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Environmental Protection Issues in the 108th Congress

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Contents

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SUMMARY

This issue brief provides an overview of the key environmental protection issues that have received attention in the 108th Congress. The sections on specific issues reference more detailed CRS reports. (This issue brief emphasizes pollution-related matters; natural resource management issues are not included.)

Appropriations for the Environmental Protection Agency (EPA) affect many of the programs and issues discussed in this issue brief (e.g., funding for state environmental programs, enforcement, and water infrastructure projects); thus, EPA's funding has been an issue of perennial interest. At the beginning of the second session, Congress completed consideration of a consolidated appropriations act (P.L. 108-199, H.R. 2673), which provided $8.4 billion for EPA in FY2004.

The second session is now focusing on the FY2005 EPA appropriation. The Administration has requested $7.8 billion for EPA, about $600 million less than Congress provided for FY2004. Among the largest decreases would be a $500 million cut in funding for wastewater infrastructure projects, a discontinuance of funding for congressionally mandated projects in FY2004, and a $100 million cut in support for science and technology programs. However, the request includes significant increases for other activities, such as a $132 million increase for the cleanup of hazardous waste sites under the Superfund program. The adequacy of funding for these and other activities has been controversial.

The 108th Congress has acted on legislation to address a number of other key issues, including leaking underground storage tanks that may contaminate water supplies, wastewater treatment utility and chemical facility security, expanding authority for an EPA ombudsman, environmental concerns in surface transportation reauthorization legislation, brownfields grants, environmental issues in comprehensive energy legislation, and defense cleanup and military/environment issues. These issues are discussed in this report along with other matters on the agenda including issues involving the Clean Air Act, Clean Water Act, Safe Drinking Water Act, and alternative fuels and vehicles.

The status of committee and floor action on environmental legislation is shown in **Table 1** at the end of this issue brief. Bills receiving congressional action include the conference report on the energy bill, H.R. 6; the Wastewater Treatment Works Security Act of 2003, H.R. 866 and S. 1039; the Underground Storage Tank Compliance Act of 2003, S. 195; the Ombudsman Reauthorization Act, S. 515; the Brownfields Redevelopment Enhancement Act, H.R. 239; the Chemical Facility Security Act, S. 994; POPs, LRTAP POPs and PIC Implementation Act of 2003, S. 1486; the Water Quality Financing Act of 2003, H.R. 1560; and the National Defense Authorization Act for 2004 (P.L. 108-136), which includes several environmental provisions.

MOST RECENT DEVELOPMENTS

Conferees began meeting June 9, 2004, to resolve differences between the House and Senate bills reauthorizing federal highway and transit programs from FY2004 through FY2009, including funding for air and water quality projects and other environmental activities. The House passed its version of this legislation (H.R. 3550) on April 2, 2004; the Senate passed its version, S. 1072, on February 12, 2004. Extension legislation (P.L. 108-224, H.R. 4219) continues funding for federal highway and transit programs at FY2003 levels through June 30, 2004, while Congress works on a comprehensive reauthorization bill.

On June 15, 2004, the House passed H.R. 4503, which is identical to the conference version of the energy bill (H.R. 6, H.Rept. 108-375). On May 11, 2004, the Senate passed the corporate tax bill, S. 1637, including tax provisions from the energy bill, H.R. 6. Also on May 11, the Senate Armed Services Committee reported the National Defense Authorization Act for FY2005 (S. 2400, S.Rept. 108-260), which would authorize funding for cleanup and other environmental activities at defense sites. It does not include environmental exemptions that the Department of Defense had proposed earlier this year. (**Table 1** at the end of this issue brief shows action on a large number of environmentally related bills.)

BACKGROUND AND ANALYSIS

The 108th Congress has acted on a number of environmental measures, some of which represent proposals or initiatives that were under consideration in the 107th Congress. Bills have been passed to address security at sewage treatment facilities; funding for clean water infrastructure projects; MTBE contamination from leaking underground storage tanks; and brownfields. Other measures include the comprehensive energy bill, which contains provisions affecting several environmental laws; as well as legislation to reauthorize federal highway and transit programs, including air and water quality projects and other environmental activities. Congress also continues to address Department of Energy and Department of Defense cleanup programs and related environmental issues.

