

104TH CONGRESS
1ST SESSION

H. R. 1381

To establish a national program to stimulate urban economic redevelopment through environmental remediation and restoration, as well as through the development of inner city businesses and employment in the fields of environmental response, remediation, and restoration.

IN THE HOUSE OF REPRESENTATIVES

APRIL 3, 1995

Mrs. MEEK of Florida introduced the following bill; which was referred to the Committee on Ways and Means, and in addition to the Committees on Commerce, Economic and Educational Opportunities, National Security, and Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To establish a national program to stimulate urban economic redevelopment through environmental remediation and restoration, as well as through the development of inner city businesses and employment in the fields of environmental response, remediation, and restoration.

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 AND TABLE OF CONTENTS.**

2 (a) SHORT TITLE.—This Act may be cited as the
3 “Comprehensive Economic and Environmental Recovery
4 Act of 1995”.

5 (b) TABLE OF CONTENTS.—The table of contents is
6 as follows:

Sec. 1. Short title and table of contents.

TITLE I—VOLUNTARY ENVIRONMENTAL CLEANUP

- Sec. 101. Purposes.
- Sec. 102. Definitions.
- Sec. 103. Implementation and regulations.
- Sec. 104. Cleanup plans.
- Sec. 105. Cleanup loan program.
- Sec. 106. Tax treatment of voluntary cleanup costs.

TITLE II—NATIONAL ENVIRONMENTAL BUSINESS DEVELOPMENT
PROGRAM

- Sec. 201. Purpose.
- Sec. 202. Tax incentives for business startups.

TITLE III—NATIONAL ENVIRONMENTAL RESPONSE,
REMEDICATION, AND RESTORATION TRAINING PROGRAMS

Subtitle A—National Environmental Response Training Program

- Sec. 301. Definitions.
- Sec. 302. Establishment.
- Sec. 303. Grants to environmental training providers.
- Sec. 304. Training and certification in environmental response and environ-
mental emergency response.
- Sec. 305. Secondary education program.

Subtitle B—National Environmental Remediation and Restoration Training
Program

- Sec. 311. Purpose.
- Sec. 312. Education and training program.
- Sec. 313. Grant program.

TITLE IV—NATIONAL ENVIRONMENT-RELATED EMPLOYMENT
PROGRAM

- Sec. 401. Hiring incentives.
- Sec. 402. Definitions.

1 **TITLE I—VOLUNTARY**
2 **ENVIRONMENTAL CLEANUP**

3 **SEC. 101. PURPOSES.**

4 The purposes of this title are—

5 (1) to significantly increase the pace of environ-
6 mental cleanup by establishing a loan program to
7 conduct voluntary cleanups; and

8 (2) to benefit public health and welfare, and the
9 environment, by returning contaminated sites to eco-
10 nomicallly productive or other beneficial uses.

11 **SEC. 102. DEFINITIONS.**

12 For purposes of this title, the following definitions
13 apply:

14 (1) ADMINISTRATOR.—The term “Adminis-
15 trator” means the Administrator of the Environ-
16 mental Protection Agency.

17 (2) INNOCENT LANDOWNER.—The term “inno-
18 cent landowner” means a person—

19 (A) who either intends to own, as ex-
20 pressed as an option to buy or other formal
21 agreement, or who owns, an affected site; and

22 (B) who did not, by act or omission, cause
23 or contribute to any contamination or to any re-
24 lease or threatened release of a hazardous sub-
25 stance on the affected site.

1 (3) RESPONSIBLE OWNER.—The term “respon-
2 sible owner” means a person who owns an affected
3 site on which industrial activities take place.

4 (4) PERSON.—The term “person” means an in-
5 dividual, a State, or a local government.

6 (5) AFFECTED SITE.—The term “affected site”
7 means a facility that has environmental contamina-
8 tion that—

9 (A) could prevent the timely use, develop-
10 ment, reuse or redevelopment of the facility;
11 and

12 (B) is limited in scope and can be com-
13 prehensively characterized and readily analyzed.

14 (6) FACILITY.—The term “facility” has the
15 meaning provided by section 101(8) of the Com-
16 prehensive Environmental Response, Compensation,
17 and Liability Act of 1980 (42 U.S.C. 9601 (9)).

18 (7) ENVIRONMENTAL CONTAMINATION.—The
19 term “environmental contamination” or “contamina-
20 tion” means the existence at a facility of one or
21 more contaminants that may pose a health or envi-
22 ronmental risk.

23 (8) CONTAMINANT.—The term “contaminant”
24 includes any hazardous substance and oil, as defined

1 in section 1001(23) of the Oil Pollution Act of 1990
2 (33 U.S.C. 2701 (23)).

3 (9) HAZARDOUS SUBSTANCE.—The term “haz-
4 arduous substance” has the meaning provided by sec-
5 tion 101(14) of the Comprehensive Environmental
6 Response, Compensation, and Liability Act of 1980
7 (42 U.S.C. 9601 (14)).

8 (10) ENVIRONMENT.—The term “environment”
9 has the meaning provided by section 1001(8) of the
10 Comprehensive Environmental Response, Compensa-
11 tion, and Liability Act of 1980 (42 U.S.C. 9601(8)).

12 **SEC. 103. IMPLEMENTATION AND REGULATIONS.**

13 The Environmental Protection Agency shall imple-
14 ment this title and may promulgate any regulations need-
15 ed to do so. Any regulations needed to promulgate this
16 title shall be proposed by the Environmental Protection
17 Agency no later than 6 months after the date of the enact-
18 ment of this Act and shall be promulgated no later than
19 18 months after such date of enactment.

