

105TH CONGRESS  
2D SESSION

# H. R. 3262

To reauthorize the Comprehensive Environmental Response, Compensation,  
and Liability Act of 1980.

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## IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 25, 1998

Mr. PALLONE (for himself, Mr. LEWIS of Georgia, Mr. WAXMAN, Mr. MARKEY, Ms. FURSE, Mr. PAYNE, Mr. RUSH, Ms. DEGETTE, Mr. HINCHEY, Ms. MCKINNEY, Mrs. CLAYTON, Mrs. LOWEY, Mr. SERRANO, Mr. VENTO, Ms. CHRISTIAN-GREEN, Mr. WEXLER, Mr. BERMAN, Mr. DIXON, Ms. JACKSON-LEE of Texas, Mr. EVANS, Ms. PELOSI, Ms. DELAURO, Mr. GEJDENSON, Mr. JACKSON of Illinois, Mr. FROST, Mr. YATES, Mr. KENNEDY of Massachusetts, Mr. OLVER, Mr. KUCINICH, Mr. NEAL of Massachusetts, Ms. MILLENDER-McDONALD, Mr. GUTIERREZ, Mr. OWENS, Mr. SANDERS, Mr. BROWN of California, Mr. DAVIS of Illinois, Mr. MCGOVERN, Mr. LANTOS, Mr. STARK, Mr. BARRETT of Wisconsin, Mr. DELAHUNT, Mr. CONYERS, Mr. MILLER of California, and Mr. FARR of California) introduced the following bill; which was referred to the Committee on Commerce, and in addition to the Committees on Transportation and Infrastructure, and Ways and Means, 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

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## A BILL

To reauthorize the Comprehensive Environmental Response,  
Compensation, and Liability Act of 1980.

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 “Children’s Protection  
3 and Community Cleanup Act of 1998”.

4 **SEC. 2. TABLE OF CONTENTS.**

5       The table of contents is as follows:

TITLE I—REMEDY

- Sec. 101. Amendments relating to selection of remedial action.
- Sec. 102. Authorities for institutional controls.
- Sec. 103. Amendments relating to response authorities.

TITLE II—COMMUNITY PARTICIPATION AND HUMAN HEALTH

Subtitle A—Community Participation

- Sec. 201. Definitions.
- Sec. 202. Public participation.
- Sec. 203. Community Information and Access Offices.
- Sec. 204. Community Advisory Groups.
- Sec. 205. Technical outreach services for communities.
- Sec. 206. Recruitment and training program.

Subtitle B—Human Health

- Sec. 211. Disease registry and health care providers.
- Sec. 212. Substance profiles.
- Sec. 213. Exposure levels.
- Sec. 214. Health studies.
- Sec. 215. Relocation of individuals.
- Sec. 216. Grant awards, contracts, and community assistance activities.
- Sec. 217. Indian health provisions.
- Sec. 218. Public health recommendations in remedial actions.

Subtitle C—General Provisions

- Sec. 221. Transition.

TITLE III—RIGHT TO KNOW

- Sec. 301. Right to know.
- Sec. 302. Unstudied chemical release forms.

TITLE IV—ENVIRONMENTAL JUSTICE

- Sec. 401. Environmental justice.

TITLE V—CHILDREN’S ENVIRONMENTAL HEALTH

- Sec. 501. Children’s environmental health.

TITLE VI—BROWNFIELD REMEDIATION AND ENVIRONMENTAL  
CLEANUP

Subtitle A—Brownfields

- Sec. 601. Brownfields title.
- Sec. 602. Research, development, and demonstration.
- Sec. 603. Assistance for workforce training.

Subtitle B—Innocent Landowners and Prospective Purchaser Liability

- Sec. 621. Innocent landowners.
- Sec. 622. Limitations on liability for response costs for prospective purchasers.
- Sec. 623. Contiguous or nearby properties.

Subtitle C—Department of Housing and Urban Development Brownfield Grants

- Sec. 631. Economic development grants in connection with community development loan guarantees.

TITLE VII—NATURAL RESOURCE DAMAGES

- Sec. 701. Liability for natural resources damages.
- Sec. 702. Limitations on liability.
- Sec. 703. Damage assessment.
- Sec. 704. Standard of review.
- Sec. 705. Contaminated sediments.
- Sec. 706. Recruitment and training program.
- Sec. 707. Statute of limitations.
- Sec. 708. Archaeological resources.
- Sec. 709. Citizen suits.
- Sec. 710. Transition rules.

TITLE VIII—FEDERAL FACILITIES

- Sec. 801. Federal entities and facilities.
- Sec. 802. Adjoining states.
- Sec. 803. Enforceability of Federal compliance agreements.

TITLE IX—LIABILITY

- Sec. 901. Liability exemptions.

TITLE X—FUNDING

- Sec. 1001. Authorization of appropriations.
- Sec. 1002. Agency for toxic substances and disease registry.
- Sec. 1003. Limitations on research, development, and demonstration programs.
- Sec. 1004. Authorization of appropriations from general revenues.
- Sec. 1005. Additional limitations.
- Sec. 1006. Worker training and education grants.
- Sec. 1007. Extension of Hazardous Substance Superfund.

TITLE XI—MISCELLANEOUS

- Sec. 1101. Penalties.
- Sec. 1102. Employee protection.
- Sec. 1103. Radioactively contaminated sites.

# TITLE I—REMEDY

## SEC. 101. AMENDMENTS RELATING TO SELECTION OF REMEDIAL ACTION.

(a) AMENDMENTS TO GENERAL RULES.—(1) Section 121(b) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9621(b)) is amended in paragraph (1)—

(A) by striking “In making such assessment” and all that follows through “or containment.” at the end of subparagraph (G); and

(B) by inserting after “to the maximum extent practicable.” the following: “Remedial actions shall make contaminated property available for beneficial use to the maximum extent practicable. Wherever technically feasible, remedial actions shall protect uncontaminated ground water and surface water, and restore contaminated ground water and surface water to beneficial uses in a time period that is reasonable given the particular circumstances of the release.”.

(2) Section 121(b) of such Act is further amended—

(A) by redesignating paragraph (2) as paragraph (3); and

(B) by inserting after paragraph (1) the following:

1       “(2) In assessing alternative remedial actions and in  
2 selecting a remedial action, the President shall comply  
3 with paragraph (1) and, at a minimum, take into account  
4 each of the following:

5           “(A) The effectiveness of the remedy in protect-  
6 ing human health and the environment, including  
7 consideration of fetuses, children, and other highly  
8 exposed, highly susceptible, or differentially suscep-  
9 tible subpopulations.

10          “(B) The ability of the remedy to maintain a  
11 consistent level of protection of human health and  
12 the environment over the long term, considering the  
13 preference for treatment set forth in the first sen-  
14 tence of paragraph (1) of this subsection, the long-  
15 term uncertainty associated with containment and  
16 institutional controls, and the consequences of rem-  
17 edy failure.

18          “(C) Any short-term risk posed by the imple-  
19 mentation of the remedy to the affected community,  
20 to those engaged in the cleanup effort, and to the  
21 environment.

22          “(D) The implementability of the remedy.

23          “(E) The acceptability of the remedy to the af-  
24 fected community.

1           “(F) Any consensus recommendation of the  
2           Community Advisory Group with respect to land  
3           use.

4           “(G) The potential for future remedial action  
5           costs if the alternative remedial action in question  
6           were to fail.

7           “(H) The acceptability of the remedy to the  
8           State in which the facility is located or to the Indian  
9           Tribe if the facility is located in Indian country (as  
10          defined in section 1151 of title 18 United States  
11          Code).

12          “(I) Other environmental exposures to hazard-  
13          ous substances, pollutants, or contaminants in the  
14          affected community, including those identified under  
15          section 117(k).”.

16          (b) AMENDMENT OF SITE REVIEW REQUIREMENT.—  
17          Section 121(e) of such Act is amended by striking in the  
18          first sentence “the initiation of” and inserting “construc-  
19          tion and installation of equipment and structures to be  
20          used for” and by adding the following after the first sen-  
21          tence: “The President shall review the effectiveness of,  
22          legal efficacy of, and compliance with any institutional  
23          controls related to the remedial action during the review.”.

24          (c) AMENDMENTS RELATING TO DEGREE OF CLEAN-  
25          UP.—

1 (1) Section 121(d) of such Act is amended—

2 (A) by redesignating paragraphs (2), (3),  
3 and (4) as paragraphs (3), (4), and (5), respec-  
4 tively; and

5 (B) by inserting after paragraph (1) the  
6 following:

7 “(2) Unless the President determines that a  
8 risk-based standard for a contaminant is based on  
9 data and assumptions that are clearly adequate to  
10 assure that the standard will be protective of chil-  
11 dren’s health, the remedial action selected by the  
12 President shall, to the maximum extent technically  
13 feasible, reduce contamination to background levels  
14 (where more stringent) with respect to that contami-  
15 nant. The President may not select a remedial ac-  
16 tion that allows hazardous substances, pollutants, or  
17 contaminants to remain on site at a facility above  
18 levels that would be protective for unrestricted use  
19 unless institutional controls are incorporated into  
20 the remedial action to achieve protection of human  
21 health and the environment during and after comple-  
22 tion of the remedial action in accordance with sub-  
23 section (g).”.

24 (2) Subparagraph (A) of section 121(d)(3) of  
25 such Act, as so redesignated, is amended as follows:

1 (A) By inserting after “is legally applica-  
2 ble” the following: “to the conduct or operation  
3 of the remedial action or”.

4 (B) By inserting “or Tribal” after “a  
5 State” and after “such State” and by inserting  
6 “or Tribe” after “the State”.

7 (3) Subsection (d)(3) of such Act, as so redesign-  
8 nated, is amended—

9 (A) by redesignating subparagraphs (B)  
10 and (C) as subparagraphs (C) and (D), respec-  
11 tively; and

12 (B) by inserting after subparagraph (A)  
13 the following new subparagraph:

14 “(B)(i) In the case of a remedial action for which  
15 the President makes a determination described in clause  
16 (ii), the President shall ensure that the remedial action  
17 attains levels or standards of control that are protective  
18 of human health and the environment.

19 “(ii) The determination referred to in clause (i) is a  
20 determination by the President with respect to a remedial  
21 action that—

22 “(I) no applicable Federal, State, or Tribal  
23 standard, requirement, criteria, or limitation has  
24 been established for a specific hazardous substance,

1 pollutant, or contaminant present at the facility at  
2 which the remedial action is being undertaken; or

3 “(II) in the case of a remedial action at a facil-  
4 ity where there are multiple hazardous substances,  
5 pollutants, or contaminants, the remedial action is  
6 not protective of human health and the environment  
7 even though applicable standards, requirements, cri-  
8 teria, or limitations would be attained.

9 “(iii) In the case of a remedial action for a release  
10 or threatened release of a hazardous substance, pollutant,  
11 or contaminant into a source of drinking water, if the  
12 President makes a determination described in clause  
13 (ii)(I), the President shall consider proposed maximum  
14 contaminant level goals under the Safe Drinking Water  
15 Act, health advisories, and other relevant information in  
16 ensuring that the remedial action attains levels or stand-  
17 ards of control that are protective of human health and  
18 the environment.”.

19 (4) Subparagraph (D) of section 121(d)(3) of  
20 such Act, as so redesignated, is amended by striking  
21 clause (iv).

22 (5) Section 121(d)(5) of such Act, as so redesi-  
23 gnated, is amended—

24 (A) in the matter preceding subparagraph

25 (A)—

1 (i) by striking “paragraph (1)” and  
2 inserting “paragraphs (1) and (2)”;

3 (ii) by striking “paragraph (2)” and  
4 inserting “paragraph (3)”;

5 (B) by striking subparagraph (C);

6 (C) by redesignating subparagraphs (A),  
7 (B), (D), (E), and (F) as clauses (i), (ii), (iii),  
8 (iv), and (v), respectively;

9 (D) by capitalizing the first word in each  
10 of those clauses (as so redesignated);

11 (E) by striking the semicolon and inserting  
12 a period at the end of each of clauses (i), (ii),  
13 and (iii) (as so redesignated);

14 (F) by striking “; or” at the end of clause  
15 (iv) (as so redesignated) and inserting a period;

16 (G) by striking “President finds that—”  
17 and inserting “President finds any of the fol-  
18 lowing:”;

19 (H) by inserting “(A)” before “The Presi-  
20 dent may select”;

21 (I) by designating the text following clause  
22 (v) (as so redesignated) as subparagraph (B);  
23 and

24 (J) by adding at the end the following new  
25 subparagraph:

1       “(C) In any case where the President, in making a  
2 finding pursuant to this paragraph, waives any require-  
3 ment, standard, criteria, or limitation specified under  
4 paragraph (3)(A) relating to contaminated ground water  
5 or surface water, the President shall select an appropriate  
6 remedy for contaminated ground water or surface water  
7 which meets, at a minimum, the following requirements:

8           “(i) Prevention or elimination of any human in-  
9       gestion of or exposure to water containing any haz-  
10       ardous substance, pollutant, or contaminant at levels  
11       in excess of the levels specified under paragraph  
12       (3)(A) including, as appropriate, the provision of an  
13       alternate water supply.

14           “(ii) To the extent technically feasible, contain-  
15       ment and treatment of source areas that may con-  
16       tinue to release hazardous substances, pollutants, or  
17       contaminants to ground or surface waters.

18           “(iii) Unless technically infeasible, prevention of  
19       further contamination or impairment of any surface  
20       water designated use established under section 303  
21       of the Federal Water Pollution Control Act caused  
22       by such hazardous substance, pollutant, or contami-  
23       nant in any surface water body into which such con-  
24       taminated ground water is known or expected to  
25       enter.

1           “(iv) Unless technically infeasible, containment  
2 of ground water contamination, except where limited  
3 migration of contamination is necessary to facilitate  
4 restoration of ground water to beneficial use.

5           “(v) Provision for long-term monitoring of such  
6 ground water until contaminants are no longer  
7 present (including any information needed for the  
8 purposes of review under subsection (c)).

9           “(vi) Assurance that, if the President has se-  
10 lected alternative sources of water supply or methods  
11 of treating contaminated water, including point-of-  
12 entry treatment, the party or parties otherwise re-  
13 sponsible for remediation shall assume responsibility  
14 and liability for providing water for domestic use  
15 meeting the requirements of levels specified in para-  
16 graph (3)(A), including all associated incremental  
17 costs for operation, maintenance, and delivery of  
18 water for present and anticipated future domestic  
19 uses until such time as the level of contamination is  
20 consistently below the levels specified by paragraph  
21 (3)(A).”.

22           (d) INSTITUTIONAL CONTROLS.—Section 121 of such  
23 Act is further amended by adding at the end the following  
24 new subsection:

25           “(g) INSTITUTIONAL CONTROLS.—

1           “(1) REQUIREMENT FOR USE OF INSTITU-  
2           TIONAL CONTROLS IN CERTAIN CIRCUMSTANCES.—  
3           The President may not select a remedial action that  
4           allows hazardous substances, pollutants, or contami-  
5           nants to remain at a facility above levels that would  
6           be protective for unrestricted use unless institutional  
7           controls meeting the requirements of section 104 are  
8           incorporated into the remedial action. Whenever  
9           such controls are selected, the President shall ensure  
10          that the terms of the controls are specified in all ap-  
11          propriate decision documents, enforcement orders,  
12          and public information regarding the site. The  
13          President may use institutional controls as a supple-  
14          ment to, but not as a substitute for, other response  
15          measures under this Act.

16          “(2) ASSURANCES.—In any case in which the  
17          President selects a response action that relies on in-  
18          stitutional controls to provide protection, the Presi-  
19          dent shall—

20                 “(A) ensure that such controls are ade-  
21                 quate to protect, over the long term, human  
22                 health and the environment, including fetuses,  
23                 children, and other highly exposed, highly sus-  
24                 ceptible, or differentially susceptible subpopula-  
25                 tions;

1           “(B) require measures to ensure that such  
2 controls will be appropriately implemented,  
3 monitored, and enforced;

4           “(C) ensure that such controls are devel-  
5 oped in consultation with and are acceptable to  
6 the affected community;

7           “(D) upon adoption of such controls, en-  
8 sure that public notice is given and that the  
9 controls are identified in the register estab-  
10 lished under section 104(k)(2)(H) and incor-  
11 porated in the recordation systems of the ap-  
12 propriate jurisdiction in which the property is  
13 located; and

14           “(E) ensure that such controls shall re-  
15 main in effect until terminated in accordance  
16 with section 104(k)(2)(F).

17           “(3) USE OF INSTITUTIONAL CONTROLS.—

18           “(A) TERMS OF CONTROLS TO BE SPECI-  
19 FIED IN DECISION DOCUMENTS.—Whenever in-  
20 stitutional controls are selected as a component  
21 of a response action, the President shall ensure  
22 that the terms of the controls are specified in  
23 all appropriate decision documents, enforcement  
24 orders, and public information regarding the  
25 site. At a minimum, the President shall specify

1 the government official who is primarily respon-  
2 sible for monitoring and enforcing the institu-  
3 tional controls. Each record of decision with re-  
4 spect to a facility shall clearly identify any in-  
5 stitutional controls that restrict uses of land or  
6 other resources or other activities at the facility.

7 “(B) CHANGES IN CONTROLS.—Any such  
8 change shall be undertaken consistent with sec-  
9 tion 117 and notice shall be given pursuant to  
10 the requirements of section 104.

11 “(4) FACILITY FUND.—

12 “(A) IN GENERAL.—In the case of a facil-  
13 ity for which the selected remedial action is  
14 containment or which otherwise results in haz-  
15 ardous substances, pollutants, or contaminants  
16 remaining on site above levels that would allow  
17 for unrestricted use of the facility, a fund shall  
18 be established specifically for that facility in an  
19 amount sufficient to guarantee successful per-  
20 formance of a remedy at the facility and, to the  
21 extent technically feasible, future beneficial  
22 reuse. The fund shall consist of amounts depos-  
23 ited into it by potentially responsible parties.

24 “(B) USE OF FACILITY FUND.—The  
25 amounts in the fund shall be used at the facility

1 for (i) costs of any response necessary in the  
2 event that the remedial action is not protective  
3 of human health and the environment; and (ii)  
4 costs of any further reductions in the volume,  
5 toxicity, or mobility of any hazardous sub-  
6 stance, pollutant, or contaminant remaining on  
7 site that are facilitated by the development of  
8 new technologies. Such costs shall be response  
9 costs under section 107(a). The President may,  
10 in his discretion, require a fund to be estab-  
11 lished as a condition of settlement under section  
12 122.

13 “(5) REPORT TO CONGRESS.—The Adminis-  
14 trator shall, on March 1, 1999, and annually there-  
15 after, report to Congress for each record of decision  
16 signed during the previous fiscal year, the type of in-  
17 stitutional controls and media affected, and the in-  
18 stitution designated to monitor, enforce, and ensure  
19 compliance with the institutional controls.”.

20 (e) PROCEDURAL REQUIREMENTS; ENFORCE-  
21 MENT.—Section 121(e)(1) is amended by adding the fol-  
22 lowing at the end thereof: “Except for recordkeeping and  
23 reporting, procedural requirements of State laws shall not  
24 apply to the portion of any removal or remedial action con-  
25 ducted entirely onsite.”.

1 (f) DEFINITION OF TECHNICALLY INFEASIBLE.—  
2 Section 121 of such Act is further amended by adding at  
3 the end the following new subsection:

4 “(h) DEFINITIONS.—

5 “(1) The term ‘technically infeasible’ means  
6 that a technology or combination of technologies  
7 that would be able to achieve a required outcome  
8 does not exist.

9 “(2) The term ‘maximum extent technically fea-  
10 sible’ means that to the extent that a technology or  
11 combination of technologies that is able to achieve a  
12 required outcome exists, it should be used to its full-  
13 est ability to achieve that required outcome.”.

14 (g) TRANSITION.—

15 (1) EFFECTIVE DATE.—This section, and the  
16 amendments made by this section, shall become ef-  
17 fective 180 days after the date of enactment of this  
18 Act. Remedies selected under the Comprehensive  
19 Environmental Response, Compensation, and Liabil-  
20 ity Act of 1980 following that effective date shall be  
21 selected as provided in section 121(b) of that Act (as  
22 amended by this Act) and subject to the Federal and  
23 State requirements specified in paragraphs (2) and  
24 (3) of section 121(d) of that Act (as amended by  
25 this Act).

1           (2) PRIOR RODS.—(A) Nothing in this Act shall  
2           place upon the Administrator an obligation to reopen  
3           a record of decision signed prior to the effective date  
4           of this section.

5           (B) If, pursuant to section 117 of the Com-  
6           prehensive Environmental Response, Compensation,  
7           and Liability Act of 1980, the Administrator deter-  
8           mines that a change to a record of decision signed  
9           prior to the effective date of this section is nec-  
10          essary, the Administrator may apply the rules in ef-  
11          fect at the time the original record of decision was  
12          signed.

13 **SEC. 102. AUTHORITIES FOR INSTITUTIONAL CONTROLS.**

14          Section 104 of the Comprehensive Environmental Re-  
15          sponse, Compensation, and Liability Act of 1980 (42  
16          U.S.C. 9604) is amended by adding at the end the follow-  
17          ing:

18          “(k) INSTITUTIONAL CONTROL INSTRUMENTS.—

19                 “(1) IN GENERAL.—In any response action that  
20          includes institutional controls, the President shall  
21          use one or more of the types of institutional control  
22          instruments under paragraph (3). Any institutional  
23          control instrument that is used in a response action  
24          shall meet the criteria of paragraph (2). Any institu-  
25          tional control instrument may include terms regard-

1 ing site access by persons involved in carrying out  
2 the response action.

3 “(2) CRITERIA.—

4 “(A) CONTENT OF INSTRUMENTS.—An in-  
5 stitutional control instrument shall contain, at a  
6 minimum—

7 “(i) a legal description of the property  
8 affected;

9 “(ii) the name or names of any cur-  
10 rent owner or owners of the property as re-  
11 flected in public land records;

12 “(iii) a description of the release or  
13 threatened release; and

14 “(iv) a statement as to the nature of  
15 the restriction, limitation, or control cre-  
16 ated by the institutional control instru-  
17 ment.

18 “(B) USE RESTRICTION NOTICE.—If the  
19 President adopts an institutional control instru-  
20 ment (or, in the case of an assignable instru-  
21 ment, assigns it to another party), the Presi-  
22 dent shall record a notice of property use re-  
23 striction in the public land records for the juris-  
24 diction in which the affected property is located.  
25 Such a notice shall specify restrictions, limita-

1           tions, or controls on the use of the land or  
2           other natural resources provided for in the in-  
3           stitutional control instrument. If a particular  
4           institutional control instrument applies to a  
5           large number of properties such that compli-  
6           ance with this notice requirement is impractical,  
7           the President may substitute another mecha-  
8           nism for providing continuing notice of property  
9           use restriction.

10           “(C) FILING OF NOTICE.—If recording in  
11           the public land records is required under this  
12           subsection, the President shall file the notice or  
13           other document in the appropriate office within  
14           the State (or governmental subdivision) in  
15           which the affected property is located, as des-  
16           ignated by State law. If the State has not by  
17           law designated one office for the recording of  
18           interests in real property or claims or rights  
19           burdening real property, the notice or other  
20           document shall be filed in the office of the clerk  
21           of the United States district court for the dis-  
22           trict in which the affected property is located  
23           and the registry established under subpara-  
24           graph (H).

1           “(D) PERSONS SUBJECT TO INSTRU-  
2           MENTS.—An institutional control instrument  
3           shall be enforceable in perpetuity (unless termi-  
4           nated and released as provided for in this sec-  
5           tion) against any holder of an interest in the af-  
6           fected property at the time the instrument is  
7           adopted and all persons who subsequently ac-  
8           quire an interest in the property or rights to  
9           use the property, including lessees, licensees,  
10          and any other person with an interest in the  
11          property. In the case of easements, such ease-  
12          ments shall apply without respect to privity or  
13          lack of privity of estate or contract, lack of ben-  
14          efit running to any other property, assignment  
15          of the easement to another party or sale or  
16          other transfer of the burdened property, or any  
17          other circumstance which might otherwise af-  
18          fect the enforceability of easements or similar  
19          deed restrictions under the laws of the State.  
20          The instrument shall be binding upon holders  
21          of any other interests in the property regardless  
22          of whether such interests are recorded or  
23          whether they were recorded prior or subsequent  
24          to adoption of the instrument, and shall remain

1 in effect notwithstanding any foreclosure or  
2 other assertion of such interests.

3 “(E) ENFORCEMENT.—

4 “(i) EFFECT OF VIOLATIONS.—Viola-  
5 tion of any restriction, limitation, or con-  
6 trol imposed under an institutional control  
7 instrument shall have the same effect as  
8 failure to comply with an order issued  
9 under section 106 and relief may be sought  
10 either in enforcement actions under section  
11 106(b)(1), by States under section  
12 121(e)(2), or in citizen suits under section  
13 310. No citizen suit under section 310 to  
14 enforce such an instrument may be com-  
15 menced if the holder of the easement has  
16 commenced and is diligently prosecuting  
17 an action in court to enforce the easement.

18 “(ii) ENFORCEMENT ACTIONS.—The  
19 President may take appropriate enforce-  
20 ment actions to ensure compliance with the  
21 terms of the instrument whenever the Ad-  
22 ministrator of the Environmental Protec-  
23 tion Agency determines that the terms set  
24 forth in the instrument are being violated.

1                   “(iii) SAVINGS CLAUSE.—Nothing in  
2                   this section shall limit rights or remedies  
3                   available under other laws.

4                   “(F) TERMINATION OR MODIFICATION OF  
5                   INSTITUTIONAL CONTROL INSTRUMENTS.—An  
6                   institutional control instrument adopted under  
7                   this subsection shall remain in force until the  
8                   instrument is modified or terminated by or with  
9                   the approval of the Administrator upon a deter-  
10                  mination that the instrument is no longer need-  
11                  ed to protect human health and the environ-  
12                  ment, including fetuses, children, and other  
13                  highly exposed, highly susceptible, or differen-  
14                  tially susceptible subpopulations. Such modifica-  
15                  tion or termination shall be recorded in the  
16                  same manner as the original instrument.

17                  “(G) PUBLIC NOTICE.—Not later than 180  
18                  days after the date of the enactment of this  
19                  subsection, the President shall issue regulations  
20                  regarding the procedures to be used for public  
21                  notice of proposed property use restrictions and  
22                  institutional control instruments and any termi-  
23                  nation or modification thereof. Such regulations  
24                  shall ensure that before acquiring an institu-  
25                  tional control instrument, and before recording

1 any notice of such instrument, the President  
2 will give notice and an opportunity to comment  
3 to the owner of the affected property, all other  
4 persons with recorded interests in the property,  
5 any lessees or other authorized occupants of the  
6 property known to the President, the State and  
7 any municipalities in which the property is lo-  
8 cated, any relevant community advisory group  
9 established under section 117, the affected com-  
10 munity and the general public.

11 “(H) REGISTRY OF INSTITUTIONAL CON-  
12 TROLS.—The President shall maintain a reg-  
13 istry of all property at which institutional con-  
14 trols have been established in connection with  
15 any response action under this Act. The reg-  
16 istry shall identify the property and the nature  
17 or form of the institutional controls, including  
18 any subsequent changes in the nature or form  
19 of such controls. Where this section refers to  
20 the filing of any document in the local land  
21 records, if the State has not by law designated  
22 one office for the recording of interests in real  
23 property or claims or rights burdening real  
24 property, or if the procedures maintained by the  
25 designated office do not allow for the filing of

1           such a document, the document shall be filed in  
2           this registry.

3           “(3) TYPES OF INSTRUMENTS.—

4                 “(A) EASEMENTS.—

5                     “(i) AUTHORITY TO ACQUIRE EASE-  
6                     MENTS.—In connection with any response  
7                     action under this Act, in order to prevent  
8                     exposure to, reduce the likelihood of, or  
9                     otherwise respond to a release or threat-  
10                    ened release of a hazardous substance, pol-  
11                    lutant, or contaminant, the President may  
12                    acquire, at fair market value, or for other  
13                    consideration as agreed to by the parties,  
14                    a hazardous substance easement which re-  
15                    stricts, limits, or controls the use of land  
16                    or other natural resources, including speci-  
17                    fying permissible or impermissible uses of  
18                    land, prohibiting specified activities upon  
19                    property, prohibiting the drilling of wells  
20                    or use of ground water, or restricting the  
21                    use of surface water.

22                    “(ii) USE OF EASEMENTS.—A hazard-  
23                    ous substance easement under this sub-  
24                    section may be used wherever institutional

1 controls have been selected as a component  
2 of a response action.