Other major issues on the environmental protection agenda of the 108th Congress include consideration of the Administration's "Clear Skies" proposal concerning emissions from electric power plants, continuing interest in energy conservation, and legislation concerning treaties controlling certain persistent pesticide and other pollutants. Also under consideration are oversight of various programs, including a Clean Water Act program for restoring pollution-impaired waters, and New Source Review regulations implementing provisions of the Clean Air Act. All of these are discussed in the sections below. See **Table 1** at the end of this issue brief for a summary of action on environmental bills in the 108th Congress and issue discussions below for details.

While the overall authorizations for most environmental protection statutes have expired, program activities continue as Congress has regularly appropriated funds to implement these laws; so the fact that authorizations have expired does not seem to be a significant impetus for legislative activity. In addition, demands for or constraints on funding programs are likely to continue to stimulate legislative action.

The discussion of the major environmental protection issues below focuses on key issues and activity in the 108th Congress. It is not intended to include comprehensive

coverage of all environmental issues; in particular, it does not address issues involving public lands and natural resources. For more details on individual issues, see the references in each section below. For an overview of environmental protection laws, see CRS Report RL30798, *Environmental Laws: Summaries of Statutes Administered by the Environmental Protection Agency.*

Environmental Protection Agency Appropriations

The President's FY2005 budget request includes $7.8 billion for the Environmental Protection Agency (EPA), about $600 million less than the appropriation of $8.4 billion for FY2004. The decrease is mostly due to a reduction in funding for scientific research and water infrastructure projects, many of which were congressionally mandated projects that received earmarked funding in FY2004. For more information on EPA appropriations, see CRS Report RL32441.

While EPA has revised its budget for FY2005 to reflect five performance goals instead of ten, its budget continues to be organized according to eight appropriations accounts. The request of $725 million (after transfers) for the Science and Technology account is $100 million less than appropriated for FY2004, and is part of a larger reduction that the Administration has proposed for non-defense scientific research among several federal agencies. The budget request includes $2.3 billion for the Environmental Programs and Management account, $37 million more than appropriated for FY2004.

The request includes $1.3 billion (after transfers) for the Superfund account to clean up hazardous waste sites, $132 million more than appropriated for FY2004. Key issues are the adequacy of proposed funding to meet cleanup needs, and the complete reliance on general Treasury revenues to support this account. An industry-supported trust fund paid for most of the Superfund program in the past, but it has been expended, as taxing authority for it expired at the end of 1995.

The request includes $3.2 billion for the State and Tribal Assistance Grants (STAG) account, $646 million less than appropriated for FY2004. Water infrastructure projects are funded within this account. The adequacy of funding to meet state and local wastewater and drinking water needs continues to be an issue. The STAG request includes $850 million for wastewater infrastructure, about $500 million less than appropriated for FY2004, and $850 million for drinking water infrastructure, the same as appropriated for FY2004. It also includes $94 million for other water infrastructure needs, $1.3 billion for state and tribal categorical grants, $65 million for clean school buses, and $181 million for Brownfields grants.

The request for the following accounts is similar to the FY2004 appropriation: Buildings and Facilities, Oil Spill Response, Office of the Inspector General, and the Leaking Underground Storage Tank (LUST) Program.

Hearings have been held in the House and Senate to examine the President's FY2005 budget request for EPA, and the House has passed the conference agreement on the FY2005 budget resolution (S.Con.Res. 95, H.Rept. 108-498). It would allocate $32.1 billion to the Natural Resource and Environment Function, about $1.8 billion more than requested. This functional category includes numerous federal land management agencies and EPA. The budget resolution includes several nonbinding funding assumptions specific to EPA A stand-

alone bill has also been introduced (H.R. 4421) that would appropriate $8.8 billion for EPA in FY2005, about $1 billion more than requested, and has been referred to the House Appropriations Committee and the House Ways and Means Committee. Funding for EPA is traditionally provided in the Veterans Affairs, Housing and Urban Development (VA-HUD), and Independent Agencies appropriations bill, and is the likely vehicle for further legislative activity. It will be marked up by the House and Senate Appropriations Committees and formally introduced after markup.

Clean Air Issues (by Jim McCarthy, Specialist in Environmental Policy, 7-7225)

The conference report on the energy bill (H.R. 6), which came to the floor in the House and Senate for action the week of November 17, 2003 — but did not pass the Senate — contains several Clean Air Act provisions. Most of these are also contained in S. 2095, the revised version of the bill introduced February 12, 2004. The most prominent of the air provisions concern the gasoline additives MTBE and ethanol, which are used to meet Clean Air Act requirements that gasoline sold in the nation's worst ozone nonattainment areas (reformulated gasoline, RFG) contain at least 2% oxygen, to improve combustion. MTBE has been implicated in numerous incidents of groundwater contamination.