20 **SEC. 104. CLEANUP PLANS.**

21 (a) SUBMISSION.—An innocent landowner or a re-
22 sponsible owner may submit a cleanup plan with respect
23 to an affected site to the Administrator for review and
24 approval.

1 (b) CONTENTS.—A cleanup plan shall include the fol-
2 lowing with respect to the affected site:

3 (1) An environmental assessment of the af-
4 fected site which describes the nature and extent of
5 a release or potential release of a hazardous sub-
6 stance and the risk it poses to public health and the
7 environment.

8 (2) Proposals to remediate any contamination
9 or condition causing a release or threatened release
10 which poses a risk to public health or the environ-
11 ment.

12 (3) Descriptions of measures needed to remove
13 a hazardous substance from the affected site, and a
14 timetable for implementing the measures and for
15 monitoring the measures after they have been com-
16 pleted.

17 (c) EPA REVIEW.—The Administrator shall review
18 a plan submitted under subsection (a) and, in consultation
19 with the appropriate natural resource trustee, make a de-
20 cision on whether the plan meets the requirements of this
21 section not later than 90 days after receipt of the plan.

22 (d) PUBLIC REVIEW.—After the Administrator re-
23 views a proposed cleanup plan, the plan shall be subject
24 to a 30-day public review and comment period. Notice of
25 the proposed plan shall be published in the Federal Reg-

1 ister and a newspaper of general circulation serving the
2 area in which the identified property is located. The Ad-
3 ministrator may hold a public hearing on the plan if one
4 is requested.

5 (e) EPA APPROVAL.—Not later than 60 days after
6 the public review and comment period for a proposed
7 cleanup plan, the Administrator shall approve or dis-
8 approve the plan.

9 **SEC. 105. CLEANUP LOAN PROGRAM.**

10 (a) ESTABLISHMENT.—There is hereby established a
11 separate account in the United States Treasury to be
12 known as the Cleanup Loan Fund, which shall be a special
13 fund administered by the Administrator. Within 60 days
14 after the date of the enactment of this Act, the Adminis-
15 trator shall finalize guidelines and issue application forms
16 to administer the Cleanup Loan Fund.

17 (b) PURPOSE.—The purpose of the Cleanup Loan
18 Fund is to provide funding to persons undertaking the de-
19 velopment and implementation of an approved cleanup
20 plan.

21 (c) LOAN APPROVAL.—In determining whether to
22 award a loan under this section, the Administrator shall
23 consider—

24 (1) the need of the applicant for financial as-
25 sistance to clean up the affected site that is the sub-

1 ject of the loan application, taking into consideration
2 the financial resources available to the applicant;

3 (2) the ability of the applicant to repay the loan
4 in a timely manner;

5 (3) the inability of the applicant to secure a
6 loan from a private lending institution or through
7 other means of financing;

8 (4) the extent to which the cleanup of the af-
9 fected site would reduce health and environmental
10 risks caused by the release of contaminants at, or
11 from, the affected site; and

12 (5) the demonstrable potential of the affected
13 site for stimulating economic development on com-
14 pletion of the cleanup.

15 (d) LOAN AGREEMENTS.—Each loan under this sec-
16 tion shall be made pursuant to a loan agreement. At a
17 minimum, the loan agreement shall include provisions that
18 address the following items:

19 (1) The loan shall bear interest at a rate not
20 to exceed 2 percent and for up to one-half of the
21 costs incurred for the cleanup.

22 (2) The loan shall be in an amount not exceed-
23 ing \$750,000.

1 (3) The maturity period of the loan (as deter-
2 mined by the Administrator) shall not exceed 10
3 years.

4 (4) The repayment of the loan during the matu-
5 rity period shall be in accordance with any schedule
6 for payments that the Administrator may specify in
7 the loan agreement.

8 (5) Each payment referred to in paragraph (4)
9 shall be made to the Secretary of the Treasury for
10 deposit in the General Fund of the Treasury.

11 (6) If the sale or redevelopment of the affected
12 site results in a net profit to the applicant (taking
13 into consideration any amount of reimbursement
14 that may be required under this paragraph) in an
15 amount greater than or equal to 10 percent, in addi-
16 tion to paying interest on the loan (as specified in
17 paragraph (1)), the applicant shall make a payment
18 to reimburse the Federal Government for the full
19 and actual costs incurred by the Federal Govern-
20 ment of making the loan to the applicant, including
21 any administrative costs.

22 (7) The applicant shall comply with all applica-
23 ble Federal and State laws (including regulations)
24 applicable to the cleanup and shall proceed in ac-

1 cordance with any voluntary cleanup program in ef-
2 fect in the State.

3 (8) The applicant shall guarantee repayment of
4 the loan.

5 (9) The applicant shall use the loan solely for
6 purposes of cleaning up the environmental contami-
7 nation at the affected site, and shall return any ex-
8 cess funds to the Administrator immediately on a
9 determination by the Administrator that the cleanup
10 has been completed.

11 (10) The loan shall not be transferable, unless
12 the Administrator agrees to the transfer in writing.

13 (11) The loan agreement may include such
14 other terms and conditions that the Administrator
15 determines necessary to protect the financial inter-
16 ests of the United States.

17 (e) FEDERAL LIEN.—

18 (1) IN GENERAL.—A lien in favor of the United
19 States shall arise on the contaminated property sub-
20 ject to a loan under this section. The lien shall cover
21 all real property included in the legal description of
22 the property at the time the loan agreement pro-
23 vided for in this section is signed, and all rights to
24 the property, and shall continue until the terms and
25 conditions of the loan agreement have been fully sat-

1 isfied. The lien shall arise at the time the United
2 States grants a loan under this section, and shall
3 not be subject to the rights of any purchaser, holder
4 of a security interest, or judgment lien creditor
5 whose interest is or has been perfected under appli-
6 cable State law, except that any interest held by the
7 United States as security for a loan under this sec-
8 tion shall be subordinate to any lien on the property
9 for taxes due on the property to a State or political
10 subdivision of a State.

