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(Original Signature of Member)

119TH CONGRESS
2D SESSION

H. R. _____

To amend the Environmental Research, Development, and Demonstration Authorization Act of 1978 to establish in the Environmental Protection Agency the State Standing Committee, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. BAIRD introduced the following bill; which was referred to the Committee
on _____

A BILL

To amend the Environmental Research, Development, and Demonstration Authorization Act of 1978 to establish in the Environmental Protection Agency the State Standing Committee, and for other purposes.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “State Standing Com-
5 mittee Act”.

1 **SEC. 2. STATE STANDING COMMITTEE OF THE ENVIRON-**
2 **MENTAL PROTECTION AGENCY.**

3 The Environmental Research, Development, and
4 Demonstration Authorization Act of 1978 is amended—

5 (1) by inserting after section 8 (42 U.S.C.
6 4365) the following new section:

7 **“SEC. 8A. STATE STANDING COMMITTEE.**

8 “(a) IN GENERAL.—There is established in the Envi-
9 ronmental Protection Agency the State Standing Com-
10 mittee (in this section referred to as the ‘Committee’).

11 “(b) MEMBERSHIP.—

12 “(1) IN GENERAL.—The Committee shall be
13 composed of one member from each State, Federal
14 district, Federal territory, or Federally recognized
15 Tribe (as such term is defined in section 4 of the
16 Native American Housing Assistance and Self-De-
17 termination Act of 1996 (25 U.S.C. 4103)).

18 “(2) QUALIFICATIONS.—Each member of the
19 Committee shall satisfy the following requirements:

20 “(A) Reside in the State, Federal district,
21 or Federal territory, or be a member of the
22 Federally recognized Tribe, such member rep-
23 resents under paragraph (1).

24 “(B) Be an employee of a government
25 agency that satisfies the following requirements:

1 “(i) Is of such State, Federal district,
2 Federal territory, or Federally recognized
3 Tribe, as the case may be.

4 “(ii) Is an environmental agency, nat-
5 ural resource agency, agricultural agency,
6 or other agency responsible for regulatory
7 compliance with environmental standards.

8 “(C) Be qualified by education, training,
9 or experience to evaluate scientific or technical
10 information relevant to such State, Federal dis-
11 trict, Federal territory, or Federally recognized
12 Tribe, as the case may be.

13 “(3) PROHIBITIONS.—A member of the Com-
14 mittee may not be any of the following:

15 “(A) A member or employee of the Science
16 Advisory Board established under section 8 (in
17 this section referred to as the ‘Board’).

18 “(B) Except as provided in paragraph
19 (2)(B), an employee of the Federal Govern-
20 ment.

21 “(c) APPOINTMENT.—

22 “(1) IN GENERAL.—The Administrator of the
23 Environmental Protection Agency (in this section re-
24 ferred to as the ‘Administrator’) and the Board shall
25 appoint through an open, competitive, and merit-

1 based process the members of the Committee, who
2 shall serve without pay and on a voluntary, ad hoc
3 basis.

4 “(2) VACANCIES.—If a vacancy exists on the
5 Committee, not later than 90 days after the date on
6 which such vacancy began, the Administrator and
7 the Board shall fill such vacancy in the manner in
8 which the original appointment was made.

9 “(d) ADVICE.—

10 “(1) COMMITTEE.—The Committee may pro-
11 vide to the Administrator and the Board scientific or
12 technical advice, including majority and minority
13 views, as applicable, on matters specified in sub-
14 section (h), regardless of the following:

15 “(A) Whether such matters are referred to
16 the Committee by the Administrator or the
17 Board.

18 “(B) Whether the Committee reaches a
19 majority consensus with respect to such advice.

20 “(2) MEMBER.—

21 “(A) IN GENERAL.—Notwithstanding para-
22 graph (1), a member of the Committee may
23 provide to the Administrator and the Board sci-
24 entific or technical advice on matters specified
25 in subsection (h) if such advice concerns, to the

1 extent practicable, the State, Federal district,
2 Federal territory, or Federally recognized Tribe
3 such member represents under subsection
4 (b)(1).