H.R. 6 and S. 2095 would ban the use of MTBE as a fuel additive nationwide, except in states that specifically authorize its use, after December 31, 2014, unless the President determines not to ban it. The bills would repeal the requirement that RFG contain oxygen but provide a new stimulus to the use of ethanol: by 2012, annual production of gasoline would be required to contain at least 5 billion gallons of ethanol or other renewable fuel (more than double current ethanol production). The bills authorize $2 billion in grants to assist merchant MTBE production facilities in converting to the production of other fuel additives, and they authorize funds for MTBE cleanup. H.R. 6 would provide a "safe harbor" from product liability lawsuits for producers of MTBE and renewable fuels; S. 2095 would not. Both bills would also extend Clean Air Act deadlines for areas that have not attained ozone air quality standards, if upwind areas contribute to their nonattainment. The conference report on H.R. 6 was approved by the House on November 18, but a cloture vote failed in the Senate, leaving the bill pending. In February, S. 2095 was introduced as an alternative to H.R. 6. One of its major differences is the absence of the controversial safe harbor provision.

Besides the provisions in the energy bill, the most prominent air quality issue in recent months has been what to do about emissions from coal-fired electric power plants. On January 30, 2004, EPA proposed standards for mercury, sulfur dioxide, and nitrogen oxide emissions from power plants. The proposed mercury standards have been particularly controversial: EPA claims that technology to achieve more than a 30% reduction in emissions cannot be implemented until 2018, an assertion widely disputed. Legislation has also been proposed on the subject — a group of bills referred to as "multi-pollutant" legislation. The Administration version (the Clear Skies Act, H.R. 999/S. 485/S. 1844) proposes to replace numerous existing Clean Air Act requirements with a national cap and trade program for sulfur dioxide, nitrogen oxides, and mercury. Senators Jeffords and Carper, and Representatives Sweeney, Waxman, and Bass have also introduced bills. These bills are all more stringent than Clear Skies, and four of the five would regulate carbon dioxide in addition to the other pollutants. Markup has not been scheduled on any of these bills.

Controversy has also arisen over EPA's proposed and promulgated changes to the Clean Air Act's New Source Review (NSR) requirements. NSR imposes emission controls on

modifications of power plants and other major facilities. Since December 31, 2002, EPA has promulgated several changes to streamline (and, many argue, weaken) the NSR requirements. On January 22, 2003, the Senate approved an amendment to H.J.Res. 2 that directed the National Academy of Sciences to conduct a study of the NSR changes. The President signed the bill (P.L. 108-7).

The 108th Congress also included changes to the "small engine" provisions of the Clean Air Act in the EPA appropriations bill that is part of P.L. 108-199 (H.R. 2673), the omnibus bill for FY2004. Changes to the requirement that metropolitan area transportation plans "conform" to state plans for attaining air quality standards are included in the surface transportation reauthorization bills, S. 1072/H.R. 3550. (For additional information on clean air issues, see CRS Issue Brief IB10107, *Clean Air Act Issues in the 108th Congress*.)

Clean Water Act

(by Claudia Copeland, Specialist in Resources and Environmental Policy, 7-7227)

The Clean Water Act (CWA) is the principal law that governs pollution in the nation's lakes, rivers, and coastal waters, and authorizes funds to aid construction of municipal wastewater treatment plants. Although no comprehensive legislation has been enacted since 1987, bills dealing with specific water quality issues have been enacted, and oversight hearings on the act and recent Administration water quality initiatives have been held. Throughout this period, Congress has considered possible actions to implement existing provisions of the CWA, whether additional steps are necessary to achieve the overall goals of the act, and the appropriate federal role in guiding and paying for clean water infrastructure and other activities. (For further information, see CRS Issue Brief IB10108, *Clean Water Act Issues in the 108th Congress*.)