3 “(iii) METHODS OF ACQUIRING EASE-  
4 MENTS.—The President may acquire a  
5 hazardous substance easement by purchase  
6 or other agreement, by condemnation, or  
7 by any other means permitted by law.  
8 Compensation for such easement shall be  
9 at fair market value, or for other consider-  
10 ation as agreed to by the parties, for the  
11 interest acquired. For an easement ac-  
12 quired from entities that are not respon-  
13 sible parties, valuation of such easement  
14 shall be based on the value of the property  
15 in an uncontaminated condition. The costs  
16 of obtaining, ensuring adequate public no-  
17 tice of, and otherwise tracking and main-  
18 taining the protections afforded by the  
19 easements shall be considered response  
20 costs which are recoverable under this Act.

21 “(iv) ASSIGNMENT OF EASEMENTS TO  
22 PARTIES OTHER THAN THE PRESIDENT.—

23 “(I) AUTHORITY TO ASSIGN.—

24 The President may, where appropriate  
25 and with the consent of the State, as-

1 sign an easement acquired under this  
2 subsection to a State that has the ca-  
3 pacity to effectively enforce the ease-  
4 ment over the period of time during  
5 which the easement is in effect. In the  
6 case of any assignment, the easement  
7 shall also be fully enforceable by the  
8 assignee. Any assignment of such an  
9 easement by the President may be  
10 made by following the same proce-  
11 dures as are used for the transfer of  
12 an interest in real property to a State  
13 under section 104(j).

14 “(II) EASEMENTS HELD BY  
15 OTHER PERSONS.—Any interest in  
16 property granted to a State, an Indian  
17 Tribe, or another governmental entity  
18 or other person which restricts, limits,  
19 or controls the use of land or other  
20 natural resources in order to prevent  
21 exposure to, reduce the likelihood of,  
22 or otherwise respond to, a release or  
23 threatened release of a hazardous sub-  
24 stance, pollutant, or contaminant, and  
25 which is expressly designated in writ-

1           ing as a hazardous substance ease-  
2           ment within the meaning of this para-  
3           graph, shall create the same rights,  
4           have the same legal effect, and be en-  
5           forceable in the same manner as a  
6           hazardous substance easement ac-  
7           quired by the President regardless of  
8           whether the interest in property is  
9           otherwise denominated as an ease-  
10          ment, covenant, or any other form of  
11          property right.

12           “(v) APPLICABILITY OF OTHER PROVI-  
13          SIONS.—Holding a hazardous substance  
14          easement shall not in itself subject either  
15          the holder thereof or the owner of the af-  
16          fected property to liability under section  
17          107. Any such easement acquired by the  
18          President shall not be subject to the re-  
19          quirements of subsection (j)(2) or section  
20          120(h). Nothing in this subsection limits  
21          or modifies the authority of the President  
22          pursuant to subsection (j)(1).

23           “(B) ORDER IMPOSING RESTRICTIONS.—In  
24          connection with any response action under this  
25          Act, in order to prevent exposure to, reduce the

1 likelihood of, or otherwise respond to a release  
2 or threatened release of a hazardous substance,  
3 pollutant, or contaminant, the President may by  
4 order establish appropriate restrictions, limita-  
5 tions, or controls on the use of land or other  
6 natural resources, including specifying permis-  
7 sible or impermissible uses of land, prohibiting  
8 specified activities upon property, prohibiting  
9 the drilling of wells or use of ground water, or  
10 restricting the use of surface water. Any such  
11 order shall be binding on each person who re-  
12 ceives actual notice of the order, and after filing  
13 in the appropriate land records shall be binding  
14 on the owner's successors, assigns, and lessees,  
15 and on any person who subsequently acquires  
16 an interest in the property. A finding of immi-  
17 nent and substantial endangerment shall not be  
18 required to issue an order under this subpara-  
19 graph.

20 “(C) STATE INSTITUTIONAL CONTROL IN-  
21 STRUMENTS.—In connection with any response  
22 action under this Act, in order to prevent expo-  
23 sure to, reduce the likelihood of, or otherwise  
24 respond to a release or threatened release of a  
25 hazardous substance, pollutant, or contaminant,

1           the President may include in a response action  
2           institutional controls adopted pursuant to State  
3           law, if such controls meet all requirements of  
4           paragraph (2) of this subsection.”.

5 **SEC. 103. AMENDMENTS RELATING TO RESPONSE AU-**  
6                                   **THORITIES.**

7           (a) **REMOVAL ACTIONS.**—Section 104(a)(2) of the  
8           Comprehensive Environmental Response, Compensation,  
9           and Liability Act of 1980 (42 U.S.C. 9604(a)(2)) is  
10          amended by adding at the end the following: “The Presi-  
11          dent shall ensure that a removal action is not undertaken  
12          in lieu of a long-term remedial action.”.

13          (b) **FURTHER RESPONSE ACTION.**—Section 104(a)  
14          of such Act is amended by adding at the end the following:  
15          “(5) Nothing in this Act shall be interpreted to limit  
16          the authority of the President, subsequent to selection of  
17          a remedial action, to take any further response action nec-  
18          essary to remove or remediate residual hazardous sub-  
19          stances, pollutants, or contaminants where such removal  
20          or remediation is appropriate for the restoration of natural  
21          resources.”.

1 **TITLE II—COMMUNITY PARTICI-**  
2 **PATION AND HUMAN HEALTH**  
3 **Subtitle A—Community**  
4 **Participation**

5 **SEC. 201. DEFINITIONS.**

6 Section 117 of the Comprehensive Environmental Re-  
7 sponse, Compensation, and Liability Act of 1980 (42  
8 U.S.C. 9617) is amended by adding at the end the follow-  
9 ing:

10 “(j) DEFINITIONS.—

11 “(1) COVERED FACILITY.—The term ‘covered  
12 facility’ means a facility—

13 “(A) that has been listed or proposed for  
14 listing on the National Priorities List;

15 “(B) at which the Administrator is under-  
16 taking an action anticipated to exceed 1 year in  
17 duration, or with respect to which the funding  
18 limit under section 104 of this Act is antici-  
19 pated to be reached; or

20 “(C) with respect to which the Adminis-  
21 trator of ATSDR has accepted a petition re-  
22 questing a health assessment or related health  
23 activity under section 104(i)(6)(B).

24 “(2) AFFECTED COMMUNITY.—The term ‘af-  
25 fected community’ means any group of 2 or more in-

1 individuals (including representatives of Indian tribes)  
2 which may be affected by the release or threatened  
3 release of hazardous substances, pollutants, or con-  
4 taminants at a covered facility.

5 “(3) NOTICE.—The term ‘notice’ means an an-  
6 nouncement, including the date, time, location, and  
7 agenda of any meeting to be held, that is issued  
8 using communications media targeted to residents of  
9 affected communities and posters displayed in public  
10 places within the affected community.”.

11 **SEC. 202. PUBLIC PARTICIPATION.**

12 (a) TAG GRANTS.—Section 117(e) of the Com-  
13 prehensive Environmental Response, Compensation, and  
14 Liability Act of 1980 (42 U.S.C. 9617(e)) is amended to  
15 read as follows:

16 “(e) GRANTS FOR TECHNICAL ASSISTANCE.—

17 “(1) AUTHORITY.—In accordance with the rules  
18 promulgated by the Administrator, the Adminis-  
19 trator may make grants available to any Community  
20 Advisory Group or affected community. Such grants  
21 shall be known as Technical Assistance Grants  
22 (‘TAGs’).

23 “(2) SPECIAL RULES.—No matching contribu-  
24 tion shall be required for a Technical Assistance  
25 Grant. The Administrator may make the lesser of

1       \$10,000 or 10 percent of the total grant amount  
2       available to the grant recipient, in advance of the ex-  
3       penditures to be covered by the grant.

4               “(3) GRANT AVAILABILITY.—The Administrator  
5       shall promptly notify residents and Indian tribes liv-  
6       ing near a covered facility that a technical assistance  
7       grant is available under this section.

8               “(4) NUMBER OF TAGS PER FACILITY.—Except  
9       as provided in this paragraph, not more than one  
10       grant may be made at a time under this subsection  
11       with respect to a single covered facility, but the  
12       grant may be renewed to facilitate public participa-  
13       tion at all stages of response action, including oper-  
14       ation and maintenance. Limits shall be established  
15       with respect to the number of years for which grants  
16       may be available based on the duration, type, and  
17       extent of response activity at a covered facility. The  
18       Administrator may provide more than one grant  
19       under this subsection with respect to a single cov-  
20       ered facility, considering such factors as the area af-  
21       fected by the covered facility and the distances be-  
22       tween affected communities.

23               “(5) FUNDING AMOUNT.—The initial amount of  
24       any grant under this subsection may not exceed  
25       \$100,000 (based on fiscal year 1998 constant dol-

1        lars) for a single grant recipient, except that the Ad-  
2        ministrator may increase the amount of the grant if  
3        the grant recipient demonstrates that the covered fa-  
4        cility’s characteristics indicate additional funds are  
5        necessary due to the complexity of the response ac-  
6        tion, including the size and complexity of the covered  
7        facility or the nature or volume of site-related infor-  
8        mation, or if the grant recipient requests such addi-  
9        tional funds to perform biological sampling under  
10       paragraph (7)(C). In addition, the Administrator  
11       must find that the grant recipient’s management of  
12       a previous grant award, if any, was satisfactory, and  
13       that the costs incurred under the award are allow-  
14       able and reasonable.

15            “(6) SIMPLIFICATION.—To ensure that the ap-  
16       plication process is accessible to all affected persons,  
17       including those that reside in a special priority area  
18       listed under section 116(f)(2), the Administrator  
19       shall review the existing guidelines and application  
20       procedures for the TAGs and, within 180 days after  
21       the date of enactment of this section, revise, as ap-  
22       propriate, such guidelines and procedures to simplify  
23       the process of obtaining such grants.

24            “(7) AUTHORIZED GRANT ACTIVITIES.—

1           “(A) INTERPRETATION OF INFORMA-  
2           TION.—Grants awarded under this subsection  
3           may be used to obtain technical assistance in  
4           interpreting information and providing input  
5           with regard to (i) the nature of the hazard at  
6           a covered facility; (ii) sampling and monitoring  
7           plans, (iii) the remedial investigation and fea-  
8           sibility study; (iv) the record of decision; (v) the  
9           selection, design, and construction of the reme-  
10          dial action; (vi) operation and maintenance;  
11          (vii) removal activities at such covered facility;  
12          or (viii) health assessment or related health ac-  
13          tivity.

14           “(B) ENVIRONMENTAL SAMPLING.—

15           “(i) IN GENERAL.—Grants awarded  
16           under this subsection may be used to ob-  
17           tain technical assistance in developing en-  
18           vironmental sampling plans, collecting  
19           samples, analyzing samples, and interpret-  
20           ing sample data.

21           “(ii) APPROVAL OF SAMPLING  
22           PLANS.—Before any samples are collected  
23           by a TAG recipient, a sampling plan shall  
24           be submitted to the Administrator for ap-  
25           proval. The Administrator shall promul-

1           gate regulations regarding the submittal of  
2           such plans.

3           A sampling plan shall be deemed to be approved  
4           unless such approval is denied by the Adminis-  
5           trator within 60 days after the date on which  
6           the plan is submitted. If the Administrator de-  
7           nies approval of the plan, the Administrator  
8           shall provide an explanation of such denial to  
9           the entity that submitted the plan. The entity  
10          may revise and resubmit the plan accordingly.”.

11          “(C)   BIOLOGICAL    SAMPLING.—Grants  
12          awarded under this section also may be used to  
13          collect and analyze biological samples. Such  
14          sample collection and analysis shall be per-  
15          formed by an accredited health care profes-  
16          sional.

17          “(D)   ADDITIONAL   ACTIVITIES.—(i) Sub-  
18          ject to clause (ii), grants awarded under this  
19          section also may be used—

20                  “(I) to obtain technical assistance in  
21                  interpreting information used to rank fa-  
22                  cilities according to the Hazard Ranking  
23                  System;

24                  “(II) to hire a community coordinator;

1           “(III) to hire health experts to advise  
2           affected residents on health assessment  
3           and data gathering efforts and response  
4           activities, and on the design of any health  
5           studies that a government agency per-  
6           forms;

7           “(IV) to hire technical or legal experts  
8           to file comments with governmental agen-  
9           cies and generate other documents as nec-  
10          essary to ensure full participation by the  
11          grant recipient;

12          “(V) to publish newsletters or other-  
13          wise finance the dissemination of informa-  
14          tion; and

15          “(VI) to evaluate the reliability of  
16          long-term operation and maintenance and  
17          institutional controls.

18          “(ii) Not more than 10 percent of the  
19          amount of a technical assistance grant may be  
20          used for hiring legal experts or for travel ex-  
21          penses.

22          “(E) AVAILABILITY OF INFORMATION.—  
23          Information generated by the recipients of  
24          grants under this section shall be made avail-

1           able, as appropriate, to the appropriate Com-  
2           munity Information and Access Office.

3           “(8) NON-SITE-SPECIFIC GRANTS.—In accord-  
4           ance with the rules promulgated by the Adminis-  
5           trator, the Administrator may make Technical As-  
6           sistance Grant funds available to Indian tribes, non-  
7           profit organizations, and citizens groups to enhance  
8           their participation in rulemaking processes carried  
9           out in accordance with this Act. Total funding for  
10          all such grants shall not exceed \$100,000.

11          “(9) NATIONAL CONFERENCE.—

12                 “(A) IN GENERAL.—The Administrator  
13                 shall convene a national conference once every  
14                 two years for TAG advisors and recipients for  
15                 purposes of exchanging information and making  
16                 recommendations to the Administrator.

17                 “(B) REPORT TO THE ADMINISTRATOR.—  
18                 The participants in a national conference shall,  
19                 not later than 180 days after the conference  
20                 ends, submit to the Administrator a report. The  
21                 report shall contain such findings and rec-  
22                 ommendations as the participants in the con-  
23                 ference consider appropriate.”.

24          (b) IMPROVING CITIZEN AND COMMUNITY PARTICI-  
25          PATION.—(1) Section 117 of the Comprehensive Environ-

1 mental Response, Compensation, and Liability Act of  
2 1980 (42 U.S.C. 9617) is amended by—

3 (A) redesignating paragraphs (1) and (2) of  
4 subsection (a) as subparagraphs (A) and (B);

5 (B) striking “under paragraph (1)” in such  
6 subsection (a) and inserting “under subparagraph  
7 (A)”;

8 (C) redesignating such subsection (a) as para-  
9 graph (4);

10 (D) by redesignating subsections (b) and (c) as  
11 paragraphs (6) and (7) of subsection (a); and

12 (E) inserting the following immediately after  
13 the section heading:

14 “(a) IMPROVING CITIZEN AND COMMUNITY PARTICI-  
15 PATION IN DECISIONMAKING.—

16 “(1) IN GENERAL.—In order to provide an op-  
17 portunity for meaningful public participation in  
18 every significant phase of response activities under  
19 this Act, the President shall take the actions speci-  
20 fied in this subsection.

21 “(2) HEALTH ASSESSMENT AND PRELIMINARY  
22 ASSESSMENT AND SITE INSPECTION.—The President  
23 shall provide the opportunity for public meetings and  
24 provide a notice of such meetings before or during  
25 performance of the health assessment or related

1 health activity and the preliminary assessment and  
2 site inspection, as appropriate. Before or during the  
3 health assessment or related health activity and site  
4 inspection, the President shall solicit and evaluate  
5 concerns, interests, and information from the Com-  
6 munity Advisory Group, if any, affected Indian  
7 tribes, the affected community, local government of-  
8 ficials and local health officials. The evaluation shall  
9 include, as appropriate, face-to-face community sur-  
10 veys to identify the location of private drinking  
11 water wells, potential exposure pathways, including  
12 historic, current, and potential use of water, and  
13 other environmental resources in the community; a  
14 public meeting; written responses to significant con-  
15 cerns; and other appropriate participatory activities.

16 “(3) REMEDIAL INVESTIGATION AND FEASIBIL-  
17 ITY STUDY.—The President shall provide the oppor-  
18 tunity for public meetings and publish a notice of  
19 such meetings before or during the Remedial Inves-  
20 tigation and Feasibility Study (RI/FS). During the  
21 remedial investigation and feasibility study, the  
22 President shall solicit the views and preferences of  
23 the Community Advisory Group, if any, affected In-  
24 dian tribes, the affected community, local govern-  
25 ment officials and local health officials on the reme-

1 diation and disposition of hazardous substances, pol-  
2 lutants, or contaminants at the covered facility.  
3 Such views and preferences shall be described in the  
4 remedial investigation and feasibility study and con-  
5 sidered in the screening of remedial alternatives for  
6 the covered facility.”.

7 (2) Such section 117, as amended by this subsection,  
8 is amended by adding the following new paragraph after  
9 paragraph (4) of subsection (a):

10 “(5) COMPLETION OF WORK PLAN.—The Presi-  
11 dent shall provide the opportunity for public meet-  
12 ings and publish a notice of such meetings before or  
13 during the completion of the work plan for the Re-  
14 medial Design and Remedial Action.”.

15 (3) Such section 117, as amended by this subsection,  
16 is amended by adding the following new paragraphs after  
17 paragraphs (6) and (7):

18 “(8) ALTERNATIVES.—Pursuant to paragraph  
19 (4), members of the Community Advisory Group, if  
20 any, affected Indian tribes, the affected community,  
21 local government officials and local health officials  
22 may propose remedial alternatives to the President,  
23 and the President shall consider such alternatives in  
24 the same manner as the President considers alter-  
25 natives proposed by other parties.

1           “(9) SELECTING APPROPRIATE PROCEDURES.—

2           In determining which of the procedures set forth in  
3           paragraph (2) may be appropriate, the Adminis-  
4           trator may consult with the Community Advisory  
5           Group, if any, affected Indian tribe, the affected  
6           community, local government officials and local  
7           health officials.

8           “(10) PROVIDING INFORMATION.—The Presi-  
9           dent, with the assistance of the Community Informa-  
10          tion and Access Offices (as provided for in sub-  
11          section (c)), shall provide information to the Com-  
12          munity Advisory Group, if any, affected Indian  
13          tribes, the affected community, local government of-  
14          ficials and local health officials throughout all sig-  
15          nificant phases of the response action at the covered  
16          facility. The President, on a regular basis, shall in-  
17          form such entities of the progress and substance of  
18          technical meetings between the lead agency and po-  
19          tentially responsible parties regarding a covered fa-  
20          cility. The President shall notify the Community Ad-  
21          visory Group, if any, affected Indian tribes, the af-  
22          fected community, local government officials and  
23          local health officials concerning—

24                   “(A) the schedule for commencement of  
25                   construction activities at the covered facility

1 and the location and availability of construction  
2 plans;

3 “(B) the results of any review under sec-  
4 tion 121(c) and any modifications to the cov-  
5 ered facility made as a result of the review; and

6 “(C) the execution of and any revisions to  
7 institutional controls being used as part of a re-  
8 medial action.

9 “(11) PUBLIC MEETINGS.—Public meetings re-  
10 quired under this subsection shall be designed to ob-  
11 tain information from the affected community and  
12 disseminate information to the affected community  
13 concerning the President’s covered facility activities  
14 and pending decisions. Public meetings shall be held  
15 at a convenient and easily accessible location within  
16 the affected community and at a time when the ma-  
17 jority of residents of the affected community is able  
18 to attend the meeting. A notice of any such meeting  
19 shall be issued at least 10 days before the date of  
20 the meeting.

21 “(12) SPECIAL PRIORITY AREAS.—In taking the  
22 actions specified in this subsection, the President  
23 shall consider the unique needs of residents of spe-  
24 cial priority areas listed under section 116(f)(2).”.

1           (4) Such section 117 is amended by striking “major”  
2 in subsection (d).

3           (5) Such section 117 is amended by adding the fol-  
4 lowing new subsection after subsection (a), as amended  
5 by this section:

6           “(b) ADDITIONAL PUBLIC INVOLVEMENT REQUIRE-  
7 MENTS.—(1) The President shall make records relating to  
8 the covered facility available to the public throughout all  
9 phases of response action at the covered facility. Such in-  
10 formation shall be made available to the public for inspec-  
11 tion and copying without the need to file a formal request,  
12 subject to reasonable service charges as appropriate, in ac-  
13 cordance with the schedule of fees promulgated in regula-  
14 tions under section 552(a)(4)(A) of title 5, United States  
15 Code. This paragraph shall not apply to a record that is  
16 exempt from disclosure under section 552 of title 5,  
17 United States Code, or to any record that is exchanged  
18 between parties to a dispute under this Act for the pur-  
19 poses of settling the dispute.

20           “(2) The President, in carrying out responsibilities  
21 under this Act, shall ensure that the presentation of infor-  
22 mation on risk is unbiased and informative and clearly dis-  
23 closes any uncertainties and data gaps.

24           “(3) Notwithstanding any other provision of this sub-  
25 section, in the case of a removal action taken in accord-

1   ance with section 104 which is expected to extend beyond  
2   180 days, the President shall comply with the require-  
3   ments of this section unless the President determines that  
4   such compliance presents an imminent and substantial  
5   endangerment to human health or the environment.  
6   Whenever the planning period for a removal action is ex-  
7   pected to be greater than 180 days, the Administrator  
8   shall provide the Community Advisory Group, if any, af-  
9   fected Indian tribes, the affected community, local govern-  
10  ment officials and local health officials with notice of the  
11  anticipated removal action and a public comment period  
12  of no less than 30 days.

13       “(4) Any resident of an affected community shall  
14  have the ability to fully initiate or participate in any rem-  
15  edy review processes or mechanisms established by the Ad-  
16  ministrator.”.

17       (6) Such section 117 is further amended by adding  
18  the following new subsection after subsection (e):

19       “(f) UNDERSTANDABLE PRESENTATION OF MATE-  
20  RIALS.—The President shall ensure that information pre-  
21  pared for distribution to the public under this section shall  
22  be provided or summarized in a manner that may be easily  
23  understood, considering any unique cultural needs of the  
24  affected community, including presentation of information

1 orally and distribution of information in languages other  
2 than English, as appropriate.”.

3 **SEC. 203. COMMUNITY INFORMATION AND ACCESS**  
4 **OFFICES.**

5 Section 117 of the Comprehensive Environmental Re-  
6 sponse, Compensation, and Liability Act of 1980 (42  
7 U.S.C. 9617) is amended by adding the following after  
8 subsection (b), as added by section 202:

9 “(c) COMMUNITY INFORMATION AND ACCESS OF-  
10 FICES.—

11 “(1) ESTABLISHMENT.—

12 “(A) IN GENERAL.—Subject to subpara-  
13 graph (B), not later than 18 months after the  
14 date of enactment of this subsection, a State  
15 with a covered facility, or an Indian tribe in the  
16 case of such a facility in Indian country (as de-  
17 fined in section 1151 of title 18, United States  
18 Code), shall establish a Community Information  
19 and Access Office to perform the functions set  
20 forth in paragraph (3).

21 “(B) EXISTING OFFICES.—The Adminis-  
22 trator may determine that a State or tribal of-  
23 fice in existence before the date of enactment of  
24 this subsection can or does already perform the  
25 functions of a Community Information and Ac-

1           cess Office and is eligible for funding under  
2           paragraph (2).

3           “(C) PROCESS.—Each State or tribe shall  
4           decide the process for establishing a Commu-  
5           nity Information and Access Office.

6           “(D) EPA ROLE.—The Administrator  
7           shall approve the Office if it meets the require-  
8           ments of this subsection. If the Administrator  
9           determines that the State or tribe has not es-  
10          tablished an office or offices that can perform  
11          the functions of a Community Information and  
12          Access Office, the Administrator shall establish  
13          an office or offices in the State.

14          “(E) NUMBER OF OFFICES.—The Admin-  
15          istrator may require the establishment of more  
16          than one Community Information and Access  
17          Office in a State, considering factors such as  
18          the number of covered facilities in the State,  
19          the geographic distance between such facilities,  
20          and the number of people affected by such fa-  
21          cilities in the State.

22          “(2) FUNDING.—

23                  “(A) IN GENERAL.—Funding for the oper-  
24                  ation of Community Information and Access  
25                  Offices, or State, tribal, or Environmental Pro-

1           tection Agency offices that perform similar  
2           functions, collectively, shall not exceed  
3           \$50,000,000 for a fiscal year.

4           “(B) STATE OR TRIBAL GRANTS.—Each  
5           State or Indian tribe that has a Community In-  
6           formation and Access Office, or each State, In-  
7           dian tribe, or Environmental Protection Agency  
8           office performing the functions of a Community  
9           Information and Access Office, shall receive not  
10          less than \$500,000, and not more than  
11          \$1,000,000, for a fiscal year.

12          “(C) FORMULA.—

13                 “(i) IN GENERAL.—The Administrator  
14                 shall publish guidelines establishing a for-  
15                 mula for determining the actual amount of  
16                 funding for each Community Information  
17                 and Access Office.

18                 “(ii) FACTORS.—The formula shall in-  
19                 clude factors such as the number of facili-  
20                 ties listed or proposed for listing on the  
21                 National Priorities List that would be cov-  
22                 ered by the Community Information and  
23                 Access Office.

24          “(3) FUNCTIONS.—

1           “(A) IN GENERAL.—A Community Infor-  
2 mation and Access Office shall—

3           “(i) assist the Administrator (I) in  
4 disseminating information regarding facili-  
5 ties, information regarding the existence of  
6 the Office and its services, and information  
7 regarding opportunities for public partici-  
8 pation under this Act, (II) in notifying citi-  
9 zens of public meetings, notifying the com-  
10 munity living or working near a facility of  
11 the opportunity to establish a community  
12 advisory group, and notifying the public of  
13 the availability of TAGs, (III) in informing  
14 citizens of their rights under this Act, in-  
15 cluding the availability of health services  
16 and the right of petition for assessment of  
17 release, for performance of a health assess-  
18 ment, and for establishment of a Commu-  
19 nity Advisory Group, and (IV) in providing  
20 citizens with information relating to the  
21 operation of Federal, State, and tribal haz-  
22 ardous substance and waste laws with re-  
23 spect to facilities within the State or in In-  
24 dian country (as defined in section 1151 of  
25 title 18, United States Code);

1           “(ii) serve as a clearinghouse, main-  
2           tain records, and provide electronic access  
3           as appropriate, for facility information, in-  
4           cluding a description of the Administra-  
5           tor’s process for identifying facilities and  
6           undertaking response actions under this  
7           Act, a list of facilities located in the State  
8           or in Indian country (as defined in section  
9           1151 of title 18 United States Code), and  
10          with respect to each such facility and to  
11          the extent information becomes available—

12                   “(I) the location, name of owner  
13                   or operator, and characteristics of the  
14                   facility;

15                   “(II) the hazardous substances,  
16                   pollutants, and contaminants present,  
17                   including the quantities and relative  
18                   toxicities of the substances, pollutants,  
19                   and contaminants;

20                   “(III) the response actions being  
21                   taken, including records of any insti-  
22                   tutional controls that are included in  
23                   the response actions;

24                   “(IV) any health data generated  
25                   in connection with the facility;

1                   “(V) the status of the response  
2                   actions at the facility;

3                   “(VI) any report generated as a  
4                   result of a review under section  
5                   121(e);

6                   “(VII) the location of the Admin-  
7                   istrative Record created for the facil-  
8                   ity, if any, under section 113(k); and

9                   “(VIII) any ongoing operation  
10                  and maintenance requirements or in-  
11                  stitutional controls in place;

12                  “(iii) assist members of an affected  
13                  community or Community Advisory Group  
14                  in applying for technical assistance grants  
15                  under subsection (e); and

16                  “(iv) assist individuals in petitioning  
17                  for assessment of release under section  
18                  105(d), in petitioning for a health assess-  
19                  ment under section 104(i)(6)(B), or in pe-  
20                  titioning for establishment of a Community  
21                  Advisory Group under section  
22                  117(g)(1)(B).

23                  “(B) REPORT.—

24                  “(i) IN GENERAL.—Each Community  
25                  Information and Access Office shall annu-

1 ally submit a report to the Administrator  
2 summarizing the performance of its duties  
3 and shall certify in the report that any  
4 funds used under paragraph (2) by the  
5 Community Information and Access Office  
6 have been used in compliance with the re-  
7 quirements of this subsection. The Admin-  
8 istrator shall make such report available to  
9 the public.

10 “(ii) VERIFICATION BY INSPECTOR  
11 GENERAL.—The Inspector General of the  
12 Environmental Protection Agency shall pe-  
13 riodically review the programs carried out  
14 under this subsection and reports made  
15 under this subparagraph and shall verify  
16 the accuracy of the certifications contained  
17 in the reports.

18 “(iii) TERMINATION OF GRANT.—If  
19 the Administrator of the Environmental  
20 Protection Agency is unable to verify the  
21 information provided in the report, or if  
22 the Administrator determines that the  
23 grant is not being used in a manner con-  
24 sistent with the functions under subpara-

1 graph (A), the Administrator may termi-  
2 nate the grant.”.

