

For each section of the proposed new title 55 this ``redline`` comparison document illustrates the differences between the source law text (from the existing United States Code) and the proposed new text in subtitle I of title 55. To facilitate review, the source credit table and revision notes for each section are inserted following the ``redline`` comparison for the section.

¶I78 Subtitle I—General Provisions

¶I78 Chapter C—101—Definitions

¶I75 § 101101.—Definitions

¶I20 In this title:

¶I22 (1) ¶T4 Administrator ¶K.—The term ``Administrator`` means the Administrator of the Environmental Protection Agency.

¶I22 (2) ¶T4 EPA ¶K.—The term ``EPA`` means the Environmental Protection Agency.

SECTION 101101—DEFINITIONS

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Pub. L.)</i>
101101	(no source)	

Definitions of “Administrator” and “EPA” are provided for clarity and convenience.

¶I75 § 101102.—Environmental law

¶I20 The inclusion in this title or exclusion from this title of any provision of law has no bearing on whether that provision is a provision of environmental law within the meaning of that term as used in any provision of law.

SECTION 101102—ENVIRONMENTAL LAW

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Pub. L.)</i>
101102	(no source)	

This section is provided as a precaution to ensure that there is no misreading of the intent of Congress concerning the effect of inclusion of a provision in or exclusion of a provision from title 55.

Chapter C103—Environmental Protection Agency

§ S103101.—Establishment

(a) ~~There~~ ~~is hereby~~ established the Environmental Protection Agency, ~~hereinafter referred to as the "Agency."~~

SECTION 103101—ESTABLISHMENT

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Pub. L.)</i>
103101	42 U.S.C. 4321 note; 5 U.S.C. App.	Reorganization Plan No. 3 of 1970, § 1(a)

§ S103102.—Administrator

(b) ~~There~~ (a) ~~In General~~ ~~There~~ shall be at the head of ~~the Agency~~ EPA the Administrator of the Environmental Protection Agency, ~~hereinafter referred to as the "Administrator."~~ ~~The~~

(b) ~~Appointment~~ ~~The~~ Administrator shall be appointed by the President, by and with the advice and consent of the Senate.

SECTION 103102—ADMINISTRATOR

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Pub. L.)</i>
103102	42 U.S.C. 4321 note; 5 U.S.C. App.	Reorganization Plan No. 3 of 1970, § 1(b)

§ 103103. Deputy Administrator

§ 103103(a) In General. There shall be in the Agency EPA a Deputy Administrator of the Environmental Protection Agency ~~who shall.~~

§ 103103(b) Appointment. The Deputy Administrator shall be appointed by the President, by and with the advice and consent of the Senate. ~~The~~

§ 103103(c) Functions. The Deputy Administrator shall ~~shall~~

§ 103103(1) perform such functions as the Administrator shall from time to time assign or delegate; ~~and shall~~

§ 103103(2) act as Administrator during the absence or disability of the Administrator or in the event of a vacancy in the office of Administrator.

SECTION 103103—DEPUTY ADMINISTRATOR

Revised Section	Source (U.S. Code)	Source (Pub. L.)
103103	42 U.S.C. 4321 note; 5 U.S.C. App.	Reorganization Plan No. 3 of 1970, §1(c)

§ 103104. Assistant Administrators

§ 103104(a) In General.

§ 103104(1) Number of assistant administrators. Except as provided in subsection (b), there shall be in the Agency EPA not to exceed ~~five~~ 5 Assistant Administrators of the Environmental Protection Agency ~~who.~~

§ 103104(2) Appointment. An Assistant Administrator shall be appointed by the President, by and with the advice and consent of the Senate. ~~Each~~

§ 103104(3) Functions. An Assistant Administrator shall perform such functions as the Administrator shall from time to time assign or delegate. ~~to the Assistant Administrator.~~

101(a) The 120(b) Additional Assistant Administrators.

122(1) In general. The President, by and with the advice and consent of the Senate, may appoint ~~three~~ 3 Assistant Administrators of the Environmental Protection Agency in addition to—

12(1) (A) the ~~five~~ 5 Assistant Administrators provided for in ~~section 1(d) of Reorganization Plan Numbered 3 of 1970 (5 U.S.C. Appendix~~ subsection (a);

12(2) (B) the Assistant Administrator provided by section ~~26(g) of the Toxic Substances Control Act (15 U.S.C. 2625 (g) of title 15;~~); and

12(3) (C) the Assistant Administrator provided by section ~~307(b) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 6911a~~ of this title.) .

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11(b) Each 122(2) Duties. An Assistant Administrator appointed under ~~subsection (a) of this section~~ paragraph (1) shall perform such duties as the Administrator ~~of the Environmental Protection Agency~~ may prescribe.

SECTION 103104—ASSISTANT ADMINISTRATORS

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Pub. L.)</i>
103104(a)	42 U.S.C. 4321 note; 5 U.S.C. App.	Reorganization Plan No. 3 of 1970, § 1(d)
103104(b)	42 U.S.C. 4370a	Pub. L. 98-80, § 1

175 § 103105. Functions

120(a) In General. In addition to any function assigned specifically to the Administrator under any other provision of law, the Administrator shall perform the following functions:

~~4122~~ (1) The functions that, before December 2, 1970, were
vested by law in the Secretary of the Interior and the
Department of the Interior ~~which are~~ and administered by the Gulf
Breeze Biological Laboratory of the Bureau of Commercial
Fisheries at Gulf Breeze, Florida.

~~21(5) So much of the~~ ~~4122~~ (2) The function of ~~the functions of the Council on~~
~~Environmental Quality under section 204(5) of the National Environmental Policy Act of 1969~~
~~(Public Law 91-190, approved January 1, 1970, 83 Stat. 855) [42 U.S.C. 4344(5)], as pertains to~~
~~ecological systems:~~

~~21(5) to conduct~~ conducting investigations, studies, surveys,
research, and analyses relating to ecological systems ~~and~~
~~environmental quality; .~~

~~(iii) the~~ ~~4122~~ (3) The functions that, before December 2, 1970, were
vested by law in the Secretary of Agriculture and the Department
of Agriculture ~~which are~~ and were administered through the
Environmental Quality Branch of the Plant Protection Division of
the Agricultural Research Service.

~~21(9) So much of the~~ ~~4122~~ (4) Such functions ~~of the transferor officers and agencies~~
~~referred to in or affected by the foregoing provisions of this section~~ as is are incidental
to or necessary for the performance by or under the
Administrator of the functions ~~transferred by those provisions or relates primarily~~
~~to those functions. The transfers to the Administrator made by this section shall be deemed to~~
~~include the transfer of~~ described in paragraphs (1) through (3), including
authority, provided by law, to prescribe regulations relating
primarily to the ~~transferred~~ functions, and.

~~21~~ ~~The~~ ~~4120~~ (b) 4T4Performance of Functions4K. ~~4K.~~ The Administrator
may from time to time make such provisions as ~~he shall deem~~ the
Administrator considers appropriate authorizing the performance
of any of the functions ~~transferred to him by the provisions of this reorganization~~
~~plan~~ of the Administrator by any other officer, or by any
organizational entity or employee, of ~~the Agency.~~ EPA.

SECTION 103105—FUNCTIONS

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Pub. L.)</i>
103105(a)(1)	42 U.S.C. 4321 note; 5 U.S.C. App.	Reorganization Plan No. 3 of 1970, § 2(a)(2)(ii)
103105(a)(2)	42 U.S.C. 4321 note; 5 U.S.C. App. 42 U.S.C. 4344(5) (relating to ecological systems)	Reorganization Plan No. 3 of 1970, § 2(a)(5) Pub. L. 91-190, § 204(5) (relating to ecological systems)
103105(a)(3)	42 U.S.C. 4321 note; 5 U.S.C. App.	Reorganization Plan No. 3 of 1970, § 2(a)(8)(iii)
103105(a)(4)	42 U.S.C. 4321 note; 5 U.S.C. App.	Reorganization Plan No. 3 of 1970, § 2(a)(9) through end of subparagraph (1)
103105(b)	42 U.S.C. 4321 note; 5 U.S.C. App.	Reorganization Plan No. 3 of 1970, § 3

In subsection (a), in the matter preceding paragraph (1), “In addition to any function assigned specifically to the Administrator under any other provision of law, the Administrator shall perform the following functions” is substituted for “There are hereby transferred to the Administrator” for clarity.

§ 103106. Office of Criminal Investigations

~~(a) The Administrator of the Environmental Protection Agency (hereinafter referred to as the Administrator) shall increase the number of criminal investigators assigned to the Office of Criminal Investigations by such numbers as may be necessary to assure that the number of criminal investigators assigned to the office—~~

~~(1) for the period October 1, 1991, through September 30, 1992, is not less than 72;~~

~~(2) for the period October 1, 1992, through September 30, 1993, is not less than 110;~~

~~(3) for the period October 1, 1993, through September 30, 1994, is not less than 123;~~

~~(4) for the period October 1, 1994, through September 30, 1995, is not less than 160;~~

~~(5) beginning October 1, 1995, is not less than 200.~~

~~(b) For fiscal year 1991 and in each of the following 4 fiscal years, the Administrator shall, during each such fiscal year, provide increasing numbers of additional support staff to the Office of Criminal Investigations.~~

~~(c) The head of the Office of Criminal Investigations— (a) Head of Office—The head of the Office of Criminal Investigations—~~

~~4I22~~ (1) shall be a position in the competitive service (as defined in section 2102 of title 5-U.S.C.) or a career ~~reserve~~ ~~{reserved}~~ position (as defined in section 3132 (A) [3132(a)]) of that title 5 U.S.C. and the head of such office; and

~~4I22~~ (2) shall report directly, without intervening review or approval, to the Assistant Administrator for Enforcement.

~~4I20~~ (b) ~~4T4Criminal Investigators4K.~~ There shall be assigned to the Office of Criminal Investigations not fewer than 200 criminal investigators.

SECTION 103106—OFFICE OF CRIMINAL INVESTIGATIONS

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Pub. L.)</i>
103106	42 U.S.C. 4321 note	Pub. L. 101-593, § 202

~~4I75~~ § 103107. Civil investigators

~~4I21~~ ~~The Administrator, as soon as practicable following the date of the enactment of this Act [Nov. 16, 1990], but no later than September 30, 1991, shall increase by fifty the number of civil investigators assigned~~ ~~4I20~~ The Administrator shall assign to assist the Office of Enforcement in developing and prosecuting civil and administrative actions and carrying out its other functions: a number of civil investigators that is at least 50 greater than the number of civil investigators so assigned on November 16, 1990.

SECTION 103107—CIVIL INVESTIGATORS

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Pub. L.)</i>
103107	42 U.S.C. 4321 note	Pub. L. 101-593, § 203

~~4I75~~ § 103108. National Enforcement Training Institute

~~§ 103109~~ (a) In General. The Administrator shall, ~~as soon as practicable but no later than September 30, 1991~~ establish within the Office of Enforcement the National Enforcement Training Institute. ~~It~~

(b) Function. It shall be ~~the~~ function of the Institute, ~~among others,~~ to train Federal, State, and local lawyers, inspectors, civil and criminal investigators, and technical experts in the enforcement of the Nation's environmental laws.

