeding
7 under the same terms and conditions and to the same ex-
8 tent that such proceeding could have been discontinued
9 or modified if this title had not been enacted.

10 (c) SUITS NOT AFFECTED.—The provisions of this
11 title shall not affect suits commenced before the date this
12 title takes effect, and in all such suits, proceedings shall
13 be had, appeals taken, and judgments rendered in the
14 same manner and with the same effect as if this title had
15 not been enacted.

16 (d) NONABATEMENT OF ACTIONS.—No suit, action,
17 or other proceeding commenced by or against the Environ-
18 mental Protection Agency, or by or against any individual
19 in the official capacity of such individual as an officer of
20 the Environmental Protection Agency, shall abate by rea-
21 son of the enactment of this Act.

22 (e) ADMINISTRATIVE ACTIONS RELATING TO PRO-
23 MULGATION OF REGULATIONS.—Any administrative ac-
24 tion relating to the preparation or promulgation of a regu-
25 lation by the Environmental Protection Agency may be

1 continued by the Department with the same effect as if
2 this title had not been enacted.

3 (f) PROPERTY AND RESOURCES.—The contracts, li-
4 abilities, records, property, and other assets and interests
5 of the Environmental Protection Agency shall, after the
6 effective date of this Act, be considered to be the con-
7 tracts, liabilities, records, property, and other assets and
8 interests of the Department.

9 (g) SAVINGS.—The Department of Environmental
10 Protection and its officers, employees, and agents shall
11 have all the powers and authorities of the Environmental
12 Protection Agency.

13 **SEC. 119. CONFORMING AMENDMENTS.**

14 (a) PRESIDENTIAL SUCCESSION.—Section 19(d)(1)
15 of title 3, United States Code, is amended by inserting
16 before the period at the end thereof the following: “, Sec-
17 retary of Environmental Protection”.

18 (b) DEFINITION OF DEPARTMENT, CIVIL SERVICE
19 LAWS.—Section 101 of title 5, United States Code, is
20 amended by adding at the end thereof the following: “The
21 Department of Environmental Protection”.

22 (c) COMPENSATION, LEVEL I.—Section 5312 of title
23 5, United States Code, is amended by adding at the end
24 thereof the following: “Secretary of Environmental Protec-
25 tion”.

1 (d) COMPENSATION, LEVEL II.—Section 5313 of title
2 5, United States Code, is amended by striking out “Ad-
3 ministrator of Environmental Protection Agency” and in-
4 serting in lieu thereof “Deputy Secretary of Environ-
5 mental Protection”.

6 (e) COMPENSATION, LEVEL IV.—Section 5315 of
7 title 5, United States Code, is amended—

8 (1) by striking out “Inspector General, Envi-
9 ronmental Protection Agency” and inserting in lieu
10 thereof “Inspector General, Department of Environ-
11 mental Protection”; and

12 (2) by striking each reference to an Assistant
13 Administrator of the Environmental Protection
14 Agency and by adding at the end thereof the follow-
15 ing:

16 “Assistant Secretaries, Department of Environ-
17 mental Protection (12).

18 “General Counsel, Department of Environ-
19 mental Protection.”; and

20 (3) by striking out “Chief Financial Officer,
21 Environmental Protection agency” and inserting in
22 lieu thereof “Chief Financial Officer, Department of
23 Environmental Protection”.

1 (f) COMPENSATION, LEVEL V.—Section 5316 of title
2 5, United States Code, is amended by adding at the end
3 thereof the following:

4 “Director of the Bureau of Environmental Sta-
5 tistics, Department of Environmental Protection.

6 “Executive Director of the Commission on Im-
7 proving Environmental Protection.”.

8 (g) INSPECTOR GENERAL ACT.—The Inspector Gen-
9 eral Act of 1978 is amended—

10 (1) in section 11(1), by inserting “Environ-
11 mental Protection,” after “Energy,”; and

12 (2) in section 11(2), by inserting “Environ-
13 mental Protection,” after “Energy,”.