3 **SEC. 204. COMMUNITY ADVISORY GROUPS.**

4 Section 117 of the Comprehensive Environmental Re-  
5 sponse, Compensation, and Liability Act of 1980 (42  
6 U.S.C. 9617) is further amended by adding after sub-  
7 section (f) the following:

8 “(g) COMMUNITY ADVISORY GROUPS.—

9 “(1) CREATION AND RESPONSIBILITIES.—The  
10 President shall provide the opportunity for the es-  
11 tablishment of a representative public forum, known  
12 as a Community Advisory Group (CAG), to achieve  
13 direct, regular, and meaningful consultation with all  
14 interested parties throughout all stages of a response  
15 action whenever—

16 “(A) the President determines such a  
17 group will be helpful; or

18 “(B) 10 individuals residing in or at the  
19 area in which the covered facility is located, or  
20 10 percent of the population of a locality in  
21 which the covered facility is located, whichever  
22 is less, petition for a Community Advisory  
23 Group to be established.

24 “(2) DUTIES.—Each Community Advisory  
25 Group shall provide information and views to the

1 President, and, as appropriate, any or all of the fol-  
2 lowing: the Agency for Toxic Substances and Dis-  
3 ease Registry, State agencies, Federal agencies, Fed-  
4 eral, State, and tribal natural resource trustees, and  
5 potentially responsible parties conducting response  
6 actions. The information and views reported shall in-  
7 clude the various subjects related to facility remedi-  
8 ation, including facility health assessments and  
9 health related activities, potential remedial alter-  
10 natives, and selection and implementation of reme-  
11 dial and removal actions. The Community Advisory  
12 Group shall attempt to achieve consensus among its  
13 members before reporting positions to agencies,  
14 trustees, or potentially responsible parties. In cases  
15 in which consensus cannot be reached, the Commu-  
16 nity Advisory Group shall allow the presentation of  
17 divergent views.

18 “(3) LAND USE.—The President shall adopt, as  
19 part of the remedy selected at the facility, any con-  
20 sensus recommendation of the Community Advisory  
21 Group on land use to be used as part of the remedy.  
22 Notwithstanding the previous sentence, the Presi-  
23 dent shall decline to adopt such a consensus rec-  
24 ommendation upon determining that the rec-  
25 ommendation is not adequate to protect human

1 health and the environment. In cases in which there  
2 is substantive disagreement within the Community  
3 Advisory Group over a recommendation regarding  
4 land use, the Administrator shall make reasonable  
5 efforts to reconcile the differences.

6 “(4) COMMUNITY ADVISORY GROUP INPUT.—  
7 With the exception of land use recommendations,  
8 input received from the Community Advisory Groups  
9 shall be considered by the President to be of equal  
10 weight with the advice received from the Technical  
11 Assistance Grant recipients and other affected com-  
12 munity members.

13 “(5) COMMUNITY ADVISORY GROUP MEM-  
14 BERS.—Members shall serve on the Community Ad-  
15 visory Group without pay. The President shall pro-  
16 vide notice and opportunity to participate on a Com-  
17 munity Advisory Group to the affected community,  
18 including to persons who are or historically have  
19 been disproportionately affected by facility contami-  
20 nation in their community. The President shall en-  
21 sure that each Community Advisory Group, to the  
22 extent practicable, reflects the composition and di-  
23 versity of interests of the community near the facil-  
24 ity. Residents of the area most affected by releases  
25 from the facility shall comprise a majority of the

1 total membership of the CAG. At least one person  
2 in the CAG shall represent the Technical Assistance  
3 Grant recipient if such a grant has been awarded  
4 under subsection (e). To the extent practicable, the  
5 President shall ensure that members of the following  
6 groups are represented on a CAG:

7 “(A) Persons residing or owning residen-  
8 tial property in the area in which the covered  
9 facility is located or persons who may be af-  
10 fected by releases from the facility.

11 “(B) Medical professionals practicing in  
12 the affected community.

13 “(C) Members of local Indian tribes or In-  
14 dian communities.

15 “(D) Local citizen, civic, environmental, or  
16 public interest groups with members residing in  
17 the affected community.

18 “(E) Current and former employees of the  
19 facility during facility operation.

20 “(F) Local business community members.

21 “(6) FACA.—The Federal Advisory Committee  
22 Act shall not apply to a CAG established under this  
23 Act or ATSDR Community Advisory Panels.

24 “(7) TECHNICAL AND ADMINISTRATIVE SUP-  
25 PORT FOR COMMUNITY ADVISORY GROUPS.—The

1 President may provide administrative support for  
2 Community Advisory Groups.

3 “(8) ADDITIONAL PARTICIPANTS.—The Admin-  
4 istrator of the Environmental Protection Agency, the  
5 Administrator of the Agency for Toxic Substances  
6 and Disease Registry, the State, representatives cho-  
7 sen by the governing body of local Indian tribes or  
8 Indian community local governments (which may in-  
9 clude pertinent city or county governments, or both),  
10 and any other governmental unit which regulates  
11 land use in the vicinity of the facility, as appropriate  
12 nonresidential owners or operators, and local rep-  
13 resentatives of the Potentially Responsible Parties  
14 (PRPs) who represent, wherever practicable, a bal-  
15 ance of PRP interests, may participate in Commu-  
16 nity Advisory Group meetings to provide information  
17 and technical expertise, but shall not be members of  
18 the Community Advisory Group.

19 “(9) OTHER PUBLIC INVOLVEMENT.—The ex-  
20 istence of a Community Advisory Group shall not di-  
21 minish any other obligation of the President to con-  
22 sider the views of any person in selecting response  
23 actions under this Act. Nothing in this section shall  
24 affect the status of any Citizen Advisory Group  
25 formed before the enactment of this subsection.

1 Nothing in this section shall affect the status, deci-  
2 sions, or future formation of any Department of De-  
3 fense Restoration Advisory Board, or Department of  
4 Energy Site Specific Advisory Board, and no Citizen  
5 Advisory Group must be established for a facility if  
6 any such Board has been established for the facility.

7 “(h) COMMUNITY STUDY.—

8 “(1) REPORT BY THE ADMINISTRATOR.—The  
9 Administrator shall prepare and submit to Congress  
10 a Community Study two years after the date of en-  
11 actment of this Act, shall periodically update the  
12 study, and shall also provide such study to the Com-  
13 munity Information and Access Office. The Adminis-  
14 trator and Community Information and Access Of-  
15 fices shall ensure that copies of such studies are  
16 made available to the public.

17 “(2) CONTENT OF THE REPORT.—The Admin-  
18 istrator’s report shall include an analysis of the  
19 speed of listing; the speed and nature of response  
20 action; the degree to which public views are reflected  
21 in response actions; use of institutional controls; and  
22 the population, race, ethnicity, and income charac-  
23 teristics of each community affected by each facility  
24 listed or proposed for listing on the National Prior-  
25 ities List.

1           “(3) EVALUATION.—The Administrator shall  
2 evaluate the information in the study to determine  
3 whether priority setting, response actions, and public  
4 participation requirements were conducted in a fair  
5 and equitable manner and identify program areas  
6 that require improvements or modification.

7           “(4) ACTIONS BASED ON EVALUATION.—The  
8 Administrator shall institute the necessary improve-  
9 ments or modifications to address any deficiencies  
10 identified by the study prepared under this section.”.

11 **SEC. 205. TECHNICAL OUTREACH SERVICES FOR COMMU-**  
12 **NITIES.**

13           Section 311(d)(2) of the Comprehensive Environ-  
14 mental Response, Compensation, and Liability Act of  
15 1980 (42 U.S.C. 9660(d)(2)) is amended to read as fol-  
16 lows:

17           “(2) RESPONSIBILITIES OF CENTERS.—The re-  
18 sponsibilities of a hazardous substance research cen-  
19 ter under this subsection shall include—

20                   “(A) the conduct of research and training  
21 relating to the manufacture, use, transpor-  
22 tation, disposal, and management of hazardous  
23 substances and publication and dissemination of  
24 the results of the research; and

1                   “(B) the conduct of a program to provide  
2                   educational and technical assistance to commu-  
3                   nities affected by contamination.”.

4 **SEC. 206. RECRUITMENT AND TRAINING PROGRAM.**

5           Section 117 of the Comprehensive Environmental Re-  
6 sponse, Compensation, and Liability Act of 1980 (42  
7 U.S.C. 9617) is amended by adding after subsection (h)  
8 the following:

9           “(i) RECRUITMENT AND TRAINING PROGRAM.—

10                   “(1) IN GENERAL.—The Administrator, in con-  
11 sultation with the National Institute of Environ-  
12 mental Health Studies, shall conduct a program to  
13 assist in the recruitment and training of individuals  
14 in an affected community for employment in re-  
15 sponse activities conducted at the facility concerned.

16                   “(2) RECRUITMENT, TRAINING, AND EMPLOY-  
17 MENT.—The Administrator shall encourage a person  
18 conducting a response action under this Act to train  
19 and employ persons from the affected community in  
20 remediation skills.”.

1                   **Subtitle B—Human Health**

2   **SEC. 211. DISEASE REGISTRY AND HEALTH CARE PROVID-**  
3                   **ERS.**

4           Section 104 of the Comprehensive Environmental Re-  
5 sponse, Compensation, and Liability Act of 1980 (42  
6 U.S.C. 9604) is amended as follows:

7                   (1) In subsection (b), by adding the following  
8           new paragraph at the end thereof:

9           “(3) NOTICE TO HEALTH AUTHORITIES.—The Presi-  
10 dent shall notify State and local public health authorities  
11 and Tribal health officials whenever the President has rea-  
12 son to believe that a release of a hazardous substance, pol-  
13 lutant, or contaminant has occurred, is occurring, or is  
14 about to occur or that there is a threat of such a release.”.

15                   (2) By amending subparagraph (A) of sub-  
16           section (i)(1) to read as follows:

17           “(A) in cooperation with the States, establish  
18           and maintain a national registry of serious diseases  
19           and illnesses, a national registry of persons exposed  
20           to toxic substances, including a subregistry of those  
21           persons exposed within special priority areas listed  
22           under section 116(f)(2), and a national registry of  
23           health clinics and services available within affected  
24           communities as authorized under section  
25           104(i)(15)(C), including a subregistry of clinics and

1 services available within such special priority  
2 areas;”.

3 (3) In subparagraph (E) of subsection (i)(1), by  
4 striking “admission to hospitals and other facilities  
5 and services operated or provided by the Public  
6 Health Service” and inserting “referral to health  
7 care providers”.

8 (4) Paragraph (6)(A) of subsection (i) is  
9 amended to read as follows:

10 “(A)(i) The Administrator of ATSDR shall perform  
11 a health assessment for each facility listed or proposed for  
12 listing on the National Priorities List established under  
13 section 105, including a facility owned or operated by a  
14 department, agency, or instrumentality of the United  
15 States. In the case of a facility that is listed or proposed  
16 for listing on the National Priorities List for ecological  
17 reasons only, a related health activity (including bio-  
18 medical testing, clinical evaluations, medical monitoring,  
19 and referral to accredited health care providers) may be  
20 performed in lieu of a health assessment. Such health as-  
21 sessment or related health activity shall be completed for  
22 each facility listed or proposed for listing on the National  
23 Priorities List not later than 1 year after the date of pro-  
24 posal for inclusion on such list for each facility.

1       “(ii) The Administrator of the Environmental Protec-  
2       tion Agency and the Administrator of ATSDR shall de-  
3       velop strategies, in consultation with State, Tribal, and  
4       local health officials, to obtain relevant on-site and off-  
5       site characterization data, taking into account the needs  
6       and conditions of the affected community.

7       “(iii) The Administrator of the Environmental Pro-  
8       tection Agency shall, to the maximum extent practicable,  
9       provide the Administrator of ATSDR with the data and  
10      information necessary to make a public health determina-  
11      tion in a timely manner in order to allow the Adminis-  
12      trator of ATSDR to complete the assessment.

13      “(iv) If appropriate, the Administrator of ATSDR  
14      shall provide recommendations for sampling environ-  
15      mental media to the Administrator of the Environmental  
16      Protection Agency as soon as practicable after discovering  
17      a release or threat of release of a hazardous substance,  
18      pollutant, or contaminant at a facility. To the maximum  
19      extent practicable, the Administrator of the Environ-  
20      mental Protection Agency shall incorporate such rec-  
21      ommendations into the facility investigation activities.

22      “(v) In order to improve community involvement in  
23      health assessments, the Administrator of ATSDR shall  
24      carry out each of the following duties:

1           “(I) The Administrator of ATSDR shall ac-  
2           tively collect data from residents of affected commu-  
3           nities and from other sources in communities af-  
4           fected or potentially affected by releases of hazard-  
5           ous substances, pollutants, or contaminants regard-  
6           ing exposure, relevant human activities, and other  
7           factors.

8           “(II) The Administrator of ATSDR shall design  
9           health assessments that take into account the needs  
10          and conditions of the affected community. In prepar-  
11          ing such designs, the Administrator of ATSDR shall  
12          permit each affected community to play an active  
13          and early role in reviewing the designs, shall place  
14          emphasis on collection of actual exposure data, and  
15          shall consider sources of multiple exposure to envi-  
16          ronmental pollutants.”.

17          (5) Subparagraph (F) of subsection (i)(6) is  
18          amended to read as follows:

19          “(F) For the purposes of this subsection and section  
20          111(c)(4), the term ‘health assessments’ shall include pre-  
21          liminary assessments of the potential risk to human  
22          health, including fetuses, children, and other highly ex-  
23          posed, highly susceptible, or differentially susceptible sub-  
24          populations, posed by individual sites and facilities, based  
25          on such factors as the nature and extent of contamination,

1 the past, present, or future existence of potential pathways  
2 of human exposure and the community’s historic exposure  
3 to site-related and non-site-related sources of contamina-  
4 tion (including ground or surface water contamination, air  
5 emissions, and food chain contamination, including con-  
6 tamination of human breast milk), the size and potential  
7 susceptibility of the community within the likely pathways  
8 of exposure, the comparison of expected human exposure  
9 levels to the short-term and long-term health effects asso-  
10 ciated with identified hazardous substances and any avail-  
11 able recommended exposure or tolerance limits for such  
12 hazardous substances, and the comparison of existing  
13 morbidity and mortality data on diseases that may be as-  
14 sociated with the observed levels of exposure.”.

15 (6) In paragraph (14) of subsection (i) by—

16 (A) striking “distribute to the States, and  
17 upon request to medical colleges, physicians,  
18 and” and inserting the following: “distribute to  
19 the States, including State health departments,  
20 Tribal health officials, and upon request to  
21 medical colleges, local health departments, med-  
22 ical centers, physicians, nursing institutions,  
23 nurses, and”;

24 (B) inserting “(A)” after “(14)”; and

1 (C) adding the following at the end there-  
2 of:

3 “(B) The Administrator of ATSDR shall also assem-  
4 ble, develop, as necessary, and distribute to the general  
5 public and to at-risk populations appropriate educational  
6 materials and other information on the human health ef-  
7 fects of hazardous substances.”.

8 **SEC. 212. SUBSTANCE PROFILES.**

9 Section 104(i)(3) of the Comprehensive Environ-  
10 mental Response, Compensation, and Liability Act of  
11 1980 (42 U.S.C. 9604(i)(3)) is amended as follows:

12 (1) By inserting “(A)” after “(3)”.

13 (2) By redesignating subparagraphs (A), (B),  
14 and (C) as clauses (i), (ii), and (iii), respectively.

15 (3) By striking out the matter beginning with  
16 “Any toxicological profile or revision thereof” and all  
17 that follows through the end of such paragraph and  
18 inserting in lieu thereof the following:

19 “(B) Any toxicological profile or revision thereof shall  
20 reflect the Administrator of ATSDR’s assessment of all  
21 relevant toxicological testing which has been peer re-  
22 viewed. The profiles prepared under this paragraph shall  
23 be for those substances highest on the list of priorities  
24 under paragraph (2) for which profiles have not previously  
25 been prepared or for substances not on the listing but

1 which have been found at National Priorities List facilities  
2 and non-National Priorities List facilities and which have  
3 been determined by ATSDR to be of health concern. Pro-  
4 files required under this paragraph shall be revised and  
5 republished as appropriate, based on scientific develop-  
6 ment. Such profiles shall be provided to the States, includ-  
7 ing State health departments, Tribal health officials, and  
8 local health departments, and made available to other in-  
9 terested parties.”.

10 **SEC. 213. EXPOSURE LEVELS.**

11 (a) EXPOSURE AND TOLERANCE LIMITS.—Section  
12 104(i)(5)(A) of the Comprehensive Environmental Re-  
13 sponse, Compensation, and Liability Act of 1980 (42  
14 U.S.C. 9604(i)(5)) is amended by striking the first three  
15 sentences and inserting the following:

16 “(5)(A) For each hazardous substance listed pursu-  
17 ant to paragraph (2), the Administrator of ATSDR (in  
18 consultation with the Administrator of the Environmental  
19 Protection Agency and other agencies and programs of the  
20 Public Health Service) shall assess whether adequate in-  
21 formation on the health effects of such substance is avail-  
22 able, including the availability of recommended exposure  
23 or tolerance limits. For any such substance for which ade-  
24 quate information is not available (or under development),  
25 the Administrator of ATSDR, in cooperation with the Di-

1 rector of the National Toxicology Program or the Admin-  
2 istrator of the Environmental Protection Agency, shall as-  
3 sure the initiation of a program of research designed to  
4 determine the health effects of and exposure or tolerance  
5 limits for (and techniques for development of methods to  
6 determine such effects and limits) such substance, includ-  
7 ing the determination of such effects and limits for  
8 fetuses, children, and other highly exposed, highly suscep-  
9 tible, or differentially susceptible subpopulations. Where  
10 feasible, such program shall seek to develop methods to  
11 determine the health effects of and exposure or tolerance  
12 limits for such substance in combination with other sub-  
13 stances with which it is commonly found.”.

14 (b) ADDITIONAL DUTY OF ADMINISTRATOR OF  
15 ATSDR.—Section 104(i)(1) of the Comprehensive Envi-  
16 ronmental Response, Compensation, and Liability Act of  
17 1980 (42 U.S.C. 9604(i)(1)) is amended—

18 (1) by redesignating subparagraphs (B), (C),  
19 and (D) as subparagraphs (C), (D), and (E), respec-  
20 tively; and

21 (2) by inserting after subparagraph (A) the fol-  
22 lowing:

23 “(B) establish and maintain an inventory of  
24 available exposure or tolerance limits for hazardous  
25 substances identified in paragraph (2);”.

1           (c) RESEARCH TO ESTABLISH EXPOSURE AND TOL-  
2 ERANCE LIMITS.—Section 311(a)(1)(A)(i) of the Com-  
3 prehensive Environmental Response, Compensation, and  
4 Liability Act of 1980 (42 U.S.C. 9660(a)(1)(A)(i)) is  
5 amended by inserting “and for the establishment of expo-  
6 sure or tolerance limits for hazardous substances” before  
7 the period.

8 **SEC. 214. HEALTH STUDIES.**

9           (a) HUMAN HEALTH STUDY.—Subparagraph (A) of  
10 section 104(i)(7) of the Comprehensive Environmental Re-  
11 sponse, Compensation, and Liability Act of 1980 (42  
12 U.S.C. 9604(i)(7)) is amended to read as follows: “(A)  
13 Whenever in the judgment of the Administrator of  
14 ATSDR it is appropriate on the basis of the results of  
15 a health assessment or related health activity or on the  
16 basis of other appropriate information, the Administrator  
17 of ATSDR shall conduct a human health study of expo-  
18 sure or other health effects for selected groups or individ-  
19 uals in order to determine the desirability of conducting  
20 full scale epidemiologic or other health studies of the en-  
21 tire exposed population.”.

22           (b) RESEARCH PROGRAM.—Section 104(i)(5)(A) of  
23 the Comprehensive Environmental Response, Compensa-  
24 tion, and Liability Act of 1980 (42 U.S.C. 9604(i)(5)(A)),  
25 as amended by section 213, is amended as follows:

1           (1) By inserting after “program of research”  
2           the following: “conducted directly or by such means  
3           as cooperative agreements and grants with appro-  
4           priate public and nonprofit institutions. The pro-  
5           gram shall be”.

6           (2) In the last sentence—

7                   (A) in clause (iii), by striking “and” at the  
8                   end;

9                   (B) by redesignating clause (iv) as clause  
10                  (v); and

11                  (C) by inserting after clause (iii) the fol-  
12                  lowing:

13                           “(iv) laboratory and other studies that  
14                           can lead to the development of innovative  
15                           techniques for predicting organ-specific,  
16                           tissue-specific, and system-specific acute  
17                           and chronic toxicity; and”.

18 **SEC. 215. RELOCATION OF INDIVIDUALS.**

19           Section 104(i)(11) of the Comprehensive Environ-  
20           mental Response, Compensation, and Liability Act of  
21           1980 (42 U.S.C. 9604(i)(11)) is amended—

22                   (1) by redesignating subparagraphs (A) and  
23                   (B) as clauses (i) and (ii), respectively;

24                   (2) by inserting “(A)” after “(11)”;

1           (3) by striking “In any case” and inserting the  
2 following:

3           “(B) In any case”;

4           (4) in subparagraph (A) (as so redesignated),  
5 by striking “or substantially mitigate the significant  
6 risk” and inserting “the risk”; and

7           (5) by adding at the end of subparagraph (A)  
8 (as so redesignated) the following:

9 “In any case in which the President permanently relocates  
10 an individual, the President shall provide to the individual  
11 the replacement value of the individual’s residence.”.

12 **SEC. 216. GRANT AWARDS, CONTRACTS, AND COMMUNITY**  
13 **ASSISTANCE ACTIVITIES.**

14           (a) CARRYING OUT ACTIVITIES OF ATSDR.—Sec-  
15 tion 104(i)(15) of the Comprehensive Environmental Re-  
16 sponse, Compensation, and Liability Act of 1980 (42  
17 U.S.C. 6904(i)(15)) is amended as follows:

18           (1) By inserting “(A)” before “The activities”.

19           (2) In the first sentence, by striking “coopera-  
20 tive agreements with States (or political subdivisions  
21 thereof)” and inserting “grants, cooperative agree-  
22 ments, or contracts with States (or political subdivi-  
23 sions thereof), Indian tribes, other appropriate pub-  
24 lic authorities, public or private institutions or orga-  
25 nizations, colleges, universities (including historically

1 black colleges and universities) and other edu-  
2 cational institutions that primarily serve minorities  
3 or represent the interests of affected communities”.

4 (3) By adding at the end the following new sub-  
5 paragraphs:

6 “(B) When a health assessment is conducted at a fa-  
7 cility on the National Priorities List, or a release is being  
8 evaluated for inclusion on the National Priorities List, the  
9 Administrator of ATSDR may provide the assistance spec-  
10 ified in subparagraph (C) to public or private nonprofit  
11 entities, individuals, and community-based groups that  
12 may be affected by the release or threatened release of  
13 hazardous substances in the environment.

14 “(C) The Administrator of ATSDR, pursuant to the  
15 grants, cooperative agreements, and contracts referred to  
16 in this paragraph, is authorized and directed to provide,  
17 where appropriate, health services to communities affected  
18 by the release of hazardous substances. Such health serv-  
19 ices may include diagnostic services, testing, counseling,  
20 specialized treatment, health data registries, and preven-  
21 tive public health education. Such services may be pro-  
22 vided at existing health clinics within the affected commu-  
23 nity. If such a clinic does not already exist within the af-  
24 fected community, the Administrator shall establish such

1 a clinic within 1 year after the date of enactment of this  
2 paragraph.”.

3 (b) FUNDING.—Section 111 of the Comprehensive  
4 Environmental Response, Compensation, and Liability Act  
5 of 1980 (42 U.S.C. 9611) is amended—

6 (1) in subsection (c)(4), by inserting “operating  
7 support for and establishment of environmental  
8 health clinics and health services,” after “assess-  
9 ments,”; and

10 (2) in subsection (m), by adding at the end the  
11 following: “There shall be directly available to the  
12 Agency for Toxic Substances and Disease Registry  
13 to be used for the establishment of environmental  
14 health clinics and health services under section  
15 104(i)(15)(C) not less than \$50,000,000 for each of  
16 fiscal years 2000 through 2004.”.

17 **SEC. 217. INDIAN HEALTH PROVISIONS.**

18 Section 104(i) of the Comprehensive Environmental  
19 Response, Compensation, and Liability Act of 1980 (42  
20 U.S.C. 9406(i)) is amended as follows:

21 (1) In paragraph (1)—

22 (A) by inserting “the Indian Health Serv-  
23 ice” after “the Secretary of Transportation”;

24 (B) by inserting “and tribal” after “and  
25 local”;

1 (C) in subparagraph (A) by inserting “and  
2 Indian tribes” after “the States”; and

3 (D) in subparagraph (C) by inserting “In-  
4 dian tribes” after “States,”.

5 (2) In paragraph (4) by—

6 (A) striking “State officials and local offi-  
7 cials” and inserting “State, tribal, and local of-  
8 ficials”; and

9 (B) inserting in the second sentence “or  
10 Indian tribes” after “States”.

11 (3) In paragraph (5)(A) by inserting “and the  
12 Indian Health Service” after “Public Health Serv-  
13 ice”.

14 (4) In paragraph (6)(C) by inserting “where  
15 low population density is not used as an excluding  
16 risk factor” after “health appears highest”.

17 (5) In paragraph (6)(E)—

18 (A) by inserting “Indian tribe” after  
19 “Any”; and

20 (B) by inserting at the end of the subpara-  
21 graph the following: “If the ATSDR or the Ad-  
22 ministrator of the Environmental Protection  
23 Agency does not act on the recommendations of  
24 the State or Indian tribe, then the Administra-  
25 tors must respond in writing to the State or

1           tribe why they have not acted on the rec-  
2           ommendations.”.

3           (6) In paragraph (6)(F) by striking “and” after  
4           “emissions,” and inserting “and any other pathways  
5           resulting from subsistence activities” after “contami-  
6           nation”.

7           (7) In paragraph (6)(G) by striking the period  
8           at the end of the last sentence and inserting the fol-  
9           lowing: “and give special consideration, where appro-  
10          prium, to any practices of the affected community  
11          that may result in increased exposure to hazardous  
12          substances, pollutants, or contaminants, such as  
13          subsistence hunting, fishing, and gathering.”.

14          (8) In paragraph (10)—

15                 (A) by striking “and” at the end of sub-  
16                 paragraph (D);

17                 (B) by striking the period at the end of  
18                 subparagraph (E) and inserting “; and”; and

19                 (C) by inserting after revised subpara-  
20                 graph (E) the following new subparagraph:

21                         “(F) and the health impacts from pollut-  
22                         ants, contaminants, and hazardous substances  
23                         on Indian tribes from covered facilities.”.

1 **SEC. 218. PUBLIC HEALTH RECOMMENDATIONS IN REME-**  
2 **DIAL ACTIONS.**

3 Section 121(c) of the Comprehensive Environmental  
4 Response, Compensation, and Liability Act of 1980 (42  
5 U.S.C. 9621(c)) is amended in the first sentence by insert-  
6 ing after “remedial action” the second time it appears the  
7 following: “, including public health recommendations and  
8 decisions resulting from activities under section 104(i),”.

9 **Subtitle C—General Provisions**

10 **SEC. 221. TRANSITION.**

11 (a) **EFFECTIVE DATE IN GENERAL.**—Except as pro-  
12 vided in subsection (b), this title and the amendments  
13 made by this title shall become effective upon the date of  
14 enactment of this Act.

15 (b) **SPECIAL RULE.**—The requirements of para-  
16 graphs (2), (3), (5), (8), (9), and (10) of section 117(a)  
17 and of the Comprehensive Environmental Response, Com-  
18 pensation, and Liability Act of 1980, as added by section  
19 302(b) shall become effective 180 days after the date of  
20 enactment of this Act.

21 **TITLE III—RIGHT TO KNOW**

22 **SEC. 301. RIGHT TO KNOW.**

23 (a) **AMENDMENT OF SUPERFUND.**—Section 117 of  
24 title I of the Comprehensive Environmental Response,  
25 Compensation, and Liability Act of 1980, as amended by

1 title II, is further amended by adding at the end the fol-  
2 lowing:

3 “(k) DISCLOSURE OF HAZARDOUS SUBSTANCES AT  
4 FACILITIES.—

5 “(1) PURPOSE AND MEANS OF DISCLOSURE.—

6 The information required under this subsection is in-  
7 tended for use by Federal, State, and local govern-  
8 ments and the public, including but not limited to  
9 residents of affected communities and researchers.  
10 The information on facilities not on the National  
11 Priorities List, in particular, is intended to identify  
12 the multiple sources of toxic chemicals to which com-  
13 munities may be potentially exposed. The Adminis-  
14 trator shall publish such information using language  
15 and methods of communication, including computer  
16 telecommunication, that the Administrator believes  
17 to be clear and understandable to persons not expert  
18 in environmental or legal matters. Such methods  
19 shall allow persons to retrieve all the publicly avail-  
20 able information gathered by the Administrator for  
21 one or more facilities through one point of access.