SECTION 103108—NATIONAL ENFORCEMENT TRAINING INSTITUTE

Revised Section	Source (U.S. Code)	Source (Pub. L.)
103108	42 U.S.C. 4321 note	Pub. L. 101-593, § 204

§ 103109. Availability of certain accounts

~~§ 103109~~ (a) Availability. For each fiscal year 2009 and thereafter, year

(1) the Science and Technology Account and Environmental Programs and Management Accounts Account are available for

(A) uniforms, or allowances for uniforms, ~~or allowances~~ therefore, ~~IN~~ as authorized by sections 5901 and 5902 of title 5; and ~~for~~

(B) services as authorized by section 3109 of title 5, but at rates for individuals not to exceed the daily equivalent of the rate paid for level IV of the Executive Schedule; and

~~§ 103109~~ (2) the Science and Technology Account, Environmental Programs and Management Account, Office of Inspector General Account, Hazardous Substance Superfund Account, and Leaking Underground Storage Tank Trust Fund Program Accounts, Account are available for the construction, alteration, repair, rehabilitation, and renovation of facilities provided that the cost does not exceed \$85,000 per project.

~~Unless specifically authorized by law, (b) Limitation on Use of Funds for fiscal year 2009 and thereafter, none~~ Grants. None of the funds available under this title for grants under the title headed "ENVIRONMENTAL PROTECTION AGENCY" in the Department of the Interior, Environment, and Related Agencies Appropriations Act for any fiscal year may be used to pay for the salaries of individual consultants at more than the daily equivalent of the rate paid for level IV of the Executive Schedule.

SECTION 103109—AVAILABILITY OF CERTAIN ACCOUNTS

Revised Section	Source (U.S. Code)	Source (Pub. L.)
103109(a)(1)	42 U.S.C. 4370g	Pub. L. 111-8, div. E, title II (3d paragraph under heading "ADMINISTRATIVE PROVISIONS, ENVIRONMENTAL PROTECTION AGENCY (INCLUDING RESCISSION OF FUNDS)" (1st sentence)
103109(a)(2)	42 U.S.C. 4370h	Pub. L. 111-8, div. E, title II (last paragraph under heading "ADMINISTRATIVE PROVISIONS, ENVIRONMENTAL PROTECTION AGENCY (INCLUDING RESCISSION OF FUNDS)"
103109(b)	not classified	Pub. L. 111-8, div. E, title II (3d paragraph under heading "ADMINISTRATIVE PROVISIONS, ENVIRONMENTAL PROTECTION AGENCY (INCLUDING RESCISSION OF FUNDS)" (last sentence), at 123 Stat. 728

In subsection (b), "funds available for grants under the title headed 'ENVIRONMENTAL PROTECTION AGENCY' in the Department of the Interior, Environment, and Related Agencies Appropriations Act for any fiscal year" is substituted for "funds available under this title for grants" for clarity.

Chapter C105 National Environmental Policy

Subchapter I Purposes

§ 105101. Purposes

~~The~~ The purposes of this chapter are: ~~To are~~

(1) to declare a national policy ~~which~~ that will encourage productive and enjoyable harmony between man and his environment;

§ 105101(a)(2) to promote efforts ~~which~~that will prevent or eliminate damage to the environment and biosphere and stimulate the health and welfare of man;

§ 105101(a)(3) to enrich the understanding of the ecological systems and natural resources important to the Nation; and ~~to establish a Council on Environmental Quality.~~

§ 105101(a)(4) to establish a Council on Environmental Quality.

SECTION 105101—PURPOSES

Revised Section	Source (U.S. Code)	Source (Pub. L.)
105101	42 U.S.C. 4321	Pub. L. 91-190, § 2

Chapter II—Policies and Goals

§ 105201. Declaration of national environmental policy

~~§ 105201(a) The Congress~~ § 105201(a) In General ~~§ 105201(a) Congress~~, recognizing the profound impact of man's activity on the interrelations of all components of the natural environment, particularly the profound influences of population growth, high-density urbanization, industrial expansion, resource exploitation, and new and expanding technological advances, and recognizing further the critical importance of restoring and maintaining environmental quality to the overall welfare and development of man, declares that it is the continuing policy of the Federal Government, in cooperation with State and local governments, and other concerned public and private organizations, to use all practicable means and measures, including financial and technical assistance, in a manner calculated to foster and promote the general welfare, to create and maintain conditions under which man and nature can exist in productive harmony, and fulfill the social, economic, and other requirements of present and future generations of Americans.

~~§ 105201(b) In order to~~ § 105201(b) Responsibility of the Federal Government ~~§ 105201(b) To~~ carry out the policy set forth in this chapter,

SECTION 105201—DECLARATION OF NATIONAL ENVIRONMENTAL POLICY

Revised Section	Source (U.S. Code)	Source (Pub. L.)
105201	42 U.S.C. 4331	Pub. L. 91-190, § 101

§ 105202. Interpretation of policies, regulations, and public laws; actions by Federal agencies

~~§ 105202~~ The Congress

(a) In General. Congress authorizes and directs that, to the fullest extent ~~possible~~: possible

(1) the policies, regulations, and public laws of the United States shall be interpreted and administered in accordance with the policies set forth in this chapter, ~~and (2) all agencies of the Federal Government shall~~; and

~~§ 105202~~ (2) all Federal agencies shall

(A) utilize a systematic, interdisciplinary approach ~~which that~~ will ~~insure~~ ensure the integrated use of the natural and social sciences and the environmental design arts in planning and in decisionmaking ~~which that~~ may have an impact on ~~man's~~ the human environment;

~~§ 105202~~ (B) identify and develop methods and procedures, in consultation with the Council on Environmental Quality ~~established by subchapter II of this chapter, which will insure~~, that will ensure that presently unquantified environmental amenities and values may be given appropriate consideration in decisionmaking along with economic and technical considerations;

~~§ 105202~~ (C) include in every recommendation or report on proposals for legislation and other major Federal actions significantly affecting the quality of the human environment, a detailed statement by the responsible official on

~~§ 105202~~ (i) the environmental impact of the proposed action;

~~§ 126~~ (ii) any adverse environmental effects ~~which~~that cannot be avoided should the proposal be implemented;i

~~§ 126~~ (iii) alternatives to the proposed action;i

~~§ 126~~ (iv) the relationship between local short-term uses of ~~man's~~the environment and the maintenance and enhancement of long-term productivity;i and

~~§ 126~~ (v) any irreversible and irretrievable commitments of resources ~~which~~that would be involved in the proposed action should it be implemented.

~~§ 104~~

~~§ 124~~ (D) study, develop, and describe appropriate alternatives to recommended courses of action in any proposal that involves unresolved conflicts concerning alternative uses of available resources;

~~§ 124~~ (E) recognize the worldwide and long-range character of environmental problems and, where consistent with the foreign policy of the United States, lend appropriate support to initiatives, resolutions, and programs designed to maximize international cooperation in anticipating and preventing a decline in the quality of mankind's world environment;

~~§ 124~~ (F) make available to States, counties, municipalities, institutions, and individuals advice and information useful in restoring, maintaining, and enhancing the quality of the environment;

~~§ 124~~ (G) initiate and utilize ecological information in the planning and development of resource-oriented projects; and

~~§ 124~~ (H) assist the Council on Environmental Quality.

~~§ 20~~ (b) ~~§ 4~~ Detailed Statements~~§ K.~~

~~§ 22~~ (1) ~~§ 4~~ In General~~§ K.~~ Prior to making any detailed statement, under subsection (a) (2) (C), the responsible Federal official shall consult with and obtain the comments of any Federal agency

~~which~~that has jurisdiction by law or special expertise with respect to any environmental impact involved. ~~Copies of such~~

~~§I22~~ (2) ~~¶T4~~Availability~~¶K.~~Copies of the statement and the comments and views of the appropriate Federal, State, and local agencies, which are authorized to develop and enforce environmental ~~standards, shall be made available to the President, the Council on Environmental Quality and to the public as provided by section 552 of title 5, and shall accompany the proposal through the existing agency review processes;~~standards

~~§I2(D) Any~~~~¶I24~~ (A) shall be made available to the President, the Council on Environmental Quality, and the public as provided by section 552 of title 5; and

~~¶I24~~ (B) shall accompany the proposal through the existing agency review processes;

~~¶I22~~ (3) ~~¶T4~~Detailed statement prepared by state agency or official~~¶K.~~

~~¶I24~~ (A) ~~¶T4~~In general~~¶K.~~Any detailed statement required under ~~subparagraph (subsection (a) (2) (C) after January 1, 1970,~~ for any major Federal action funded under a program of grants to States shall not be deemed to be legally insufficient solely by reason of having been prepared by a State agency or official, ~~if:~~if

~~§I3~~~~¶I26~~ (i) the State agency or official has statewide jurisdiction and has the responsibility for ~~such~~the action;;

~~§I3~~~~¶I26~~ (ii) the responsible Federal official furnishes guidance and participates in ~~such~~the preparation;;

~~§I3~~~~¶I26~~ (iii) the responsible Federal official independently evaluates ~~such~~the statement prior to its approval and adoption;;
and

~~§I3~~~~¶I26~~ (iv) ~~after January 1, 1976,~~ the responsible Federal official provides early notification to, and solicits the views of, any other State or any Federal land management entity of any action or any alternative thereto ~~which~~that may have significant impacts ~~upon such~~on the State or affected Federal land management entity

and, if there is any disagreement on such the impacts, prepares a written assessment of such the impacts and views for incorporation into such the detailed statement.

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~~117~~The ~~4124~~ (B) ~~4T4~~Effect of procedures~~4K.~~ The procedures ~~in~~under this ~~subparagraph~~paragraph shall not relieve the Federal official of ~~his~~the official's responsibilities for the scope, objectivity, and content of the entire statement or of any other responsibility under this chapter; ~~and further,~~ this ~~subparagraph~~paragraph does not affect the legal sufficiency of statements prepared by State agencies with less than statewide jurisdiction.~~1~~~~IN.~~

~~1128~~~~IN~~~~1~~So in original. The period probably should be a semicolon.

~~112~~(E) study, develop, and describe appropriate alternatives to recommended courses of action in any proposal which involves unresolved conflicts concerning alternative uses of available resources;

~~112~~(F) recognize the worldwide and long-range character of environmental problems and, where consistent with the foreign policy of the United States, lend appropriate support to initiatives, resolutions, and programs designed to maximize international cooperation in anticipating and preventing a decline in the quality of mankind's world environment;

~~112~~(G) make available to States, counties, municipalities, institutions, and individuals, advice and information useful in restoring, maintaining, and enhancing the quality of the environment;

~~112~~(H) initiate and utilize ecological information in the planning and development of resource-oriented projects; and

~~112~~(I) assist the Council on Environmental Quality established by subchapter II of this chapter.

~~112~~The ~~4120~~ (c) ~~4T4~~Certain Activities Not a Major Federal Action~~4K.~~ The licensing of a launch vehicle or launch site operator (including any amendment, extension, or renewal of the license) under ~~[former]~~chapter 701 of title 49, ~~United States Code [now chapter 509 (§50901 et seq.) of Title 51, National and Commercial Space Programs]~~, shall not be considered a major Federal action for purposes of ~~section 102~~(subsection (a) (2) (C) ~~of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(C))~~) if

~~§ 22~~ (1) the Department of the Army has issued a permit for the activity; and

~~§ 22~~ (2) the Army Corps of Engineers has found that the activity has no significant impact."

~~Nothing in the~~

~~§ 20~~ (d) ~~§ 4~~ Necessity of Military Low-Level Flight Training To Protect National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) or the Security and Enhance Military Readiness ~~§ 4~~ Nothing in this chapter (including regulations implementing such law this chapter) shall require the Secretary of Defense or the Secretary of a military department to prepare a programmatic, ~~nation-wide~~ nationwide environmental impact statement for low-level flight training as a precondition to the use by the Armed Forces of an airspace for the performance of low-level training flights."