Legislation to authorize funding for clean water infrastructure projects is receiving some attention, as it did in the 107th Congress. At issue is how the federal government will assist states and cities in meeting needs to rebuild, repair, and upgrade wastewater treatment plants, especially in view of costs that are projected to be as much as $390 billion over the next two decades. On July 17, 2003, a House Transportation and Infrastructure Committee subcommittee approved legislation to authorize $20 billion over five years for the act's program that assists municipal wastewater treatment projects (H.R. 1560). It includes several provisions intended to aid economically disadvantaged and small communities, such as allowing extended loan repayments (30 years) and additional subsidies, including principal forgiveness and negative interest loans, for communities that meet a state's affordability criteria. Several other bills to reauthorize the CWA's infrastructure assistance program also have been introduced in the 108th Congress (H.R. 20/S. 170; H.R. 784/S. 567). Water infrastructure funding also is likely to be an issue in the context of budget and appropriations, because the President's FY2005 budget request seeks $492 million less in Clean Water Act assistance for next year (the $850 million request is the same as was requested for FY2004) than Congress provided in FY2004 appropriations. Similarly, while appropriators designated $425 million for EPA grants to congressionally earmarked water infrastructure projects in FY2004, the President's budget seeks no funds for such projects in FY2005.

More generally, since the September 11, 2001, terrorist attacks on the World Trade Center and the Pentagon, congressional attention has focused on security, preparedness, and emergency response issues. One topic of interest is protection of the nation's water infrastructure facilities (both wastewater and drinking water) from possible physical damage,

biological/chemical attacks, and cyber disruption. (For information, see CRS Report RS21026, *Terrorism and Security Issues Facing the Water Infrastructure Sector*.) In the 108th Congress, the House has passed legislation to authorize grants for wastewater utilities to assess the vulnerability of their facilities to possible terrorist attack (H.R. 866). The Senate Environment and Public Works Committee has approved a similar bill (S. 1039). (For background information and discussion of additional issues, see CRS Report RL30030, *Clean Water Act: A Summary of the Law*.)

Safe Drinking Water (by Mary Tiemann, Specialist in Environmental Policy, 7-5937)

The Safe Drinking Water Act (SDWA) is the principal federal statute for regulating the quality of water provided by public water systems. Congress reauthorized the act in 1996, and authorized funding for SDWA programs through FY2003. Key drinking water issues in the 108th Congress include the availability of funding for infrastructure projects needed to comply with drinking water standards, and the contamination of water supplies caused by specific contaminants, including the gasoline additive methyl tertiary butyl ether (MTBE) and perchlorate. (See MTBE discussion in the following section on Leaking Underground Storage Tanks.) Additionally, elevated lead levels in Washington D.C.'s drinking water have raised concerns about the implementation and enforcement of EPA's lead regulation, as well as concerns about the rule's effectiveness. H.R. 4268 and S. 2377 have been introduced to strengthen the regulation of lead in drinking water; hasten the replacement of lead service lines; increase monitoring, public notification, and education requirements; remediate lead in school drinking water; and for other purposes. (See CRS Report RS21831, *Lead in Drinking Water: Washington, D.C. Issue and Broader Regulatory Implications*.)

Several bills address drinking water contamination by perchlorate (the main ingredient in solid rocket fuel). EPA is evaluating the health effects and occurrence of perchlorate for potential regulation under SDWA, but no federal standard exists at this time. The Department of Defense (DOD) authorization act for FY2004 (P.L. 108-136) directed the Secretary of Defense to provide for an independent epidemiological study and endocrinological review of human exposure to perchlorate in drinking water. H.R. 2123 and S. 502 would require EPA to issue a drinking water standard for perchlorate by July 1, 2004. H.R. 2123 and S. 820 also would direct EPA to carry out a loan program to help water suppliers and private well owners address perchlorate contamination. Significant scientific uncertainty regarding the health risks of exposure to low levels of perchlorate has stymied federal and state efforts to establish a drinking water standard for this contaminant. In March 2003, EPA, DOD, and other agencies requested the National Academies of Science (NAS) to review EPA's draft risk assessment on perchlorate and to advise EPA on questions related to that assessment. The NAS review is expected to be completed late in 2004.