11 (2) DEFINITIONS.—As used in this paragraph,
12 the terms “security interest” and “purchaser” shall
13 have the meaning provided the terms in paragraphs
14 (1) and (6), respectively, under section 6323(h) of
15 the Internal Revenue Code of 1986.

16 (f) ENFORCEMENT.—

17 (1) IN GENERAL.—If any person fails to comply
18 with any condition of a loan agreement entered into
19 pursuant to this section, the Administrator may re-
20 quest the Attorney General of the United States to
21 commence a civil action in an appropriate district
22 court of the United States to enforce the loan agree-
23 ment.

24 (2) JURISDICTION OF DISTRICT COURT.—The
25 district court shall have jurisdiction to enforce the

1 loan agreement and grant such relief as the public
2 interest and the equities of the case may require.

3 (g) FUNDS.—In addition to any funds appropriated
4 by Congress, at least \$10,000,000 shall be transferred on
5 July 1 of each year from the Hazardous Substance
6 Superfund to the Cleanup Loan Fund. Monies received by
7 the Administrator as repayment of outstanding loans shall
8 be deposited in the Cleanup Loan Fund. Any interest
9 earned by monies in the Cleanup Loan Fund shall remain
10 in the Fund. The first transfer of funds from the Hazard-
11 ous Substance Superfund required by this paragraph shall
12 occur within 60 days after the date of the enactment of
13 this Act.

14 (h) ANNUAL REPORT.—On October 1 of each year,
15 the Administrator shall submit to Congress a report on
16 the loans, expenditures, and commitments made from the
17 Cleanup Loan Fund.

18 **SEC. 106. TAX TREATMENT OF VOLUNTARY CLEANUP**
19 **COSTS.**

20 (a) IN GENERAL.—Section 162 of the Internal Reve-
21 nue Code of 1986 (relating to trade or business expenses)
22 is amended by adding at the end the following new sub-
23 section:

24 “(m) VOLUNTARY CLEANUP COSTS.—The deduction
25 allowed by subsection (a) shall include all amounts paid

1 or incurred in connection with preparing and implement-
2 ing an approved cleanup plan under title I of the Com-
3 prehensive Economic and Environmental Recovery Act of
4 1995.”.

5 (b) EFFECTIVE DATE.—Subsection (m) of section
6 162 of the Internal Revenue Code of 1986, as added by
7 subsection (a), shall apply with respect to taxable years
8 beginning after the date of enactment of this Act.

9 **TITLE II—NATIONAL ENVIRON-**
10 **MENTAL BUSINESS DEVELOP-**
11 **MENT PROGRAM**

12 **SEC. 201. PURPOSE.**

13 The purpose of this title is to stimulate the creation
14 of environmental jobs and business opportunities by indi-
15 viduals and small businesses in targeted urban areas
16 through reduction of the social security tax burden.

17 **SEC. 202. TAX INCENTIVES FOR BUSINESS STARTUPS.**

18 (a) CORPORATIONS.—

19 (1) IN GENERAL.—Section 3111 of the Internal
20 Revenue Code of 1986 (relating to employer social
21 security taxes) is amended by adding at the end the
22 following new subsection:

23 “(d) NEW ENVIRONMENTAL BUSINESSES EXEMPT
24 FROM TAX.—

1 “(1) IN GENERAL.—No tax shall be imposed by
2 this section on the wages paid during a calendar
3 year to any owner-employee of an employer which is
4 a new environmental business for such calendar
5 year.

6 “(2) EXCEPTION.—Paragraph (1) shall not
7 apply to wages paid during any calendar year to an
8 owner-employee after the first \$100,000 of wages
9 are paid to such employee during such year.

10 “(3) NEW ENVIRONMENTAL BUSINESS.—For
11 purposes of this subsection, the term ‘new environ-
12 mental business’ means, with respect to any cal-
13 endar year, any corporation—

14 “(A) which is a small business concern (as
15 defined pursuant to section 3 of the Small
16 Business Act),

17 “(B) which meets requirements similar to
18 the requirements of section 1397B with respect
19 to a targeted urban area,

20 “(C) which is a new business for such cal-
21 endar year, and

22 “(D) which, during such year—

23 “(i) trains and certifies environmental
24 response employees and emergency re-
25 sponders,

1 “(ii) employs environmental response
2 employees and emergency responders, or

3 “(iii) performs environmental assess-
4 ments, environmental remediation, or envi-
5 ronmental restoration.

6 “(4) NEW BUSINESS.—For purposes of this
7 subsection, the term ‘new business’ means, with re-
8 spect to any calendar year, any corporation if no
9 principal shareholder of such entity was engaged in
10 any trade or business for periods aggregating more
11 than 3 years during the 10-year period preceding
12 such calendar year.

13 “(5) PRINCIPAL SHAREHOLDER.—For purposes
14 of this subsection, the term ‘principal shareholder’
15 means any person who directly or indirectly owns—

16 “(A) stock having more than 5 percent of
17 the total voting power of the stock of the cor-
18 poration, or

19 “(B) stock having a value equal to more
20 than 5 percent of the total value of the stock
21 of the corporation.

22 “(6) OWNER-EMPLOYEE.—For purposes of this
23 subsection, the term ‘owner-employee’ means any
24 employee who is a principal shareholder of the em-
25 ployer.