~~§ 19(a) In general~~

~~§ 19~~ ~~§ 20~~ (e) ~~§ 5~~ Accelerated Decisionmaking ~~§ 4~~ Nothing in this

~~§ 22~~ (1) ~~§ 4~~ In general ~~§ 4~~ Nothing in preparing a final environmental impact statement under ~~the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.)~~, this section, if the lead agency modifies the statement in response to comments that are minor and are confined to factual corrections or explanations of why the comments do not warrant additional agency response, the lead agency may write on an errata sheets sheet attached to the statement, instead of rewriting the draft statement, ~~subject to the condition that~~ if the errata ~~sheet~~ sheet

~~§ 2(1) cite~~ ~~§ 24~~ (A) cites the sources, authorities, or reasons that support the position of the lead agency; and

~~§ 2(2)~~ ~~§ 24~~ (B) if appropriate, indicate indicates the circumstances that would trigger agency reappraisal or further response by the lead agency.

4I78Subchapter III Council on Environmental Policy

4I75§ 105301. Definition of Council

(hereinafter referred to as the "Council")

4I20 In this subchapter, the term "Council" means the Council on Environmental Quality established under section 105302 of this title.

SECTION 105301—DEFINITION OF COUNCIL

Revised Section	Source (U.S. Code)	Source (Pub. L.)
105301	42 U.S.C. 4342 (parenthetical defining the term "Council")	Pub. L. 91-190, §202 (parenthetical defining the term "Council")

4I75§ 105302. Establishment

4I20 (a) 4T4In General4K. There is created in the Executive Office of the President a Council on Environmental Quality. The

4I20 (b) 4T4Membership4K. The Council shall be composed of three members who shall be appointed by the President to serve at his the pleasure of the President, by and with the advice and consent of the Senate. The

4I20 (c) 4T4Chairman4K. The President shall designate one of the members of the Council to serve as Chairman. Each

4I20 (d) 4T4Qualifications4K. Each member shall be a person an individual who, as a result of his the individual's training, experience, and attainments, is exceptionally well qualified to to

4I22 (1) analyze and interpret environmental trends and information of all kinds; to

4122 (2) appraise programs and activities of the Federal Government in ~~the~~ light of the policy set forth in subchapter ~~I of this chapter;~~ to II;

4122 (3) be conscious of and responsive to the scientific, economic, social, esthetic, and cultural needs and interests of the Nation; and ~~to~~

4122 (4) formulate and recommend national policies to promote the improvement of the quality of the environment.

SECTION 105302—ESTABLISHMENT

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Pub. L.)</i>
105302	42 U.S.C. 4342 (except parenthetical defining the term "Council")	Pub. L. 91-190, § 202 (except parenthetical defining the term "Council")

4175 § 105303. Employment of personnel, experts, and consultants

~~111(a) The~~ 4120 (a) 4T4Officers and Employees ~~4K.~~ The Council may employ such officers and employees as may be necessary to carry out its functions under this chapter. ~~In addition, the~~

4120 (b) 4T4Experts and Consultants ~~4K.~~ The Council may employ and fix the compensation of such experts and consultants as may be necessary for the carrying out of its functions under this chapter, in accordance with section 3109 of title 5 (but without regard to the last sentence ~~thereof~~ of subsection (b) of that section).

~~111(b) Notwithstanding~~ 4120 (c) 4T4Voluntary and Uncompensated Services ~~4K.~~ Notwithstanding section 1342 of title 31, the Council may accept and employ voluntary and uncompensated services in furtherance of the purposes of the Council.

SECTION 105303—EMPLOYMENT OF PERSONNEL, EXPERTS, AND CONSULTANTS

Revised Section	Source (U.S. Code)	Source (Pub. L.)
105303	42 U.S.C. 4343	Pub. L. 91-190, § 203

In subsection (b), “the last sentence of subsection (b) of that section” is substituted for “the last sentence of that section” because of the addition of subsection (c) to section 3109 of title 5, United States Code, made by Pub. L. 95-454 § 402(b).

§ 105304. Duties and functions

~~It shall be the duty and function of the Council—~~

~~(1) to—~~

~~(A) gather timely and authoritative information concerning the conditions and trends in the quality of the environment, both current and prospective;~~

~~(B) analyze and interpret such that information for the purpose of determining whether such those conditions and trends are interfering, or are likely to interfere, with the achievement of the policy set forth in subchapter I of this chapter, and to compile and submit to the President studies relating to such conditions and trends;~~

~~(C) compile and submit to the President studies relating to those conditions and trends;~~

~~(2) to—~~

~~(A) review and appraise the various programs and activities of the Federal Government in the light of the policy set forth in subchapter I of this chapter for the purpose of determining the extent to which such those programs and activities are contributing to the achievement of such that policy;~~

~~(B) make recommendations to the President with respect thereto;~~

~~§ 105304~~(4) (3) to develop and recommend to the President national policies to foster and promote the improvement of environmental quality to meet the conservation, social, economic, health, and other requirements and goals of the Nation;

~~§ 105304~~(5) (4) to conduct investigations, studies, surveys, research, and analyses relating to ~~ecological systems and~~ environmental quality;

~~§ 105304~~(6) to ~~to~~ (5) to

~~§ 105304~~(A) document and define changes in the natural environment, including the plant and animal systems; ~~;~~ and ~~to~~

~~§ 105304~~(B) accumulate necessary data and other information for a continuing analysis of ~~these~~ those changes or trends and an interpretation of their underlying causes;

~~§ 105304~~(7) (6) to report at least once each year to the President on the state and condition of the environment; and

~~§ 105304~~(8) (7) to make and furnish such studies, reports thereon, and recommendations with respect to matters of policy and legislation as the President may request.

SECTION 105304—DUTIES AND FUNCTIONS

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Pub. L.)</i>
105304(1) through (3).	42 U.S.C. 4344(2) through (4)	Pub. L. 91-190, § 204(2) through (4)
105304(4)	42 U.S.C. 4344(5) (relating to environmental quality)	Pub. L. 91-190, § 204(5) (relating to environmental quality)
105304(5) through (7).	42 U.S.C. 4344(6) through (8)	Pub. L. 91-190, § 204(6) through (8)

~~§ 105305~~ Consultation with Citizens' Advisory Committee on Environmental Quality and other representatives

~~§ 105305~~ In exercising its powers, functions, and duties under this chapter, the Council shall

~~§ 105305(1) consult with the Citizens' Advisory Committee on Environmental Quality established by Executive Order numbered 11472, dated May 29, 1969, and~~ § 105305(1) consult with such representatives of science, industry, agriculture, labor, conservation organizations, State and local governments and other groups, as ~~it deems~~ the Council considers advisable; and

~~§ 105305(2)~~ § 105305(2) utilize, to the fullest extent possible, the services, facilities, and information (including statistical information) of public and private agencies and organizations, and individuals, in order that duplication of effort and expense may be avoided, thus ~~assuring~~ ensuring that the Council's activities will not unnecessarily overlap or conflict with similar activities authorized by law and performed by established agencies.

SECTION 105305—CONSULTATION WITH CITIZENS' ADVISORY COMMITTEE ON ENVIRONMENTAL QUALITY AND OTHER REPRESENTATIVES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Pub. L.)</i>
105305	42 U.S.C. 4345	Pub. L. 91-190, § 205

In paragraph (1), reference to the Citizens' Advisory Committee on Environmental Quality is omitted because of the termination of that committee by Executive Order No. 12007 (42 Fed. Reg. 42839).

~~§ 105306.~~ § 105306. Full-time service; compensation

~~§ 105306(a)~~ § 105306(a) ~~Full-time Service~~ Full-time Service. A member of the Council shall serve full time ~~and the~~ .

~~§ 105306(b)~~ § 105306(b) ~~Compensation~~ Compensation.

~~§ 105306(1)~~ § 105306(1) ~~Chairman~~ Chairman. The Chairman of the Council shall be compensated at the rate provided for Level II of the Executive Schedule Pay Rates (5 U.S.C. 5313). ~~The other members of the Council shall be compensated at the rate provided for Level IV or~~ IN the Executive Schedule Pay Rates (5 U.S.C. 5315) under section 5313 of title 5.

~~§ 105306(2)~~ § 105306(2) ~~Other members~~ Other members. A member of the Council other than the Chairman shall be compensated at the rate provided for Level

IV of the Executive Schedule Pay Rates under section 5315 of title 5.

SECTION 105306—FULL-TIME SERVICE; COMPENSATION

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Pub. L.)</i>
105306	42 U.S.C. 4346	Pub. L. 91-190, § 206

4I75§|S▲105307.▫Acceptance of travel reimbursement

~~§105307. (a) The Council may accept reimbursements~~ reimbursement from any private nonprofit organization or from any ~~department, agency, or instrumentality of the Federal Government, any~~ State, or local government; agency for the reasonable travel expenses incurred by an officer or employee of the Council in connection with ~~his~~ the officer or employee's attendance at any conference, seminar, or similar meeting conducted for the benefit of the Council.

SECTION 105307—ACCEPTANCE OF TRAVEL REIMBURSEMENT

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Pub. L.)</i>
105307	42 U.S.C. 4346a	Pub. L. 91-190, § 207

In this section, “any Federal, State, or local government agency” is substituted for “any department, agency, or instrumentality of the Federal Government, any State, or local government” to eliminate unnecessary words.

4I75§|S▲105308.▫Expenditures for international activities

~~§105308. (a) The Council may make expenditures in support of its international activities, including expenditures for: (1) international travel; (2) activities in implementation of international agreements; and (3) the support of international exchange programs in the United States and in foreign countries. for~~

(1) international travel;

(2) activities in implementation of international agreements; and

§ 105308 (3) the support of international exchange programs in the United States and in foreign countries.

SECTION 105308—EXPENDITURES FOR INTERNATIONAL ACTIVITIES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Pub. L.)</i>
105308	42 U.S.C. 4346b	Pub. L. 91-190, § 208

§ 105309. Authorization of appropriations

~~There are~~ There is authorized to be appropriated to carry out ~~the provisions of~~ this chapter ~~not to exceed \$300,000 for fiscal year 1970, \$700,000 for fiscal year 1971, and~~ \$1,000,000 for each fiscal year ~~thereafter.~~

SECTION 105309—AUTHORIZATION OF APPROPRIATIONS

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Pub. L.)</i>
105309	42 U.S.C. 4347	Pub. L. 91-190, § 209

Chapter 107 Environmental Quality Improvement

§ 107101. Definitions

In this chapter:

(1) "Director" means the Director of the Office.

~~(hereinafter referred to as the "Fund")~~

(2) "Office of Environmental Quality Management Fund" means the Office of Environmental Quality Management Fund established under section 107104 of this title.

~~(hereafter in this chapter referred to as the "Office")~~

AI22 (3) T4OfficeAK. The term 'Office' means the Office of Environmental Quality established under section S107103 of this title.

SECTION 107101—DEFINITIONS

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Pub. L.)</i>
107101(1)	(no source)	
107101(2)	42 U.S.C. 4375(a) (parenthetical in subsection (a) defining the term "Fund")	Pub. L. 91-224, §206(a) (parenthetical in subsection (a) defining the term "Fund")
107101(3)	42 U.S.C. 4372(a) (parenthetical in subsection (a) defining the term "Office")	Pub. L. 91-224, §203(a) (parenthetical in subsection (a) defining the term "Office")

A definition of "Director" is added for convenience and clarity.

AI75 S107102. Findings, declarations, and purposes

~~II1(a) The Congress finds~~

II2

AI20 (a) T4FindingsAK. Congress finds that

AI22 (1) ~~that~~ man has caused changes in the environment;

II2 AI22 (2) ~~that~~ many of ~~thesethose~~ changes may affect the relationship between man and his environment; and

II2 AI22 (3) ~~that~~ population increases and urban concentration contribute directly to pollution and the degradation of our environment.