A long-standing SDWA issue concerns the ability of public water systems to upgrade or replace infrastructure to comply with drinking water regulations and to ensure the provision of a safe water supply. In the 1996 SDWA Amendments, Congress authorized a drinking water state revolving loan fund (DWSRF) program to help water systems finance infrastructure projects needed to meet SDWA standards and to address serious health risks. Since FY1997, Congress has provided some $6.9 billion for the program, including $845 million for FY2004, provided in P.L. 108-199, the omnibus appropriations act. The Administration has requested $850 million for the DWSRF program for FY2005. However, the current funding gap is expected to grow as water systems act to comply with SDWA standards, and to replace aging infrastructure. Several bills addressing drinking water

infrastructure funding have been introduced in this Congress, primarily focused on providing assistance to small or rural communities. For example, H.R. 3382 and S. 1432 would establish a grant program at EPA to help small communities comply with SDWA. S. 1732 would direct the Secretary of the Interior to establish a grant program for rural communities in Reclamation states for projects to ensure a safe and reliable water supply.(For further information, see CRS Issue Brief IB10118, *Safe Drinking Water Act: Implementation and Issues*, and CRS Report RL31243, *Safe Drinking Water Act: A Summary of the Act and Its Major Requirements*.)

Leaking Underground Storage Tanks (by Mary Tiemann)

In 1984, Congress established a leak prevention, detection, and corrective action program under the Resource Conservation and Recovery Act (RCRA) to address a widespread problem of leaking underground storage tanks (LUSTs) that store petroleum or hazardous chemicals. In 1986, Congress created the LUST Trust Fund to help the EPA and states cover the costs of responding to leaking petroleum USTs where tank owners fail to do so, and to oversee cleanup activities. Much progress has been made in the tank program, but several issues have emerged. One issue is that many states have lacked the resources to fully oversee and enforce UST regulations that EPA phased in through 1998. A key issue concerns the discovery of methyl tertiary butyl ether (MTBE) leaks at thousands of LUST sites and in numerous public water supplies. This gasoline additive, used to reduce air pollution from vehicles, is very water soluble and spreads quickly. Consequently, MTBE leaks are more difficult and costly to cleanup than conventional gasoline leaks.

States have long sought larger appropriations from the Trust Fund to support the LUST cleanup program, and flexibility to use LUST funds to enforce the UST leak prevention program. The House passed such bills in the 104th and 105th Congresses. Increased detections of MTBE in water supplies has boosted interest in increasing Trust Fund appropriations to respond to MTBE contamination and in strengthening the leak prevention and detection program. The 107th Congress moved several LUST and MTBE bills, but none was enacted.

The 108th Congress has addressed this issue through various means, including three energy bills: H.R. 6 (the conference report (H.Rept. 108-375) was approved by the House on November 18, 2003); S. 2095 (placed on the Senate calendar on February 23, 2004); and H.R. 4503 (passed by the House on June 15, 2004). The three bills would amend RCRA to strengthen leak prevention provisions of the federal underground storage tank regulatory program and broaden the allowable uses of the LUST Trust Fund. They essentially adopt the language of H.R. 3335, the Underground Storage Tank Compliance Act of 2003, which is similar to S. 195 (S.Rept. 108-13), passed by the Senate. The provisions add new tank inspection and operator training requirements; prohibit fuel delivery to ineligible tanks; expand UST requirements for federal facilities; authorize states to use LUST funds to help tank owners pay the costs of cleanup in cases of financial hardship; and allow LUST funds to be used to enforce leak prevention and detection requirements. The three energy bills and H.R. 3335 authorize LUST Trust Fund appropriations of $200 million for each of FY2004 through FY2008 for remediating tank leaks generally, and another $200 million each year for responding to leaks containing MTBE or other oxygenated fuel additives (e.g., ethanol). Additionally, H.R. 6, H.R. 4503, and S. 2095 phase out MTBE and remove the Clean Air Act's oxygen content requirement for reformulated gasoline, which prompted the increased use of MTBE. H.R. 6 and H.R. 4503 provide a product liability safe harbor for MTBE and renewable fuels; S. 2095 does not. Several other bills, including H.R. 1122 and H.R. 2136,

also would authorize appropriations from the LUST Trust Fund for responding to MTBE leaks. Two focus on leak prevention through stricter technological requirements for USTs; H.R. 3940 and S. 2201 would require secondary containment for new tank systems and for replacement tanks that are near water supplies. (For more information on this issue, see CRS Report RS21201, *Leaking Underground Storage Tanks: Program Status and Issues*.)