1 “(7) TARGETED URBAN AREA.—For purposes
2 of this subsection, the term ‘targeted urban area’
3 means an urban area that meets the eligibility cri-
4 teria in section 1392.

5 “(8) ENVIRONMENTAL RESTORATION.—For
6 purposes of this subsection, the term ‘environmental
7 restoration’ means to return a site, or some of its
8 components, to as reasonably as close to a natural,
9 predisturbance condition as is justifiable, with con-
10 sideration given to the implementation and the op-
11 portunity costs incurred.

12 “(9) OTHER DEFINITIONS.—For purposes of
13 this subsection, the terms ‘environmental response
14 employees’ and ‘emergency responders’ have the
15 meanings given those terms by section 301 of the
16 Comprehensive Economic and Environmental Recov-
17 ery Act of 1995.

18 “(10) TERMINATION.—Paragraph (1) shall not
19 apply to wages paid in any calendar year after
20 2000.”

21 (2) EFFECTIVE DATE.—The amendment made
22 by this subsection shall apply to wages paid in cal-
23 endar years beginning after the date of the enact-
24 ment of this Act.

1 (b) COMPARABLE TREATMENT FOR SOLE PROPRI-
2 ETORSHIPS AND PARTNERSHIPS.—

3 (1) IN GENERAL.—Section 1402 of such Code
4 is amended by adding at the end the following new
5 subsection:

6 “(k) NEW ENVIRONMENTAL BUSINESSES OWNERS
7 EXEMPT FROM TAX.—

8 “(1) IN GENERAL.—In the case of a principal
9 owner of a new environmental business, the rate of
10 tax imposed by section 1401 shall be 50 percent of
11 the otherwise applicable rate on so much of the net
12 earnings from self-employment for the taxable year
13 which are attributable to such business as do not ex-
14 ceed the excess of—

15 “(A) \$100,000, reduced by

16 “(B) the amount of wages—

17 “(i) which are received by such owner
18 during the calendar year in which such
19 taxable year begins, and

20 “(ii) on which no tax was imposed by
21 section 3111 by reason of subsection (d)
22 thereof.

23 “(2) NEW ENVIRONMENTAL BUSINESS.—For
24 purposes of this subsection, the term ‘new environ-
25 mental business’ means, with respect to any taxable

1 year beginning in a calendar year, any sole propri-
2 etorship or partnership—

3 “(A) which meets the requirements of sub-
4 paragraphs (A), (B), and (D) of section
5 3111(d)(3) for such calendar year, and

6 “(B) which is a new business for such cal-
7 endar year.

8 “(3) NEW BUSINESS.—For purposes of this
9 subsection, the term ‘new business’ means, with re-
10 spect to any calendar year, any sole proprietorship
11 or partnership if no principal owner thereof was en-
12 gaged in any trade or business for periods aggregat-
13 ing more than 3 years during the 10-year period
14 preceding such calendar year.

15 “(4) PRINCIPAL OWNER.—For purposes of this
16 subsection, the term ‘principal owner’ means—

17 “(i) in the case of a sole proprietorship,
18 the sole proprietor, and

19 “(ii) in the case of a partnership, any part-
20 ner who directly or indirectly owns more than
21 5 percent of the capital or profits interests in
22 the partnership.

23 “(5) TERMINATION.—Paragraph (1) shall not
24 apply to any taxable year beginning after December
25 31, 2000.”

1 (2) EFFECTIVE DATE.—The amendment made
2 by this subsection shall apply to taxable years begin-
3 ning after the date of the enactment of this Act.

4 **TITLE III—NATIONAL ENVIRON-**
5 **MENTAL RESPONSE, REMEDI-**
6 **ATION, AND RESTORATION**
7 **TRAINING PROGRAMS**

8 **Subtitle A—National Environ-**
9 **mental Response Training Pro-**
10 **gram**

11 **SEC. 301. DEFINITIONS.**

12 For purposes of this subtitle, the following definitions
13 apply:

14 (1) ADMINISTRATOR.—The term “Adminis-
15 trator” means the Administrator of the Environ-
16 mental Protection Agency.

17 (2) SECRETARY.—The term “Secretary” means
18 the Secretary of Labor.

19 (3) ENVIRONMENTAL RESPONSE EMPLOYEE.—
20 The term “environmental response employee” means
21 an individual who is employed by an environmental
22 response employer and who in the course of the indi-
23 vidual’s employment is directly engaged in carrying
24 out environmental response actions.

1 (4) EMERGENCY RESPONDER.—The term
2 “emergency responder” means a person who works
3 in the field of environmental emergency response.
4 The term includes the following:

5 (A) Full-time career firefighters or emer-
6 gency response personnel who are members of
7 a local or State agency or an organized depart-
8 ment with statutory responsibility for response
9 to hazardous materials incidents on demand
10 without regard to location.

11 (B) Part-time, seasonal, or reserve fire-
12 fighters or emergency response personnel who
13 receive payment, including an annual stipend or
14 payment on a per call or pet call or per hour
15 basis. For purposes of this subparagraph, pay-
16 ment does not include indirect compensation
17 such as insurance or retirement benefits.

18 (C) Part-time, seasonal, or reserve fire-
19 fighters or emergency personnel who do not re-
20 ceive payment other than indirect compensation
21 such as insurance or retirement benefits.

22 (D) Firefighters under contract to a cor-
23 poration or other business entity, including—

24 (i) full time, paid firefighters orga-
25 nized as an industrial fire brigade, and

1 (ii) maintenance engineering person-
2 nel who are expected to respond to hazard-
3 ous materials incidents individually or as a
4 team and usually on a temporary basis.