IQ04

~~II4 AI20 (b) T4DeclarationsAK.~~

AI22 (1) ~~The Congress~~ T4National policyAK. Congress declares that there is a national policy for the environment ~~which~~that provides for the enhancement of environmental quality. ~~This~~That policy is evidenced by statutes ~~heretofore~~ enacted relating to the prevention,

abatement, and control of environmental pollution, water and land resources, transportation, and economic and regional development.

~~§ 107102~~ (2) ~~The~~ Responsibility for implementation. ~~The~~ primary responsibility for implementing ~~this~~that policy rests with State and local government.

~~§ 107102~~ (3) ~~The~~ Regional organizations. ~~The~~ Federal Government encourages and supports implementation of ~~this~~that policy through appropriate regional organizations established under ~~existing~~ law.

~~§ 107120~~ (c) ~~The~~ Purposes. ~~The~~ purposes of this chapter are—

~~§ 107122~~ (1) to ~~assure~~ensure that each Federal ~~department and~~ agency conducting or supporting public works activities ~~which~~that affect the environment shall implement the policies established under ~~existing~~ law; and

~~§ 107122~~ (2) to authorize an Office of Environmental Quality, which, notwithstanding any other provision of law, shall provide the professional and administrative staff for the Council on Environmental Quality ~~established by Public Law 91-190~~.

SECTION 107102—FINDINGS, DECLARATIONS, AND PURPOSES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Pub. L.)</i>
107102	42 U.S.C. 4371	Pub. L. 91-224, § 202

~~§ 107103~~. Office of Environmental Quality

~~§ 107120~~ (a) ~~Establishment~~ Establishment; Director; Deputy ~~Director~~Director. ~~The~~

~~§ 107122~~ (1) ~~Establishment~~. ~~There~~ is established in the Executive Office of the President ~~an office to be known as~~ the Office of Environmental Quality. ~~The~~

~~4I22~~ (2) ~~4T4Director4K.~~ The Chairman of the Council on Environmental Quality ~~established by Public Law 91Ñ190~~ shall be the Director of the Office. ~~There~~

~~4I22~~ (3) ~~4T4Deputy director4K.~~ There shall be in the Office a Deputy Director who shall be appointed by the President, by and with the advice and consent of the Senate.

~~4I94I20~~ (b) ~~Compensation4T4Compensation~~ of Deputy ~~Director~~

~~4I1TheDirector4K.~~ The compensation of the Deputy Director shall be fixed by the President at a rate not in excess of the annual rate of compensation payable to the Deputy Director of the Office of Management and Budget.

~~4I94I20~~ (c) ~~Employment4T4Employment~~ of ~~personnel, expertsOfficers,~~
~~Employees, Experts,~~ and ~~consultants; compensation~~

~~4I1TheConsultants; Compensation4K.~~ The Director ~~is authorized to may~~ employ such officers and employees (including experts and consultants) as may be necessary to enable the Office to carry out its functions under this chapter and ~~Public Law 91Ñ190chapter~~
~~7C4105,~~ except that ~~he the Director~~ may employ ~~not~~ more than ~~ten~~10 specialists and other experts without regard to the provisions of title 5; governing appointments in the competitive service; and pay such specialists and experts without regard to the provisions of chapter 51 and subchapter III of chapter 53 of ~~such that~~ title relating to classification and General Schedule pay rates, but no such specialist or expert shall be paid at a rate in excess of the maximum rate ~~for GSÑ18 of the General~~
~~Schedulepayable~~ under section ~~53325376~~ of title 5.

~~4I94I20~~ (d) ~~Duties4T4Duties~~ and ~~functionsFunctions~~ of ~~Director~~

~~4I1InDirector4K.~~ In carrying out ~~his the Director's~~ functions, the Director shall assist and advise the President on policies and programs of the Federal Government affecting environmental quality by

§ 122 (1) providing the professional and administrative staff and support for the Council on Environmental Quality ~~established by Public Law 91-190~~;

§ 122 (2) assisting ~~the~~ Federal agencies ~~and departments~~ in appraising the effectiveness of existing and proposed facilities, programs, policies, and activities of the Federal Government, and ~~those~~ specific major projects designated by the President ~~which~~ that do not require individual project authorization by Congress, ~~which~~ that affect environmental quality;

§ 122 (3) reviewing the adequacy of existing systems for monitoring and predicting environmental changes in order to achieve effective coverage and efficient use of research facilities and other resources;

§ 122 (4) promoting the advancement of scientific knowledge of the effects of actions and technology on the environment and ~~encourage~~ ^{or} ~~in~~ encouraging the development of the means to prevent or reduce adverse effects that endanger the health and well-being of man;

§ 122 (4) ~~So in original. Probably should be "encouraging".~~

§ 122 (5) assisting in coordinating among ~~the~~ Federal ~~departments and~~ agencies ~~those~~ programs and activities ~~which~~ that affect, protect, and improve environmental quality;

§ 122 (6) assisting ~~the~~ Federal ~~departments and~~ agencies in the development and interrelationship of environmental quality criteria and standards established through the Federal Government; and

§ 122 (7) collecting, collating, analyzing, and interpreting data and information on environmental quality, ecological research, and evaluation.

§ 120 (e) ~~Authority~~ Authority of Director to ~~contract~~

~~§ 107103~~ ~~The Contract~~ ~~AK.~~ ~~The~~ Director ~~is authorized to may~~ contract with public or private agencies, institutions, and organizations and with individuals without regard to ~~section 3324~~ subsections (a) and (b) of section 3324 of title 31 ~~and or~~ section 6101 of title ~~41~~ 5 in carrying out ~~his~~ the Director's functions.

SECTION 107103—OFFICE OF ENVIRONMENTAL QUALITY

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Pub. L.)</i>
107103	42 U.S.C. 4372 (except parenthetical in subsection (a) defining the term "Office")	Pub. L. 91-224, § 203 (except parenthetical in subsection (a) defining the term "Office")

In subsection (c), "maximum rate payable under section 5376 of title 5" is substituted for "maximum rate for GS-18 of the General Schedule under section 5332 of title 5" because of section 101(c) of the Federal Employees Pay Comparability Act of 1990 (enacted by section 529 of Pub. L. 101-509, 5 U.S.C. 5376 note).

In subsection (e), "subsections (a) and (b) of section 3324 of title 31 and section 3709 of the Revised Statutes (41 U.S.C. 5)" is substituted for "sections 3648 and 3709 of the Revised Statutes (31 U.S.C. 529; 41 U.S.C. 5)" on authority of Pub. L. 97-258, § 4(b) (96 Stat. 1067), the 1st section of which enacted title 31.

~~§ 107104~~ Office of Environmental Quality Management Fund

~~§ 107104~~ (a) ~~Establishment; financing~~ ~~AK.~~ ~~Establishment; Financing~~ of ~~study contracts~~ Study Contracts and Federal ~~interagency environmental projects~~

~~§ 107104~~ ~~There~~ Interagency Environmental Projects ~~AK.~~ ~~There~~ is established an Office of Environmental Quality Management Fund (~~hereinafter referred to as the "Fund"~~) to receive advance payments from other agencies or accounts that may be used solely to finance

~~§ 107104~~ (1) study contracts that are jointly sponsored by the Office and ~~one~~ 1 or more other Federal agencies; and

~~§ 107104~~ (2) Federal interagency environmental projects (including task forces) in which the Office participates.

~~§ 107104~~ (b) ~~Study contract~~ ~~AK.~~ ~~Study Contract~~ or ~~project initiative~~

~~§ 101~~ ~~Any Project Initiative~~ ~~4K.~~ ~~Any~~ study contract or project that is to be financed under subsection (a) ~~of this section~~ may be initiated only with the approval of the Director.

~~§ 101~~ ~~20~~ (c) **Regulations**

~~§ 101~~ ~~The~~ ~~4T4~~ ~~Regulations~~ ~~4K.~~ ~~The~~ Director shall promulgate regulations setting forth policies and procedures for operation of the Fund.

SECTION 107104—OFFICE OF ENVIRONMENTAL QUALITY MANAGEMENT FUND

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Pub. L.)</i>
107104	42 U.S.C. 4375 (except parenthetical in subsection (a) defining the term "Fund")	Pub. L. 91-224, § 206

~~4I78~~ **Chapter** ~~109~~ Environmental Research, Development, and Demonstration

~~4I78~~ **Subchapter** ~~I~~ Provisions Enacted by the Environmental Research, Development, and Demonstration Authorization Act of 1978

~~4I75~~ ~~S~~ ~~109~~ 101. Expenditure of funds for research and development related to regulatory program activities

~~§ 101~~ ~~20~~ (a) ~~Coordination, etc., with research needs and priorities~~ ~~4T4~~ Definition of Program Office ~~4K.~~ ~~In this section, the term ``program officesoffice'' means~~

~~4I22~~ (1) the Office of Air and Waste Management, for air quality activities;

~~4I22~~ (2) the Office of Water and ~~Environmental Protection Agency~~ Hazardous Materials, for water quality activities and water supply activities;

~~§ 101~~ ~~The~~ ~~4I22~~ (3) the Office of Pesticides, for environmental effects of pesticides;

~~4I22~~ (4) the Office of Solid Waste, for solid waste activities;

~~4I22~~ (5) the Office of Toxic Substances, for toxic substance activities;

~~4I22~~ (6) the Office of Radiation Programs, for radiation activities; and

~~4I22~~ (7) the Office of Noise Abatement and Control, for noise activities.

~~4I20~~ (b) ~~4T4Requirement4K.~~ The Administrator ~~of the Environmental Protection Agency~~ shall ~~assure~~ensure that the expenditure of any funds appropriated ~~pursuant to~~under this ~~Act~~subchapter or any other provision of law for environmental research and development related to regulatory program activities shall be coordinated with, and reflect the research needs and priorities of, the program offices, ~~as well as~~ and the overall research needs and priorities of ~~the Agency, including those defined in the five-year research plan~~EPA.

~~4I19(b) Program offices subject to coverage~~

~~4I11 For purposes of subsection (a) of this section, the appropriate program offices are~~

~~4I12(1) the Office of Air and Waste Management, for air quality activities;~~

~~4I12(2) the Office of Water and Hazardous Materials, for water quality activities and water supply activities;~~

~~4I12(3) the Office of Pesticides, for environmental effects of pesticides;~~

~~4I12(4) the Office of Solid Waste, for solid waste activities;~~

~~4I12(5) the Office of Toxic Substances, for toxic substance activities;~~

~~4I12(6) the Office of Radiation Programs, for radiation activities; and~~

~~4I12(7) the Office of Noise Abatement and Control, for noise activities.~~

SECTION 109101—EXPENDITURE OF FUNDS FOR RESEARCH AND
 DEVELOPMENT RELATED TO REGULATORY PROGRAM ACTIVITIES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Pub. L.)</i>
109101	42 U.S.C. 4364(a), (b)	Pub. L. 95–155, § 7(a), (b)

In subsection (a), “including those defined in the five-year re-
 search plan” is omitted because of the repeal of section 5 of the En-
 vironmental Research, Development, and Demonstration Author-
 ization Act of 1976 (42 U.S.C. 4361) made by section 2021(k)(1) of
 the Federal Reports Elimination and Sunset Act of 1995 (109 Stat.
 728).

§ 109102. Science Advisory Board

(a) ~~Establishment; requests for advice by Administrator of Environmental Protection Agency and Congressional committees~~

~~The Administrator of the Environmental Protection Agency~~ shall establish a
 Science Advisory Board, which shall provide such scientific
 advice as may be requested by the Administrator, the Committee
 on Environment and Public Works of the ~~United States~~ Senate, or the
 Committee on Science, ~~Space~~, and Technology, ~~Committee~~ on Energy
 and Commerce, or ~~Committee~~ on ~~Public Works and~~ Transportation and
Infrastructure of the House of Representatives.