14 **SEC. 120. ADDITIONAL CONFORMING AMENDMENTS.**

15 After consultation with the Committee on Govern-
16 mental Affairs and the Committee on Environment and
17 Public Works and other appropriate committees of the
18 United States Senate and the appropriate committees of
19 the House of Representatives, the Secretary of Environ-
20 mental Protection shall prepare and submit to the Con-
21 gress legislation which the Secretary determines is nec-
22 essary and appropriate containing technical and conform-
23 ing amendments to the United States Code, and to other
24 provisions of law, to reflect the changes made by this title.

1 **SEC. 121. SENSE OF THE SENATE.**

2 It is the sense of the Senate that building the capac-
3 ity of State and local governments to more efficiently and
4 effectively implement and manage environmental regula-
5 tions should be a primary mission of the Department of
6 Environmental Protection.

7 **SEC. 122. OFFICE OF ENVIRONMENTAL JUSTICE.**

8 There is established within the Department the Office
9 of Environmental Justice. The Office of Environmental
10 Justice shall—

11 (1) develop a strategic plan to ensure equality
12 in environmental protection;

13 (2) evaluate whether environmental policy is
14 helping individuals who suffer the highest exposure
15 to pollution, and identify opportunities for prevent-
16 ing or reducing such exposure;

17 (3) compile an annual report on progress in
18 achieving environmental equity;

19 (4) require the collection of data on environ-
20 mental health effects so that impacts on different in-
21 dividuals or groups can be understood;

22 (5) identify environmental high impact areas
23 which are subject to the highest loadings of toxic
24 chemicals, through all media; and

1 (6) assess the health effects that may be caused
2 by emissions in the environmental high impact areas
3 of highest impact.

4 **SEC. 123. WETLAND DETERMINATIONS BY A SINGLE AGEN-**
5 **CY.**

6 In consultation with the Secretary of Agriculture, the
7 Secretary of Environmental Protection, the Secretary of
8 the Army, and the Secretary of the Interior, the President
9 shall, within 90 days of the date of enactment of this Act,
10 make recommendations and report to the Congress on
11 measures to—

12 (1) provide that a single Federal agency be re-
13 sponsible for making technical determinations, in-
14 cluding identification of wetlands, on agricultural
15 lands with respect to wetland or converted wetland
16 in order to reduce confusion among agricultural pro-
17 ducers; and

18 (2) provide that the Soil Conservation Service
19 be the Federal agency responsible for all such tech-
20 nical determinations concerning wetlands on agricul-
21 tural lands.

1 **Subtitle B—Establishment of the**
2 **Commission on Improving Envi-**
3 **ronmental Protection**

4 **SEC. 201. ESTABLISHMENT; MEMBERSHIP.**

5 (a) ESTABLISHMENT.—There is established the Com-
6 mission on Improving Environmental Protection (here-
7 after referred to as “the Commission”) whose 13 members
8 including the Chairman shall be composed of experts in
9 governmental organization (with emphasis on environ-
10 mental organization), management of organizations and
11 environmental regulation and improved environmental
12 governmental service delivery, consisting of—

13 (1) 7 members to be appointed by the Presi-
14 dent;

15 (2) 2 members to be appointed by the Speaker
16 of the House of Representatives;

17 (3) 1 member to be appointed by the Minority
18 Leader of the House of Representatives;

19 (4) 2 members to be appointed by the Senate
20 Majority Leader; and

21 (5) 1 member to be appointed by the Senate
22 Minority Leader.

23 (b) CHAIRMAN.—The Chairman of the Commission
24 shall be appointed by the President.

1 (c) POLITICAL PARTY AFFILIATION.—Notwithstand-
2 ing any other provision of this section, no more than 7
3 members of the Commission may be from the same politi-
4 cal party.