Superfund and Brownfields

(by Mark Reisch, Analyst in Environmental Policy, 7-7255)

Superfund (created by the Comprehensive Environmental Response, Compensation, and Liability Act, or CERCLA) is the principal federal program for cleaning up hazardous waste sites; the brownfields program targets less seriously contaminated industrial and commercial facilities. Relevant activity in the 108th Congress includes two bills that passed one chamber, one reported bill, and a provision that passed both houses in different bills. (Also see CRS Issue Brief IB10114, *Brownfields and Superfund Issues in the 108th Congress*.)

The EDA Reauthorization Act, H.R. 2535, among other things would make brownfield sites eligible for certain EDA grants and would establish a demonstration program for "brightfield" sites, which are defined as brownfields that are redeveloped using solar energy technologies. H.R. 2535 was reported from the Transportation and Infrastructure Committee on July 25, 2003 (H.Rept. 108-242), and passed the House on October 21, 2003. It is now before the Senate Environment and Public Works Committee.

The HUD bill, H.R. 239, would remove the connection between HUD's Brownfield Economic Development Initiative (BEDI) and the department's Section 108 loan guarantees. The effect is to make the BEDI grants more obtainable by a larger number of cities, particularly smaller communities. The bill would also authorize a HUD pilot program for national redevelopment of brownfields. The House Financial Services Committee reported H.R. 239 (H.Rept. 108-22) on March 5, 2003.

Another issue, continued from the 107th Congress, concerns the Ombudsman Reauthorization Act (S. 515, S.Rept. 108-50), which would provide the EPA ombudsman increased independence and authority regarding Superfund and brownfields, as well as other programs in the agency's Office of Solid Waste and Emergency Response (OSWER). OSWER also administers EPA's solid waste, leaking underground storage tank, oil spill, and chemical emergency preparedness and prevention activities. The bill would provide the officer power to conduct investigations, make findings of fact, hold public hearings, and make non-binding recommendations to the EPA Administrator concerning those programs. The Senate passed S. 515 on May 21, 2003, and the bill is now before the House Energy and Commerce Subcommittee on Environment and Hazardous Materials. Representative Bilirakis introduced a companion bill, H.R. 347, on January 27, 2003.

The brownfields tax incentive, which expired on December 31, 2003, would be reinstated retroactively for two years (to December 31, 2005) by both the House- and Senate-passed tax bills, H.R. 4520 and S. 1637. The incentive allows developers of brownfield properties to deduct cleanup costs in the current year, rather than spreading them out over a number of years.

The financing of Superfund activities continues to be a controversial issue. The taxes that originally fed the Superfund trust fund expired in 1995, and appropriations in the last

few years have relied on progressively larger amounts from the general fund of the Treasury. The Superfund trust fund's unobligated balance was zero by the end of FY2003. (The program's annual appropriation has been $1.3-$1.5 billion in recent years.) Four efforts in the 108th Congress to reinstate the Superfund taxes or to increase Superfund funding have been defeated. (For further details and discussion, see CRS Report RL31410, *Superfund Taxes or General Revenues: Future Funding Options for the Superfund Program*.)

Chemical Security and Toxic Substance Control Issues

(by Linda Schierow, Environmental Policy Specialist, 7-7279)

The 108th Congress is considering the federal role in managing risks associated with terrorism aimed at facilities storing or handling large quantities of potentially dangerous chemicals. The Senate Committee on Environment and Public Works reported S. 994 May 11, 2004. In accord with the views of the Bush Administration, S. 994 would require owners or operators of facilities designated by the Secretary of the Department of Homeland Security (DHS) to conduct vulnerability assessments and develop security and emergency response plans. As reported, S. 994 directs facility owners and operators to submit assessments and plans to DHS. Another proposal, S. 157 (also contained in Title XI of S. 6 and in H.R. 1861), would require vulnerability assessments, risk reduction plans, and risk reduction, in part by use of "inherently safer" technologies, if practicable. S. 157 would require submission of assessments and plans to EPA, and EPA approval. For a comparison of the Senate bills as introduced, see CRS Report RL31957, *Chemical Facility Security: A Comparison of S. 157 and S. 994*.