22 “(2) DATES OF DISCLOSURE.—The potentially  
23 responsible parties named by the Environmental  
24 Protection Agency in regard to each facility listed on  
25 the National Priorities List, and the owner or opera-

1       tor of each facility subject to section 313 of the  
2       Superfund Amendments and Reauthorization Act of  
3       1986, shall submit to the Administrator and to an  
4       official or officials of the State designated by the  
5       Governor the information listed under (3) on or be-  
6       fore July 1, 2000, for the calendar year 1999, and  
7       annually thereafter on or before July 1 for the pre-  
8       ceding calendar year. If the Administrator is carry-  
9       ing out a response action at such a facility, the Ad-  
10      ministrator shall compile such information in lieu of  
11      potentially responsible parties.

12           “(3) INFORMATION DISCLOSED.—The items of  
13      information to be submitted under paragraph (2) for  
14      each facility are as follows:

15           “(A) The name, location, regulatory status,  
16      common identifiers, and principal activities at  
17      the facility.

18           “(B) In the case of a facility listed on the  
19      National Priorities List, the identity of all po-  
20      tentially responsible parties associated with the  
21      facility.

22           “(C) An appropriate certification, signed  
23      by a senior official with management respon-  
24      sibility for the person or persons completing the

1 report, regarding the accuracy and complete-  
2 ness of the report.

3 “(D) Subject to section 322 of the Super-  
4 fund Amendments and Reauthorization Act of  
5 1986, each of the items of information listed in  
6 subparagraph (E) for the following substances:

7 “(i) Each hazardous substance, pollutant,  
8 or contaminant identified in the pre-  
9 liminary site assessment as being present  
10 in higher than naturally occurring back-  
11 ground concentrations, if the facility is on  
12 the National Priorities List.

13 “(ii) Each of the following substances  
14 being released from the facility above natu-  
15 rally occurring background levels: lead,  
16 mercury, dioxin, cadmium, chromium, and  
17 substances listed as bioaccumulative chemi-  
18 cals of concern at 60 Federal Register  
19 15393, and each substance, pollutant, or  
20 contaminant which the Administrator de-  
21 termines may present a significant hazard  
22 to health or the environment due to its  
23 persistence or potential to bioaccumulate  
24 or disrupt endocrine systems, or to other  
25 characteristics. The Administrator may ex-

1           empt from the requirements of this clause  
2           any of the bioaccumulative chemicals of  
3           concern at 60 Federal Register 15393 that  
4           the Administrator determines do not  
5           present a significant hazard to health or  
6           the environment.

7           “(iii) Each substance for which the  
8           facility is required to submit a toxic chemi-  
9           cal release form under section 313 of the  
10          Superfund Amendments and Reauthoriza-  
11          tion Act of 1986.

12          “(E) The items referred to in subpara-  
13          graph (D) are as follows:

14               “(i) If the substance was present or  
15               released as a waste or contaminant, a de-  
16               scription of the form in which the sub-  
17               stance was present or released, or other-  
18               wise a description of the uses of the sub-  
19               stance at the facility.

20               “(ii) The quantity of the substance  
21               present at the facility at the beginning of  
22               the reporting year.

23               “(iii) The quantity of the substance  
24               present at the facility at the end of the re-  
25               porting year.

1           “(iv) The quantity of the substance  
2 destroyed or consumed at the facility, and,  
3 if destroyed or consumed as a waste, the  
4 treatment, energy recovery, or recycling  
5 methods employed.

6           “(v) The quantity of the substance  
7 generated or produced at the facility, and  
8 if generated or produced as a residual of  
9 the process of waste treatment, whether it  
10 remained on site or was released during  
11 the reporting year.

12          “(vi) The quantity of the substance  
13 removed as waste from the facility for  
14 treatment, disposal, energy recovery, or re-  
15 cycling and the destination and mode of  
16 transportation.

17          “(vii) The quantity of the substance  
18 recycled at the facility that is subsequently  
19 used at the facility, except for substances  
20 referred to in subparagraph (D)(i).

21          “(viii) The quantity of the substance  
22 brought into the facility and the mode of  
23 transportation, except for substances re-  
24 ferred to in subparagraph (D)(i).

1           “(ix) The quantity of the substance  
2 removed from the facility as or in products  
3 and the mode of transportation, except for  
4 substances referred to in subparagraph  
5 (D)(i).

6           “(x) The quantity of the substance re-  
7 leased into each environmental medium  
8 from the facility.

9           “(xi) The ‘hazardous substance  
10 throughput’, which shall be calculated by  
11 adding the quantities reported under  
12 clauses (ii), (v), (vii), and (viii) and sub-  
13 tracting the quantity reported under clause  
14 (iii). If the sum of the quantities reported  
15 under clauses (ii), (v), and (viii) does not  
16 equal the sum of the quantities reported  
17 under clauses (iii), (iv), (vi), (ix), and (x),  
18 an explanation of the difference shall be  
19 provided.

20           “(xii) The number of employees, in-  
21 cluding contractors, at the facility; the  
22 number of employees, including contrac-  
23 tors, at the facility exposed to the sub-  
24 stance; and an estimate of occupational ex-  
25 posures to the substance.

1           “(F) For substances referred to in sub-  
2 paragraph (D)(i), within 3 years after the date  
3 of enactment of this subparagraph, a statement  
4 of whether the set of information defined under  
5 section 302(d) of the Children’s Protection and  
6 Community Cleanup Act of 1998 is publicly  
7 available. Such a statement shall not be re-  
8 quired for chemicals listed under section 302(e)  
9 of such Act. In lieu of such a statement, a cer-  
10 tification under section 302(g) of such Act may  
11 be submitted where appropriate.

12           “(4) METHODS OF CALCULATION AND REPORT-  
13 ING.—

14           “(A) Readily available data (including  
15 monitoring data) collected pursuant to other  
16 provisions of law, or, where such data are not  
17 readily available, reasonable estimates of the  
18 amounts involved may be used to provide the  
19 information required under this subsection.  
20 Nothing in this section requires the monitoring  
21 or measurement of the quantities, concentra-  
22 tion, or frequency of any substance beyond that  
23 monitoring and measurement required under  
24 other provisions of law or regulation.

1           “(B) The Administrator shall, within 5  
2 years after the enactment of this paragraph,  
3 consolidate all annual reporting pursuant to  
4 this title and other Federal environmental laws  
5 for each entity subject to such reporting, to the  
6 extent not explicitly prohibited by such laws.  
7 Such consolidated reporting requirements shall  
8 allow reporting to one point of contact using  
9 one form or electronic reporting system. In  
10 order to assure consistency, the Administrator  
11 shall require that data be expressed in common  
12 units and shall integrate the reporting require-  
13 ments and public dissemination of information  
14 under this Act with that of section 313 of the  
15 Superfund Amendments and Reauthorization  
16 Act of 1986. Reports shall be submitted in an  
17 electronic format to be determined by the Ad-  
18 ministrator, except for those facilities which the  
19 Administrator believes would be unduly bur-  
20 dened by using such an electronic format.

21           “(5) INFORMATION PROVIDED TO TECHNICAL  
22 ASSISTANCE RECIPIENTS AND APPLICANTS.—The  
23 Administrator shall provide to recipients of, and ap-  
24 plicants for, technical assistance grants awarded  
25 under subsection (e), community advisory groups es-

1        tablished under subsection (g), and other interested  
2        persons, each of the following items of information:

3                “(A) The information reported to or com-  
4                piled by the Administrator under paragraph (3)  
5                regarding the facility or facilities on the Na-  
6                tional Priorities List of concern to such per-  
7                sons.

8                “(B) All publicly available information re-  
9                ported to the Administrator under Federal envi-  
10                ronmental laws regarding regulated facilities  
11                and the use and release of hazardous sub-  
12                stances in the geographic area of the facility or  
13                facilities on the National Priorities List of con-  
14                cern to such persons. Such information shall be  
15                organized by facility and by other identifiers to  
16                facilitate use by such persons.

17                “(C) Information that the Administrator  
18                believes to be useful in understanding the po-  
19                tential hazards that may be posed to human  
20                health and the environment by the uses and re-  
21                leases of hazardous substances disclosed under  
22                subparagraphs (A) and (B).

23                “(6) INFORMATION PROVIDED TO PERSONS  
24                STUDYING NATIONAL AND REGIONAL TRENDS.—The  
25                Administrator shall provide or make available to any

1 person all publicly available information reported to  
2 the Administrator under Federal environmental laws  
3 regarding facilities and the use and release of haz-  
4 arduous substances in order to study national and re-  
5 gional trends and for other purposes. Such informa-  
6 tion shall be provided through a system that allows  
7 for the retrieval and analysis of information regard-  
8 ing one or more parent companies, facilities, indus-  
9 tries, chemicals, geographic locations, ecological indi-  
10 cators, and categories of regulatory status.”.

11 (b) AMENDMENT OF SUPERFUND.—Section 117(a)  
12 of title I of the Comprehensive Environmental Response,  
13 Compensation, and Liability Act of 1980 is amended as  
14 follows:

15 (1) By striking “both of the following actions”  
16 and inserting “the following actions”.

17 (2) By striking “(2)” and inserting “(3)”,

18 (3) By inserting after paragraph (1) the follow-  
19 ing:

20 “(2) Publish a notice of availability of the infor-  
21 mation listed under subsection (k)(5).”.

22 (c) NO PREEMPTION OF STATE PROGRAMS.—Sub-  
23 section (a) of section 114 of the Comprehensive Environ-  
24 mental Response, Compensation, and Liability Act of

1 1980 is amended by inserting “or reporting” after “re-  
2 lease”.

3 (d) PENALTIES FOR NONCOMPLIANCE.—Subsection  
4 (a)(1) of section 109 of the Comprehensive Environmental  
5 Response, Compensation, and Liability Act of 1980 is  
6 amended by adding the following after subparagraph (E):

7 “(F) A violation of the requirements of  
8 section 117(k).”.

9 (e) ADDITIONAL CATEGORIES OF FACILITIES.—Sec-  
10 tion 313(b)(1)(B) of the Superfund Amendments and Re-  
11 authorization Act of 1986 is amended as follows:

12 (1) By striking “(B) The Administrator” and  
13 inserting “(B)(i) The Administrator”.

14 (2) By adding at the end the following:

15 “(ii) Within 24 months after the date  
16 of enactment of this clause, the Adminis-  
17 trator shall promulgate a final regulation  
18 that adds all additional categories of facili-  
19 ties that manufactured, processed, used, or  
20 released toxic chemicals in volumes similar  
21 to those of facilities that are covered by  
22 this section as of such date of enactment.  
23 This clause shall not apply to any farm.”.

1           (f) TRADE SECRET PROTECTION.—Section 322 of  
2 the Superfund Amendments and Reauthorization Act of  
3 1986 is amended as follows:

4           (1) In subsection (a)(1) by adding the following  
5 at the end thereof:

6                   “(C) Any person required to submit infor-  
7 mation under section 117(k)(3)(D) of the Com-  
8 prehensive Environmental Response, Compensa-  
9 tion, and Liability Act of 1980 may withhold an  
10 element or portion of such information, as de-  
11 fined in regulations prescribed by the Adminis-  
12 trator under subsection (c) of this section, if  
13 the person complies with paragraph (2) with re-  
14 spect to the information to be withheld. This  
15 subparagraph shall not provide authority to  
16 withhold any information referred to in the Pol-  
17 lution Prevention Act of 1990 (42 U.S.C.  
18 13101 and following). Any person withholding  
19 information under this paragraph shall, in the  
20 place on the submittal where the information  
21 would normally be included, indicate that the  
22 information has been withheld as a trade secret.  
23 Any person withholding information under this  
24 subparagraph shall provide to the Adminis-  
25 trator the information required under in writing

1           and in such manner as the Administrator may  
2           prescribe by regulation.”.

3           (2) Subsection (b)(4) is amended by inserting  
4           “or other information withheld” after “The chemical  
5           identity”.

6           (3) Subsection (d)(1) is amended by inserting  
7           “or other information” after “toxic chemical”.

8           (4) Subsection (d)(2) is amended by inserting  
9           “or other information withheld” after “specific  
10          chemical identity”.

11          (5) Subsection (d)(3)(A) is amended by insert-  
12          ing “or other information withheld” after “specific  
13          chemical identity”.

14          (6) Subsection (d)(3)(B) is amended by insert-  
15          ing “or other information withheld” after “chemical  
16          identity”.

17          (7) Subsection (d)(3)(C) is amended by insert-  
18          ing “or other information withheld” after “chemical  
19          identity” in each place it appears.

20          (8) Subsection (d)(4)(A) is amended by insert-  
21          ing “or other information withheld” after “chemical  
22          identity”.

23          (9) Subsection (f) is amended by inserting “or  
24          other information withheld under subsection (a)(1)”  
25          after “specific chemical identity”.

1           (10) Subsection (h)(1) is amended by inserting  
2           “or other information withheld” before “is claimed  
3           as a”.

4           (11) Subsection (h)(2) is amended by inserting  
5           “or other information withheld” after “identity of a  
6           toxic chemical”.

7   **SEC. 302. UNSTUDIED CHEMICAL RELEASE FORMS.**

8           (a) BASIC REQUIREMENT.—The owner or operator of  
9   a facility subject to the requirements of this section shall  
10 complete an unstudied chemical release form as published  
11 under subsection (h) for each unstudied chemical subject  
12 to the requirements of this section that was manufactured,  
13 processed, or otherwise used in quantities exceeding the  
14 threshold quantity established by subsection (f) during the  
15 preceding calendar year at such facility. Such form shall  
16 be submitted to the Administrator and to an official or  
17 officials of the State designated by the Governor on or  
18 before July 1 of the year commencing 24 months after  
19 the date of enactment of this section and annually there-  
20 after on July 1, and shall contain data reflecting releases  
21 during the preceding calendar year.

22           (b) COVERED OWNERS AND OPERATORS OF FACILI-  
23 TIES.—

24           (1) IN GENERAL.—The requirements of this  
25   section shall apply to owners and operators of facili-

1 ties that are required to report pursuant to section  
2 313(b) of the Emergency Planning and Community  
3 Right-To-Know Act (42 U.S.C. 11023(b)).

4 (2) ADDITION OF FACILITIES.—The Adminis-  
5 trator may by rule apply the requirements of this  
6 section to the owners and operators of any particu-  
7 lar facility or class of facilities that manufactures,  
8 processes, or otherwise uses an unstudied chemical  
9 subject to the requirements of this section if the Ad-  
10 ministrator determines that such action is warranted  
11 on the basis of—

12 (A) the potential volume of the unstudied  
13 chemical manufactured, processed, or otherwise  
14 used at the facility;

15 (B) the proximity of the facility to other  
16 facilities that manufacture, process, or other-  
17 wise use the unstudied chemical or other chemi-  
18 cals of known or potential toxicity;

19 (C) the proximity of the facility to popu-  
20 lation centers; or

21 (D) such other factors as the Adminis-  
22 trator deems appropriate.

23 (3) EXCLUSION OF FACILITIES.—The Adminis-  
24 trator may by rule exclude from reporting under this  
25 section a class of facilities in a Standard Industrial

1 Classification Code that is required to report under  
2 section 313(b) of the Emergency Planning and Com-  
3 munity Right-To-Know Act (42 U.S.C. 11023(b)),  
4 upon determining that there is sufficient information  
5 to conclude that all unstudied chemicals subject to  
6 the requirements of this section released by such fa-  
7 cilities will not cause one or more of the effects list-  
8 ed in clause (i), (ii), or (iii) of subsection (d)(2)(A).  
9 (c) UNSTUDIED CHEMICALS COVERED.—

10 (1) IN GENERAL.—Except as provided in para-  
11 graph (2), the unstudied chemicals subject to the re-  
12 quirements of this section are the following:

13 (A) Any chemical—

14 (i) for which the information needed  
15 to complete a preliminary assessment of  
16 potential toxicity defined in subsection (d)  
17 is not available, in whole or in part; and

18 (ii) that is a compound that is a mem-  
19 ber of one or more of the following cat-  
20 egories:

21 (I) Compounds containing at  
22 least the elements of carbon, hydro-  
23 gen, and one or more of the following  
24 elements: chlorine, fluorine, or bro-  
25 mine.

1 (II) Compounds included on the  
2 1990 High Production Volume List  
3 compiled by the Administrator based  
4 on the Inventory Update Rule issued  
5 pursuant to section 8 of the Toxic  
6 Substances Control Act, or any subse-  
7 quent version of that list.

8 (B) Such additional chemicals or cat-  
9 egories of chemicals as the Administrator may  
10 by rule add, based on the potential ability of  
11 the chemical or categories of chemicals to cause  
12 one or more of the effects listed in clause (i),  
13 (ii), or (iii) of subsection (d)(2)(A) or based on  
14 the presence of the chemical or category of  
15 chemicals in human tissues, in food stuffs, or in  
16 drinking water.

17 (2) EXCEPTIONS.—Notwithstanding paragraph  
18 (1), the following chemicals shall not be subject to  
19 the requirements of this section:

20 (A) Chemicals listed under section 313(b)  
21 of the Emergency Planning and Community  
22 Right-To-Know Act (42 U.S.C. 11023(b)).

23 (B) Chemicals that are high molecular  
24 weight polymers.

1 (C) Chemicals listed by the Administrator  
2 under subsection (e).

3 (3) AGGREGATED REPORTING.—Information re-  
4 quired to be reported under this section may be re-  
5 ported on an aggregated basis for chemicals contain-  
6 ing 20 or more carbon atoms. The Administrator  
7 may by rule increase or decrease the number in the  
8 preceding sentence, but shall not decrease it below  
9 14 carbon atoms.

10 (d) INFORMATION NEEDED FOR PRELIMINARY AS-  
11 SESSMENT OF POTENTIAL TOXICITY.—

12 (1) IN GENERAL.—The Administrator may by  
13 rule define the set of information needed to conduct  
14 a preliminary assessment of potential toxicity of a  
15 chemical. If the Administrator does not promulgate  
16 such a rule prior to the date 9 months after the date  
17 of enactment of this section, the set of information  
18 needed to conduct a preliminary assessment of po-  
19 tential toxicity shall be deemed to be the Screening  
20 Information Data Set established by the Organiza-  
21 tion for Economic Cooperation and Development and  
22 published in the SIDS Manual, Second Edition, May  
23 1996, Chapter 2.2.

24 (2) ALTERATIONS TO SET OF INFORMATION.—

1           (A) ADDITIONS.—The Administrator shall  
2           add a new element to the set of information  
3           needed for a preliminary assessment of poten-  
4           tial toxicity if the Administrator determines  
5           that adding such element of information is like-  
6           ly to facilitate the completion, or enhance the  
7           reliability, of a preliminary assessment of poten-  
8           tial toxicity because the information relates to  
9           the potential for exposure to the chemical or to  
10          the potential ability of the chemical to cause  
11          one or more of the following:

12                   (i) Significant adverse acute human  
13                   health effects.

14                   (ii) In humans—

15                           (I) cancer or teratogenic effects;

16                           or

17                           (II) serious or irreversible repro-  
18                           ductive dysfunctions, neurological dis-  
19                           orders, heritable genetic mutations,  
20                           disruption of endocrine function, or  
21                           other chronic health effects.

22                   (iii) A significant adverse effect on the  
23                   environment because of the chemical's—

24                           (I) toxicity;

1 (II) toxicity and persistence in  
2 the environment; or

3 (III) toxicity and tendency to bio-  
4 accumulate in the environment.

5 (B) DELETIONS.—The Administrator may  
6 delete an element of information from the set of  
7 information needed for a preliminary assess-  
8 ment of potential toxicity if the Administrator  
9 determines that—

10 (i) deleting the element will facilitate  
11 compliance with this section; and

12 (ii) following the deletion, the set of  
13 elements of information will be adequate to  
14 allow the conduct of a preliminary assess-  
15 ment of potential toxicity at least as reli-  
16 ably as would occur through use of the  
17 Screening Information Data Set.

18 (3) MODIFICATIONS OF ELEMENTS OF INFOR-  
19 MATION.—The Administrator may modify an ele-  
20 ment of information needed for a preliminary assess-  
21 ment of potential toxicity if the Administrator deter-  
22 mines that—

23 (A) modifying the element is likely to—

24 (i) facilitate the completion or en-  
25 hance the reliability of a preliminary as-

1           assessment of potential toxicity, taking into  
2           account the factors listed in paragraph (2),  
3           or

4           (ii) facilitate compliance with this sec-  
5           tion; and

6           (B) following the modification, the set of  
7           elements of information will be adequate to  
8           allow the conduct of a preliminary assessment  
9           of potential toxicity at least as reliably as would  
10          occur through use of the Screening Information  
11          Data Set.

12          (e) CHEMICALS FOR WHICH REPORTING IS NOT RE-  
13          QUIRED.—

14           (1) IN GENERAL.—Reporting requirements  
15           under this section shall not apply to chemicals listed  
16           by the Administrator under paragraph (2).

17           (2) LISTED CHEMICALS.—The Administrator  
18           may determine, for a particular covered chemical,  
19           that the set of information referred to in subsection  
20           (d) is publicly available. The Administrator shall  
21           maintain a list of such chemicals and update the list  
22           at least annually.

23           (3) REQUIREMENT TO MAKE INFORMATION  
24           ELECTRONICALLY AVAILABLE.—Upon adding a  
25           chemical to the list of chemicals for which reporting

1 is not required, the Administrator shall ensure that  
2 the information needed to conduct a preliminary as-  
3 sessment of potential toxicity of the chemical is pub-  
4 licly accessible through electronic means.

5 (4) ADDITIONAL DETERMINATION REQUIRED  
6 FOR LISTED CHEMICALS.—Upon adding a chemical  
7 to the list of chemicals for which reporting is not re-  
8 quired, the Administrator shall make one of the fol-  
9 lowing determinations and publish a statement of  
10 the basis for the determination:

11 (A) Based on available information, the  
12 chemical is a low priority for further consider-  
13 ation or action by the Environmental Protection  
14 Agency.

15 (B) Based on available information, the  
16 chemical is a priority for additional testing.

17 (C) Releases of the chemical appear to  
18 warrant reporting under 313 of the Emergency  
19 Planning and Community Right-To-Know Act  
20 (42 U.S.C. 11023).

21 (D) Based on available information, regu-  
22 latory action by the Environmental Protection  
23 Agency appears to be warranted.

1           (E) Based on available information, regu-  
2           latory action by another Federal agency ap-  
3           pears to be warranted.

4           (5) SPECIFIC REQUIREMENTS FOR CERTAIN DE-  
5           TERMINATIONS.—(A) For a chemical with respect to  
6           which the Administrator makes a determination  
7           under paragraph (4)(B), the Administrator shall  
8           issue a rule to require testing under section 4 of the  
9           Toxic Substances Control Act within 90 days after  
10          the date of the determination unless the Adminis-  
11          trator by that date has entered into an enforceable  
12          voluntary testing agreement for the chemical. If no  
13          such rule is issued or voluntary agreement estab-  
14          lished within such 90 days, or if the data required  
15          to be submitted by the rule are not submitted within  
16          the period specified by the rule, the requirements of  
17          section 313 of the Emergency Planning and Com-  
18          munity Right-To-Know Act (42 U.S.C. 11023) shall  
19          automatically apply to the chemical.

20          (B) For chemicals with respect to which the  
21          Administrator makes a determination under para-  
22          graph (4)(C), the Administrator shall propose by  
23          rule adding the chemical to the list of toxic chemi-  
24          cals covered by section 313 of such Act within 90  
25          days after the date of the determination. If no final

1 rule adding the chemical, or final determination not  
2 to add the chemical, is issued within 6 months after  
3 such date of determination the requirements of sec-  
4 tion 313 of the Emergency Planning and Commu-  
5 nity Right-To-Know Act (42 U.S.C. 11023) shall  
6 automatically apply to the chemical.

7 (C) For chemicals with respect to which the Ad-  
8 ministrator makes a determination under paragraph  
9 (4)(D), the Administrator shall propose by rule an  
10 appropriate action within 180 days after the date of  
11 the determination. Unless such a rule is proposed  
12 within 9 months, or unless the Administrator pub-  
13 lishes a determination stating that no such rule is  
14 warranted, the requirements of section 313 of the  
15 Emergency Planning and Community Right-To-  
16 Know Act (42 U.S.C. 11023) shall automatically  
17 apply to the chemical.

18 (D) For chemicals with respect to which the  
19 Administrator makes a determination under para-  
20 graph (4)(E), the Administrator shall notify the  
21 head of the other Federal agency of the Administra-  
22 tor's determination within 180 days after the date of  
23 the determination. Unless such a rule is proposed  
24 within 9 months, or unless the head of the other  
25 Federal agency publishes a determination stating

1 that no such rule is warranted, the requirements of  
2 section 313 of the Emergency Planning and Com-  
3 munity Right-To-Know Act (42 U.S.C. 11023) shall  
4 automatically apply to the chemical.

5 (f) THRESHOLD FOR REPORTING.—

6 (1) UNSTUDIED CHEMICAL THRESHOLD  
7 AMOUNT.—The threshold amounts for purposes of  
8 reporting unstudied chemicals under this section are  
9 as follows:

10 (A) With respect to an unstudied chemical  
11 used at a facility, 10,000 pounds of the unstud-  
12 ied chemical per year.

13 (B) With respect to an unstudied chemical  
14 manufactured (other than as nonproduct out-  
15 put) or processed at a facility, 25,000 pounds  
16 of the unstudied chemical per year.

17 (C) With respect to an unstudied chemical  
18 manufactured as nonproduct output at a facil-  
19 ity, 500 pounds of the unstudied chemical per  
20 year.

21 (2) REVISIONS.—The Administrator may estab-  
22 lish a threshold amount for an unstudied chemical  
23 different from the amount established by paragraph  
24 (1). Such revised threshold shall obtain reporting on  
25 at least 80 percent of total releases and production

1 of nonproduct output of the chemical at all facilities  
2 subject to the requirements of this section. The  
3 amounts established under this paragraph may, at  
4 the Administrator's discretion, be based on classes of  
5 chemicals or categories of facilities.

6 (g) CERTIFICATION IN LIEU OF REPORTING.—

7 (1) IN GENERAL.—A facility owner or operator  
8 who is otherwise required to submit a report under  
9 this section with regard to a chemical need not sub-  
10 mit such a report if the owner or operator submits  
11 a certification that identifies the chemical and states  
12 that the set of information referred to in subsection  
13 (d) is publicly available for that chemical.

14 (2) FORMAT.—Such certification shall provide  
15 the name and location of the facility, and shall in-  
16 clude a statement, signed by a senior official with  
17 management responsibility for the person or persons  
18 submitting the certification, regarding the accuracy  
19 of the certification. The Administrator may issue  
20 rules regarding the format for such certifications.

21 (3) AVAILABILITY.—The Administrator shall  
22 make such certifications publicly available in con-  
23 junction with, and by the same means as, forms sub-  
24 mitted under this section.

25 (h) FORM.—

1 (1) INFORMATION REQUIRED.—

2 (A) IN GENERAL.—Not later than June 1  
3 of the year commencing 18 months after the  
4 date of enactment of this Act, the Adminis-  
5 trator shall publish a uniform unstudied chemi-  
6 cal release form for facilities covered by this  
7 section. If the Administrator does not publish  
8 such a form, owners and operators of facilities  
9 subject to the requirements of this section shall  
10 provide the information required under this  
11 subsection by letter postmarked on or before  
12 the date on which the form is due. In the Ad-  
13 ministrator's discretion such form either shall  
14 be a supplement to the forms required under  
15 section 313 of the Emergency Planning and  
16 Community Right-To-Know Act (42 U.S.C.  
17 11023), or shall integrate the information re-  
18 quired by subparagraph (B) into the forms re-  
19 quired under section 313 of the Emergency  
20 Planning and Community Right-To-Know Act  
21 (42 U.S.C. 11023).

22 (B) INFORMATION REQUIRED.—The form  
23 referred to in subparagraph (A) shall provide  
24 for submission of each of the following items of  
25 information for each covered unstudied chemi-

1 cal present at the facility in quantities greater  
2 than the threshold established under subsection  
3 (f):

4 (i) The identity of each such chemical,  
5 including the structure and, if any, the  
6 Chemical Abstracts Service Number.

7 (ii) Whether the unstudied chemical  
8 at the facility is manufactured as a prod-  
9 uct output, manufactured as a nonproduct  
10 output, processed, or otherwise used, and  
11 the general category or categories of use of  
12 the chemical.

13 (iii) An estimate of the maximum  
14 amounts (in ranges) of the unstudied  
15 chemical present at the facility at any time  
16 during the preceding calendar year.

17 (iv) For each wastestream, the waste  
18 treatment or disposal methods employed,  
19 and an estimate of the treatment efficiency  
20 typically achieved by such methods for that  
21 wastestream.

22 (v) The annual quantity of the un-  
23 studied chemical entering each environ-  
24 mental medium.