5 (E) Employees of an employer engaged in
6 clean-up operations at uncontrolled waste sites,
7 sites covered by the Solid Waste Disposal Act,
8 and treatment, storage, or disposal facilities
9 who are intended to function as the on-site
10 emergency response personnel in accordance
11 with the employers emergency response.

12 (5) ENVIRONMENTAL TRAINING PROVIDER.—
13 The term “environmental training provider” means
14 a person who provides or offers to provide training
15 for environmental response employers, environmental
16 response employees, and any other persons carrying
17 out environmental response actions.

18 (6) ENVIRONMENTAL RESPONSE.—The term
19 “environmental response” or “environmental re-
20 sponse action”—

21 (A) with respect to a hazardous substance,
22 has the meaning provided the terms “respond”
23 and “response” in section 101(25) of the Com-
24 prehensive Environmental Response, Compensa-

1 tion, and Liability Act of 1980 (42 U.S.C.
2 9601(25));

3 (B) with respect to asbestos-containing
4 material, has the meaning provided the term
5 “response action” by section 202(11) of the
6 Toxic Substances Control Act (15 U.S.C.
7 2642(11)); and

8 (C) with respect to a lead-based paint haz-
9 ard, has the meaning provided the term “abate-
10 ment” by section 401(1) of the Toxic Sub-
11 stances Control Act (15 U.S.C. 2681(1)).

12 (7) ENVIRONMENTAL EMERGENCY RE-
13 SPONSE.—The term “environmental emergency re-
14 sponse” means any action taken by an emergency
15 responder in response to a release of a substance or
16 material that poses an unreasonable risk to safety,
17 health, or property, or to waterways and the envi-
18 ronment.

19 (8) ENVIRONMENTAL RESPONSE EMPLOYER.—
20 The term “environmental response employer” means
21 an individual or business entity that—

22 (A) is or may be carrying out environ-
23 mental response actions directly, under con-
24 tract, subcontract, or otherwise; and

1 (B) uses one or more of its employees in
2 connection with such activity.

3 (9) QUALIFIED INDIVIDUAL.—The term “quali-
4 fied individual” means a person who is a resident of
5 a targeted urban area and is either in high school
6 or has a high school diploma or its equivalent and
7 is unemployed or underemployed.

8 (10) TARGETED URBAN AREA.—The term “tar-
9 geted urban area” means an urban area that meets
10 the eligibility criteria in section 1392 of the Internal
11 Revenue Code of 1986.

12 **SEC. 302. ESTABLISHMENT.**

13 (a) IN GENERAL.—The Secretary shall establish a
14 National Environmental Response Training Program for
15 the purpose of—

16 (1) training and certifying, in accordance with
17 section 304, targeted urban area residents who are
18 unemployed or underemployed to become environ-
19 mental response employees and emergency respond-
20 ers; and

21 (2) providing grants, in accordance with section
22 303, to environmental training providers.

23 (b) REGULATIONS.—Not later than one year after the
24 date of enactment of this Act, the Secretary, in consulta-
25 tion with the Administrator of the Environmental Protec-

1 tion Agency and the Secretary of Health and Human
2 Services (acting through the Director of the National In-
3 stitute for Occupational Safety and Health), shall promul-
4 gate final regulations to carry out subsection (a).

5 **SEC. 303. GRANTS TO ENVIRONMENTAL TRAINING**
6 **PROVIDERS.**

7 (a) ESTABLISHMENT.—The Secretary and the Ad-
8 ministrator shall provide grants to public agencies and
9 non-profit organizations qualifying as environmental
10 training providers, as determined by the Secretary and the
11 Administrator, for the purpose of training qualified indi-
12 viduals in the field of environmental response or environ-
13 mental emergency response.

14 (b) GRANT ELIGIBILITY CRITERIA.—An organization
15 is eligible to receive a grant from the Secretary and Ad-
16 ministrator under subsection (a) if it—

17 (1) demonstrates, to the satisfaction of the Sec-
18 retaries and Administrator, an ability to recruit and
19 counsel qualified individuals for participation in the
20 program under this section;

21 (2) has entered into an agreement with a joint
22 labor-management training fund established consist-
23 ent with section 8(f) of the National Labor Relations
24 Act (29 U.S.C. 158(f)) to implement and operate a

1 training and employment program for qualified indi-
2 viduals;

3 (3) agrees under the agreement referred to in
4 paragraph (2) to use grant funds to carry out a pro-
5 gram that will provide qualified individuals with
6 training for employment in the field of environ-
7 mental response or environmental emergency re-
8 sponse;

9 (4) agrees that the training provided to any
10 qualified individual may not exceed a period of 18
11 months;

12 (5) demonstrates actual experience in providing
13 training for qualified individuals under an agreement
14 referred to in paragraph (2);

15 (6) agrees to make, and agrees to require its
16 subgrantees to make, a substantial in-kind contribu-
17 tion (as determined by the Secretary and Adminis-
18 trator) from non-Federal sources to the program
19 under this section; and

20 (7) gives its assurances, to the satisfaction of
21 the Secretary that full-time, permanent jobs will be
22 available for individuals successfully completing the
23 training program, with a special emphasis on jobs
24 with employers in field of environmental response or

1 environmental emergency response in the targeted
2 urban area.

3 (c) USE OF FUNDS.—Funds made available to carry
4 out this section may only be used for tuition and local
5 travel expenses of participants, except that the Secretary
6 of Labor, Secretary of Education, and Administrator may
7 provide that not more than a total of 4 percent of all the
8 funds made available under this section may be used for
9 administrative expenses of grantees and subgrantees.

10 (d) LIMITATION ON TUITION CHARGED.—The
11 amount of tuition charged qualified individuals participat-
12 ing in a training program funded under a grant received
13 under this section may not exceed the amount of tuition
14 charged to others participating in programs substantially
15 similar to that training program.

