

103<sup>D</sup> CONGRESS  
1<sup>ST</sup> SESSION

# S. 355

To amend the Environmental Programs Assistance Act of 1984 to provide that for purposes of liability for damage, injury or death caused by the negligence or wrongful acts or omissions of individuals authorized by such Act, the United States is liable, and for purposes of access to trade secrets and confidential business information such individuals are authorized representatives of the United States Environmental Protection Agency.

---

## IN THE SENATE OF THE UNITED STATES

FEBRUARY 16 (legislative day, JANUARY 5), 1993

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

---

## A BILL

To amend the Environmental Programs Assistance Act of 1984 to provide that for purposes of liability for damage, injury or death caused by the negligence or wrongful acts or omissions of individuals authorized by such Act, the United States is liable, and for purposes of access to trade secrets and confidential business information such individuals are authorized representatives of the United States Environmental Protection Agency.

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

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Environmental Pro-  
3 grams Assistance Act of 1984 Amendments of 1993”.

4 **SEC. 2. AMENDMENTS TO THE ENVIRONMENTAL PRO-**  
5 **GRAMS ASSISTANCE ACT.**

6 (a) IN GENERAL.—Section 2 of the Environmental  
7 Program Assistance Act of 1984 (42 U.S.C. 4368a) is  
8 amended by adding at the end the following new sub-  
9 section:

10 “(d) Notwithstanding any other provision of law, any  
11 individual whose talents are authorized by subsection (a)  
12 to be used in connection with the programs administered  
13 by the Administrator of the Environmental Protection  
14 Agency shall have the same access as Federal employees  
15 have to, and shall be subject to the same penalties as Fed-  
16 eral employees are subject to for unauthorized disclosure  
17 of, trade secrets and confidential business information—

18 “(1) submitted in connection with—

19 “(A) the Solid Waste Disposal Act (42  
20 U.S.C. 6901 et seq.);

21 “(B) the Comprehensive Environmental  
22 Response, Compensation, and Liability Act of  
23 1980 (42 U.S.C. 9601 et seq.);

24 “(C) the Federal Water Pollution Control  
25 Act (33 U.S.C. 1251 et seq.);

1 “(D) the Clean Air Act (42 U.S.C. 7401 et  
2 seq.);

3 “(E) the Public Health Service Act (42  
4 U.S.C. 201 et seq.), including section 1445(d)  
5 of such Act (42 U.S.C. 300j-4(d));

6 “(F) the Federal Insecticide, Fungicide,  
7 and Rodenticide Act (7 U.S.C. 136 et seq.);

8 “(G) the Toxic Substances Control Act (15  
9 U.S.C. 2601 et seq.);

10 “(H) the Noise Control Act of 1972 (42  
11 U.S.C. 4901 et seq.), including section 13(b) of  
12 such Act (42 U.S.C. 4912(b));

13 “(I) section 408(f) of the Federal Food,  
14 Drug, and Cosmetic Act (21 U.S.C. 346a(f));  
15 or

16 “(J) the Emergency Planning and Commu-  
17 nity Right-To-Know Act of 1986 (42 U.S.C.  
18 11001 et seq.);

19 “(2) submitted pursuant to any contract or  
20 other agreement with the United States; or

21 “(3) otherwise obtained by an officer or em-  
22 ployee of the Environmental Protection Agency  
23 under any authority.

24 (b) APPLICABILITY OF ETHICS AND CONFLICT OF  
25 INTEREST PROVISIONS UNDER TITLE 18, UNITED

1 STATES CODE.—Section 2 of such Act (42 U.S.C. 4368a),  
 2 as amended by subsection (a), is further amended by add-  
 3 ing at the end the following new subsection:

4 “(e) Any individual whose talents are authorized by  
 5 subsection (a) to be used in connection with the programs  
 6 administered by the Administrator of the Environmental  
 7 Protection Agency shall be subject to the requirements of  
 8 sections 201 through 209 of title 18, United States Code  
 9 (relating to ethics and conflict of interest).”.

10 (c) TRADE SECRETS AND CONFIDENTIAL BUSINESS  
 11 INFORMATION DEFINED.—Section 2 of such Act (42  
 12 U.S.C. 4368a), as amended by subsection (b), is further  
 13 amended by adding at the end the following new sub-  
 14 section:

15 “(f) For purposes of this section, the term ‘trade se-  
 16 crets and confidential business information’ includes all  
 17 information prohibited from disclosure by section 1905 of  
 18 title 18, United States Code (relating to trade secrets),  
 19 or by any other law referred to in this section.”.

20 **SEC. 3. SUNSET PROVISION.**

21 The amendment made by section 2(a) shall be effec-  
 22 tive during the 2-year period beginning on the date of en-  
 23 actment of this Act.

○