1           (2) USE OF AVAILABLE DATA.—In order to pro-  
2           vide the information required under this section, the  
3           owner or operator of a facility may use readily avail-  
4           able data (including monitoring data) collected pur-  
5           suant to other provisions of law, or, where such data  
6           are not readily available, reasonable estimates of the  
7           amounts involved. Nothing in this section requires  
8           the monitoring or measurement of the quantities,  
9           concentration, or frequency of any unstudied chemi-  
10          cal released into the environment beyond that mon-  
11          itoring and measurement required under other provi-  
12          sions of law or regulation. In order to assure consist-  
13          ency, the Administrator shall require that data be  
14          expressed in common units.

15          (3) CONTINUED OBLIGATION TO CONDUCT  
16          ANALYSES.—Nothing in paragraph (2) shall be in-  
17          terpreted to relieve the owner or operator of a facil-  
18          ity covered by this section of any requirement to  
19          conduct mass balance or other analyses as needed in  
20          order to identify unstudied compounds covered by  
21          this section.

22          (i) USE OF RELEASE FORM.—The release forms re-  
23          quired under this section are intended to provide informa-  
24          tion to the Federal, State, and local governments and the  
25          public, including recipients of, and applicants for, tech-

1 nical assistance grants awarded under section 117(e) of  
2 the Comprehensive Environmental Response, Compensa-  
3 tion, and Liability Act of 1980 (as amended by this Act),  
4 community advisory groups established under section  
5 117(g) of such Act (as amended by this Act), and other  
6 interested persons. The release form shall be available con-  
7 sistent with section 324(a) of the Emergency Planning  
8 and Community Right-To-Know Act (42 U.S.C.  
9 11044(a)).

10 (j) PETITIONS.—

11 (1) IN GENERAL.—Any person may petition the  
12 Administrator to take any of the actions listed in  
13 paragraph (2). Within 180 days after receipt of a  
14 petition, the Administrator shall take one of the fol-  
15 lowing actions:

16 (A) Initiate a rulemaking to take the re-  
17 quested action.

18 (B) Publish an explanation of why the pe-  
19 tition is denied.

20 (2) TYPES OF PETITIONS.—A petition under  
21 paragraph (1) may request that the Administrator  
22 take any of the following actions:

23 (A) Add or exclude facilities or classes of  
24 facilities required to report under this section  
25 under subsection (b).

1           (B) Add a chemical or category of chemi-  
2           cals to the chemicals subject to the require-  
3           ments of this section under subsection (c) on  
4           the basis of the potential ability of some or all  
5           chemicals in the category to harm human  
6           health or the environment.

7           (C) Add, delete, or modify elements in the  
8           set of information needed to conduct a prelimi-  
9           nary assessment of potential toxicity of a chem-  
10          ical under subsection (d).

11          (D) Add or delete chemicals from the list  
12          of chemicals for which reporting is not required  
13          under subsection (e)(2).

14          (E) Revise the threshold for purposes of  
15          reporting unstudied chemicals under subsection  
16          (f).

17          (k) EPA MANAGEMENT OF DATA.—The Adminis-  
18          trator shall establish and maintain in a computer database  
19          a national unstudied chemicals inventory based on data  
20          submitted to the Administrator under this section. The  
21          Administrator shall make these data accessible by com-  
22          puter telecommunication and other means to any person  
23          on a cost reimbursable basis.

24          (l) ENFORCEMENT.—

1           (1) IN GENERAL.—A violation of this section  
2 shall be subject to civil and administrative penalties  
3 under section 325(c) of the Emergency Planning  
4 and Community Right-To-Know Act (42 U.S.C.  
5 11045(c)), as if it were a violation of section 313 of  
6 such Act (42 U.S.C. 11023).

7           (2) BURDEN OF PROOF.—In any enforcement  
8 proceeding in which it is alleged that a certification  
9 under subsection (g) is erroneous, the burden shall  
10 be on the defendant to show that the set of informa-  
11 tion required under subsection (d) is publicly avail-  
12 able.

13           (m) TRADE SECRETS.—Section 322 of the Emer-  
14 gency Planning and Community Right-To-Know Act (42  
15 U.S.C. 11042) shall apply to the owner or operator of a  
16 facility subject to the requirements of this section with re-  
17 gard to an unstudied chemical subject to such require-  
18 ments in the same manner as that section applies to per-  
19 sons described in subsection (a)(1) of that section with  
20 regard to a hazardous chemical, an extremely hazardous  
21 substance, and a toxic chemical.

22           (n) RELATIONSHIP TO OTHER LAW.—Nothing in this  
23 section shall—

24           (1) preempt any State or local law;

1           (2) otherwise affect any State or local law or  
2 the authority of any State or local government to  
3 adopt or enforce any State or local law; or

4           (3) affect or modify in any way the obligations  
5 or liabilities of any person under other Federal law.

6           (o) EFFECTIVE DATE OF REGULATIONS.—

7           (1) IN GENERAL.—Except as provided in para-  
8 graph (2), regulations implementing this section  
9 shall take effect 60 days after the date of promulga-  
10 tion.

11           (2) CERTAIN REGULATIONS.—The following  
12 regulations shall take effect on July 1 of the year  
13 commencing 24 months after the date of promulga-  
14 tion:

15                   (A) Additions to the facilities or classes of  
16 facilities required to report under this section  
17 under subsection (b).

18                   (B) Additions to the unstudied chemicals  
19 subject to the requirements of this Act under  
20 subsection (c)(1)(B).

21                   (C) Additions to and significant modifica-  
22 tions of the set of information under subsection  
23 (d).

1 (D) Deletions from the list of chemicals  
2 under subsection (e)(2) for which reporting is  
3 not required under this section.

4 (E) Decreases in the threshold for pur-  
5 poses of reporting unstudied chemicals under  
6 subsection (f).

7 (p) DEFINITIONS.—For purposes of this section, the  
8 following definitions apply:

9 (1) The term “Administrator” means the Ad-  
10 ministrator of the Environmental Protection Agency.

11 (2) The term “manufacture” means to produce,  
12 prepare, import, or compound an unstudied chemi-  
13 cal.

14 (3) The term “process” means the preparation  
15 of an unstudied chemical, after its manufacture, for  
16 distribution in commerce—

17 (A) in the same form or physical state as,  
18 or in a different form or physical state from,  
19 that in which it was received by the person so  
20 preparing such chemical; or

21 (B) as part of an article containing the un-  
22 studied chemical.

23 (4) The term “high molecular weight polymer”  
24 means chemicals that would be exempted from re-  
25 porting under regulations adopted pursuant to sec-

1 tion 5 of the Toxic Substances Control Act (15  
2 U.S.C. 2604).

3 (5) The term “nonproduct output” means the  
4 quantity of a reported substance that was generated  
5 prior to storage, out-of-process recycling, treatment,  
6 control, or disposal, and that was not intended for  
7 use as a product. The term includes environmental  
8 releases of such a substance, off-site transfers of  
9 such a substance for energy recovery or recycling,  
10 and off-site transfers of such a substance as (or in)  
11 waste for treatment or disposal.

## 12 **TITLE IV—ENVIRONMENTAL** 13 **JUSTICE**

### 14 **SEC. 401. ENVIRONMENTAL JUSTICE.**

15 Section 116 of the Comprehensive Environmental Re-  
16 sponse, Compensation, and Liability Act of 1980 (42  
17 U.S.C. 9616) is amended by adding at the end the follow-  
18 ing:

19 “(f) ENVIRONMENTAL JUSTICE.—

20 “(1) PURPOSE.—The purpose of this subsection  
21 is to ensure that Superfund sites in economically  
22 distressed and socially disenfranchised communities  
23 are identified, evaluated, and cleaned up as quickly  
24 and effectively as Superfund sites in other areas.

1           “(2) DESIGNATION OF SPECIAL PRIORITY  
2 AREAS.—Not later than six months after the enact-  
3 ment of this subsection, the President, acting  
4 through the Secretary of Commerce, shall publish a  
5 list of ‘special priority areas’, which shall be geo-  
6 graphic areas in which residents face a high degree  
7 of economic distress or social disenfranchisement.  
8 The President shall update the list not later than  
9 two years after each official census count on social  
10 and economic characteristics performed by the Bu-  
11 reau of the Census under title 13, United States  
12 Code. The President shall state the reason for in-  
13 cluding each area on the list. The list shall include—

14           “(A) all census tracts (or where not  
15 tracted, all equivalent county divisions as de-  
16 fined by the Bureau of the Census for the pur-  
17 pose of defining poverty areas) in which the  
18 poverty rate was more than 20 percent, as de-  
19 termined by the most recent census data avail-  
20 able;

21           “(B) areas that consist of parts of one or  
22 more census tracts or block numbering areas,  
23 and which the President believes experience a  
24 high degree of pervasive poverty, unemploy-  
25 ment, and general distress;

1           “(C) all electoral precincts in which the  
2 percent of voting age residents who voted in the  
3 three most recent Presidential elections ranks  
4 among the lowest 10 percent in the United  
5 States;

6           “(D) all census tracts or block numbering  
7 areas in which more than 50 percent of resi-  
8 dents identify themselves as Black, Asian,  
9 American Indian, Pacific Islander, Eskimo, or  
10 Aleut, or of any other non-white origin or of  
11 Hispanic origin, as determined by the Bureau  
12 of the Census using the most recent census  
13 data available;

14           “(E) areas in which the President deter-  
15 mines there is the potential for a higher than  
16 average incidence of cancer, neurotoxic effects,  
17 disorders of the human reproductive system, en-  
18 doerine disruption, respiratory disorders, der-  
19 matologic disorders, or other health effects that  
20 the President believes may be related to expo-  
21 sure to hazardous substances, as determined by  
22 the President using data gathered from Fed-  
23 eral, State, and local government agencies and  
24 other sources of information; and

1           “(F) areas in which the President believes  
2 residents may be subject to higher than average  
3 exposure to hazardous substances, as deter-  
4 mined by the President using data gathered  
5 from Federal, State, and local government  
6 agencies and other sources of information.

7           “(3) ADVERTISING THE RIGHT OF PETITION  
8 FOR ASSESSMENT OF RELEASE IN SPECIAL PRIORITY  
9 AREAS.—Not later than one year after the enact-  
10 ment of this subsection and annually thereafter, the  
11 President shall advertise the right of petition for as-  
12 sessment of release, as established under section  
13 105(d), in all special priority areas, using means of  
14 communication that the President believes will be ef-  
15 fective in reaching residents of such areas. Such  
16 means of communication shall include communica-  
17 tions media targeted to area residents or posters in  
18 public places and places of worship. The President  
19 may also provide technical assistance to individuals  
20 seeking to exercise such right of petition in such  
21 areas.

22           “(4) DESIGNATION OF SPECIAL PRIORITY FA-  
23 CILITIES.—(A) Not later than one year after enact-  
24 ment of this subsection, and annually thereafter, the  
25 President shall publish a list of facilities designated

1 as ‘special priority facilities’, which shall be those fa-  
2 cilities which are located in special priority areas  
3 and are—

4 “(i) listed in the Comprehensive Environ-  
5 mental Response, Compensation, and Liability  
6 Information System (CERCLIS);

7 “(ii) the subject of a petition made under  
8 section 105(d); or

9 “(iii) other facilities as the President con-  
10 siders appropriate.

11 “(B) In order to maximize efficiency, for each  
12 facility designated as a special priority facility, the  
13 President shall prepare within 60 days of such des-  
14 ignation a preliminary schedule setting out the per-  
15 formance of the preliminary assessment, site inspec-  
16 tion, ranking, remedial action selection, and remedial  
17 action implementation which complies with the time  
18 periods set forth in this subsection.

19 “(5) PRELIMINARY ASSESSMENT OF SPECIAL  
20 PRIORITY FACILITIES.—Not later than six months  
21 after designating any facility as a special priority fa-  
22 cility, the President shall complete a preliminary as-  
23 sessment of the facility.

24 “(6) SITE INSPECTION AND RANKING OF SPE-  
25 CIAL PRIORITY FACILITIES.—(A) Not later than one

1 year after designating a facility as a special priority  
2 facility, the President shall complete a site inspec-  
3 tion of the facility and score the facility using the  
4 Hazard Ranking System, unless the President—

5 “(i) finds in performing the preliminary  
6 assessment at the facility that a site inspection  
7 is not necessary; and

8 “(ii) publishes a statement explaining the  
9 reasons that a site inspection is not necessary.

10 “(B) For any facility located in a State which  
11 has a cooperative agreement with the Environmental  
12 Protection Agency to perform site inspections, the  
13 President may amend such agreement to gather the  
14 information necessary to comply with this para-  
15 graph. Failure to amend such agreement shall not  
16 relieve the President of the obligations set forth in  
17 this subsection.

18 “(7) PROPOSED LISTING OF SPECIAL PRIORITY  
19 FACILITIES.—Not later than two years after des-  
20 ignating a facility as a special priority facility, if the  
21 facility ranks highly enough using the Hazard Rank-  
22 ing System to be a candidate for placement on the  
23 National Priorities List established under section  
24 105, the President shall propose placing the facility

1 on the National Priorities List and shall publish no-  
2 tice of such proposal.

3 “(8) LISTING OF SPECIAL PRIORITY FACILI-  
4 TIES.—Not later than three years after designating  
5 a facility as a special priority facility, if the facility  
6 ranks highly enough using the Hazard Ranking Sys-  
7 tem to be a candidate for placement on the National  
8 Priorities List established under section 105, the  
9 President shall place the facility on the National  
10 Priorities List, except as provided in paragraph  
11 (10).

12 “(9) TIMELINESS IN CLEANING UP SPECIAL  
13 PRIORITY FACILITIES.—For any special priority fa-  
14 cility placed on the National Priorities List, the  
15 President shall ensure that a remedial action is se-  
16 lected not later than 2 years after the facility is  
17 placed on the List, and that the remedial action is  
18 implemented not later than 3 years after the facility  
19 is placed on the List (or within such time period as  
20 may be provided under paragraph (11)). Nothing in  
21 this section shall be interpreted to change the condi-  
22 tions under which the President shall perform a re-  
23 moval action.

24 “(10) EXCEPTION FROM LISTING SPECIAL PRI-  
25 ORITY FACILITIES.—The President may refrain from

1 placing a special priority facility on the National  
2 Priorities List if—

3 “(A) a remedial action is selected for the  
4 facility not later than 3 years after the facility  
5 is placed on the list of special priority facilities,  
6 and the remedial action is implemented not  
7 later than 4 years after the facility is placed on  
8 the list of special priority facilities (or within  
9 such time period as may be provided under  
10 paragraph (11));

11 “(B) in the opinion of the President, the  
12 remedial action selected and implemented pro-  
13 vides the same level of protection of human  
14 health and environment as would be provided if  
15 the President had selected and implemented a  
16 remedial action under this Act; and

17 “(C) in the opinion of the President, the  
18 process of selecting the remedial action provides  
19 the same level of public participation as would  
20 be provided if the President had carried out  
21 such process under section 117.

22 “(11) ADDITIONAL TIME PERIOD FOR EX-  
23 TRAORDINARY CONDITIONS.—For any special prior-  
24 ity facility that the President finds to be subject to  
25 extraordinarily complex conditions, the dates by

1 which remedial actions are to be selected and imple-  
2 mented under paragraphs (9) and (10) may be ex-  
3 tended by one year.

4 “(12) REPORTING ON THE CLEANUP OF SPE-  
5 CIAL PRIORITY FACILITIES.—Not later than four  
6 years after the enactment of this subsection, and  
7 every two years thereafter, the President shall sub-  
8 mit to Congress a report containing the following:

9 “(A) A discussion of the progress made in  
10 cleaning up special priority facilities.

11 “(B) A comparison between special priority  
12 facilities and other facilities on the National  
13 Priorities List of—

14 “(i) the time required for investiga-  
15 tion, remedy selection, and remedy imple-  
16 mentation at such facilities;

17 “(ii) the type of remedy implemented  
18 at such facilities; and

19 “(iii) the level of public participation  
20 found in the selection and implementation  
21 of the remedy at such facilities.”.

1                   **TITLE V—CHILDREN’S**  
2                   **ENVIRONMENTAL HEALTH**

3 **SEC. 501. CHILDREN’S ENVIRONMENTAL HEALTH.**

4           (a) IN GENERAL.—Title I of the Comprehensive En-  
5 vironmental Response, Compensation, and Liability Act of  
6 1980 (42 U.S.C. 9601 et seq.), is amended by adding at  
7 the end the following:

8 **“SEC. 128. CHILDREN’S ENVIRONMENTAL HEALTH.**

9           “(a) IDENTIFICATION AND EVALUATION OF SUB-  
10 STANCES HAZARDOUS TO CHILDREN.—

11                   “(1) LISTING OF SUBSTANCES HAZARDOUS TO  
12 CHILDREN.—The Administrator of the Agency for  
13 Toxic Substances and Disease Registry (in this sec-  
14 tion referred to as ‘ATSDR’) and the Administrator  
15 of the Environmental Protection Agency shall create  
16 within 1 year after the date of enactment of this sec-  
17 tion (and review and revise every 2 years thereafter)  
18 a scientifically peer-reviewed list of environmental  
19 pollutants commonly found at facilities listed or pro-  
20 posed for listing on the National Priorities List with  
21 known, likely, or suspected health risks to which  
22 fetuses and children are especially susceptible.

23                   “(2) REVISION OF GUIDELINES FOR PREPARA-  
24 TION OF TOXICOLOGICAL PROFILES.—Not later than  
25 1 year after the date of enactment of this section,

1 the Administrator of ATSDR and the Administrator  
2 of the Environmental Protection Agency shall revise  
3 the guidelines for preparation of toxicological pro-  
4 files of hazardous substances (as developed pursuant  
5 to section 104(i)(3)) to include—

6 “(A) consideration of exposure pathways  
7 and health effects of particular concern with re-  
8 gard to fetuses and children;

9 “(B) development of exposure levels spe-  
10 cific to different age ranges, as appropriate;  
11 and

12 “(C) identification of priority data needs  
13 specific to fetal and children’s environmental  
14 health.

15 “(3) PREPARATION AND REVISION OF TOXI-  
16 COLOGICAL PROFILES.—The Administrator of  
17 ATSDR shall prepare within 3 years after the date  
18 of enactment of this section (and review and revise  
19 every 5 years thereafter) scientifically peer-reviewed  
20 toxicological profiles of each of the substances listed  
21 pursuant to paragraph (1) using the guidelines re-  
22 vised pursuant to paragraph (2). Toxicological pro-  
23 files for substances listed under section 104(i)(2) be-  
24 fore the date of enactment of this section shall be

1 revised using such guidelines not later than 3 years  
2 after such date of enactment.

3 “(b) REVISION OF PUBLIC HEALTH AND ENVIRON-  
4 MENTAL STANDARDS.—

5 “(1) IN GENERAL.—The Administrator of the  
6 Environmental Protection Agency or the Secretary  
7 of Health and Human Services, as appropriate, shall  
8 review, and revise where necessary, environmental  
9 and public health regulations, risk assessment poli-  
10 cies and procedures, and guidance documents, issued  
11 or used under this Act, to determine whether they  
12 consider and fully protect fetal and children’s health.

13 “(2) REVIEW OF STANDARDS.—In carrying out  
14 paragraph (1), not later than 1 year after the date  
15 of enactment of this section, the Administrator, in  
16 cooperation with the Secretary, shall—

17 “(A) develop an administrative process for  
18 reviewing regulations, risk assessment policies  
19 and procedures, and guidance documents;

20 “(B) develop a peer-reviewed list of regula-  
21 tions, risk assessment policies and procedures,  
22 and guidance documents that require revision  
23 and prioritize the list based on the degree of  
24 risk posed to fetal and children’s health; and

1           “(C) identify, through peer review, which  
2           regulations, risk assessment policies and proce-  
3           dures, and guidance documents on the list will  
4           require additional research in order to be re-  
5           vised and identify the time and resources re-  
6           quired to carry out the necessary research.

7           “(3) REVISION OF STANDARDS.—The Adminis-  
8           trator shall propose within 3 years after the date of  
9           enactment of this section (and review and revise  
10          every 5 years thereafter) revised regulations, risk as-  
11          sessment policies and procedures, and guidance doc-  
12          uments for those regulations, risk assessment poli-  
13          cies and procedures, and guidance documents identi-  
14          fied under paragraph (2)(B) that were not also iden-  
15          tified under paragraph (2)(C). All regulations, risk  
16          assessment policies and procedures, and guidance  
17          documents identified under paragraph (2)(B) shall  
18          be revised within 6 years after the date of enactment  
19          of this section.

20          “(4) EFFECTIVE DATE.—If the Administrator  
21          or the Secretary revises any regulations, risk assess-  
22          ment policies and procedures, and guidance docu-  
23          ments identified under paragraph (2)(B), notwith-  
24          standing any other provision of law, the effective

1 date of such revision shall be no later than one year  
2 after the date of the issuance of such revision.

3 “(5) REPORT.—The Administrator shall submit  
4 to Congress every 2 years a report on the progress  
5 being made in carrying out the objectives of this  
6 subsection.

7 “(c) CONSIDERATION OF CHILDREN’S HEALTH IN  
8 HEALTH ASSESSMENTS.—When conducting a health as-  
9 sessment at a facility, the Administrator of ATSDR shall,  
10 at a minimum, consider—

11 “(1) the potential risk to fetal and children’s  
12 health posed by the facility, including long-term,  
13 synergistic, and cumulative health effects;

14 “(2) the existence of potential exposure path-  
15 ways that are of particular concern with regard to  
16 fetuses and children; and

17 “(3) the comparison of expected exposure levels  
18 for children posed by a release from the facility and  
19 any recommended, child-specific exposure or toler-  
20 ance levels.

21 “(d) CHILDREN’S ENVIRONMENTAL HEALTH RE-  
22 SEARCH.—

23 “(1) IN GENERAL.—In order to address the pri-  
24 ority data needs identified in the toxicological pro-  
25 files prepared pursuant to subsection (a) and to ob-

1       tain additional information on the health effects of  
2       hazardous substances on fetuses and children, fetal  
3       and children’s environmental health concerns shall  
4       be systematically incorporated into health studies  
5       and research programs conducted pursuant to sec-  
6       tions 104(i)(5) and 104(i)(7) and all other health re-  
7       search initiatives pursuant to this Act.

8               “(2) GUIDELINES.—Not later than 1 year after  
9       the date of enactment of this section, the Adminis-  
10       trator of ATSDR, in cooperation with the Adminis-  
11       trator of the Environmental Protection Agency, the  
12       Centers for Disease Control and Prevention, and the  
13       Director of the National Institute of Environmental  
14       Health Sciences, and the Indian Health Service shall  
15       develop guidelines for addressing fetal and children’s  
16       environmental health issues in health studies and re-  
17       search programs, including studies and research con-  
18       ducted by ATSDR and other Federal agencies, State  
19       departments of public health, and university-based  
20       investigators.

21               “(3) CHILD-SPECIFIC HEALTH STUDIES.—Not  
22       later than 1 year after the date of enactment of this  
23       section, the Administrator of ATSDR, in cooperation  
24       with the Administrator of the Environmental Protec-  
25       tion Agency, the Centers for Disease Control and

1 Prevention, the Director of the National Institute of  
2 Environmental Health Sciences, and the Indian  
3 Health Service shall develop criteria for determining  
4 when and what type of child-specific health study  
5 shall be conducted based on the results of a health  
6 assessment conducted by the Administrator.

7 “(4) COSTS.—It is the sense of Congress that  
8 the costs of research programs under this paragraph  
9 be borne by the manufacturers and processors of the  
10 hazardous substance in question using the same reg-  
11 ulations promulgated under section 104(i)(5)(D).

12 “(e) NATIONAL CHILDREN’S EXPOSURE REG-  
13 ISTRY.—To assist in carrying out this section, the Admin-  
14 istrator of ATSDR, in cooperation with the States, shall  
15 establish and maintain not later than 2 years after the  
16 date of enactment of this section an exposure registry for  
17 all children exposed to hazardous substances as the result  
18 of a release at a facility listed on the National Priorities  
19 List, where ATSDR determines that levels of exposure are  
20 significant for children’s health.

21 “(f) CHILDREN’S ENVIRONMENTAL HEALTH EDU-  
22 CATION PROGRAM.—Not later than 3 years after the date  
23 of enactment of this section, the Administrator of  
24 ATSDR, in cooperation with the Administrator of the En-  
25 vironmental Protection Agency, the Centers for Disease

1 Control and Prevention, the Director of the National Insti-  
2 tute of Environmental Health Sciences, and the Indian  
3 Health Service shall—

4           “(1) assemble, develop as necessary, and dis-  
5 tribute to State health departments, tribal health of-  
6 ficials, waste site information offices, school dis-  
7 tricts, health clinics, medical colleges, and, upon re-  
8 quest, to physicians and other health professionals,  
9 appropriate educational materials (including short  
10 courses) on the medical surveillance, screening, and  
11 methods of diagnosis and treatment of injury or dis-  
12 ease related to exposure to hazardous substances  
13 that are of particular concern with regard to fetuses  
14 and children;

15           “(2) develop and implement wherever health  
16 services are being provided pursuant to section  
17 104(i)(15)(C) a children’s environmental health care  
18 training program for health care providers serving  
19 communities affected by the release of hazardous  
20 substances, including training in techniques for as-  
21 sessing exposure of children to hazardous sub-  
22 stances, methods of diagnosis and treatment of in-  
23 jury and disease related to exposure to hazardous  
24 substances that are of particular concern with re-

1       gard to fetuses and children, and primary preven-  
2       tion; and

3               “(3) develop and distribute to State health de-  
4       partments, tribal health officials, waste site informa-  
5       tion offices, school districts, health clinics, and, upon  
6       request, to medical colleges, physicians, and other  
7       health professionals, a family right-to-know informa-  
8       tion kit that includes helpful information and guid-  
9       ance to families regarding children’s environmental  
10      health, including—

11               “(A) information on the potential health  
12      effects of exposure to hazardous substances;

13               “(B) practical suggestions on how parents  
14      can reduce their children’s exposure to hazard-  
15      ous substances;

16               “(C) the rights of families living in af-  
17      fected communities to receive health services  
18      under section 104(i)(15)(C);

19               “(D) how further information can be ob-  
20      tained on children’s environmental health; and

21               “(E) other relevant information, as deter-  
22      mined by the Administrator.

23               “(g) PEDIATRIC PEER REVIEW.—All lists, profiles,  
24      studies, and results of research conducted under this sec-  
25      tion shall be reported or adopted only after appropriate

1 peer review, including review by pediatricians and environ-  
2 mental health specialists. Peer reviews shall be conducted  
3 by panels consisting of no less than 3 members, who shall  
4 be disinterested scientific experts selected for such purpose  
5 by the Administrator of ATSDR and the Administrator  
6 of the Environmental Protection Agency on the basis of  
7 their reputation for scientific objectivity and lack of insti-  
8 tutional ties with any person involved in the conduct of  
9 the study or research under review, or any person involved  
10 with the manufacture, processing, marketing, or distribu-  
11 tion of the hazardous substance, pollutant, or contaminant  
12 under investigation.”.

13 (b) DEFINITION.—Section 101 of the Comprehensive  
14 Environmental Response, Compensation, and Liability Act  
15 of 1980 is amended by adding the following at the end:

16 “(39) The term ‘children’ means individuals  
17 under 18 years of age.”.

18 **TITLE VI—BROWNFIELD REME-**  
19 **DIATION AND ENVIRON-**  
20 **MENTAL CLEANUP**

21 **Subtitle A—Brownfields**

22 **SEC. 601. BROWNFIELDS TITLE.**

23 The Comprehensive Environmental Response, Com-  
24 pensation, and Liability Act of 1980 (42 U.S.C. 9601 and

1 following) is amended by adding the following new title  
2 at the end:

3 **“TITLE V—BROWNFIELD REME-**  
4 **DIATION AND ENVIRON-**  
5 **MENTAL CLEANUP**

6 **“SEC. 501. DEFINITIONS.**

7 “For purposes of this title:

8 “(1) IN GENERAL.—Except as otherwise speci-  
9 fied in this title, the terms used in this title shall  
10 have the meanings provided by section 101 of this  
11 Act.

12 “(2) BROWNFIELD SITE.—The term ‘brownfield  
13 site’ means a parcel of land that contains or con-  
14 tained abandoned or under-used commercial or in-  
15 dustrial facilities, the expansion or redevelopment of  
16 which may be complicated by the presence or poten-  
17 tial presence of hazardous substances, pollutants, or  
18 contaminants.

19 “(3) DISPOSAL.—The term ‘disposal’ has the  
20 meaning given the term in section 1004 of the Solid  
21 Waste Disposal Act (42 U.S.C. 6903).

22 “(4) ENVIRONMENTAL CONTAMINATION.—The  
23 term ‘environmental contamination’ means the exist-  
24 ence at a brownfield site of one or more hazardous

1 substances, pollutants, or contaminants that may  
2 pose a threat to human health or the environment.

3 “(5) GRANT.—The term ‘grant’ includes a co-  
4 operative agreement.

5 “(6) LOCAL GOVERNMENT.—The term ‘local  
6 government’ has the meaning given the term ‘unit of  
7 general local government’ in the first sentence of  
8 section 102(a)(1) of the Housing and Community  
9 Development Act of 1974 (42 U.S.C. 5302(a)(1)),  
10 except that the term includes an Indian tribe.