16 **SEC. 304. TRAINING AND CERTIFICATION IN ENVIRON-**
17 **MENTAL RESPONSE AND ENVIRONMENTAL**
18 **EMERGENCY RESPONSE.**

19 (a) TRAINING PROGRAM.—

20 (1) ESTABLISHMENT.—Not later than 6
21 months after the date of the enactment of this Act,
22 the Administrator and the Secretary shall establish
23 a training program for qualified individuals in order
24 to enable such individuals to acquire employment in
25 field of environmental response or environmental

1 emergency response and to become certified under
2 subsection (b).

3 (2) PROGRAM ACTIVITIES.—The program estab-
4 lished pursuant to paragraph (1) shall include train-
5 ing related to the fields of environmental response
6 and environmental emergency response, including
7 the training described in paragraph (3). The pro-
8 gram may include educational activities and training
9 related to construction, containment of oil and haz-
10 ardous waste, removal of oil and hazardous waste,
11 and disposal of oil and hazardous waste.

12 (3) SPECIFIC TRAINING REQUIREMENTS.—The
13 program established pursuant to paragraph (1) shall
14 include the following requirements:

15 (A) HAZARDOUS WASTE SITE WORKERS.—

16 (i) For general hazardous waste site
17 workers (as defined by the Secretary pur-
18 suant to section 126(b)(2) of the
19 Superfund Amendments and Reauthoriza-
20 tion Act of 1986), at least 40 hours of
21 training, including a minimum of 18 hours
22 of hands-on training. The Secretary shall,
23 in addition, consider the degree and range
24 of risks encountered by different trades or
25 categories of environmental response em-

1 ployees and may establish additional train-
2 ing requirements for such trades or cat-
3 egories, not to exceed 80 hours of training,
4 including up to 30 hours of hands-on
5 training.

6 (ii) For hazardous waste site workers
7 regularly on-site, at least 36 hours of
8 training, including 8 hours that are super-
9 vised field training at the specific site.

10 (iii) For hazardous waste site super-
11 visors, an additional 8 hours of supervisor-
12 specific training after successful comple-
13 tion of the training described in clause (i)
14 or (ii).

15 (iv) For all hazardous waste site
16 workers and supervisors, annual refresher
17 training of at least 8 hours, in addition to
18 the training described in clause (i), (ii), or
19 (iii), as applicable.

20 (B) TREATMENT, STORAGE, AND DISPOSAL
21 FACILITY WORKERS.—

22 (i) For treatment, storage, and dis-
23 posal facility site workers (as defined by
24 the Secretary pursuant to subtitle C of the
25 Solid Waste Disposal Act), at least 40

1 hours of training, including a minimum of
2 8 hours of hands-on training.

3 (ii) For supervisors of such workers,
4 an additional 8 hours of supervisor-specific
5 training after successful completion of the
6 training described in clause (i).

7 (iii) For all treatment, storage, and
8 disposal facility site workers and super-
9 visors, annual refresher training of at least
10 8 hours, in addition to the training de-
11 scribed in clause (i) or (ii), as applicable.

12 (C) ENVIRONMENTAL EMERGENCY RE-
13 SPONDERS.—For environmental emergency re-
14 sponders, the following requirements:

15 (i) Operations level: 40 hours, includ-
16 ing awareness level.

17 (ii) Technician level: 80 hours addi-
18 tional beyond operations level.

19 (iii) Specialists level: 100 hours addi-
20 tional beyond technician level.

21 (iv) Incident Commander: 16 hours
22 additional beyond technician level.

23 (v) Annual refresher: 8 hours in all
24 categories.

1 (vi) Site-specific: 24 hours site-specific
2 training, including site survey for each
3 hazardous waste site for which emergency
4 response is planned and specific training
5 required by the unique nature of the po-
6 tential exposures.

7 (b) CERTIFICATION.—The Secretary shall promul-
8 gate regulations for the certification of environmental re-
9 sponse employees and emergency responders. Such regula-
10 tions shall be implemented by the Secretary, or by the ap-
11 propriate State agency by agreement, as long as the cer-
12 tification requirements are no less stringent than those
13 specified by the Secretary. The provisions for certification
14 shall be based on the specific training requirements set
15 forth in subsection (a)(3).

16 (c) TIME PERIOD AND OTHER REQUIREMENTS.—
17 Certifications shall be for a period of two years. Biannual
18 refresher training shall be required for renewal of certifi-
19 cations. The Secretary shall specify the minimum number
20 of hours required for such refresher training.

21 **SEC. 305. SECONDARY EDUCATION PROGRAM.**

22 (a) CURRICULUM DEVELOPMENT.—The Secretary of
23 Labor and the Secretary of Education shall develop coop-
24 eratively with local educational agencies an academic/
25 work-site experience curriculum for 11th and 12th grade

1 students that will enable those who successfully complete
2 the curriculum to become environmental response employ-
3 ees or emergency responders.

4 (b) GRANTS.—The Secretary of Labor and the Sec-
5 retary of Education shall provide grants to local commu-
6 nities for the purpose of implementing academic/work-site
7 experience curriculum developed pursuant to subsection
8 (a).

9 (c) GRANT ELIGIBILITY.—A local community is eligi-
10 ble to apply for a grant under this section if—

11 (1) the local community is located within a tar-
12 geted urban area;

13 (2) hazardous waste facilities are located within
14 the community;

15 (3) a vocational and technology high school is
16 located within the community; and

17 (4) the community has entered into a partner-
18 ship with local businesses that employ emergency re-
19 sponders or environmental response employees to
20 provide work-site experience opportunities to stu-
21 dents.