(b) ~~Membership; Chairman; meetings; qualifications~~ Meetings; Qualifications of ~~members~~

~~Such Members~~ The Board shall be composed of at least ~~nine~~ 9
 members, ~~one~~ 1 of whom shall be designated Chairman, and shall
 meet at such times and places as may be designated by the
 Chairman of the Board in consultation with the Administrator.
 Each member of the Board shall be qualified by education,
 training, and experience to evaluate scientific and technical
 information on matters referred to the Board under this section.

~~(c) Proposed environmental criteria document, standard, limitation, or regulation; functions respecting in conjunction with Administrator~~

§11(1) The ~~§120~~ (c) ~~4~~ Proposed Environmental Criteria Document, Standard, Limitation, or Regulation ~~4~~.

~~§122~~ (1) ~~4~~ Availability to board ~~4~~. The Administrator, at the time any proposed criteria document, standard, limitation, or regulation under ~~the Clean Air Act [42 U.S.C. 7401 et seq.], division A of subtitle II,~~ the Federal Water Pollution Control Act ~~[(33 U.S.C. 1251 et seq.)],~~ the ~~Resource Conservation and Recovery~~ Solid Waste Disposal Act of 1976 [(42 U.S.C. 6901 et seq.)], the Noise Control Act ~~of 1972~~ (42 U.S.C. 4901 et seq.)], the Toxic Substances Control Act ~~[(15 U.S.C. 2601 et seq.)],~~ or the Safe Drinking Water Act ~~[(42 U.S.C. 300f et seq.)],~~ or under any other authority of the Administrator, is provided to any other Federal agency for formal review and comment, shall make available to the ~~Board such proposed criteria document, standard, limitation, or regulation, together with relevant scientific and technical information in the possession of the Environmental Protection Agency on which the proposed action is based.~~ Board

§11(2) The ~~§124~~ (A) the proposed criteria document, standard, limitation, or regulation; and

§124 (B) relevant scientific and technical information in the possession of EPA on which the proposed action is based.

~~§122~~ (2) ~~4~~ Advice and comments ~~4~~. The Board may make available to the Administrator, within the time specified by the Administrator, its advice and comments on the adequacy of the scientific and technical basis of the proposed criteria document, standard, limitation, or regulation, together with any pertinent information in the Board's possession.

~~§19(d) Utilization of technical and scientific capabilities of Federal agencies and national environmental laboratories for determining adequacy of scientific and technical basis of proposed criteria document, etc.~~

§11 In preparing such ~~§120~~ (d) ~~4~~ Use of Technical and Scientific Capabilities ~~4~~. In preparing its advice and comments, the Board shall avail itself of the technical and scientific capabilities of any Federal agency, including ~~the Environmental Protection Agency~~ EPA and any national environmental laboratories.

~~§ 1902~~ (e) ~~Member committees~~ Member Committees and ~~investigative panels;~~
~~establishment; chairmanship~~

~~§ 1902~~ The Investigative Panels ~~§ 1902~~ The Board ~~is authorized to~~ may constitute such member committees and investigative panels as the Administrator and the Board find necessary to carry out this section. Each such member committee or investigative panel shall be chaired by a member of the Board.

~~§ 1902~~ (f) ~~Appointment~~ Appointment and Compensation of Secretary and Other Personnel; Compensation of Members ~~§ 1902~~

~~§ 1902~~ (1) Appointment and compensation of secretary and other personnel; ~~compensation of members~~

~~§ 1902~~ (1) Upon ~~personnel~~ § 1902 On the recommendation of the Board, the Administrator shall appoint a secretary; and such other employees as ~~deemed~~ are necessary to exercise and fulfill the Board's powers and responsibilities. The compensation of all employees appointed under this paragraph shall be fixed in accordance with chapter 51 and subchapter III of chapter 53 of title 5.

~~§ 1902~~ (2) ~~Members~~ § 1902 (2) Compensation of members ~~§ 1902~~ Members of the Board may be compensated at a rate to be fixed by the President but not in excess of the maximum rate ~~of pay for grade GS-18, as provided in the General Schedule~~ payable under section ~~5332~~ 5376 of title 5.

~~§ 1902~~ (g) ~~Consultation~~ Consultation and ~~coordination with~~ Coordination With Scientific Advisory ~~Panel~~

~~§ 1902~~ In ~~Panel~~ § 1902 In carrying out the functions assigned by this section, the Board shall consult and coordinate its activities with the Scientific Advisory Panel established by the Administrator ~~pursuant to~~ under section 25(d) of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136w(d) of title 7.) .

SECTION 109102—SCIENCE ADVISORY BOARD

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Pub. L.)</i>
109102	42 U.S.C. 4365	Pub. L. 95–155, § 8

In subsection (a), “the Committee on Science and Technology, Committee on Energy and Commerce, or Committee on Transportation and Infrastructure of the House of Representatives” is substituted for “the Committee on Science, Space, and Technology, on Energy and Commerce, or on Public Works and Transportation of the House of Representatives” to reflect the current names of those committees.

In subsection (c)(1), “the Solid Waste Disposal Act” is substituted for “the Resource Conservation and Recovery Act of 1976” for clarity.

In subsection (f)(2), “maximum rate payable under section 5376 of title 5” is substituted for “maximum rate of pay for grade GS–18, as provided in the General Schedule under section 5332 of title 5” because of section 101(c) of the Federal Employees Pay Comparability Act of 1990 (enacted by section 529 of Pub. L. 101–509, 5 U.S.C. 5376 note).

§ 109103. Identification and coordination of research, development, and demonstration activities

(a) ~~Consultation~~ Consultation and ~~cooperation~~ Cooperation of Administrator ~~of Environmental Protection Agency~~ with ~~heads of~~ Federal ~~agencies;~~ Agency Heads; ~~inclusion of activities in annual revisions of plan for research, etc.~~

(1) ~~The~~ In general ~~The Administrator of the Environmental Protection Agency,~~ in consultation and cooperation with the heads of other Federal agencies, shall take such actions on a continuing basis as may be necessary or appropriate

(A) to identify environmental research, development, and demonstration activities, within and outside the Federal Government, ~~which~~ that may need to be more effectively coordinated ~~in order~~ to minimize unnecessary duplication of programs, projects, and research facilities;

~~§122~~(2)(B) to determine the steps ~~which~~that might be taken under existing law, by ~~him~~the Administrator and by the heads of ~~such~~ other Federal agencies, to accomplish or promote such coordination, and to provide for or encourage the taking of such steps; and

~~§122~~(3)(C) to determine the additional legislative actions ~~which~~that would be needed to ~~assure~~ensure such coordination to the maximum extent possible.

~~§104~~

~~§104~~The Administrator shall include in each annual revision of the five-year plan provided for by section 4361 of this title a full and complete report on the actions taken and determinations made during the preceding year under this subsection, and ~~§122~~(2)

~~§104~~Reports ~~§104~~ K. The Administrator may submit ~~interim~~to Congress reports on ~~such~~ actions and determinations under paragraph (1) at such ~~other~~ times as ~~he deems~~the Administrator considers appropriate.

~~§128~~ See References in Text note below.

~~§119~~(b) ~~Coordination~~ ~~§119~~ K. The Administrator

~~§111~~The Administrator of the Environmental Protection Agency shall coordinate EPA environmental research, development, and demonstration programs ~~of such Agency~~ with the heads of other Federal agencies in order to minimize unnecessary duplication of programs, projects, and research facilities.

SECTION 109103—IDENTIFICATION AND COORDINATION OF RESEARCH,
 DEVELOPMENT, AND DEMONSTRATION ACTIVITIES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Pub. L.)</i>
109103	42 U.S.C. 4366(a), (b)	Pub. L. 95–155, § 9(a), (b)

In subsection (a)(2), “may submit to Congress reports on actions and determinations under paragraph (1) at such times as the Administrator considers appropriate” is substituted for “include in each annual revision of the five-year plan provided for by section 5 of Public Law 94–475 a full and complete report on the actions taken and determinations made during the preceding year under this subsection, and may submit interim reports on such actions and determinations at such other times as he deems appropriate” because of the repeal of section 5 of the Environmental Research, Development, and Demonstration Authorization Act of 1976 (42 U.S.C. 4361) made by section 2021(k)(1) of the Federal Reports Elimination and Sunset Act of 1995 (109 Stat. 728).

§ 109104. Reporting of financial interests of EPA officers and employees

(a) ~~Covered officers and employees~~

~~Each~~ In General ~~An~~ officer or employee of ~~the Environmental Protection Agency~~ EPA who

(1) performs any function or duty under this ~~Act~~ chapter; and

(2) has any known financial interest in any person ~~who~~ that applies for or receives ~~grants, contracts~~ a grant, contract, or other ~~forms~~ form of financial assistance under this ~~Act~~ chapter;

Q04

~~shall, beginning on February 1, 1978,~~ § 109104 shall annually file with the Administrator a written statement concerning all such interests held by ~~such~~ the officer or employee during the preceding calendar year. ~~Such~~

(b) ~~Public Availability~~ A statement under subsection (a) shall be available to the public.

~~§ 109(b) Implementation~~ ~~§ 120 (c) ¶ 4 Implementation~~ of ~~requirements by Administrator~~

~~§ 109(c) The Requirements~~ ~~¶ K.~~ ~~The Administrator shall~~

~~§ 109(d) act within ninety days after November 8, 1977~~

~~§ 109(e) to~~ ~~§ 122 (1)~~ define the term ``known financial interest'' for purposes of subsection (a) ~~of this section;~~ ~~);~~ and

~~§ 109(f) to~~ ~~§ 122 (2)~~ establish the methods by which the requirement to file written statements specified in subsection (a) ~~of this section~~ will be monitored and enforced, including appropriate provision for the filing by ~~such~~ officers and employees of ~~such~~ statements ~~under subsection (a)~~ and the review by the Administrator of ~~such~~ ~~the~~ statements; ~~and.~~

~~§ 109(g) Exemption~~ ~~§ 120 (d) ¶ 4 Exemption~~ of ~~positions~~ ~~Positions~~ by ~~Administrator~~

~~§ 109(h) In Administrator~~ ~~¶ K.~~ ~~In the rules regulations~~ prescribed under subsection (b) ~~of this section;~~ ~~c)~~, the Administrator may identify specific positions of a nonpolicymaking nature within ~~the Administration~~ ~~EPA~~ and provide that officers or employees occupying ~~such~~ ~~those~~ positions shall be exempt from the requirements of this section.

~~§ 109(i) Violations; penalties~~

~~§ 109(j) Any~~ ~~§ 120 (e) ¶ 4 Violations; Penalties~~ ~~¶ K.~~ ~~An~~ officer or employee who is subject to, and knowingly violates, this section, shall be fined not more than \$2,500 ~~or,~~ imprisoned not more than ~~one~~ ~~1~~ year, or both.