11 “(7) SITE ASSESSMENT.—

12 “(A) IN GENERAL.—The term ‘site assess-  
13 ment’ means an investigation that determines  
14 the nature and extent of a release or potential  
15 release of a hazardous substance at a  
16 brownfield site and meets the requirements of  
17 subparagraph (B).

18 “(B) INVESTIGATION.—For the purposes  
19 of this paragraph, an investigation that meets  
20 the requirements of this subparagraph—

21 “(i) shall include—

22 “(I) an onsite evaluation; and

23 “(II) sufficient testing, sampling,  
24 and other field-data-gathering activi-  
25 ties to accurately determine whether

1 the brownfield site is contaminated  
2 and the threats to human health and  
3 the environment posed by the release  
4 of hazardous substances, pollutants,  
5 or contaminants at the brownfield  
6 site; and

7 “(ii) may include—

8 “(I) review of such information  
9 regarding the brownfield site and pre-  
10 vious uses as is available at the time  
11 of the review; and

12 “(II) an offsite evaluation, if ap-  
13 propriate.

14 **“SEC. 502. INVENTORY, ASSESSMENT, AND TRAINING**  
15 **GRANT PROGRAM.**

16 “(a) IN GENERAL.—The Administrator shall estab-  
17 lish a program to award grants to local governments to  
18 inventory brownfield sites, to conduct site assessments of  
19 brownfield sites, and to provide training in the cleanup  
20 of brownfield sites, including associated rivers and  
21 streams. Public participation in the program shall be pro-  
22 vided for, encouraged, and assisted by the Administrator.  
23 The Administrator shall develop and publish minimum  
24 guidelines for demonstrating meaningful community in-  
25 volvement.

1 “(b) SCOPE OF PROGRAM.—

2 “(1) GRANT AWARDS.—To carry out subsection  
3 (a), the Administrator may, on approval of an appli-  
4 cation, provide grants to a local government.

5 “(2) GRANT APPLICATION.—An application for  
6 a grant under this section shall include, to the ex-  
7 tent practicable, each of the following:

8 “(A) An identification of the potential  
9 brownfield sites for which assistance is sought  
10 and a description of the effect of the brownfield  
11 sites on the community, including a description  
12 of the nature and extent of any known or sus-  
13 pected environmental contamination within the  
14 sites.

15 “(B) A description of the need of the ap-  
16 plicant for financial assistance to inventory  
17 brownfield sites, to conduct site assessments,  
18 and to provide training in brownfield site clean-  
19 up.

20 “(C) A demonstration of the potential of  
21 the grant assistance to stimulate economic de-  
22 velopment or creation of recreational areas, in-  
23 cluding the extent to which the assistance will  
24 stimulate the availability of other funds for site  
25 assessment, site identification, or environmental

1 remediation and subsequent redevelopment of  
2 the areas in which eligible brownfield sites are  
3 situated.

4 “(D) A description of the local commit-  
5 ment as of the date of the application, which  
6 shall include a community involvement plan  
7 that demonstrates meaningful community in-  
8 volvement, including the training and participa-  
9 tion of local citizens in brownfield site cleanup.

10 “(E) An identification of the brownfield  
11 sites that have associated rivers and streams,  
12 and, for those sites, a description of the poten-  
13 tial for involving local citizens in restoring those  
14 rivers and streams, including the training and  
15 participation of local citizens to perform the  
16 restoration work.

17 “(F) A plan that shows how the site as-  
18 sessment, site identification, or environmental  
19 remediation and subsequent development will be  
20 implemented, including—

21 “(i) an environmental plan that en-  
22 sures the use of sound environmental pro-  
23 cedures;

24 “(ii) an explanation of the appropriate  
25 government authority and support for the

1 project as in existence on the date of the  
2 application;

3 “(iii) proposed funding mechanisms  
4 for any additional work; and

5 “(iv) a proposed land ownership plan.

6 “(G) A statement on the long-term bene-  
7 fits and the sustainability of the proposed  
8 project that includes—

9 “(i) the ability of the project to be  
10 replicated nationally and measures of suc-  
11 cess of the project; and

12 “(ii) to the extent known, the poten-  
13 tial of the plan for each area in which an  
14 eligible brownfield site is situated to stimu-  
15 late economic development of the area or  
16 creation of recreational areas on comple-  
17 tion of the environmental remediation.

18 “(H) Such other factors as the Adminis-  
19 trator considers relevant to carry out this title.

20 “(3) APPROVAL OF APPLICATION.—

21 “(A) IN GENERAL.—In making a decision  
22 whether to approve an application under this  
23 subsection, the Administrator shall consider  
24 each of the following:

1           “(i) The need of the local government  
2           for financial assistance to carry out this  
3           section.

4           “(ii) The ability of the applicant to  
5           carry out an inventory, site assessment,  
6           and training under this section.

7           “(iii) The extent to which the appli-  
8           cant will involve local citizens in carrying  
9           out this section.

10           “(iv) The proximity of, and give prior-  
11           ity to, predominantly low-income and  
12           under-developed industrial areas.

13           “(B) GRANT CONDITIONS.—As a condition  
14           of awarding a grant under this section, the Ad-  
15           ministrator—

16           “(i) shall require the recipient of the  
17           grant to notify the State in which the re-  
18           cipient is located of the receipt of the  
19           grant;

20           “(ii) shall require the recipient of the  
21           grant to submit a report under subsection  
22           (d) on local citizen involvement; and

23           “(iii) may, on the basis of the criteria  
24           considered under subparagraph (A), attach

1           such other conditions to the grant as the  
2           Administrator determines appropriate.

3           “(4) GRANT AMOUNT.—The amount of a grant  
4           awarded to any local government under subsection  
5           (a) for inventory, site assessment, and training for  
6           cleanup of one or more brownfield sites shall not ex-  
7           ceed \$200,000, unless the Administrator determines  
8           that a particular applicant warrants a larger  
9           amount. An applicant for a grant in excess of  
10          \$200,000 shall submit information to the Adminis-  
11          trator regarding economic or environmental condi-  
12          tions that may warrant funding in excess of  
13          \$200,000. The Administrator may award funding in  
14          excess of \$200,000 only upon a determination that  
15          such an action will achieve particularly significant  
16          environmental and economic benefits.

17          “(5) TERMINATION OF GRANTS.—If the Admin-  
18          istrator determines that a local government that re-  
19          ceives a grant under this subsection is in violation  
20          of a condition of a grant referred to in paragraph  
21          (3)(B), the Administrator may terminate the grant  
22          made to the local government and require full or  
23          partial repayment of the grant.

24          “(6) AUTHORITY TO AWARD GRANTS TO  
25          STATES.—The Administrator may award a grant to

1 a State under the program established under this  
2 section if the Administrator determines that a grant  
3 to the State is necessary in order to facilitate the  
4 receipt of funds by one or more local governments  
5 that otherwise do not have the capabilities, such as  
6 personnel and other resources, to manage grants  
7 under the program.

8 “(c) STATE INVENTORIES.—Within 2 years after the  
9 enactment of this Act, each State shall submit to the Ad-  
10 ministrator such information as the Administrator shall,  
11 by rule, require regarding brownfield sites within that  
12 State. Based on such information, within 3 years after the  
13 enactment of this Act, the Administrator shall compile a  
14 National Brownfields Registry. If a State fails to comply  
15 with the rules promulgated under this subsection, no grant  
16 may be made under section 513 for a brownfield site in  
17 that State.

18 “(d) REPORT ON LOCAL CITIZEN INVOLVEMENT.—  
19 Each recipient of a grant awarded under the program es-  
20 tablished under this section shall submit to the Adminis-  
21 trator, not later than one year after receipt of the grant,  
22 a report on the extent to which local citizens are involved  
23 in carrying out the projects funded by the grant, including  
24 a statement of the percentage of the grant funds used to  
25 involve local citizens in carrying out such projects.

1 **“SEC. 503. GRANTS FOR REVOLVING LOAN PROGRAMS.**

2 “(a) IN GENERAL.—

3 “(1) ESTABLISHMENT.—The Administrator  
4 shall establish a program to award grants to be used  
5 by local governments to capitalize revolving loan  
6 funds for the cleanup of brownfield sites, including  
7 associated rivers and streams.

8 “(2) LOANS.—The loans may be provided by  
9 the local government to finance cleanups of  
10 brownfield sites by the local government, or by an  
11 owner or a prospective purchaser (including a local  
12 government) of a brownfield site, including associ-  
13 ated rivers and streams, at which a cleanup is being  
14 conducted or is proposed to be conducted.

15 “(b) SCOPE OF PROGRAM.—

16 “(1) IN GENERAL.—

17 “(A) GRANTS.—In carrying out subsection  
18 (a), the Administrator may award a grant to a  
19 local government that submits an application to  
20 the Administrator that is approved by the Ad-  
21 ministrator.

22 “(B) USE OF GRANT.—The grant shall be  
23 used by the local government to capitalize a re-  
24 volving loan fund to be used for cleanup of one  
25 or more brownfield sites.

1           “(C) GRANT APPLICATION.—An applica-  
2           tion for a grant under this section shall be in  
3           such form as the Administrator determines ap-  
4           propriate. At a minimum, the application shall  
5           include the following:

6                   “(i) Evidence that the grant applicant  
7                   has the financial controls and resources to  
8                   administer a revolving loan fund in accord-  
9                   ance with this subtitle.

10                   “(ii) Provisions that ensure each of  
11                   the following:

12                           “(I) The grant applicant has the  
13                           ability to monitor the use of funds  
14                           provided to loan recipients under this  
15                           subtitle.

16                           “(II) Any cleanup conducted by  
17                           the applicant is protective of human  
18                           health and the environment.

19                           “(III) There will be adequate  
20                           public participation in the selection of  
21                           criteria for any cleanup, including an  
22                           opportunity for public meeting.

23                           “(IV) Any cleanup funded under  
24                           this Act will comply with all laws that  
25                           apply to the cleanup.

1           “(iii) Identification of the criteria to  
2 be used by the local government in provid-  
3 ing for loans under the program. The cri-  
4 teria shall include the financial standing of  
5 the applicants for the loans, the use to  
6 which the loans will be put, the provisions  
7 to be used to ensure repayment of the loan  
8 funds, and the following:

9           “(I) A complete description of  
10 the financial standing of the applicant  
11 that includes a description of the as-  
12 sets, cash flow, and liabilities of the  
13 applicant.

14           “(II) A written statement that  
15 attests that the cleanup of the site  
16 would not occur without access to the  
17 revolving loan fund.

18           “(III) The proposed method, and  
19 anticipated period of time required, to  
20 clean up the environmental contami-  
21 nation at the brownfield site.

22           “(IV) An estimate of the pro-  
23 posed total cost of the cleanup to be  
24 conducted at the brownfield site.

1           “(V) An analysis that dem-  
2           onstrates the potential of the  
3           brownfield site for stimulating eco-  
4           nomic development or creation of rec-  
5           reational areas on completion of the  
6           cleanup of the brownfield site.

7           “(VI) An analysis that dem-  
8           onstrates the potential for involving  
9           local citizens in the cleanup of the  
10          brownfield site.

11          “(VII) Such other additional fac-  
12          tors as the Administrator considers  
13          relevant to carry out this section.

14          “(2) GRANT APPROVAL.—In determining  
15          whether to award a grant under this section, the Ad-  
16          ministrator shall consider—

17                 “(A) the need of the local government for  
18                 financial assistance to clean up brownfield sites  
19                 that are the subject of the application, taking  
20                 into consideration the financial resources avail-  
21                 able to the local government;

22                 “(B) the ability of the local government to  
23                 ensure that the applicants repay the loans in a  
24                 timely manner;

1           “(C) the extent to which the cleanup of the  
2 brownfield site or sites would reduce health and  
3 environmental risks caused by the release of  
4 hazardous substances, pollutants, or contami-  
5 nants at, or from, the brownfield site or sites;

6           “(D) the demonstrable potential of the  
7 brownfield site or sites for stimulating economic  
8 development or creation of recreational areas on  
9 completion of the cleanup;

10           “(E) the demonstrated ability of the local  
11 government to administer such a loan program;

12           “(F) the demonstrated experience of the  
13 local government regarding brownfield sites and  
14 the reuse of contaminated land, including  
15 whether the government has received any grant  
16 under any other provision of this Act to assess  
17 brownfield sites, except that applicants who  
18 have not previously received such a grant may  
19 be considered for awards under this section;

20           “(G) the experience of administering any  
21 loan programs by the entity, including the loan  
22 repayment rates;

23           “(H) the demonstrations made regarding  
24 the ability of the local government to ensure a  
25 fair distribution of grant funds among

1 brownfield sites within the jurisdiction of the  
2 local government;

3 “(I) the extent to which the applicant will  
4 involve local citizens in the cleanup of  
5 brownfield sites; and

6 “(J) such other factors as the Adminis-  
7 trator considers relevant to carry out this sec-  
8 tion.

9 “(3) GRANT AMOUNT.—The amount of a grant  
10 made to an applicant under this section shall not ex-  
11 ceed \$500,000, unless the Administrator determines  
12 that a particular applicant warrants a larger  
13 amount. An applicant for a grant in excess of  
14 \$500,000 shall submit information to the Adminis-  
15 trator regarding economic or environmental condi-  
16 tions that may warrant funding in excess of  
17 \$500,000. The Administrator may award funding in  
18 excess of \$500,000 only upon a determination that  
19 such an action will achieve particularly significant  
20 environmental and economic benefits.

21 “(4) REVOLVING LOAN FUND APPROVAL.—  
22 Each application for a grant to capitalize a revolving  
23 loan fund under this section shall, as a condition of  
24 approval by the Administrator, include a written  
25 statement by the local government that cleanups to

1 be funded under the loan program of the local gov-  
2 ernment shall be conducted under the auspices of,  
3 and in compliance with, the State voluntary cleanup  
4 program or State Superfund program or Federal au-  
5 thority.

6 “(c) GRANT AGREEMENTS.—Each grant under this  
7 section for a revolving loan fund shall be made pursuant  
8 to a grant agreement. At a minimum, the grant agreement  
9 shall include provisions that ensure the following:

10 “(1) COMPLIANCE WITH LAW.—The local gov-  
11 ernment will include in all loan agreements a re-  
12 quirement that the loan recipient shall comply with  
13 all laws applicable to the cleanup and shall ensure  
14 that the cleanup is protective of human health and  
15 the environment.

16 “(2) REPAYMENT.—The local government will  
17 require repayment of the loan consistent with this  
18 subtitle.

19 “(3) USE OF FUNDS.—The local government  
20 will use the funds solely for purposes of establishing  
21 and capitalizing a loan program in accordance with  
22 this subtitle and of cleaning up the environmental  
23 contamination at the brownfield site or sites.

24 “(4) REPAYMENT OF FUNDS.—The local gov-  
25 ernment will require in each loan agreement, and

1 take necessary steps to ensure, that the loan recipi-  
2 ent will use the loan funds solely for the purposes  
3 stated in paragraph (3), and will require the return  
4 of any excess funds immediately on a determination  
5 by the appropriate local official that the cleanup has  
6 been completed.

7 “(5) NONTRANSFERABILITY.—The funds will  
8 not be transferable, unless the Administrator agrees  
9 to the transfer in writing.

10 “(6) LIENS.—

11 “(A) DEFINITIONS.—In this paragraph,  
12 the terms ‘security interest’ and ‘purchaser’  
13 have the meanings given the terms in section  
14 6323(h) of the Internal Revenue Code of 1986.

15 “(B) LIENS.—A lien in favor of the grant  
16 recipient shall arise on the contaminated prop-  
17 erty subject to a loan under this section, as well  
18 as on any personal property, accounts, or other  
19 assets if identified in the agreement establish-  
20 ing the loan.

21 “(C) COVERAGE.—The lien shall cover all  
22 real property included in the legal description of  
23 the property at the time the loan agreement  
24 provided for in this section is signed, and all  
25 rights to the property, and shall continue until

1 the terms and conditions of the loan agreement  
2 have been fully satisfied.

3 “(D) TIMING.—The lien shall—

4 “(i) arise at the time a security inter-  
5 est is appropriately recorded in the real  
6 property records of the appropriate office  
7 of the State, county, or other governmental  
8 subdivision, as designated by State law, in  
9 which the real property, personal property,  
10 accounts, or other assets subject to the lien  
11 are located; and

12 “(ii) be subject to the rights of any  
13 purchaser, holder of a security interest, or  
14 judgment lien creditor whose interest is or  
15 has been perfected under applicable State  
16 law before the notice has been filed in the  
17 appropriate office of the State, county, or  
18 other governmental subdivision, as des-  
19 ignated by State law, in which the real  
20 property, personal property, accounts, or  
21 other assets subject to the lien are located.

22 “(7) NOTICE TO STATE.—The local government  
23 will notify the State in which the local government  
24 is located of the receipt of the grant and of the iden-

1       tity of recipients of loans made under the revolving  
2       loan fund.

3           “(8) REPORT ON LOCAL CITIZEN INVOLVE-  
4       MENT.—The local government will submit a report  
5       under subsection (f) on local citizen involvement.

6       “(d) AUDITS.—

7           “(1) IN GENERAL.—The Inspector General of  
8       the Environmental Protection Agency shall audit a  
9       portion of the grants awarded under this section to  
10      ensure that all funds are used for the purposes set  
11      forth in this section.

12          “(2) FUTURE GRANTS.—The result of the audit  
13      shall be taken into account in awarding any future  
14      grants to the local government.

15      “(e) AUTHORITY TO AWARD GRANTS TO STATES.—  
16      The Administrator may award a grant to a State under  
17      the program established under this section at the request  
18      of a local government in the State if the Administrator  
19      determines that a grant to the State is necessary in order  
20      to facilitate the receipt of funds by one or more local gov-  
21      ernments that otherwise do not have the capabilities, such  
22      as personnel and other resources, to manage grants under  
23      the program.

24      “(f) REPORT ON LOCAL CITIZEN INVOLVEMENT.—  
25      Each recipient of a grant awarded under the program es-

1 tablished under this section shall submit to the Adminis-  
2 trator, not later than one year after receipt of the grant,  
3 a report on the extent to which local citizens are involved  
4 in projects funded by loans made under the revolving loan  
5 fund, including a statement of the percentage of the grant  
6 funds used to involve local citizens in carrying out such  
7 projects.

8 **“SEC. 504. REPORTS.**

9 “(a) IN GENERAL.—Not later than one year after the  
10 date of enactment of this Act, and not later than January  
11 31 of each of the 3 calendar years thereafter, the Adminis-  
12 trator shall prepare and submit a report describing the  
13 results of each program established under this subtitle  
14 to—

15 “(1) the Committees on Commerce and on  
16 Transportation and Infrastructure of the House of  
17 Representatives; and

18 “(2) the Committee on Environment and Public  
19 Works of the Senate.

20 “(b) CONTENTS OF REPORT.—Each report shall,  
21 with respect to each of the programs established under  
22 this subtitle, include a description of—

23 “(1) the number of applications received by the  
24 Administrator during the preceding calendar year;

1           “(2) the number of applications approved by  
2           the Administrator during the preceding calendar  
3           year; and

4           “(3) the allocation of assistance under sections  
5           502 and 503 among the local governments.

6   **“SEC. 505. LIMITATIONS ON USE OF FUNDS.**

7           “(a) EXCLUDED FACILITIES.—(1) A grant for site  
8           inventory and assessment under section 502 or to capital-  
9           ize a revolving loan fund under section 503 may not be  
10          used for any activity involving any of the following:

11           “(A) A facility or portion of a facility that is  
12           the subject of a response action (including a facility  
13           or portion of a facility with respect to which a record  
14           of decision, other than a no-action record of deci-  
15           sion, has been issued) under title I of this Act, un-  
16           less a preliminary assessment, site investigation, or  
17           response action has been completed at such facility  
18           or portion of a facility and the President has decided  
19           not to take further response action at such facility  
20           or portion of a facility.

21           “(B) A facility listed, or proposed for listing, on  
22           the National Priorities List maintained by the Presi-  
23           dent under title I of this Act.

24           “(C) An NPL-caliber facility, as defined in  
25           paragraph (2).

1           “(D) A facility that is subject to corrective ac-  
2           tion under section 3004(u) or 3008(h) of the Solid  
3           Waste Disposal Act (42 U.S.C. 6924(u) or 6928(h))  
4           to which a corrective action permit or order has been  
5           issued or modified to require the implementation of  
6           corrective measures.

7           “(E) Any land disposal unit with respect to  
8           which a closure notification under subtitle C of the  
9           Solid Waste Disposal Act (42 U.S.C. 6921 et seq.)  
10          has been submitted and closure requirements have  
11          been specified in a closure plan or permit.

12          “(F) A facility at which there has been a re-  
13          lease of a polychlorinated biphenyl and that is sub-  
14          ject to the Toxic Substances Control Act (15 U.S.C.  
15          2601 et seq.).

16          “(G) A facility with respect to which an admin-  
17          istrative or judicial order or decree requiring cleanup  
18          has been issued or entered into by the President  
19          under—

20                  “(i) the Comprehensive Environmental Re-  
21                  sponse, Compensation, and Liability Act of  
22                  1980 (42 U.S.C. 9601 et seq.);

23                  “(ii) the Solid Waste Disposal Act (42  
24                  U.S.C. 6901 et seq.);

1           “(iii) the Federal Water Pollution Control  
2           Act (33 U.S.C. 1251 et seq.);

3           “(iv) the Toxic Substances Control Act (15  
4           U.S.C. 2601 et seq.); or

5           “(v) the Safe Drinking Water Act (42  
6           U.S.C. 300f et seq.).

7           “(H) The portion of a facility at which assist-  
8           ance for response activities may be obtained under  
9           subtitle I of the Solid Waste Disposal Act (42  
10          U.S.C. 6991 et seq.) from the Leaking Underground  
11          Storage Tank Trust Fund established by section  
12          9508 of the Internal Revenue Code of 1986.

13          “(I) A facility owned or operated by a depart-  
14          ment, agency, or instrumentality of the United  
15          States, except for land held in trust by the United  
16          States for an Indian tribe.

17          “(2) For purposes of paragraph (1), the term ‘NPL-  
18          caliber facility’ means a facility for which the President,  
19          in consultation with the State concerned, has prepared or  
20          is preparing a hazardous ranking system scoring package  
21          or that satisfies such other definition as the Administrator  
22          may promulgate by regulation. The term does not include  
23          a facility for which the President—

24                 “(A) has obtained a score under the hazardous  
25                 ranking system; and

1           “(B) based on that score, has made a deter-  
2           mination not to list on the National Priorities List.

3           “(3) Notwithstanding paragraph (1), the President  
4           may, on a facility-by-facility basis, allow a grant under  
5           section 502 or section 503 to be used for an activity in-  
6           volving any facility listed in subparagraph (D), (E), (F),  
7           (G)(ii), (G)(iii), (G)(iv), (G)(v), (H), or (I) of paragraph  
8           (1). In the case of a facility listed in subparagraph (I),  
9           the President may use the authority in the preceding sen-  
10          tence only if the facility is not a facility described in sub-  
11          paragraph (A), (B), (C), or (G)(i).

12          “(b) COST-SHARING.—A grant made under this sub-  
13          title may not be used to pay any fine or penalty owed to  
14          a State or the Federal Government, or to meet any Fed-  
15          eral cost-sharing requirement.

16          “(c) OTHER LIMITATIONS.—

17                 “(1) IN GENERAL.—Funds made available to a  
18                 local government under the grant programs estab-  
19                 lished under section 502 shall be used only to inven-  
20                 tory and assess brownfield sites as authorized by  
21                 this subtitle. Funds made available to a local govern-  
22                 ment under the grant programs established under  
23                 section 503 shall be used only for capitalizing a re-  
24                 volving loan fund as authorized by this subtitle.

1           “(2) RESPONSIBILITY FOR CLEANUP ACTION.—  
2           Funds made available under this subtitle may not be  
3           used to relieve a local government of the commit-  
4           ment or responsibilities of the local government  
5           under State law to assist or carry out cleanup ac-  
6           tions at brownfield sites.

7   **“SEC. 506. EFFECT ON OTHER LAWS.**

8           “Nothing in this subtitle changes, modifies, or other-  
9           wise affects the liability of any person or the obligations  
10          imposed or authorities provided under any other law or  
11          regulation.

12   **“SEC. 507. REGULATIONS.**

13          “(a) IN GENERAL.—The Administrator may issue  
14          such regulations as are necessary to carry out this subtitle.

15          “(b) PROCEDURES AND STANDARDS.—The regula-  
16          tions shall include such procedures and standards as the  
17          Administrator considers necessary, including procedures  
18          and standards for evaluating an application for a grant  
19          or loan submitted under this subtitle.

20   **“SEC. 508. AUTHORIZATIONS OF APPROPRIATIONS.**

21          “(a) EXPENDITURES FROM THE SUPERFUND.—  
22          Amounts in the Hazardous Substance Superfund estab-  
23          lished by section 9507 of the Internal Revenue Code of  
24          1986 shall be made available consistent with, and for the

1 purposes of carrying out, the grant programs established  
2 under sections 502 and 503.

3 “(b) SITE ASSESSMENT PROGRAM.—There is author-  
4 ized to be appropriated to carry out section 502  
5 \$40,000,000 for each of fiscal years 1999 through 2003.

6 “(c) ECONOMIC REDEVELOPMENT ASSISTANCE PRO-  
7 GRAM.—There is authorized to be appropriated to carry  
8 out section 503 \$80,000,000 for each of fiscal years 1999  
9 through 2003.

10 “(d) AVAILABILITY OF FUNDS.—The amounts appro-  
11 priated under this section shall remain available until ex-  
12 pended.”.

13 **SEC. 602. RESEARCH, DEVELOPMENT, AND DEMONSTRA-**  
14 **TION.**

15 Section 311(c) of the Comprehensive Environmental  
16 Response, Compensation, and Liability Act of 1980 (42  
17 U.S.C. 9660(c)) is amended to read as follows:

18 “(c) HAZARDOUS SUBSTANCE RESEARCH AND RE-  
19 SPONSE ACTIVITIES.—

20 “(1) AUTHORITY.—The Administrator is au-  
21 thorized to conduct and support, through grants, co-  
22 operative agreements, contracts, and research, dem-  
23 onstrations surveys and technical assistance, with re-  
24 spect to the detection, assessment, remediation, and  
25 evaluation of the effects on and risks to human

1 health and the environment from hazardous sub-  
2 stances.

3 “(2) GRANTS AND AGREEMENTS.—The Admin-  
4 istrator may award grants to, and enter into cooper-  
5 ative agreements under this section with, a State,  
6 tribe, consortium of tribes, or interstate agency, mu-  
7 nicipality, education institution, or other agency or  
8 organization for the development and implementa-  
9 tion of training, technology transfer, and informa-  
10 tion dissemination programs to strengthen environ-  
11 mental response activities, including enforcement, at  
12 the Federal, State, tribal, and local levels. The Ad-  
13 ministrator may establish such requirements for  
14 such grants and cooperative agreements as the Ad-  
15 ministrator determines to be appropriate. The Ad-  
16 ministrator may award such grants and cooperative  
17 agreements using funds appropriated under this  
18 Act.”.

19 **SEC. 803. ASSISTANCE FOR WORKFORCE TRAINING.**

20 Section 117 of the Comprehensive Environmental Re-  
21 sponse, Compensation, and Liability Act of 1980 (42  
22 U.S.C. 9660), as amended by this Act, is further amended  
23 by adding at the end thereof the following:

24 “(1) ASSISTANCE FOR WORKFORCE TRAINING.—The  
25 Administrator shall provide grants and such other forms

1 of assistance as the Administrator deems appropriate for  
2 brownfields workforce training programs in communities  
3 that contain brownfield sites. Assistance provided under  
4 this section may include—

5 “(1) expansion of environmental training and  
6 curriculum development at colleges located near  
7 brownfields sites;

8 “(2) establishment of environmental education  
9 and training centers or other community-based job  
10 training organizations; and

11 “(3) such other activities as the Administrator  
12 considers appropriate.”.

13 **Subtitle B—Innocent Landowners**  
14 **and Prospective Purchaser Li-**  
15 **ability**

16 **SEC. 621. INNOCENT LANDOWNERS.**

17 (a) ENVIRONMENTAL SITE ASSESSMENT.—Section  
18 107 of the Comprehensive Environmental Response, Com-  
19 pensation, and Liability Act of 1980 (42 U.S.C. 9607) is  
20 amended by adding at the end the following new sub-  
21 section:

22 “(o) INNOCENT LANDOWNERS.—

23 “(1) CONDUCT OF ENVIRONMENTAL ASSESS-  
24 MENT.—A person who has acquired real property  
25 shall have made all appropriate inquiry within the

1 meaning of subparagraph (B) of section 101(35) if  
2 he establishes that, within 180 days prior to the  
3 time of acquisition, an environmental site assess-  
4 ment of the real property was conducted which  
5 meets the requirements of paragraph (2).