22 (d) APPROVAL OF APPLICATION.—The Secretaries of
23 Education and Labor may approve an application submit-
24 ted by a local community under this section only if the
25 community demonstrates in such application that the ac-

1 tivities proposed to be undertaken by the community will
2 lead to a reduction in the unemployment rate for the tar-
3 geted urban area in which the community is located.

4 (e) LOCAL EDUCATIONAL AGENCY RESPONSIBIL-
5 ITIES.—Each local educational agency that receives a
6 grant under this section shall implement an environmental
7 response and environmental emergency response aca-
8 demic/work site experience program that—

9 (1) integrates occupational, technical, and aca-
10 demic instruction;

11 (2) integrates work-site training and classroom
12 instruction throughout the 2 years (grades 11 and
13 12) of the academic/work-site program;

14 (3) ensures that employers will devote the staff,
15 facilities, and equipment necessary to provide youth
16 apprentices with adequate work-site supervision,
17 quality instruction, and hands-on training on an on-
18 going basis; and

19 (4) provides instruction sufficient to enable stu-
20 dents to satisfy State requirements for a high school
21 diploma together with an environmental response or
22 environmental emergency response skills certificate,
23 upon completion of the 12th grade.

1 **Subtitle B—National Environ-**
2 **mental Remediation and Res-**
3 **toration Training Program**

4 **SEC. 311. PURPOSE.**

5 To require the Administrator to establish a program
6 to provide career training to eligible individuals in order
7 to enable them to acquire proficiency in environmental as-
8 sessment, remediation, and restoration, and for other pur-
9 poses.

10 **SEC. 312. EDUCATION AND TRAINING PROGRAM.**

11 (a) IN GENERAL.—

12 (1) ELIGIBLE INDIVIDUAL.—For the purpose of
13 this subtitle, an eligible individual is a person—

14 (A) who has either a high school diploma
15 or its equivalence,

16 (B) who is enrolled in or accepted into a
17 qualified institution of higher education, and

18 (C) who resides in a targeted area.

19 (2) ESTABLISHMENT OF A PROGRAM.—

20 (A) IN GENERAL.—Not later than 6
21 months after the date of the enactment of this
22 Act, the Administrator, in consultation with the
23 Secretaries of Defense and Energy, shall estab-
24 lish an education and training program in
25 qualified institutions of higher education for

1 qualified individuals in order to enable such in-
2 dividuals to acquire career training in environ-
3 mental engineering, environmental sciences, or
4 environmental project management as it relates
5 to hazardous waste response, cleanup, and res-
6 toration.

7 (B) DEVELOPMENT OF ACADEMIC/ON-SITE
8 SKILLS TRAINING PROGRAM.—In carrying out
9 the program, the Administrator, in consultation
10 with the Secretaries of Defense and Energy,
11 shall develop and implement an academic pro-
12 gram for qualified individuals at institutions of
13 higher education at both undergraduate and
14 graduate levels, and which may lead to the
15 awarding of an academic degree or a certifi-
16 cation that is supplemental to an academic de-
17 gree.

18 (3) PROGRAM ACTIVITIES.—

19 (A) IN GENERAL.—The program estab-
20 lished pursuant to paragraph (1) may include
21 educational activities and training related to—

22 (i) site remediation;

23 (ii) site characterization;

24 (iii) hydrology; and

1 (iv) training for positions related to
2 environmental engineering, environmental
3 sciences, or environmental project manage-
4 ment (including training for management
5 positions).

6 (B) EDUCATIONAL ACTIVITIES.—The pro-
7 gram established pursuant to paragraph (1)
8 shall include educational activities designed for
9 personnel participating in a program to achieve
10 specialization in the following fields:

- 11 (i) Earth sciences.
- 12 (ii) Chemistry.
- 13 (iii) Chemical engineering.
- 14 (iv) Environmental engineering.
- 15 (v) Statistics.
- 16 (vi) Toxicology.
- 17 (vii) Biology.
- 18 (viii) Industrial hygiene.
- 19 (ix) Health physics.
- 20 (x) Environmental project manage-
21 ment.
- 22 (xi) Any other field that the Adminis-
23 trator determines to be appropriate.

1 **SEC. 313. GRANT PROGRAM.**

2 (a) IN GENERAL.—The Secretaries of Defense and
3 Energy and the Administrator shall provide grants to a
4 qualified institutions of higher education under this sec-
5 tion only if such institutions submit to the Administrator
6 an application which contains such information as the
7 former may reasonably require.

8 (b) ASSURANCES.—Such an application shall include
9 assurances that the institution of higher education will use
10 Federal funds received from a grant under this section to
11 supplement and not supplant non-Federal funds that
12 would otherwise be available for activities funded under
13 this section.

14 (c) FUNDING.—

15 (1) ENVIRONMENTAL PROTECTION AGENCY.—

16 (A) IN GENERAL.—Subject to the limita-
17 tion in subparagraph (B), 50 percent of the
18 cost of carrying out this section shall be funded
19 from amounts made available for fiscal year
20 1996 to the Environmental Protection Agency
21 pursuant to the Comprehensive Environmental
22 Response, Compensation, and Liability Act of
23 1980 (42 U.S.C. 960 et seq.).

24 (B) LIMITATION.—Not more than 1 per-
25 cent of the amounts made available for fiscal
26 year 1996 to the Environmental Protection

1 Agency pursuant to the Comprehensive Envi-
2 ronmental Response, Compensation, and Liabil-
3 ity Act of 1980 (42 U.S.C. 9601 et seq.) may
4 be used to carry out this section.