SECTION 109104—REPORTING OF FINANCIAL INTERESTS OF EPA OFFICERS AND EMPLOYEES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Pub. L.)</i>
109104(a) through (c).	42 U.S.C. 4367(a) through (b)(1)	Pub. L. 95–155, § 12(a) through (b)(1)
109104(d), (e)	42 U.S.C. 4367(c), (d)	Pub. L. 95–155, § 12(c), (d)

4I78 Subchapter II—Provisions Enacted by the Environmental
Research, Development, and Demonstration Authorization Act of
1979

4I75 § 109201. Grants to qualified citizens groups

~~11(1) There is authorized to be appropriated to the Environmental Protection Agency, for grants to qualified citizens groups in States and regions, \$3,000,000.~~

~~11(2) Grants under 4I20 (a) 4T4 Definition of Qualified Citizens Group 4K.—In this section ~~may be made for the purpose of supporting and encouraging participation by qualified citizens groups in determining how scientific, technological, and social trends and changes affect the future environment and quality of life of an area, and for setting goals and identifying measures for improvement.~~~~

~~11(3) The, the term ``qualified citizens group'' ~~shall mean~~ means a nonprofit organization of citizens ~~having that~~~~

~~4I22 (1) has an area-based focus, ~~which;~~~~

~~4I22 (2) is not single-issue oriented; and ~~which can demonstrate~~~~

~~4I22 (3) demonstrates a prior record of interest and involvement in goal-setting and research concerned with improving the quality of life, including plans to identify, protect, and enhance significant natural and cultural resources and the environment.~~

~~11(4) 4I20 (b) 4T4 Grants 4K.—The Administrator may make a grant to a qualified citizens group in a State or region for the purpose of supporting and encouraging participation by the qualified citizens group in—~~

~~4I22 (1) determining how scientific, technological, and social trends and changes affect the future environment and quality of life of an area; and~~

~~4I22 (2) setting goals and identifying measures for improvement.~~

~~4I20 (c) 4T4 Eligibility 4K.—A qualified citizens group shall be eligible for assistance under this section only if the qualified citizens group is certified by the Governor in consultation with~~

the State legislature as a ~~bonafide~~bona fide organization entitled to receive Federal assistance to pursue the aims of ~~this~~the program.~~The~~ under this section. The qualified citizens group shall further demonstrate its capacity to employ usefully the funds for the purposes of ~~this~~the program and its broad-based representative nature.

~~§11(5) After~~ ~~§120~~ (d) ~~Amount~~ ~~K.~~ A grant made under this section shall not exceed 75 percent of the estimated cost of the project or program for which the grant is made, and no qualified citizens group shall receive more than \$50,000 in any 1 year.

~~§120~~ (e) ~~Annual Renewal~~ ~~K.~~ After an initial application of a qualified citizens group for assistance under this section has been approved, the Administrator may make grants to the qualified citizens group on an annual basis, on condition that the Governor recertify the qualified citizens group and that the applicant ~~submits~~submit to the Administrator annually

~~§12(A)~~ ~~§122~~ (1) an evaluation of the progress made during the previous year in meeting the objectives for which the grant was made;

~~§12(B)~~ ~~§122~~ (2) a description of any changes in the objectives of the activities; and

~~§12(C)~~ ~~§122~~ (3) a description of the proposed activities for the succeeding one--year period.

~~§Q04~~

~~§11(6) A grant made under this program shall not exceed 75 per centum of the estimated cost of the project or program for which the grant is made, and no group shall receive more than \$50,000 in any one year.~~

~~§11(7) No~~ ~~§120~~ (f) ~~No Lobbying or Litigation~~ ~~K.~~ No financial assistance provided under this section shall be used to support lobbying or litigation by any recipient qualified citizens group.

§ 10920(g) Authorization of Appropriations. There is authorized to be appropriated to EPA for grants to qualified citizens groups in States and regions \$3,000,000.

SECTION 109201—GRANTS TO QUALIFIED CITIZENS GROUPS

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Pub. L.)</i>
109201	42 U.S.C. 4368	Pub. L. 95-477, § 3(c)

§ 109202. Miscellaneous reports

§ 10920(a) Availability to Congressional committees

All reports to or by the Administrator relevant to the Agency's EPA's program of research, development, and demonstration shall promptly be made available to the Committee on Science, ~~Space~~, and Technology of the House of Representatives and the Committee on Environment and Public Works of the Senate, unless otherwise prohibited by law.

§ 10920(b) Transmittal of jurisdictional information

The Information With Respect to Matters Falling Within or Related to Committee Jurisdiction. The Administrator shall keep the Committee on Science, ~~Space~~, and Technology of the House of Representatives and the Committee on Environment and Public Works of the Senate fully and currently informed with respect to matters falling within or related to the jurisdiction of the committees.

§ 10920(c) Availability of research information Research Information to the Department of Energy

For Energy. For the purpose of assisting the Department of Energy in planning and assigning priorities in research, development, and demonstration activities related to environmental control technologies, the Administrator shall actively make available to the Department all information on

research activities and results of research programs of ~~the Environmental Protection Agency~~EPA.

SECTION 109202—MISCELLANEOUS REPORTS

Revised Section	Source (U.S. Code)	Source (Pub. L.)
109202	42 U.S.C. 4369(a), (b), (d)	Pub. L. 95-477, § 5(a), (b), (d)

§ 109203. Staff management

(a) ~~Appointments~~ Appointments for ~~educational programs~~ Educational Programs.

(1) ~~The~~ In general ~~The Administrator is authorized to may~~ select and appoint up to 75 full-time permanent staff members in the Office of Research and Development to pursue full-time educational programs for the purpose ~~of (A) securing an advanced degree or (B) securing academic training, for the purpose of making a career change in order to better carry out the Agency's research mission.~~ of

(A) securing an advanced degree; or

(B) securing academic training;

for the purpose of making a career change in order to better carry out EPA's research mission.

(2) ~~The~~ Rules and criteria ~~The Administrator shall~~ select and appoint staff members for ~~these~~ assignments ~~under~~ paragraph (1) according to rules and criteria promulgated by ~~him~~ The Agency the Administrator.

(3) ~~The~~ Pay ~~The Administrator may continue to pay the~~ salary and benefits of the appointees ~~as well as~~ under paragraph (1) ~~and~~ reasonable and appropriate relocation expenses and tuition.

(4) ~~The~~ Term ~~The~~ term of each appointment under paragraph (1) shall be for up to one year, with a single renewal of up to one year in appropriate cases at the discretion of the Administrator.

~~§ 109203(a)(5)~~ ~~Personnel ceiling~~ ~~Staff~~ members appointed ~~to this program~~ under paragraph (1) shall not count against any ~~Agency~~ EPA personnel ceiling during the term of their appointment.

~~§ 109203(b)~~ ~~Post-Doctoral Research Fellows~~

~~§ 109203(1)~~ ~~In general~~ ~~The Administrator may appoint up to 25 post-doctoral research fellows~~

~~§ 109203(1)~~ ~~The Administrator is authorized to appoint up to 25 Post-doctoral Research Fellows~~ in accordance with ~~the provisions of~~ section 213.3102(aa) of title 5 ~~of the~~ Code of Federal Regulations.

~~§ 109203(2)~~ ~~Persons holding these appointments~~ ~~Personnel ceiling~~ ~~Post-doctoral research fellows appointed under paragraph (1)~~ shall not count against any EPA personnel ceiling ~~of the Agency~~.

~~§ 109203(c)~~ ~~Non-Government research associates~~ ~~Research Associates~~

~~§ 109203(1)~~ ~~The~~ ~~In general~~ ~~The Administrator is authorized~~ ~~may~~, and ~~is~~ encouraged to, utilize research associates from outside the Federal Government in conducting the research, development, and demonstration programs of ~~the Agency~~ EPA.

~~§ 109203(2)~~ ~~Selection; rules and criteria~~ ~~Research associates described in paragraph (1)~~ shall be selected and shall serve according to rules and criteria promulgated by the Administrator.

~~§ 109203(d)~~ ~~Women~~ and ~~minority groups~~

~~§ 109203~~ ~~For~~ ~~Minority Groups~~ ~~For~~ all programs ~~in~~ ~~under~~ this section, the Administrator shall place special emphasis on providing opportunities for education and training of women and minority groups.

SECTION 109203—STAFF MANAGEMENT

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Pub. L.)</i>
109203	42 U.S.C. 4361c	Pub. L. 95-477, § 6

4I78Subchapter III—Provisions Enacted by the Environmental Research, Development, and Demonstration Authorization Act of 1980

4I75§ 109301.—Energy-related pollution control technologies and environmental protection projects

4I20(a) 4T4Energy-Related Pollution Control Technologies4K.—The Administrator shall continue to be responsible for conducting and shall continue to conduct full-scale demonstrations of energy-related pollution control technologies as necessary in ~~his judgment to fulfill the provisions of the Clean Air Act as amended [42 U.S.C. 7401 et seq.], the Federal Water Pollution Control Act as amended [33 U.S.C. 1251 et seq.], and other pertinent pollution control statutes.~~the Administrator's judgment to fulfill

4I22(1) division A of subtitle II;

4I22(2) Energythe Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.); and

4I22(3) other pertinent pollution control statutes.

4I20(b) 4T4Energy-Related Environmental Protection Projects4K.—Energy-related environmental protection projects authorized to be administered by the ~~Environmental Protection Agency~~Administrator under ~~this Act~~the Environmental Research, Development, and Demonstration Authorization Act of 1980 (94 Stat. 325) shall not be transferred administratively to the Department of Energy or reduced through budget amendment. No action shall be taken through administrative or budgetary means to diminish the ability of the ~~Environmental Protection Agency~~Administrator to initiate such projects.

SECTION 109301—ENERGY-RELATED POLLUTION CONTROL TECHNOLOGIES AND ENVIRONMENTAL PROTECTION PROJECTS

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Pub. L.)</i>
109301	42 U.S.C. 4363a	Pub. L. 96–229, § 2(d)

4I75S|S▲109302. Information about environmental research and development activities

~~§ 109302(a) Reports to keep Congressional committees fully and currently informed~~

~~§ 109302(a) The Administrator shall keep the appropriate committees of the House and the Senate Congress fully and currently informed about all aspects of the environmental research and development activities of the Environmental Protection Agency EPA.~~

SECTION 109302—INFORMATION ABOUT ENVIRONMENTAL RESEARCH AND DEVELOPMENT ACTIVITIES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Pub. L.)</i>
109302	42 U.S.C. 4369a(a)	Pub. L. 96-229, § 4(a)

4I75S|S▲109303. Reimbursement for use of facilities

~~§ 109303(a) Authority to allow outside groups or individuals to use research and test facilities; reimbursement~~

~~§ 109303(a) In General. The Administrator is authorized to may allow appropriate use of special Environmental Protection Agency EPA research and test facilities by outside groups or individuals and ~~to~~ receive reimbursement or fees for costs incurred thereby in connection with such use when ~~he~~ the Administrator finds ~~this~~ it to be in the public interest. Such reimbursement or fees ~~are to~~ shall be used by the Agency Administrator to defray the costs of use by outside groups or individuals.~~

~~§ 109303(b) Rules and regulations~~

~~§ 109303(b) Regulations. The Administrator may promulgate regulations to cover such the use of Agency EPA facilities under subsection (a) in accordance with generally accepted accounting, safety, and laboratory practices.~~

~~§ 109303(c) Waiver of reimbursement by Reimbursement. When the Administrator~~

~~§ 109303~~ When he finds it is in the public interest, the Administrator may waive reimbursement or fees for outside use of ~~Agency~~ EPA facilities by nonprofit private or public entities.

SECTION 109303—REIMBURSEMENT FOR USE OF FACILITIES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Pub. L.)</i>
109303	42 U.S.C. 4370	Pub. L. 96-229, § 5

In subsection (a), “the facilities” is substituted for “thereby” for clarity.