6 “(2) DEFINITION OF ENVIRONMENTAL SITE AS-  
7 SESSMENT.—For purposes of this subsection, the  
8 term ‘environmental site assessment’ means an as-  
9 sessment conducted in accordance with the stand-  
10 ards set forth in the American Society for Testing  
11 and Materials (ASTM) Standard E1527–94, titled  
12 ‘Standard Practice for Environmental Site Assess-  
13 ments: Phase I Environmental Site Assessment  
14 Process’ or with alternative standards issued by rule  
15 by the President or promulgated or developed by  
16 others and designated by rule by the President. Be-  
17 fore issuing or designating alternative standards, the  
18 President shall first conduct a study of commercial  
19 and industrial practices concerning environmental  
20 site assessments in the transfer of real property in  
21 the United States. Any such standards issued or  
22 designated by the President shall also be deemed to  
23 constitute commercially reasonable and generally ac-  
24 cepted standards and practices for purposes of this  
25 paragraph. In issuing or designating any such stand-

1 ards, the President shall consider requirements gov-  
2 erning each of the following:

3 “(A) Interviews of owners, operators, and  
4 occupants of the property to determine informa-  
5 tion regarding the potential for contamination.

6 “(B) Review of historical sources as nec-  
7 essary to determine previous uses and occupan-  
8 cies of the property since the property was first  
9 developed. For purposes of this subclause, the  
10 term ‘historical sources’ means any of the fol-  
11 lowing, if they are reasonably ascertainable: re-  
12 corded chain of title documents regarding the  
13 real property, including all deeds, easements,  
14 leases, restrictions, and covenants, aerial photo-  
15 graphs, fire insurance maps, property tax files,  
16 USGS 7.5 minutes topographic maps, local  
17 street directories, building department records,  
18 zoning/land use records, and any other sources  
19 that identify past uses and occupancies of the  
20 property.

21 “(C) Determination of the existence of re-  
22 corded environmental cleanup liens against the  
23 real property which have arisen pursuant to  
24 Federal, State, or local statutes.

1           “(D) Review of reasonably ascertainable  
2 Federal, State, and local government records of  
3 sites or facilities that are likely to cause or con-  
4 tribute to contamination at the real property,  
5 including, as appropriate, investigation reports  
6 for such sites or facilities; records of activities  
7 likely to cause or contribute to contamination at  
8 the real property, including landfill and other  
9 disposal location records, underground storage  
10 tank records, hazardous waste handler and gen-  
11 erator records and spill reporting records; and  
12 such other reasonably ascertainable Federal,  
13 State, and local government environmental  
14 records which could reflect incidents or activi-  
15 ties which are likely to cause or contribute to  
16 contamination at the real property.

17           “(E) A visual site inspection of the real  
18 property and all facilities and improvements on  
19 the real property and a visual inspection of im-  
20 mediately adjacent properties, including an in-  
21 vestigation of any hazardous substance use,  
22 storage, treatment, and disposal practices on  
23 the property.

24           “(F) Any specialized knowledge or experi-  
25 ence on the part of the landowner.

1           “(G) The relationship of the purchase  
2 price to the value of the property if  
3 uncontaminated.

4           “(H) Commonly known or reasonably as-  
5 certainable information about the property.

6           “(I) The obviousness of the presence or  
7 likely presence of contamination at the prop-  
8 erty, and the ability to detect such contamina-  
9 tion by appropriate investigation.

10 A record shall be considered to be ‘reasonably ascer-  
11 tainable’ for purposes of this paragraph if a copy or  
12 reasonable facsimile of the record is publicly avail-  
13 able by request (within reasonable time and cost  
14 constraints) and the record is practically reviewable.

15           “(3) APPROPRIATE INQUIRY.—A person shall  
16 not be treated as having made all appropriate in-  
17 quiry under paragraph (1) unless—

18           “(A) the person has maintained a compila-  
19 tion of the information reviewed and gathered  
20 in the course of the environmental site assess-  
21 ment;

22           “(B) the person exercised appropriate care  
23 with respect to hazardous substances found at  
24 the facility by taking reasonable steps to stop  
25 on-going releases, prevent threatened future re-

1 leases of hazardous substances, and prevent or  
2 limit human or natural resource exposure to  
3 hazardous substances previously released into  
4 the environment; and

5 “(C) the person provides full cooperation,  
6 assistance, and facility access to persons au-  
7 thorized to conduct response actions or natural  
8 resource restoration at the facility, including  
9 the cooperation and access necessary for the in-  
10 stallation, integrity, operation, and maintenance  
11 of any complete or partial response action or  
12 natural resource restoration at the facility.”.

13 (b) CROSS REFERENCE.—Section 101(35)(B) (42  
14 U.S.C. 9601(35)(B)) is amended by inserting after “all  
15 appropriate inquiry” the following: “(as specified in sec-  
16 tion 107(o))”.

17 **SEC. 622. LIMITATIONS ON LIABILITY FOR RESPONSE**  
18 **COSTS FOR PROSPECTIVE PURCHASERS.**

19 (a) LIMITATIONS ON LIABILITY.—Section 107 of the  
20 Comprehensive Environmental Response, Compensation,  
21 and Liability Act of 1980 (42 U.S.C. 9607) is further  
22 amended by adding at the end the following new sub-  
23 section:

24 “(p) LIMITATIONS ON LIABILITY FOR PROSPECTIVE  
25 PURCHASERS.—Notwithstanding paragraphs (1) through

1 (4) of subsection (a), to the extent the liability of a person,  
2 with respect to a release or the threat of a release from  
3 a facility, is based solely on subsection (a)(1), the person  
4 shall not be liable under this Act if the person—

5 “(1) is a bona fide prospective purchaser of the  
6 facility; and

7 “(2) does not impede the performance of any  
8 response action or natural resource restoration at a  
9 facility.”.

10 (b) PROSPECTIVE PURCHASER AND WINDFALL  
11 LIEN.—Section 107 of the Comprehensive Environmental  
12 Response, Compensation, and Liability Act of 1980 (as  
13 amended by subsection (a)) is amended by adding after  
14 subsection (p) the following new subsection:

15 “(q) PROSPECTIVE PURCHASER AND WINDFALL  
16 LIEN.—

17 “(1) IN GENERAL.—In any case in which there  
18 are unrecovered response costs at a facility for which  
19 an owner of the facility is not liable by reason of  
20 subsection (p), and the conditions described in para-  
21 graph (3) are met, the United States shall have a  
22 lien on the facility, or may obtain, from the appro-  
23 priate responsible party or parties, a lien on other  
24 property or other assurances of payment satisfactory  
25 to the Administrator, for the unrecovered costs.

1 “(2) AMOUNT; DURATION.—The lien—

2 “(A) shall be for an amount not to exceed  
3 the increase in fair market value of the prop-  
4 erty attributable to the response action at the  
5 time of a subsequent sale or other disposition of  
6 the property;

7 “(B) shall arise at the time costs are first  
8 incurred by the United States with respect to a  
9 response action at the facility;

10 “(C) shall be subject to the requirements  
11 for notice and validity specified in subsection  
12 (1)(3); and

13 “(D) shall continue until the earlier of sat-  
14 isfaction of the lien or recovery of all response  
15 costs incurred at the facility.

16 “(3) CONDITIONS.—The conditions referred to  
17 in paragraph (1) are the following:

18 “(A) RESPONSE ACTION.—A response ac-  
19 tion for which there are unrecovered costs is  
20 carried out at the facility.

21 “(B) FAIR MARKET VALUE.—The response  
22 action increases the fair market value of the fa-  
23 cility above the fair market value of the facility  
24 that existed on the date that is 180 days before  
25 the response action was commenced.”.

1           (c) DEFINITION OF BONA FIDE PROSPECTIVE PUR-  
2 CHASER.—Section 101 of the Comprehensive Environ-  
3 mental Response, Compensation, and Liability Act of  
4 1980 (42 U.S.C. 9601), as amended by this Act, is further  
5 amended by adding at the end the following:

6           “(40) BONA FIDE PROSPECTIVE PURCHASER.—  
7           The term ‘bona fide prospective purchaser’ means a  
8           person who acquires ownership of a facility after the  
9           date of enactment of the Children’s Protection and  
10          Community Cleanup Act of 1998, or a tenant of  
11          such a person, who can establish each of the follow-  
12          ing by a preponderance of the evidence:

13                   “(A) DISPOSAL PRIOR TO ACQUISITION.—  
14                  All active disposal of hazardous substances at  
15                  the facility occurred before the person acquired  
16                  the facility.

17                   “(B) INQUIRY.—

18                           “(i) IN GENERAL.—The person made  
19                           all appropriate inquiry into the previous  
20                           ownership and uses of the facility in ac-  
21                           cordance with generally accepted good  
22                           commercial and customary standards and  
23                           practices.

24                           “(ii) STANDARDS.—The ASTM stand-  
25                           ards described in section 107(o)(2) or the

1 alternative standards issued or designated  
2 by the President pursuant to that section  
3 shall satisfy the requirements of this sub-  
4 paragraph.

5 “(iii) RESIDENTIAL PROPERTY.—In  
6 the case of property in residential or other  
7 similar use at the time of purchase by a  
8 nongovernmental or noncommercial entity,  
9 a site inspection and title search that re-  
10 veal no basis for further investigation shall  
11 satisfy the requirements of this subpara-  
12 graph.

13 “(C) NOTICES.—The person provided all  
14 legally required notices with respect to the dis-  
15 covery or release of any hazardous substances  
16 at the facility.

17 “(D) CARE.—The person exercised appro-  
18 priate care with respect to hazardous sub-  
19 stances found at the facility by taking reason-  
20 able steps to—

21 “(i) stop ongoing releases;

22 “(ii) prevent threatened future re-  
23 leases of hazardous substances; and

24 “(iii) prevent or limit human or natu-  
25 ral resource exposure to hazardous sub-

1 stances previously released into the envi-  
2 ronment.

3 “(E) COOPERATION, ASSISTANCE, AND AC-  
4 CESS.—The person provides full cooperation,  
5 assistance, and facility access to such persons  
6 as are authorized to conduct response actions at  
7 the facility, including the cooperation and ac-  
8 cess necessary for the installation, integrity, op-  
9 eration, and maintenance of any complete or  
10 partial response action at the facility.

11 “(F) RELATIONSHIP.—The person is not  
12 liable, or is not affiliated with any other person  
13 that is potentially liable, for response costs at  
14 the facility, through any direct or indirect fa-  
15 miliary relationship, or any contractual, cor-  
16 porate, or financial relationship other than that  
17 created by the instruments by which title to the  
18 facility is conveyed or financed.”.

19 **SEC. 623. CONTIGUOUS OR NEARBY PROPERTIES.**

20 Section 107 of the Comprehensive Environmental Re-  
21 sponse, Compensation, and Liability Act of 1980 (42  
22 U.S.C. 9607) is further amended by adding at the end  
23 the following new subsection:

24 “(r) CONTIGUOUS PROPERTIES.—(1) A person who  
25 owns or operates real property that is contiguous to or

1 otherwise similarly situated with respect to real property  
2 on which there has been a release or threatened release  
3 of a hazardous substance and that is or may be contami-  
4 nated by such release shall not be considered to be an  
5 owner or operator of a facility under subsection (a)(1)  
6 solely by reason of such contamination, if such person es-  
7 tablishes by a preponderance of the evidence that—

8           “(A) such person exercised due care with re-  
9           spect to the hazardous substance, in light of all rel-  
10          evant facts and circumstances;

11          “(B) such person took precautions against any  
12          foreseeable act or omission that resulted in the re-  
13          lease or threatened release and the consequences  
14          that could foreseeably result from such act or omis-  
15          sion; and

16          “(C) such person did not cause or contribute to  
17          the release or threatened release.

18          “(2) The President may issue an assurance of no en-  
19          forcement action under this Act to any such person and  
20          may grant any such person protection against cost recov-  
21          ery and contribution actions pursuant to section  
22          113(f)(2).”.

1 **Subtitle C—Department of Housing**  
2 **and Urban Development**  
3 **Brownfield Grants**

4 **SEC. 631. ECONOMIC DEVELOPMENT GRANTS IN CONNEC-**  
5 **TION WITH COMMUNITY DEVELOPMENT**  
6 **LOAN GUARANTEES.**

7 Section 108(q) of the Housing and Community De-  
8 velopment Act of 1974 (42 U.S.C. 5308(q)) is amended  
9 by adding at the end the following new paragraph:

10 “(5) BROWNFIELDS REDEVELOPMENT.—

11 “(A) IN GENERAL.—The Secretary shall,  
12 to the extent amounts are made available pur-  
13 suant to subparagraph (F) and applications are  
14 approved under this paragraph, make grants  
15 under this paragraph to eligible public entities  
16 for projects for the cleanup and economic rede-  
17 velopment of brownfield sites. The provisions of  
18 paragraphs (1) through (4) of this subsection  
19 shall apply to grants under this paragraph and  
20 the requirements under this paragraph shall be  
21 in addition to the requirements under para-  
22 graphs (1) through (4).

23 “(B) ELIGIBLE RECIPIENTS.—Grants  
24 under this paragraph may be made only to eli-  
25 gible public entities requesting guarantees

1 under subsection (a) for notes or other obliga-  
2 tions to finance a project involving eligible ac-  
3 tivities under subparagraph (C).

4 “(C) ELIGIBLE ACTIVITIES.—Assistance  
5 under this paragraph may be used only for the  
6 purposes of and in conjunction with projects  
7 and activities for the economic redevelopment of  
8 brownfield sites.

9 “(D) SELECTION CRITERIA.—

10 “(i) ADDITIONAL CRITERION.—The  
11 criteria for awarding assistance under this  
12 paragraph shall include the extent to which  
13 the applicant has developed an approach or  
14 process for the cleanup and redevelopment  
15 of brownfield sites and is coordinating such  
16 program with appropriate environmental  
17 regulatory agencies.

18 “(ii) PRIORITY.—In awarding such  
19 assistance, the Secretary shall give priority  
20 to eligible entities meeting the selection cri-  
21 teria (established pursuant to paragraph  
22 (4) and clause (i)) and proposing a plan  
23 involving projects and activities for  
24 brownfield sites located within any em-  
25 powerment zone or enterprise community

1 (as such terms are defined in section  
2 1393(b) of the Internal Revenue Code of  
3 1986).

4 “(E) COORDINATION WITH EPA.—The Sec-  
5 retary shall consult and coordinate with the Ad-  
6 ministrator of the Environmental Protection  
7 Agency in providing assistance under this para-  
8 graph and establishing selection criteria under  
9 subparagraph (D) to ensure that activities as-  
10 sisted with amounts provided under this para-  
11 graph are consistent and coordinated with ef-  
12 forts of such Agency and other agencies and or-  
13 ganizations to clean up and redevelop  
14 brownfield sites.

15 “(F) DEFINITION.—For purposes of this  
16 paragraph, the term ‘brownfield site’ has the  
17 meaning provided by section 501 of this Act.

18 “(G) AUTHORIZATION OF APPROPRIA-  
19 TIONS.—For grants under this paragraph, there  
20 is authorized to be appropriated to the Sec-  
21 retary \$50,000,000 for each of fiscal years  
22 1999 through 2003.”.

1 **TITLE VII—NATURAL RESOURCE**  
2 **DAMAGES**

3 **SEC. 701. LIABILITY FOR NATURAL RESOURCES DAMAGES.**

4 Subparagraph (C) of section 107(a) of the Com-  
5 prehensive Environmental Response, Compensation, and  
6 Liability Act of 1980 (42 U.S.C. 9607(a)) is amended by  
7 inserting “and the reasonable costs of recovering such  
8 damages” before the semicolon.

9 **SEC. 702. LIMITATIONS ON LIABILITY.**

10 Section 107(c)(2) of the Comprehensive Environ-  
11 mental Response, Compensation, and Liability Act of  
12 1980 (42 U.S.C. 9607(c)(2)) is amended by inserting “,  
13 including damages for injury to, destruction of, or loss of  
14 natural resources” after “damages”.

15 **SEC. 703. DAMAGE ASSESSMENT.**

16 (a) IN GENERAL.—Section 107(f)(2)(C) of the Com-  
17 prehensive Environmental Response, Compensation, and  
18 Liability Act of 1980 (42 U.S.C. 9607(f)(2)(C)) is amend-  
19 ed to read as follows:

20 “(C) DAMAGE ASSESSMENT.—A natural re-  
21 source damage assessment conducted for the pur-  
22 poses of this Act and made by a Federal, State, or  
23 tribal trustee shall be performed, to the extent prac-  
24 ticable, in accordance with—

1                   “(i) the regulation issued under sec-  
2                   tion 301(c); and

3                   “(ii) generally accepted scientific and  
4                   technical standards and appropriate meth-  
5                   odologies to ensure the validity and reli-  
6                   ability of assessment results.”.

7           (b) REGULATIONS.—Section 301(c) of the Com-  
8   prehensive Environmental Response, Compensation, and  
9   Liability Act of 1980 (42 U.S.C. 9651) is amended to read  
10 as follows:

11           “(c) REGULATIONS FOR DAMAGE ASSESSMENTS.—

12                   “(1) IN GENERAL.—The President, acting  
13                   through Federal officials designated by the National  
14                   Contingency Plan under section 107(f)(2), shall  
15                   issue a regulation for the assessment of damages  
16                   and costs for injury to, destruction of, or loss of nat-  
17                   ural resources resulting from a release of a hazard-  
18                   ous substance for the purposes of this Act.

19                   “(2) CONTENTS.—The regulation under para-  
20                   graph (1) shall—

21                           “(A) specify protocols for conducting as-  
22                           sessments in individual cases to determine the  
23                           injury, destruction, or loss of natural resources;

1           “(B) identify the best available procedures  
2           to determine damages for the cost of restora-  
3           tion and assessment;

4           “(C) take into consideration the ability of  
5           a natural resource to recover naturally and the  
6           availability of replacement or alternative re-  
7           sources; and

8           “(D) identify criteria for the distribution  
9           of funds for assessments.

10           “(3) BIENNIAL REVIEW.—The regulation under  
11           paragraph (1) shall be reviewed and revised as ap-  
12           propriate every 2 years.”.

13 **SEC. 704. STANDARD OF REVIEW.**

14           (a) Section 107(f) of the Comprehensive Environ-  
15           mental Response, Compensation, and Liability Act of  
16           1980 (42 U.S.C. 9607(f)) is amended by adding at the  
17           end the following:

18           “(3) TRUSTEE RESTORATION PLANS.—

19           “(A) ADMINISTRATIVE RECORD.—A trust-  
20           ee for a natural resource designated under this  
21           subsection may establish an administrative  
22           record on which the trustee will base the selec-  
23           tion of a plan for restoration of the resource.  
24           The plan shall include a determination of the  
25           nature and extent of the injury to, destruction

1 of, or loss of the resource. The administrative  
2 record shall be made available to the public at  
3 or near the facility at issue.

4 “(B) PUBLIC PARTICIPATION.—The Presi-  
5 dent shall issue regulations to establish proce-  
6 dures for the participation of interested persons  
7 in the development of an administrative record  
8 described in subparagraph (A). The procedures  
9 shall include, at a minimum, each of the re-  
10 quirements set forth in section 113(k)(2)(B).

11 “(C) PARTICIPATION BY TRUSTEES.—All  
12 trustees designated for a natural resource under  
13 this subsection may participate in the selection  
14 of a restoration plan under this paragraph. The  
15 restoration plan may include actions to restore  
16 natural resources under the trusteeship of any  
17 participating trustee. The President shall issue  
18 regulations to govern the implementation of this  
19 subparagraph.

20 “(D) JUDICIAL REVIEW.—Judicial review  
21 of any restoration plan developed under this  
22 paragraph with participation by all affected  
23 trustees (other than trustees who elect not to  
24 participate) shall be limited to the administra-  
25 tive record. Otherwise applicable principles of

1 administrative law shall govern whether any  
2 supplemental materials may be considered by  
3 the court. In considering objections to the res-  
4 toration plan, the court shall uphold the deci-  
5 sion of a participating trustee in selecting the  
6 plan unless the objecting party can demonstrate  
7 on the administrative record that the decision  
8 was arbitrary and capricious or otherwise not  
9 in accordance with law.”.

10 **SEC. 705. CONTAMINATED SEDIMENTS.**

11 Section 107(f) of the Comprehensive Environmental  
12 Response, Compensation, and Liability Act of 1980 (42  
13 U.S.C. 9607(f)) is further amended by adding at the end  
14 the following:

15 “(4) CONTAMINATED SEDIMENTS.—

16 “(A) IN GENERAL.—With respect to haz-  
17 ardous substances in sediments of the waters of  
18 the United States, the presence of hazardous  
19 substances at levels above background or ref-  
20 erence levels shall be sufficient to establish in-  
21 jury to natural resources under subparagraph  
22 (C) of subsection (a).

23 “(B) REPORT TO CONGRESS.—Not later  
24 than December 31, 2000, the Administrator  
25 and the appropriate trustees shall jointly trans-

1           mit to Congress a report regarding how re-  
2           sponse, remedial, and restoration actions are re-  
3           storing and protecting natural resources and all  
4           associated values, including natural heritage  
5           values, affected by each of the following facili-  
6           ties or group of facilities:

7                   “(i) Hudson River, New York.

8                   “(ii) Newark and New York Bays,  
9                   New York and New Jersey.

10                  “(iii) Housatonic River, Connecticut  
11                  and Massachusetts.

12                  “(iv) New Bedford Harbor, Massachu-  
13                  setts.

14                  “(v) Clark Fork River, Montana.

15                  “(vi) Lavaca Bay, Texas.

16                  “(vii) Palos Verdes, California.

17                  “(viii) Fox River, Wisconsin.

18                  “(ix) Coeur D’Alene, Idaho.

19                  “(x) Hanford, Washington.

20           The President may designate other facilities as  
21           additions to the list set forth in this subpara-  
22           graph and, for such additional facilities, the re-  
23           port shall be submitted within 3 years after  
24           designation.”.

1 **SEC. 706. RECRUITMENT AND TRAINING PROGRAM.**

2 Section 107(f) of the Comprehensive Environmental  
3 Response, Compensation, and Liability Act of 1980 (42  
4 U.S.C. 9607(f)) is further amended by adding at the end  
5 the following:

6 “(5) RECRUITMENT AND TRAINING PRO-  
7 GRAM.—

8 “(A) IN GENERAL.—The trustees des-  
9 ignated under this subsection shall conduct a  
10 program to assist in the recruitment and train-  
11 ing of individuals in an affected community for  
12 employment in restoration activities.

13 “(B) RECRUITMENT, TRAINING, AND EM-  
14 PLOYMENT.—The trustees shall encourage a  
15 person conducting a restoration action under  
16 this Act to train and employ persons from the  
17 affected community in restoration skills.”.

18 **SEC. 707. STATUTE OF LIMITATIONS.**

19 (a) PERIOD IN WHICH ACTION MAY BE BROUGHT.—  
20 Section 113(g)(1) of the Comprehensive Environmental  
21 Response, Compensation, and Liability Act of 1980 (42  
22 U.S.C. 9613(g)(1)) is amended—

23 (1) by striking “Except as” and all that follows  
24 through subparagraph (B) and inserting the follow-  
25 ing:

1           “(A) IN GENERAL.—Except as provided in  
2 subparagraph (B) and paragraphs (3) and (4),  
3 no action may be commenced for damages (as  
4 defined in section 101(6)) under this Act unless  
5 that action is commenced within 3 years after—

6                   “(i) the date of completion by an au-  
7 thorized trustee of a damage assessment in  
8 accordance with the regulations promul-  
9 gated under section 301(c); or

10                   “(ii) the date of a plan for restoration  
11 of natural resources adopted after ade-  
12 quate public notice, opportunity for com-  
13 ment, and consideration of all public com-  
14 ments.”; and

15           (2) by striking “With respect to” and inserting  
16 the following:

17                   “(B) SPECIAL RULES.—With respect to”;

18           and

19           (3) in subparagraph (B), as so designated—

20                   (A) by moving the remainder of the text of  
21 the subparagraph 4 ems to the right; and

22                   (B) by striking “in lieu of the dates re-  
23 ferred to in subparagraph (A) or (B)”.

24           (b) CLAIMS FOR RECOVERY OF DAMAGES.—Section  
25 112(d)(2) of such Act (42 U.S.C. 9612(d)(2)) is amended

1 by striking “within” and all that follows through the pe-  
2 riod at the end and inserting “the period for commencing  
3 an action for natural resource damages under section  
4 113(g)(1).”.

5 **SEC. 708. ARCHAEOLOGICAL RESOURCES.**

6 Section 101(16) of the Comprehensive Environmental  
7 Response, Compensation, and Liability Act of 1980 (42  
8 U.S.C. 9601(16)) is amended by inserting “archaeological  
9 resources,” before “and other such resources”.

10 **SEC. 709. CITIZEN SUITS.**

11 (a) ACTIONS TO RECOVER NATURAL RESOURCES  
12 DAMAGES.—Section 310(a)(1) of the Comprehensive En-  
13 vironmental Response, Compensation, and Liability Act of  
14 1980 (42 U.S.C. 9659(a)(1)) is amended by inserting be-  
15 fore the semicolon the following: “or against any such per-  
16 son to recover damages for injury to, destruction of, or  
17 loss of natural resources subject to the limitations on the  
18 use of sums contained in section 107(f)”.

19 (b) NOTICE.—Section 310(d)(1) of such Act (42  
20 U.S.C. 9659(d)(1)) is amended by adding at the end the  
21 following:

22 “(D) In the case of an action to recover  
23 damages for injury to, destruction of, or loss of  
24 natural resources, the trustees for the natural  
25 resources designated under section 107(f).”.

1 (c) DILIGENT PROSECUTION.—Section 310(d)(2) of  
2 such Act (42 U.S.C. 9659(d)(2)) is amended—

3 (1) by inserting “(A)” before “the President”;

4 and

5 (2) by inserting before the period at the end the  
6 following: “; or (B) in the case of an action to re-  
7 cover damages for injury to, destruction of, or loss  
8 of natural resources, the trustees for the natural re-  
9 sources designated under section 107(f) have com-  
10 menced and are diligently performing a natural re-  
11 source damage assessment or have commenced and  
12 are diligently prosecuting an action under this Act  
13 for recovery of such damages”.

14 **SEC. 710. TRANSITION RULES.**

15 (a) IN GENERAL.—Except as provided in subsection  
16 (b), the amendments made by this title shall apply only  
17 to a claim for damages under section 107(a)(2)(C) of the  
18 Comprehensive Environmental Response, Compensation,  
19 and Liability Act of 1980 filed on or after the date of  
20 the enactment of this Act.

21 (b) EXCEPTIONS.—The amendments made by section  
22 707 of this Act shall apply to all claims for damages,  
23 whenever filed.

1                   **TITLE VIII—FEDERAL**  
2                   **FACILITIES**

3 **SEC. 801. FEDERAL ENTITIES AND FACILITIES.**

4           Section 120 of the Comprehensive Environmental Re-  
5 sponse, Compensation, and Liability Act of 1980 (42  
6 U.S.C. 9620) is amended as follows:

7                   (1) By amending the heading to read as follows:

8 **“SEC. 120. FEDERAL ENTITIES AND FACILITIES.”.**

9                   (2) By amending paragraph (1) of subsection  
10 (a) to read as follows:

11                   “(1)(A) Each department, agency, and instru-  
12 mentality of the executive, legislative, and judicial  
13 branches of the United States shall be subject to,  
14 and comply with, all Federal, State, interstate and  
15 local requirements, both substantive and procedural  
16 (including any requirements for permits, reporting,  
17 or any provisions for injunctive relief and such sanc-  
18 tions as may be imposed by a court to enforce such  
19 relief), regarding response actions and damages re-  
20 lated to, or management of, hazardous substances,  
21 pollutants, or contaminants in the same manner,  
22 and to the same extent, as any nongovernmental en-  
23 tity is subject to such requirements, including reim-  
24 bursement of response costs and attorneys’ fees,  
25 payment of natural resource damages, and enforce-

1       ment and liability under sections 106 and 107 of  
2       this title and the payment of reasonable service  
3       charges.

4               “(B) The Federal, State, interstate, and local  
5       substantive and procedural requirements referred to  
6       in subparagraph (A) include, but are not limited to,  
7       all administrative orders and all civil and adminis-  
8       trative penalties and fines, regardless of whether  
9       such penalties and fines are punitive or coercive in  
10      nature or are imposed for isolated, intermittent, or  
11      continuing violations. The United States hereby ex-  
12      pressly waives any immunity otherwise applicable to  
13      the United States with respect to any such sub-  
14      stantive or procedural requirement (including, but  
15      not limited to, any injunctive relief, administrative  
16      order or civil or administrative penalty or fine re-  
17      ferred to in the preceding sentence, or reasonable  
18      service charge).