5 (C) SPECIAL RULE.—Amounts provided
6 under this paragraph shall be used to supple-
7 ment and not supplant other funds provided to
8 such centers by the Environmental Protection
9 Agency.

10 (2) DEPARTMENT OF DEFENSE.—

11 (A) IN GENERAL.—Subject to the limita-
12 tion in subparagraph (B), 25 percent of the
13 cost of carrying out this section shall be funded
14 from amounts appropriated for fiscal year 1996
15 to the Department of Defense Environmental
16 Restoration Account established in section 2703
17 of title 10, United States Code.

18 (B) LIMITATION.—Not more than 1 per-
19 cent of the amounts appropriated for fiscal year
20 1996 to the Defense Environmental Restoration
21 Account established in section 2703 of title 10,
22 United States Code, may be used to carry out
23 this section.

24 (C) TRANSFER.—The Secretary of Defense
25 shall transfer an amount determined in accord-

1 ance with subparagraphs (A) and (B) to the
2 Environmental Protection Agency, pursuant to
3 the authority granted the Secretary under sec-
4 tion 2703 of title 10, United States Code.

5 (3) DEPARTMENT OF ENERGY.—

6 (A) IN GENERAL.—Subject to the limita-
7 tion described in subparagraph (B), 25 percent
8 of the cost of carrying out this section shall be
9 funded from amounts appropriated for fiscal
10 year 1996 to the Department of Energy for the
11 purpose of environmental cleanup.

12 (B) LIMITATION.—The limitation de-
13 scribed in this subparagraph is that not more
14 than 1 percent of the amounts made available
15 for fiscal year 1996 to the Department of En-
16 ergy may be used to carry out this section.

17 (C) SPECIAL RULE.—Amounts provided
18 under this paragraph to The Environmental
19 Protection Agency shall be used to supplement
20 and not supplant other funds provided to such
21 centers by the Department of Energy.

22 (d) USE OF FUNDS.—

23 (1) IN GENERAL.—A qualified institution of
24 higher education shall use amounts received from a
25 grant under this section to establish a consortium

1 consisting of the institution and the entities de-
2 scribed in paragraph (2) for the purpose of estab-
3 lishing a program to provide education and training
4 in environmental restoration to the qualified individ-
5 uals.

6 (2) ENTITIES DESCRIBED.—The entities de-
7 scribed in this paragraph are 1 or more of each of
8 the following:

9 (A) Representatives of appropriate State
10 and local agencies.

11 (B) Community-based organizations.

12 (C) Business.

13 (D) Labor organizations.

14 (E) Other appropriate educational institu-
15 tions.

16 (F) Local Federal facilities involved in en-
17 vironmental assessment and restoration.

18 (e) CONDUCT OF PROGRAM.—

19 (1) PROVISION OF EDUCATION AND TRAINING
20 IN ENVIRONMENTAL ASSESSMENT, REMEDIATION,
21 AND RESTORATION.—

22 (A) IN GENERAL.—The consortium shall
23 establish and provide a work-based learning
24 system consisting of education and training in
25 environmental assessment, remediation, and

1 restoration, which may include basic edu-
2 cational courses; on-site basic skills training;
3 and mentor assistance to qualified individuals,
4 which may lead to the awarding of a certificate
5 of completion or advance degree at the institu-
6 tion of higher education.

7 (B) USE OF CLOSED MILITARY INSTALLA-
8 TION OR OTHER FEDERAL FACILITY.—To the
9 extent practicable, the consortium shall utilize a
10 military installation closed or selected to be
11 closed under a base closure law or other con-
12 taminated Federal facility in providing on-site
13 basic skills training to qualified individuals.

14 (2) OUTREACH AND RECRUITMENT.—The con-
15 sortium shall undertake outreach and recruitment
16 efforts to encourage participation by eligible individ-
17 uals in the program described under subsection
18 (a)(1) of section 112.

19 (3) INSTRUCTORS.—The consortium shall, to
20 the extent practicable, select instructors for the pro-
21 gram established under subsection (d)(1) from insti-
22 tutions of higher education, appropriate community
23 programs, and industry and labor.

24 (4) JOB PLACEMENT SERVICES.—The consor-
25 tium shall provide job placement services to each eli-

1 gible individual who receives a certificate of comple-
2 tion or advance degree under paragraph (1)(A).

3 (5) COORDINATION.—To the extent practicable,
4 the consortium shall consult with appropriate Fed-
5 eral, State, and local agencies carrying out environ-
6 mental assessment, remediation, and restoration pro-
7 grams for the purpose of achieving coordination
8 among such programs and the program established
9 by the consortium under subsection (d)(1).

10 **TITLE IV—NATIONAL ENVIRON-**
11 **MENT-RELATED EMPLOY-**
12 **MENT PROGRAM**

13 **SEC. 401. HIRING INCENTIVES.**

14 Federal agencies authorized to award contracts to
15 carry out environmental response or environmental emer-
16 gency response shall give preference to firms that—

- 17 (1) meet the requirements of the contract;
- 18 (2) are located in a targeted urban area; and
- 19 (3) have a payroll in which at least 25 percent
20 of their certified environmental response employees
21 and emerging responders reside in a targeted urban
22 area, or, in cases where availability of certified envi-
23 ronmental response employees and emerging re-
24 sponders does not allow firms to comply, actively
25 participate in a youth apprenticeship program.

1 **SEC. 402. DEFINITIONS.**

2 For purposes of this title, the terms “environmental
3 response”, “environmental emergency response”, “tar-
4 geted urban area”, “environmental response employee”,
5 and “emergency responder” have the meanings provided
6 those terms by section 301.

○

HR 1381 IH—2

HR 1381 IH—3

HR 1381 IH—4