§ 109303 Subchapter IV—Provision Enacted by the Environmental Research, Development, and Demonstration Authorization Act of 1981

§ 109401. Continuing and long-term environmental research and development

~~§ 109401~~ (a) ~~§ 109401~~ In General. ~~§ 109401~~ The Administrator ~~of the Environmental Protection Agency~~ shall establish a separately identified program of continuing, long-term environmental research and development ~~for each activity listed in section 2(a) for~~

~~§ 109401~~ (1) air quality activities under division A of this subtitle II;

~~§ 109401~~ (2) water quality activities under the Federal Water Pollution Control Act. Unless (33 U.S.C. 1251 et seq.);

~~§ 109401~~ (3) water supply activities under the Safe Drinking Water Act (42 U.S.C. 300f et seq.);

~~§ 109401~~ (4) solid waste activities under the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.);

~~§ 109401~~ (5) pesticide activities under the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136 et seq.);

~~§ 109401~~ (6) radiation activities under the Public Health Service Act (42 U.S.C. 201 et seq.);

4I22 (7) interdisciplinary activities in the Health and Ecological Effects program and the Monitoring and Technical Support program;

4I22 (8) toxic substance activities under the Toxic Substances Control Act (15 U.S.C. 2601 et seq.); and

4I22 (9) energy activities in the Health and Ecological Effects program and the Energy Control program.

4I20 (b) Use of Appropriated Funds~~4K.~~ Unless otherwise specified by law, at least 15 ~~per centum~~ percent of funds appropriated to the Administrator for environmental research and development for each activity listed in section 2 subsection (a) of this Act shall be obligated and expended for ~~such~~ long-term environmental research and development under this section subsection (a).

SECTION 109401—CONTINUING AND LONG-TERM ENVIRONMENTAL RESEARCH AND DEVELOPMENT

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Pub. L.)</i>
109401	42 U.S.C. 4363	Pub. L. 96-569, § 2(f)

In subsection (a), paragraphs (1) through (9), derived from section 2(a) of Pub. L. 96-569, are substituted for “each activity listed in section 2(a) of this Act” for clarity and convenience.

4I78 Chapter ~~111~~ Provisions Applicable to More Than 1 Subtitle or Other Law

4I75 § ~~111~~ 101. Oklahoma Indian country

4I20 (a) Oklahoma. ~~Notwithstanding~~ Administration of State Programs by the State ~~4K.~~ Notwithstanding any other provision of law, if the Administrator ~~of the Environmental Protection Agency (referred to in this section as the “Administrator”)~~ determines that a regulatory program submitted by the State of Oklahoma for approval by the Administrator under a law administered by the Administrator meets applicable requirements of the law, and the Administrator approves the State to

administer the State program under the law with respect to areas in the State that are not Indian country, on request of the State, the Administrator shall approve the State to administer the State program in the areas of the State that are in Indian country, without any further demonstration of authority by the State.

~~§ 120~~ (b) ~~Treatment~~^{§ 15}~~Treatment~~ as ~~State~~.
~~Notwithstanding~~^{§ 4K}~~Notwithstanding~~ any other provision of law, the Administrator may treat an Indian tribe in the State of Oklahoma as a State under a law administered by the Administrator only ~~if~~^{if}.

~~§ 122~~ (1) the Indian tribe meets requirements under the law to be treated as a State; and

~~§ 122~~ (2) the Indian tribe and the agency of the State of Oklahoma with federally delegated program authority enter into a cooperative agreement, subject to review and approval of the Administrator after notice and opportunity for public hearing, under which the Indian tribe and that State agency agree to treatment of the Indian tribe as a State and to jointly plan and administer program requirements.

SECTION 111101—OKLAHOMA INDIAN COUNTRY

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Pub. L.)</i>
111101	not classified	Pub. L. 109-59, title X, § 10211

~~§ 178~~ Chapter ~~C~~¹⁹⁹ Miscellaneous

~~§ 175~~ ~~S~~¹⁹⁹ 101. Interagency cooperation on prevention of environmental cancer and heart and lung disease

~~§ 120~~ (a) ~~Not later than three months after August 7, 1977, there~~^{§ 14}~~Task Force~~^{4K}~~There~~ shall be established a Task Force on Environmental Cancer and Heart and Lung Disease (~~hereinafter~~ referred to in this section as the ``Task Force'). ~~The~~

4I20 (b) 4T4Membership; Chair4K.4The Task Force

4I22 (1) shall include

4I24 (A) representatives of the Environmental Protection AgencyEPA, the National Cancer Institute, the National Heart, Lung, and Blood Institute, the National Institute of Occupational Safety and Health, and the National Institute on Environmental Health Sciences;~~and shall be chaired by the Administrator (or his delegate);~~ and

4I22 (2) shall be chaired by the Administrator.

4I20 (c) 4T4Duties4K.4The Task Force shall

4I22 (1) recommend a comprehensive research program to determine and quantify the relationship between environmental pollution and human cancer and heart and lung disease;

4I22 (2) recommend comprehensive strategies to reduce or eliminate the risks of cancer or ~~such other diseases~~ heart and lung disease associated with environmental pollution;

4I22 (3) recommend research and such other measures as may be appropriate to prevent or reduce the incidence of environmentally related cancer and heart and lung diseases; and

4I22 (4) coordinate research by, and stimulate cooperation between, the Environmental Protection AgencyEPA, the Department of Health and Human Services, and such other agencies as may be appropriate to prevent environmentally related cancer and heart and lung diseases; and.

4I20 (b) 4T4Membership; Chair4K.4The Task Force

4I22 (1) shall include

4I24 (B) the Director of the National Center for Health Statistics and the head of the CenterCenters for Disease Control and Prevention (or the successor to ~~such that~~ entity) shall each serve as members of the Task Force on Environmental Cancer and Heart); and Lung Disease established under section 4362 of this title.

SECTION 199101—INTERAGENCY COOPERATION ON PREVENTION OF
ENVIRONMENTAL CANCER AND HEART AND LUNG DISEASE

Revised Section	Source (U.S. Code)	Source (Pub. L.)
199101 (except (b)(1)(B)).	42 U.S.C. 4362(a) through (b)(4)	Pub. L. 95–95, § 402(a) through (b)(4)
199101(b)(1)(B)	42 U.S.C. 4362a	Pub. L. 95–623, § 9

In subsection (b)(2), “(or his delegate)” is omitted as unnecessary.

§ 199102. Utilization of talents of older Americans in projects of pollution prevention, abatement, and control

~~§ 199102(a) Technical assistance to environmental agencies~~

~~§ 199102(a) Technical Assistance to Environmental Agencies. Notwithstanding any other provision of law relating to Federal grants and cooperative agreements, the Administrator of the Environmental Protection Agency is authorized to make grants to, or enter into a cooperative agreement with, a private nonprofit organization designated by the Secretary of Labor under title V of the Older Americans Act of 1965 (42 U.S.C. 3056 et seq.) to utilize the talents of older Americans in programs authorized by other provisions of law administered by the Administrator (and consistent with such those provisions of law) in providing technical assistance to Federal, State, and local environmental agencies for projects of pollution prevention, abatement, and control. Funding for such grants or agreements may be made available from such programs or through title V of the Older Americans Act of 1965 and subtitle D of title I of the Workforce Investment Act of 1998 [29 U.S.C. 2911 et seq.].~~

~~§ 199102(b) Pre-award certifications~~

~~§ 199102(b) Pre-Award Certifications. Prior to awarding any grant or agreement under subsection (a) of this section, the applicable Federal, State, or local environmental agency shall certify to the Administrator that such grants the grant or agreements agreement will not~~

§ 122 (1) result in the displacement of individuals currently employed by the environmental agency concerned (including partial displacement through reduction of nonovertime hours, wages, or employment benefits);

§ 122 (2) result in the employment of any individual when any other person is in a layoff status from the same or substantially equivalent job within the jurisdiction of the environmental agency concerned; or

§ 122 (3) affect existing contracts for services.

§ 120 (c) ~~Prior Funding Acts.~~

~~§ 122 (1) In general Funding for grants or agreements under this section may be made available from programs described in subsection (a) or through title V of the Older Americans Act of 1965 (42 U.S.C. 3056 et seq.) and subtitle D of title I of the Workforce Investment Act of 1998 (29 U.S.C. 2911 et seq.).~~

~~§ 122 (2) Prior appropriation Acts~~

~~§ 11 Grants acts Grants or agreements awarded under this section shall be subject to prior appropriation Acts.~~

SECTION 199102—UTILIZATION OF TALENTS OF OLDER AMERICANS IN PROJECTS OF POLLUTION PREVENTION, ABATEMENT, AND CONTROL

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Pub. L.)</i>
199102	42 U.S.C. 4368a	Pub. L. 98-313, § 2

§ 199103. Indian environmental general assistance program

§ 120 (a) ~~Short title~~

~~This section may be cited as the "Indian Environmental General Assistance Program Act of 1992".~~

~~(b) Purposes~~

~~The Purposes The purposes of this section are to~~

~~§ 122~~ (1) provide general assistance grants to Indian tribal governments and intertribal consortia to build capacity to administer environmental regulatory programs that may be delegated by the Environmental Protection Agency Administrator on Indian lands~~land~~; and

~~§ 122~~ (2) provide technical assistance from the Environmental Protection Agency Administrator to Indian tribal governments and intertribal consortia in the development of multimedia programs to address environmental issues on Indian lands~~land~~.

~~§ 19(c) Definitions~~

~~§ 11~~ For purposes of ~~§ 120~~ (b) § 120 Definitions ~~§ K.~~ In this section:

~~§ 12(1) The~~ ~~§ 122~~ (1) § 120 Indian tribal government ~~§ K.~~ The term "Indian tribal government" means any Indian tribe, band, nation, or other organized group or community, including any Alaska Native village or regional or village corporation (as defined in, or established pursuant to, the Alaska Native Claims Settlement Act (43 U.S.C. ~~A.~~ 1601; et seq.)), which~~that~~ is recognized as eligible for the special services provided by the United States to Indians because of their status as Indians.

~~§ 12~~ ~~§ 122~~ (2) § 120 Intertribal consortium ~~§ K.~~ The term "intertribal consortia" or "intertribal-consortium" means a partnership between two~~2~~ or more Indian tribal governments authorized by the governing bodies of those Indian tribes to apply for and receive assistance pursuant to this section.

~~§ 12(3) The term "Administrator" means the~~ ~~§ 120~~ (c) § 120 General Assistance Program ~~§ K.~~

~~§ 122~~ (1) § 120 In general ~~§ K.~~ The Administrator ~~of the Environmental Protection Agency.~~

~~§ 19(d) General assistance program~~

~~§ 11(1) The Administrator of the Environmental Protection Agency~~ shall establish an Indian Environmental General Assistance Program~~environmental general assistance program~~ that provides grants to eligible Indian

tribal governments or intertribal consortia to cover the costs of planning, developing, and establishing environmental protection programs consistent with other applicable provisions of law providing for enforcement of such laws by Indian tribes on Indian ~~lands~~land.

~~§ 122~~ (2) ~~Each~~Each grant awarded for general assistance under this subsection for a fiscal year shall be ~~not~~not less than \$75,000, and no single grant may be awarded to an Indian tribal government or intertribal consortium for more than 10 percent of the funds appropriated ~~under subsection (h) of~~to carry out this section.

~~§ 122~~ (3) ~~The~~The term of any general assistance award made under this subsection may exceed ~~one~~1 year. Any ~~awards~~award made pursuant to this section shall remain available until expended. An Indian tribal government or intertribal consortium may receive a general assistance grant for a period of up to ~~four~~4 years in each specific media area.

~~§ 19(e) No reduction in amounts~~

~~§ 120~~ (d) ~~No Reduction in Amounts~~In no case shall the award of a general assistance grant to an Indian tribal government or intertribal consortium under this section result in a reduction of ~~Environmental Protection Agency~~EPA grants for environmental programs to that tribal government or consortium. Nothing in this section shall preclude an Indian tribal government or intertribal consortium from receiving individual media grants or cooperative agreements. Funds provided by the ~~Environmental Protection Agency~~Administrator through the general assistance program shall be used by an Indian tribal government or intertribal consortium to supplement other funds provided by the ~~Environmental Protection Agency~~Administrator through individual media grants or cooperative agreements.