19              “(C) The reasonable service charges referred to  
20      in this paragraph include, but are not limited to,  
21      fees or charges assessed in connection with the proc-  
22      essing and issuance of permits, renewal of permits,  
23      amendments to permits, review of plans, studies,  
24      and other documents, and inspection and monitoring  
25      of facilities, as well as any other nondiscriminatory

1 charges that are assessed in connection with a State,  
2 interstate, or local response program.

3 “(D) Neither the United States, nor any agent,  
4 employee, or officer thereof, shall be immune or ex-  
5 empt from any process or sanction of any State or  
6 Federal court with respect to the enforcement of any  
7 injunctive relief.

8 “(E) No agent, employee, or officer of the  
9 United States shall be personally liable for any civil  
10 penalty under any Federal or State law relating to  
11 response actions with respect to any act or omission  
12 within the scope of their official duties. An agent,  
13 employee, or officer of the United States shall be  
14 subject to any criminal sanction (including, but not  
15 limited to, any fine or imprisonment) under any  
16 Federal or State response law, but no department,  
17 agency, or instrumentality of the executive, legisla-  
18 tive, or judicial branch of the United States shall be  
19 subject to any such sanctions.

20 “(F) The waiver of sovereign immunity pro-  
21 vided in this paragraph shall not apply to the extent  
22 a State law would apply any standard or require-  
23 ment to such Federal department, agency, or instru-  
24 mentality in a manner which is more stringent than

1 such standard or requirement would be applied to  
2 any other person.

3 “(G)(i) The Administrator may issue an order  
4 under section 106 of this Act to any department,  
5 agency, or instrumentality of the executive, legisla-  
6 tive, or judicial branch of the United States. The  
7 Administrator shall initiate an administrative en-  
8 forcement action against such a department, agency,  
9 or instrumentality in the same manner and under  
10 the same circumstances as action would be initiated  
11 against any other person.

12 “(ii) No administrative order issued to such de-  
13 partment, agency, or instrumentality shall become  
14 final until such department, agency, or instrumentality  
15 has had the opportunity to confer with the Ad-  
16 ministrator.

17 “(iii) Unless a State law in effect on the date  
18 of enactment of the Children’s Protection and Com-  
19 munity Cleanup Act of 1998, or a State Constitu-  
20 tion, requires the funds to be used in a different  
21 manner, all funds collected by a State from the Fed-  
22 eral Government from penalties and fines imposed  
23 for violation of any substantive or procedural re-  
24 quirement referred to in subsection (a) of this sec-  
25 tion shall be used by the State only for projects de-

1 signed to improve or protect the environment or to  
2 defray the costs of environmental protection or en-  
3 forcement.

4 “(I) Each such department, agency, and instru-  
5 mentality shall have the right to contribution protec-  
6 tion set forth in section 113, when such department,  
7 agency, or instrumentality resolves its liability under  
8 this Act.”.

9 (3) By striking paragraph (4) of subsection (a).

10 (4) By inserting “(other than the indemnifica-  
11 tion requirements of section 119)” after “respon-  
12 sibility” in subsection (a)(3).

13 (5) By inserting after subsection (e) the follow-  
14 ing new paragraph:

15 “(7) NOTIFICATION OF AND CONCURRENCE  
16 FROM THE ADMINISTRATOR OR STATE.—(A) Before  
17 the commencement of any nonemergency removal ac-  
18 tion by a department, agency, or instrumentality of  
19 the United States, such department, agency, or in-  
20 strumentality shall—

21 “(i) notify the Administrator and the State  
22 of the planned removal action; and

23 “(ii) in the case of facilities which are list-  
24 ed or proposed for listing on the National Pri-  
25 orities List, obtain concurrence in the planned

1 removal action from the Administrator, and in  
2 the case of facilities which are not listed or pro-  
3 posed for listing on the National Priorities List,  
4 obtain concurrence in the planned removal ac-  
5 tion from the State.

6 The lack of concurrence under this subparagraph  
7 shall not delay the commencement of the remedial  
8 investigation and feasibility study in accordance with  
9 the time requirements of this section.

10 “(B) As soon as possible after any emergency  
11 removal action is initiated by a department, agency,  
12 or instrumentality of the United States, but in no  
13 case more than 24 hours after such action is initi-  
14 ated, the department, agency, or instrumentality  
15 shall notify the Administrator and the State of the  
16 removal action.

17 “(C) The requirements of this paragraph shall  
18 not affect, alter, or supplant, directly or indirectly,  
19 the applicability of any State law to the removal ac-  
20 tion concerned.”.

21 (6) In subsection (h)(3)(C)(i)—

22 (A) by redesignating subclauses (III) and  
23 (IV) as subclauses (IV) and (V), respectively;  
24 and

1 (B) by inserting after subclause (II) the  
2 following:

3 “(III) the Federal agency re-  
4 questing deferral has entered into,  
5 with the appropriate regulatory agen-  
6 cy, an enforceable agreement that  
7 contains—

8 “(aa) an enforceable cleanup  
9 plan which may be modified for  
10 good cause as provided in the  
11 agreement and which can be a  
12 record of decision, a State- or  
13 EPA-approved closure plan or  
14 corrective action decision, or any  
15 other similar document contain-  
16 ing remedial alternative analyses,  
17 projections for long-term oper-  
18 ations and maintenance, cost es-  
19 timates, and enforceable sched-  
20 ules with milestones for inter-  
21 mediate and final completion of  
22 cleanup; and

23 “(bb) identification of any  
24 institutional controls to be relied  
25 upon during and after the period

1 of deferral/response actions, des-  
2 ignation of the party bearing re-  
3 sponsibility to monitor effective-  
4 ness of controls, and descriptions  
5 of the enforcement mechanisms  
6 and remedies for any breach of  
7 such controls;”.

8 (7) By adding at the end of subsection  
9 (h)(3)(C) the following new clause:

10 “(v) If either the provision requiring  
11 concurrence of the Governor for Federal  
12 facilities listed on the National Priorities  
13 List in clause (i), or the provision requir-  
14 ing a finding of suitability for transfer by  
15 the Governor for Federal facilities not list-  
16 ed on the National Priorities List in clause  
17 (i), is found by a court of competent juris-  
18 diction to be unconstitutional, the remain-  
19 ing provisions of this subparagraph shall  
20 be deemed invalid.”.

21 (8) In subsection (h)(3)(C)(ii)—

22 (A) by redesignating subclause (III) as  
23 subclause (IX) and in that subclause by strik-  
24 ing “and” at the end;

1 (B) by redesignating subclause (IV) as  
2 subclause (X) and in that subclause—

3 (i) by striking “adequately addresses”  
4 and inserts “, if approved, would result in  
5 sufficient funding to comply fully with all”;  
6 and

7 (ii) by striking “action, subject to con-  
8 gressional authorizations and appropria-  
9 tions.” and inserting “action; and”;

10 (C) by inserting after subclause (II) the  
11 following:

12 “(III) provide that all restrictions  
13 on the use of the property shall apply  
14 to, and be binding upon, any trans-  
15 feree or assignee of the contract, shall  
16 run with the land, that both parties  
17 intend that such restrictions shall run  
18 with the land and be enforceable  
19 against future transferees, successors,  
20 and assigns, and that the United  
21 States and the State in which the  
22 property is located are third-party  
23 beneficiaries for the purposes of en-  
24 forcing the land use restrictions until  
25 such time as the restrictions are de-

1           terminated by the appropriate regu-  
2           latory agency to no longer be nec-  
3           essary to protect human health and  
4           the environment;

5           “(IV) provide for access by the  
6           United States and the State in which  
7           the property is located, to perform  
8           oversight or any cleanup activities re-  
9           quired by the transfer agreement or  
10          by this subsection;

11          “(V) provide a clear statement of  
12          the scope of the parties’ respective du-  
13          ties to indemnify each other, if any;

14          “(VI) provide a clear delineation  
15          of cleanup responsibilities, and finan-  
16          cial commitments regarding cleanup  
17          obligations, of the transferring agency  
18          and the transferee, including oper-  
19          ations and maintenance;

20          “(VII) provide a clear delineation  
21          of the parties’ respective cleanup re-  
22          sponsibilities in the event new infor-  
23          mation is discovered subsequent to  
24          transfer, such as previously unknown  
25          contamination or risk information;

1 “(VIII) provide a clear statement  
2 of the responsibilities of the respective  
3 parties to perform additional cleanup  
4 should actual land use change from  
5 the use reasonably anticipated at the  
6 time the remedy is selected, or should  
7 actual exposures be greater than rep-  
8 resented in the risk assessment;” and  
9 (D) by adding at the end the following:

10 “(XI) provide that if the trans-  
11 feree is to perform the cleanup, the  
12 following additional safeguards will be  
13 required:

14 “(aa) The transferee shall  
15 provide adequate financial assur-  
16 ances to cover the costs of the  
17 proposed response action.

18 “(bb) The transferee shall  
19 provide proof of technical and  
20 managerial capability to imple-  
21 ment the selected remedy.”.

22 (9) By amending clause (iv) of subsection  
23 (h)(3)(C) to read as follows:

24 “(iv) FEDERAL RESPONSIBILITY.—A  
25 deferral under this subparagraph shall not

1           diminish the obligations and liability of a  
2           Federal agency under any State or Federal  
3           law, including obligations and liabilities  
4           under section 106, section 107, and this  
5           section.”.

6 **SEC. 802. ADJOINING STATES.**

7           Section 121(f) of the Comprehensive Environmental  
8           Response, Compensation, and Liability Act of 1980 (42  
9           U.S.C. 9621(f)) is amended by adding at the end the fol-  
10          lowing new paragraph:

11          “(4) The President shall provide to any State within  
12          a 50-mile radius of a remedial action at a Federal facility  
13          a reasonable opportunity to review and comment on each  
14          of the following:

15                 “(A) The remedial investigation and feasibility  
16                 study and all data and technical documents leading  
17                 to its issuance.

18                 “(B) The planned remedial action identified in  
19                 the remedial investigation and feasibility study.

20                 “(C) The engineering design following selection  
21                 of the final remedial action.

22                 “(D) Other technical data and reports relating  
23                 to implementation of the remedy.

1           “(E) Any proposed finding or decision by the  
2           President to exercise the authority of subsection  
3           (d)(4).”.

4 **SEC. 803. ENFORCEABILITY OF FEDERAL COMPLIANCE**  
5 **AGREEMENTS.**

6           Section 120(e) of the Comprehensive Environmental  
7           Response, Compensation, and Liability Act of 1980 (42  
8           U.S.C. 9620), as amended by this Act, is further amended  
9           by adding the following at the end:

10           “(8) STATE REQUIREMENTS.—Notwithstanding  
11           any other provision of this Act, an interagency  
12           agreement under this section shall not impair or di-  
13           minish the authority of a State or any other person  
14           to enforce compliance with requirements of State or  
15           Federal law, unless those requirements have been—  
16                   “(A) specifically addressed in the agree-  
17                   ment; or  
18                   “(B) waived;  
19           (without objection) after notice to the State on or  
20           before the date on which the response action is se-  
21           lected.”.

22 **TITLE IX—LIABILITY**

23 **SEC. 901. LIABILITY EXEMPTIONS.**

24           (a) LIABILITY EXEMPTIONS.—Section 107 of the  
25           Comprehensive Environmental Response, Compensation,

1 and Liability Act of 1980 (42 U.S.C. 9607), as amended  
2 by title VI, is further amended by adding at the end the  
3 following:

4 “(s) LIABILITY EXEMPTIONS.—

5 “(1) DE MICROMIS EXEMPTION.—(A) Notwith-  
6 standing paragraphs (1) through (4) of subsection  
7 (a), a person shall not be liable to the United States  
8 or any other person (including liability for contribu-  
9 tion) under this Act for any response costs incurred  
10 with respect to a facility if—

11 “(i) liability is based solely on paragraph  
12 (3) or (4) of subsection (a);

13 “(ii) the person can demonstrate that the  
14 total of materials containing a hazardous sub-  
15 stance that the person arranged for disposal or  
16 treatment of, arranged with a transporter for  
17 transport for disposal or treatment, of, or ac-  
18 cepted for transport for disposal or treatment,  
19 at the facility, was less than 55 gallons of liquid  
20 materials or less than 100 pounds of solid ma-  
21 terials; and

22 “(iii) the acts upon which liability is based  
23 took place wholly before July 1, 1997.

24 “(B) Subparagraph (A) shall not apply in a  
25 case in which the President, in the President’s sole

1 discretion, determines that the material containing  
2 hazardous substances referred to in subparagraph  
3 (A) contributed significantly or could contribute sig-  
4 nificantly, either individually or in the aggregate, to  
5 the cost of the response action with respect to the  
6 facility.

7 “(2) SMALL PARTY EXEMPTION.—(A) Notwith-  
8 standing paragraphs (1) through (4) of subsection  
9 (a), a person who does not impede the performance  
10 of a response action or natural resource restoration  
11 at a facility shall not be liable to the extent liability  
12 at such facility is based solely on paragraph (3) or  
13 (4) of this subsection, and the person arranged for  
14 disposal, treatment, or transport for disposal or  
15 treatment, or accepted for transport for disposal or  
16 treatment, of only municipal solid waste or sewage  
17 sludge owned or possessed by such person, and the  
18 person is—

19 “(i) the owner, operator, or lessee of resi-  
20 dential property from which all of the municipal  
21 solid waste attributable to such person was gen-  
22 erated;

23 “(ii) a small business; or

24 “(iii) a small non-profit organization.

1           “(B) This paragraph shall have no effect on the  
2           liability of any other person.”.

3           (b) REMOVAL OF PETROLEUM EXEMPTION.—Section  
4           101(14) of such Act (42 U.S.C. 9601(14)) is amended by  
5           striking the sentence starting with “The term does not  
6           include petroleum”.

7           (c) INCREASED LIABILITY FOR WILLFUL AND IN-  
8           TENTIONAL RELEASES.—Section 107(c) of such Act (42  
9           U.S.C. 9607(c)) is amended by adding at the end the fol-  
10          lowing new paragraph:

11          “(4) In the case of a person who is liable for a release  
12          or threat of release of a hazardous substance, if the release  
13          or threat of release was willful and intentional, the person  
14          may be liable to the United States for punitive damages  
15          in an amount at least equal to, and not more than two  
16          times, the amount of any costs incurred by the Fund as  
17          a result of such release or threat of release.”.

18          (d) SMALL BUSINESS DEFINED.—Section 101 of  
19          such Act (42 U.S.C. 9601), as amended by this Act, is  
20          further amended by adding at the end the following new  
21          paragraphs:

22                  “(41) SMALL BUSINESS.—(A) The term ‘small  
23                  business’ refers to any business entity that—

24                          “(i) including its parents, subsidiaries, and  
25                          other affiliates, during the tax year of the entity

1 preceding the date of transmittal of notification  
2 that the entity is a potentially responsible party  
3 under this Act, employs no more than 100 indi-  
4 viduals; and

5 “(ii) is a ‘small business concern’ as de-  
6 fined under the Small Business Act (15 U.S.C.  
7 631 et seq.).

8 “(B) For purposes of subparagraph (A), the  
9 term ‘affiliate’ has the meaning of that term pro-  
10 vided in the definition of ‘small business concern’ in  
11 regulations promulgated by the Small Business Ad-  
12 ministration in accordance with the Small Business  
13 Act (15 U.S.C. 631 et seq.).

14 “(42) SMALL NONPROFIT ORGANIZATION.—The  
15 term ‘small nonprofit organization’ refers to any  
16 chapter, office, or department of a nonprofit organi-  
17 zation employing fewer than 100 individuals at the  
18 location from which all of the municipal solid waste  
19 attributable to such organization with respect to the  
20 facility was generated.”.

## 21 **TITLE X—FUNDING**

### 22 **SEC. 1001. AUTHORIZATION OF APPROPRIATIONS.**

23 Section 111(a) of the Comprehensive Environmental  
24 Response, Compensation, and Liability Act of 1980 (42  
25 U.S.C. 9611(a)) is amended by striking “\$8,500,000,000

1 for the 5-year period beginning on the date of enactment  
2 of the Superfund Amendments and Reauthorization Act  
3 of 1986, and not more than \$5,100,000,000 for the period  
4 commencing October 1, 1991, and ending September 30,  
5 1994” and inserting “\$9,600,000,000 for the period com-  
6 mencing October 1, 1998, and ending September 30,  
7 2003”.

8 **SEC. 1002. AGENCY FOR TOXIC SUBSTANCES AND DISEASE**  
9 **REGISTRY.**

10 Section 111(m) (relating to ATSDR) is amended to  
11 read as follows:

12 “(m) AGENCY FOR TOXIC SUBSTANCES AND DIS-  
13 EASE REGISTRY.—There shall be directly available to the  
14 Agency for Toxic Substances and Disease Registry to be  
15 used for the purpose of carrying out activities described  
16 in subsection (c)(4) of this section and section 104(i) of  
17 this Act not less than \$150,000,000 per fiscal year for  
18 each of fiscal years 1999, 2000, 2001, 2002, and 2003,  
19 of which \$50,000,000 per fiscal year shall be available for  
20 the purposes of section 104(i)(15)(C). Any funds so made  
21 available which are not obligated by the end of the fiscal  
22 year in which made available shall be turned back to the  
23 Fund.”.

1 **SEC. 1003. LIMITATIONS ON RESEARCH, DEVELOPMENT,**  
2 **AND DEMONSTRATION PROGRAMS.**

3 Section 111(n) is amended to read as follows:

4 “(n) LIMITATIONS ON RESEARCH, DEVELOPMENT,  
5 AND DEMONSTRATION PROGRAM.—

6 “(1) SECTION 311(a).—From the amounts  
7 available in the Fund, not more than the following  
8 amounts may be used for the purposes of section  
9 311(a) of this title (relating to hazardous substance  
10 research, demonstration, and training activities):

11 “(A) For fiscal year 1999, \$40,000,000.

12 “(B) For fiscal year 2000, \$50,000,000.

13 “(C) For fiscal year 2001, \$55,000,000.

14 “(D) For fiscal year 2002, \$55,000,000.

15 “(E) For fiscal year 2003, \$55,000,000.

16 No more than 10 percent of such amounts shall be  
17 used for training under section 311(a) of this title  
18 for any fiscal year.

19 “(2) SECTION 311(d).—For each of the fiscal  
20 years 1999, 2000, 2001, 2002, and 2003, not more  
21 than \$5,000,000 of the amounts available in the  
22 Fund may be used for the purposes of section  
23 311(d) of this title (relating to university hazardous  
24 substance research centers).”.

1 **SEC. 1004. AUTHORIZATION OF APPROPRIATIONS FROM**  
2 **GENERAL REVENUES.**

3 (a) AUTHORIZATION.—Section 111(p)(1) is amended  
4 to read as follows:

5 “(1) IN GENERAL.—The following sums are au-  
6 thORIZED to be appropriated, out of any money in the  
7 Treasury not otherwise appropriated, to the Hazard-  
8 ous Substance Superfund:

9 “(A) For fiscal year 1999, \$250,000,000.

10 “(B) For fiscal year 2000, \$250,000,000.

11 “(C) For fiscal year 2001, \$250,000,000.

12 “(D) For fiscal year 2002, \$250,000,000.

13 “(E) For fiscal year 2003, \$250,000,000.

14 In addition, there is authorized to be appropriated to  
15 the Hazardous Substance Superfund for each fiscal  
16 year an amount equal to so much of the aggregate  
17 amount authorized to be appropriated under this  
18 subsection as has not been appropriated before the  
19 beginning of the fiscal year involved.”.

20 (b) REPEAL OF DUPLICATIVE AUTHORIZATION.—(1)  
21 Subsection (b) of section 517 of the Superfund Amend-  
22 ments and Reauthorization Act (26 U.S.C. 9507 note) is  
23 hereby repealed.

24 (2) Section 9507(a)(2) of the Internal Revenue Code  
25 of 1986 is amended by striking out “section 517(b) of the  
26 Superfund Revenue Act of 1986” and inserting in lieu

1 thereof “section 111(p) of the Comprehensive Environ-  
2 mental Response, Compensation, and Liability Act of  
3 1980 (42 U.S.C. 9611(p))”.

4 **SEC. 1005. ADDITIONAL LIMITATIONS.**

5 Section 111 is amended by adding after subsection  
6 (p) the following new subsections:

7 “(q) INFORMATION OFFICES.—For each of the fiscal  
8 years 1999, 2000, 2001, 2002, and 2003, not more than  
9 \$50,000,000 of the amounts available in the Fund may  
10 be used for the purposes of section 117(c) of this Act (re-  
11 lating to Community Information and Access Offices).”.

12 **SEC. 1006. WORKER TRAINING AND EDUCATION GRANTS.**

13 Section 111(c)(12) (42 U.S.C. 9611(c)(12)) is  
14 amended—

15 (1) by inserting “and section 117(l) of this  
16 Act” after “of 1986”;

17 (2) by striking “\$10,000,000” and inserting  
18 “\$15,000,000”; and

19 (3) by striking “and 1994” and inserting “,  
20 1994, 1998, 1999, 2000, 2001, 2002, and 2003”.

21 **SEC. 1007. EXTENSION OF HAZARDOUS SUBSTANCE SUPER-**  
22 **FUND.**

23 (a) EXTENSION OF TAXES.—

1           (1) Paragraph (1) of section 59A(e) of the In-  
2           ternal Revenue Code of 1986 is amended to read as  
3           follows:

4           “(1) IN GENERAL.—The tax imposed by this  
5           section shall apply to taxable years beginning after  
6           December 31, 1998, and before January 1, 2004.”

7           (2) Paragraph (1) of section 4611(e) of such  
8           Code is amended to read as follows:

9           “(1) IN GENERAL.—Except as provided in para-  
10          graph (2), the Hazardous Substance Superfund fi-  
11          nancing rate under this section shall apply after De-  
12          cember 31, 1998, and before January 1, 2004.”

13          (3) Paragraph (2) of section 4611(e) of such  
14          Code is amended—

15                 (A) by striking “1993” and inserting  
16                 “2001”,

17                 (B) by striking “1994” each place it ap-  
18                 pears and inserting “2002”, and

19                 (C) by striking “1995” each place it ap-  
20                 pears and inserting “2003”.

21          (4)(A) Subsection (e) of section 4611 of such  
22          Code is amended by striking paragraph (3).

23          (B) Paragraph (2) of section 59(e) of such  
24          Code is amended to read as follows:

1           “(2) EARLIER TERMINATION.—The tax imposed  
2           by this section shall not apply to taxable years be-  
3           ginning during a calendar year during which no tax  
4           is imposed under section 4611(a) by reason of para-  
5           graph (2) of section 4611(e).”

6           (b) EXTENSION OF REPAYMENT DEADLINE FOR  
7 SUPERFUND BORROWING.—Subparagraph (B) of section  
8 9507(d)(3) of such Code is amended by striking “Decem-  
9 ber 31, 1995” and inserting “December 31, 2003”.

10          (c) TRUST FUND PURPOSES.—Paragraph (1) of sec-  
11 tion 9507(c) of such Code is amended by striking subpara-  
12 graphs (A) and (B) and inserting the following new sub-  
13 paragraphs:

14                   “(A) to carry out the purposes of sub-  
15                   sections (b), (c), and (d) of section 111 of  
16                   CERCLA; or

17                   “(B) hereafter authorized by a law which  
18                   does not authorize the expenditure out of the  
19                   Superfund for a general purpose not covered by  
20                   subparagraph (A).”

21          (d) INCLUSION OF CERTAIN PUNITIVE DAMAGES IN  
22 SUPERFUND.—Section 9507(b)(5) of such Code is amend-  
23 ed by inserting “and section 107(c)(4)” after “107(c)(3)”.

24          (e) COORDINATION WITH OTHER PROVISIONS.—  
25 Paragraph (2) of section 9507(e) of such Code is amended

1 by striking “CERCLA” and all that follows through  
2 “Acts)” and inserting “CERCLA, the Superfund Amend-  
3 ments and Reauthorization Act of 1986, and the Chil-  
4 dren’s Protection and Community Cleanup Act of 1998  
5 (or in any amendment made by any of such Acts)”.

## 6 **TITLE XI—MISCELLANEOUS**

### 7 **SEC. 1101. PENALTIES.**

8 (a) DOUBLING OF PENALTIES AND INFLATION AD-  
9 JUSTMENT.—Section 109 of the Comprehensive Environ-  
10 mental Response, Compensation, and Liability Act of  
11 1980 (42 U.S.C. 9609) is amended—

12 (1) in subsections (a), (b), and (c), by striking  
13 “\$25,000” and inserting “\$50,000 (based on fiscal  
14 year 1998 constant dollars)”; and

15 (2) in subsections (b) and (c), by striking  
16 “\$75,000” and inserting “\$150,000 (based on fiscal  
17 year 1998 constant dollars)”.

18 (b) PENALTIES FOR CERTAIN ADDITIONAL VIOLA-  
19 TIONS.—Section 109 is amended—

20 (1) in subsection (a)(1), by adding at the end  
21 the following new subparagraphs:

22 “(F) A violation of the requirements of  
23 section 110 (relating to employee protection).

1           “(G) A violation of any restriction, limita-  
2           tion, or control imposed under an institutional  
3           control instrument in use at a facility.”; and

4           (2) in subsections (b) and (c), by inserting after  
5           paragraph (5) the following new paragraphs:

6           “(6) A violation of the requirements of section  
7           110 (relating to employee protection).

8           “(7) A violation of any restriction, limitation, or  
9           control imposed under an institutional control in-  
10          strument in use at a facility.”.

11 **SEC. 1102. EMPLOYEE PROTECTION.**

12          Section 110(b) of the Comprehensive Environmental  
13          Response, Compensation, and Liability Act of 1980 (42  
14          U.S.C. 9610(b)) is amended—

15                 (1) in the first sentence, by striking “thirty  
16                 days” and inserting “6 months”;

17                 (2) in the third sentence, by striking “such in-  
18                 vestigation to be made as he deems appropriate.”  
19                 and inserting “an investigation to be made.”; and

20                 (3) in the sentence beginning with “If he finds  
21                 that such violation did occur”—

22                         (A) by inserting “(1)” before “to take such  
23                         affirmative”; and

24                         (B) by inserting before the period at the  
25                         end the following: “, and (2) to pay such civil

1           penalty under section 109 as the Secretary  
2           deems appropriate”.

3 **SEC. 1103. RADIOACTIVELY CONTAMINATED SITES.**

4           (a) PROTECTIVENESS OF CLEANUP STANDARDS.—  
5 Section 121(b) of the Comprehensive Environmental Re-  
6 sponse, Compensation, and Liability Act of 1980 (42  
7 U.S.C. 9621(b)), as amended by this Act, is further  
8 amended by adding at the end the following:

9           “(4) A remedial action that attains applicable or rel-  
10 evant and appropriate requirements shall be considered to  
11 be protective of human health and the environment unless  
12 the President determines that attainment of the require-  
13 ments is not sufficiently protective, in which case the  
14 President shall establish additional requirements that will  
15 ensure that the remedial action will be protective of human  
16 health and the environment. For purposes of this para-  
17 graph, the President shall consider the decontamination  
18 regulations for site termination issued by the Nuclear Reg-  
19 ulatory Commission on July 21, 1997, to not be suffi-  
20 ciently protective.”.

21           (b) REVISION TO DEFINITION OF FEDERALLY PER-  
22 MITTED RELEASE.—Section 101(10)(K) of such Act (42  
23 U.S.C. 9601(10)(K)) is amended by inserting before the  
24 period at the end the following: “, if such license, permit,  
25 regulation, or order adequately protects ground water”.

1 (c) COVERAGE OF NRC LICENSEES.—Section  
 2 120(a)(2) of such Act (42 U.S.C. 9620(a)(2)) is amend-  
 3 ed—

4 (1) in the heading, by striking out “FACILI-  
 5 TIES.—” and inserting “FACILITIES AND NRC LI-  
 6 CENSEES.—”; and

7 (2) by adding at the end the following: “The re-  
 8 quirements of this paragraph that apply to Federal  
 9 facilities are also applicable to facilities subject to li-  
 10 censes or decontamination regulations for license  
 11 termination issued by the Nuclear Regulatory Com-  
 12 mission under the Atomic Energy Act of 1954.”.

13 (d) TAXATION OF URANIUM YELLOWCAKE AND URA-  
 14 NIUM DIOXIDE.—

15 (1) IMPOSITION OF TAX.—Section 4661(b) of  
 16 the Internal Revenue Code of 1986 is amended by  
 17 adding at the end of the table the following:

“Uranium yellowcake .....	233.33
“Uranium dioxide .....	2222.22”.

18 (2) SPECIAL RULE.—Section 4662(b) of such  
 19 Code is amended by adding at the end the following  
 20 new paragraph:

21 “(11) URANIUM DIOXIDE.—Under regulations  
 22 prescribed by the Secretary, uranium dioxide shall  
 23 be treated as a taxable chemical only if it is used as  
 24 a fuel in a nuclear reactor (and, for purposes of sec-

1       tion 4661(a), the person so using it shall be treated  
2       as the manufacturer thereof).”.

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