5 “(B) PROHIBITIONS.—Neither the Com-
6 mittee nor a member of the Committee may
7 prohibit advice from being provided pursuant to
8 subparagraph (A).

9 “(e) WORKING GROUPS.—The Committee may estab-
10 lish working groups with respect to matters specified in
11 subsection (h) that concern one or more States, Federal
12 districts, Federal territories, or Federally recognized
13 Tribes.

14 “(f) PUBLICATION.—Not later than 30 days after ad-
15 vice is provided pursuant to paragraph (1) or (2)(A) of
16 subsection (d), the Administrator shall make publicly
17 available on a website of the Environmental Protection
18 Agency such advice.

19 “(g) FEDERAL ADVISORY COMMITTEE ACT.—Chap-
20 ter 10 of title 5, United States Code, (commonly referred
21 to as the Federal Advisory Committee Act) does not apply
22 to the Committee.

23 “(h) MATTERS SPECIFIED.—The matters specified in
24 this subsection are matters under any of the following:

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

3 “(2) The Federal Water Pollution Control Act
4 (33 U.S.C. 1251 et seq.).

5 “(3) The Resource Conservation and Recovery
6 Act of 1976.

7 “(4) The Noise Control Act of 1972 (42 U.S.C.
8 4901 et seq.).

9 “(5) The Toxic Substances Control Act (15
10 U.S.C. 2601 et seq.).

11 “(6) The Federal Insecticide, Fungicide, and
12 Rodenticide Act (7 U.S.C. 136 et seq.).

13 “(7) The Comprehensive Environmental Re-
14 sponse, Compensation, and Liability Act (42 U.S.C.
15 9601 et seq.).

16 “(8) The Pollution Prevention Act of 1990 (42
17 U.S.C. 13101 et seq.).

18 “(9) The Safe Drinking Water Act (42 U.S.C.
19 300f et seq.).

20 “(10) Subsection (e)(2)(C) of section 8.

21 “(11) Any other authority of the Adminis-
22 trator.”; and

23 (2) in section 8 (relating to the Science Advi-
24 sory Board)—

1 (A) in subsection (a), by striking “the Ad-
2 ministrator,” and all that follows through the
3 period and inserting “the Administrator or an
4 appropriate committee of Congress.”;

5 (B) in subsection (c)(1) (relating to mat-
6 ters before the Board)—

7 (i) by striking the comma after “Re-
8 source”;

9 (ii) by inserting “of 1972” after
10 “Noise Control Act”; and

11 (iii) by inserting “the Federal Insecti-
12 cide, Fungicide, and Rodenticide Act, the
13 Comprehensive Environmental Response,
14 Compensation, and Liability Act, the Pol-
15 lution Prevention Act of 1990,” after
16 “Substances Control Act,”;

17 (C) by amending subsection (i) to read as
18 follows:

19 “(i) REPORT TO CONGRESS.—Not later than one year
20 after the date of the enactment of this sentence and annu-
21 ally thereafter, the Administrator shall submit to each ap-
22 propriate committee of Congress a report regarding the
23 membership and activities of, and the advice and com-
24 ments provided by, the following for the annual period cov-
25 ered by such report:

1 “(1) The Board, including each committee and
2 investigative panel established under subsection (e).

3 “(2) The State Standing Committee under sec-
4 tion 8A.”; and

5 (D) by adding at the end the following new
6 subsection:

7 “(j) APPROPRIATE COMMITTEE OF CONGRESS DE-
8 FINED.—In this section, the term ‘appropriate committee
9 of Congress’ means any of the following:

10 “(1) The Committee on Science, Space, and
11 Technology of the House of Representatives.

12 “(2) The Committee on Environment and Pub-
13 lic Works of the Senate.”.