~~§ 19(f) Expenditure of general assistance~~

~~Any~~ (e) ~~Expenditure of General Assistance~~Any general assistance under this section shall be expended for the

purpose of planning, developing, and establishing the capability to implement programs administered by the ~~Environmental Protection Agency Administrator~~ and specified in the assistance agreement. Purposes and programs authorized under this section shall include the development and implementation of solid and hazardous waste programs for Indian ~~lands~~land. An Indian tribal government or intertribal consortium receiving general assistance pursuant to this section shall utilize ~~such~~the funds for programs and purposes to be carried out in accordance with the terms of the assistance agreement. ~~Such~~The programs and general assistance shall be carried out in accordance with the purposes and requirements of applicable provisions of law; ~~(including the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.)).~~

~~119(g) Procedures~~

~~111(1) Within 12 months following October 24, 1992, the~~ ~~120~~ (f) ~~114~~Procedures~~114~~

~~122~~ (1) ~~114~~Regulations~~114~~The Administrator shall promulgate regulations establishing procedures under which an Indian tribal government or intertribal consortium may apply for general assistance grants under this section.

~~111(2) The Administrator shall publish regulations issued pursuant to this section in the Federal Register.~~

~~111(3) The~~ ~~122~~ (2) ~~114~~Accounting, auditing, evaluating, and reviewing~~114~~The Administrator shall establish procedures for accounting, auditing, evaluating, and reviewing any programs or activities funded in whole or in part ~~for~~by a general assistance grant under this section.

~~119(i) Report~~ ~~120~~ (g) ~~114~~Reports to ~~Congress~~

~~111~~The~~Congress~~~~114~~The Administrator shall ~~transmits~~submit an annual report to the appropriate Committees of ~~the~~ Congress with jurisdiction over the applicable environmental laws and Indian tribes describing which Indian tribes or intertribal consortia have been granted approval by the Administrator pursuant to law to enforce certain environmental laws and the effectiveness of

any such enforcement.

SECTION 199103—INDIAN ENVIRONMENTAL GENERAL ASSISTANCE PROGRAM

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Pub. L.)</i>
199103	42 U.S.C. 4368b(a) through (g), (i)	Pub. L. 95-134, title V, § 502(a) through (g), (i)

In subsection (f), paragraph (2) of 42 U.S.C. 4368b(f), providing that “[t]he Administrator shall publish regulations issued pursuant to this section in the Federal Register”, is omitted as unnecessary.

In subsection (f)(2), “by a general assistance grant” is substituted for “for a general assistance grant” for clarity.

§ 199104. EPA fees

(a) ~~Assessment~~ Assessment and ~~collection~~

~~The~~ The Administrator ~~of the Environmental Protection Agency~~ shall, by regulation, assess and collect fees and charges for services and activities carried out pursuant to laws administered by the ~~Environmental Protection Agency~~ Administrator.

(b) ~~Limitation~~ Limitation on ~~fees~~ Fees and ~~charges~~ Charges.

(1) ~~The~~ Certain programs ~~K.~~ The maximum aggregate amount of fees and charges in excess of the amounts being collected under ~~current law which~~ law in effect as of November 5, 1980, that may be assessed and collected pursuant to this section in a fiscal year—

(A) for services and activities carried out pursuant ~~to~~ to the Federal Water Pollution Control Act ~~(~~ (33 U.S.C. 1251 et seq. ~~.)~~ .) is \$10,000,000; and

~~So in original. Probably should be ``to``.~~

(B) for services and activities in programs within the jurisdiction of the ~~House~~ Committee on Energy and Commerce of the

House of Representatives and administered by the Environmental Protection Agency through the Administrator, shall be limited ~~to~~to

§ 126 (i) such sums collected as of November 5, 1990, pursuant to sections 262526 (b) and 305 (d) (2) of the Toxic Substances Control Act (15 U.S.C. 2625 (b), 2665 (e)(2) | d) (2) IN of title 15;); and

§ 126 (ii) such sums specifically authorized by Public Law 101-549 (commonly known as the Clean Air Act Amendments of 1990).

§ 128 (2) See References in Text note below.

§ 104

§ 112 (2) Any § 122 (2) § 140 other programs § K. Any remaining amounts required to be collected under this section shall be collected from services and programs administered by the Environmental Protection Agency Administrator other than those specified in subparagraphs (A) and (B) of paragraph (1).

§ 119 (d) Rule of construction

§ 111 Nothing § 120 (c) § 14 Rule of Construction § K. Nothing in this section increases or diminishes the authority of the Administrator to promulgate regulations pursuant to section 9701 of title 31.

§ 119 (e) Uses § 120 (d) § 14 Uses of fees

§ 111 Fees Fees § K. Fees and charges collected pursuant to this section shall be deposited ~~into~~in the Treasury in a special account for environmental services ~~in the Treasury of the United States.~~ Subject to appropriation Acts, such funds shall be available to the Environmental Protection Agency Administrator to carry out the activities for which ~~such~~the fees and charges are collected. Such funds shall remain available until expended.

SECTION 199104—EPA FEES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Pub. L.)</i>
199104	42 U.S.C. 4370c(a), (c) through (e)	Pub. L. 101-508, title VI, § 6501(a), (c) through (e)

In subsection (b)(1), “law in effect as of November 5, 1980” is substituted for “current law” for clarity.

In subsection (b)(1)(B)(I), “sections 26(b) and 305(d)(2) of the Toxic Substances Control Act” is substituted for “sections 26(b) and 305(e)(2) of the Toxic Substances Control Act” because section 305(e)(2) of the Toxic Substances Control Act was redesignated as section 305(d)(2) by section 202(l)(2) of Pub. L. 104-66 (109 Stat. 728).

In subsection (b)(1)(B)(II), “Public Law 101-549 (commonly known as the Clean Air Act Amendments of 1990)” is substituted for “the Clean Air Act Amendments of 1990” for clarity.

§ 199105. Availability of fees and charges deposited in the Licensing and Other Services Fund to carry out EPA programs

~~Notwithstanding any other provision of law, after September 30, 1990, amounts~~ Amounts deposited in the Licensing and Other Services Fund from fees and charges assessed and collected by the Administrator for services and activities carried out pursuant to the statutes administered by the ~~Environmental Protection Agency Administrator~~ shall ~~thereafter~~ be available to carry out ~~the Agency's EPA's~~ activities in the programs for which the fees or charges are made.

SECTION 199105—AVAILABILITY OF FEES AND CHARGES DEPOSITED IN THE LICENSING AND OTHER SERVICES FUND TO CARRY OUT EPA PROGRAMS

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Pub. L.)</i>
199105	42 U.S.C. 4370b	Pub. L. 101-144, title III, 1st paragraph under heading “ADMINISTRATIVE PROVISIONS” under heading “ENVIRONMENTAL PROTECTION AGENCY”.

§ 199106. Percentage of Federal funding for organizations owned by socially and economically disadvantaged individuals

~~The Administrator of the Environmental Protection Agency shall, on and after October 6, 1992,~~ to the fullest extent possible, ensure that at least 8 ~~per centum~~ percent of Federal funding for prime and subcontracts awarded in support of authorized programs, including grants, loans, and contracts for wastewater treatment and leaking underground storage tanks grants, be made available to business concerns or other organizations owned or controlled by socially and economically disadvantaged individuals (within the meaning of ~~section 637(a) paragraphs (5) and (6) of title section 8(a) of the Small Business Act (15 U.S.C. 637(a))~~), including historically black colleges and universities. ~~For~~

~~For~~ purposes of this section, economically and socially disadvantaged individuals shall be deemed to include women.

SECTION 199106—PERCENTAGE OF FEDERAL FUNDING FOR ORGANIZATIONS OWNED BY SOCIALLY AND ECONOMICALLY DISADVANTAGED INDIVIDUALS

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Pub. L.)</i>
199106	42 U.S.C. 4370d	Pub. L. 102-389, title III, 1st paragraph under heading "ADMINISTRATIVE PROVISIONS" under heading "ENVIRONMENTAL PROTECTION AGENCY".

§ 199107. Working capital fund

~~There is hereby established in the Treasury a "Working working capital fund" fund, to be available without fiscal year limitation for expenses and equipment necessary for the maintenance and operation of such administrative services as the Administrator determines may be performed more advantageously as central services: ~~Provided, That any.~~~~

~~§ 120~~ (b) ~~§ 104~~ Use of Assets To Capitalize Fund ~~§ K.~~ Any inventories, equipment, and other assets pertaining to the services to be provided by ~~such~~ the working capital fund, either on hand or on order, less the related liabilities or unpaid obligations, and any appropriations made ~~hereafter~~ for the purpose of providing capital, shall be used to capitalize ~~such~~ the working capital fund: ~~§ 103~~ ~~Provided further~~ ~~§ K.~~ ~~That such~~ .

~~§ 120~~ (c) ~~§ 104~~ Payment or Reimbursement ~~§ K.~~ The working capital fund shall be paid in advance or reimbursed from funds available to ~~the Agency~~ EPA and other Federal agencies for which such centralized services are performed, at rates ~~which~~ that will return in full all expenses of operation, ~~including~~ including

~~§ 122~~ (1) accrued leave; i

~~§ 122~~ (2) depreciation of fund plant and equipment; i

~~§ 122~~ (3) amortization of automated data processing (~~ADP~~) software and systems (either acquired or donated); i and

~~§ 122~~ (4) an amount necessary to maintain a reasonable operating reserve, as determined by the Administrator: ~~§ 103~~ ~~Provided further~~ ~~§ K.~~ ~~That such~~ .

~~§ 120~~ (d) ~~§ 104~~ Competition ~~§ K.~~ The working capital fund shall provide services on a competitive basis: ~~§ 103~~ ~~Provided further~~ ~~§ K.~~ ~~That an~~ .

~~§ 120~~ (e) ~~§ 104~~ Reserve ~~§ K.~~

~~§ 122~~ (1) ~~§ 104~~ In general ~~§ K.~~ An amount not to exceed ~~four~~ 4 percent of the total ~~annual~~ income to ~~such~~ the working capital fund during a fiscal year may be retained in the fund ~~for fiscal year 1997 and each fiscal year thereafter~~, to remain available until expended, to be used for the acquisition of capital equipment and for the improvement and implementation of Agency EPA financial management, ADP automated data processing, and other support systems: ~~§ 103~~ ~~Provided further~~ ~~§ K.~~ ~~That no~~

~~later than thirty days after the end of each fiscal year amounts in excess of this reserve limitation shall be transferred to the Treasury.~~

§ 22 (2) (K) Not later than 30 days after the end of each fiscal year, amounts in excess of the reserve limitation under paragraph (1) shall be transferred to the Treasury.

SECTION 199107—WORKING CAPITAL FUND

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Pub. L.)</i>
199107	42 U.S.C. 4370e	Pub. L. 104-204, title III, matter under heading "WORKING CAPITAL FUND" under heading "ENVIRONMENTAL PROTECTION AGENCY".

§ 175 (S) 199108. Availability of funds after expiration of period for liquidating obligations

~~§ 175 (S) 199108. Availability of funds after expiration of period for liquidating obligations~~
~~§ 20 (K) For any fiscal year 2001 and thereafter, the obligated balances of sums available in multiple-year appropriations accounts shall remain available through the seventh 7th fiscal year after their period of availability has expired for liquidating obligations made during the period of availability.~~

SECTION 199108—AVAILABILITY OF FUNDS AFTER EXPIRATION OF PERIOD FOR LIQUIDATING OBLIGATIONS

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Pub. L.)</i>
199108	42 U.S.C. 4370f	Pub. L. 106-377, title III, 1st paragraph under heading "ADMINISTRATIVE PROVISIONS" under heading "ENVIRONMENTAL PROTECTION AGENCY".