5 **SEC. 202. COMMISSION RESPONSIBILITIES.**

6 (a) RESPONSIBILITIES.—The Commission shall be
7 responsible for examining and making recommendations
8 on the management and implementation of the environ-
9 mental laws and programs within the jurisdiction of the
10 Department of Environmental Protection in order to en-
11 hance the ability of the Department to preserve and pro-
12 tect human health and the environment. The Commission
13 shall make recommendations and otherwise advise the
14 President and the Congress on the need to—

15 (1) enhance and strengthen the management
16 and implementation of existing programs within the
17 Department;

18 (2) enhance the organization of the Department
19 to eliminate duplication and overlap between dif-
20 ferent programs;

21 (3) enhance the coordination between different
22 programs and offices within the Department;

23 (4) enhance the consistency of policies through-
24 out the Department;

1 (5) establish new and enhanced small business
2 and small governmental jurisdictions compliance as-
3 sistance programs, and to strengthen organizational
4 mechanisms in the Department for providing better
5 compliance and technical assistance to small busi-
6 nesses and small governmental jurisdictions; and

7 (6) enhance the capacity of State and local gov-
8 ernments to manage, finance, and implement envi-
9 ronmental laws (including regulations).

10 (b) RECOMMENDATIONS.—The Commission shall
11 provide specific steps and proposals for implementing the
12 Commission’s recommendations including an estimate of
13 the costs of implementing such recommendations, except
14 that the Commission shall not suggest substantive changes
15 in the policy expressed by existing laws.

16 (c) CONFLICT OF INTERESTS.—For purposes of the
17 provisions of chapter 11 of part I of title 18, United States
18 Code, a member of the Commission (to whom such provi-
19 sions would not otherwise apply except for this subsection)
20 shall be a special Government employee.

21 **SEC. 203. REPORT TO THE PRESIDENT AND CONGRESS.**

22 The Commission shall report to the President and the
23 Congress on its investigation, findings, and recommenda-
24 tions in an interim report no later than 12 months after
25 the effective date of this subtitle, and in a final report

1 no later than 24 months after the effective date of this
2 subtitle. The interim report shall be made available for
3 public review and comment, and the comments taken into
4 account in finalizing the report.

5 **SEC. 204. COMMISSION STAFF.**

6 The Commission shall appoint an Executive Director
7 who shall be compensated at a rate not to exceed the rate
8 of basic pay prescribed for level V of the Executive Sched-
9 ule under section 5316 of title 5, United States Code.
10 With the approval of the Commission the Executive Direc-
11 tor may appoint and fix the compensation of staff suffi-
12 cient to enable the Commission to carry out its duties.

13 **SEC. 205. ADVISORY GROUPS.**

14 The Chairman shall convene at least one advisory
15 group to assist the Commission in developing its rec-
16 ommendations. One advisory group shall be composed of
17 past staff of the Department of Environmental Protection
18 and its predecessor Environmental Protection Agency,
19 other Federal and State officials experienced in admin-
20 istering environmental protection programs, members of
21 the regulated community and members of public interest
22 groups organized to further the goals of environmental
23 protection. The Executive Director is authorized to pay
24 members of advisory committees and others who perform
25 services as authorized under section 3109 of title 5, Unit-

1 ed States Code, at rates for individuals not to exceed the
2 per diem rate equivalent to the rate for level V of the Ex-
3 ecutive Schedule under section 5316 of title 5, United
4 States Code. The advisory group shall be subject to the
5 provisions of the Federal Advisory Committee Act.

6 **SEC. 206. TERMINATION OF COMMISSION.**

7 No later than 90 days after the date on which the
8 Commission submits its final report, the Commission shall
9 terminate unless otherwise directed by the President.

10 **SEC. 207. FUNDING; AUTHORIZATION OF APPROPRIATIONS.**

11 There are authorized to be appropriated \$2,000,000
12 in fiscal year 1993 and \$2,000,000 in fiscal year 1994
13 to carry out the provisions of this subtitle.

14 **Subtitle C—Effective Date**

15 **SEC. 301. EFFECTIVE DATE.**

16 This title and the amendments made by this title
17 shall take effect on such date during the 6-month period
18 beginning on the date of enactment, as the President may
19 direct in an Executive order. If the President fails to issue
20 an Executive order for the purpose of this section, this

- 1 title and such amendments shall take effect 6 months after
- 2 the date of the enactment of this Act.

Passed the Senate May 19 (legislative day, May 16),
1994.

Attest:

Secretary.

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