A third proposal introduced July 25, 2003, H.R. 2901, is similar to S. 994 with a few exceptions. For example, the House bill would exempt from its requirements drinking water treatment facilities required to conduct vulnerability assessment under the Safe Drinking Water Act, unless the owner or operator of such a facility petitioned the Secretary to be subject to the requirements of this act in lieu of the former act. Other proposals, S. 565/H.R. 1593 and S. 87/H.R. 1007, would provide funding for grants to state and local governments that could be used to improve security at chemical plants, as well as to enhance emergency planning and preparedness for terrorist acts. The law that established the DHS (P.L. 107-296) limits access to sensitive information potentially useful to terrorists, by exempting information about critical infrastructures from disclosure requirements of the Freedom of Information Act (FOIA), if the information is submitted voluntarily to DHS. S. 609/H.R. 2526 would narrow this FOIA exemption to "records" concerning the "vulnerability of and threats to critical infrastructure protection." (For more on this topic, see CRS Report RL31530, *Chemical Plant Security*.)

Another issue of potential interest to Congress is EPA's "High Production Volume (HPV) Challenge" program. Under this initiative, chemical manufacturers will voluntarily gather the basic data that are needed to assess the potential toxicity of approximately 2,200 chemicals produced in the United States in volumes greater than one million pounds per year, and to make those data available to the general public before 2005. At issue is whether a voluntary initiative or a compulsory rule is the better way to obtain data. (For more on this issue, see CRS Issue Brief IB94036, *The Role of Risk Analysis and Risk Management in Environmental Protection*. Background information on EPA's statutory authority for regulating chemicals is provided in CRS Report RL31905, *The Toxic Substances Control Act: A Summary of the Act and Its Major Requirements.*)

Other chemical issues that Congress is addressing include proposed legislation (S. 1486) to allow U.S. implementation of the Stockholm Convention on Persistent Organic Pollutants (POPs). The Senate Committee on Environment and Public Words reported this bill April 29, 2004. (See CRS Report RL32150, *International Agreements on Persistent Organic Pollutants (POPS): Background and Issues for Congress.)*

Environmental Issues and Surface Transportation

(by Linda Luther, Environmental Policy Analyst, 7-6852)

Balancing surface transportation needs with environmental protection has long been a challenge to states and local communities. Legislation authorizing the Department of Transportation's (DOT) federal surface transportation program includes funding for a variety of activities intended to mitigate environmental impacts related to its projects. This legislation has also specified procedures to be undertaken by DOT to demonstrate compliance with environmental laws triggered by its projects. The most recent authorization for highways, highway safety, and transit, the Transportation Equity Act for the 21st Century (TEA-21, P.L. 105-178), funded programs for FY1998-2003. Since TEA-21 expired on September 30, 2003, Congress has passed a series of extension bills to continue funding for federal highway and transit programs at FY2003 levels. The most recent extension (P.L. 108-224, H.R. 4219) expires on June 30, 2004.

Legislation to reauthorize federal highway, highway safety, and transit programs from FY2004 to FY2009 was passed by the Senate and House. The Senate's Safe, Accountable, Flexible, and Efficient Transportation Equity Act of 2003 (SAFETEA, S. 1072) passed on February 12, 2004. The House's Transportation Equity Act: A Legacy for Users (TEA-LU, H.R. 3550) passed on April 2, 2004. The bills have moved to conference. Each bill includes provisions related to the environment. Certain provisions have garnered significant attention and debate from Members of Congress and interested stakeholders (e.g., state transportation agencies, transportation construction organizations, and environmental groups), particularly provisions involving either funding for or procedures for compliance with certain requirements of the Clean Air Act and the National Environmental Policy Act (NEPA).

With regard to the Clean Air Act, both H.R. 3550 and S. 1072 make changes to how and when transportation planners are required to demonstrated that their transportation plans conform to the state's air quality implementation plan. (For information on this topic, see CRS Report RL32106, *Transportation Conformity Under the Clean Air Act: In Need of Reform?* by James McCarthy.) Also, both the House and Senate bills have increased funding authorized under the Congestion Mitigation and Air Quality Improvement (CMAQ) Program. This program is intended to assist states in meeting national air quality standards required under the Clean Air Act by funding projects. TEA-21 set aside $8 billion for the CMAQ program. S. 1072 would authorize a total of $13.4 billion over the authorization period for the CMAQ program. H.R. 3550 would authorize a total of $9.4 billion. In addition to changes in funding levels, both the House and Senate bills would expand eligibility for projects funded under CMAQ.

Also related to air quality, H.R. 3550 would set aside $525 million for the purchase clean fuel buses (compared to $1 billion set aside under TEA-21). The Senate bill would not dedicate funding exclusively for the purchase of clean fuel buses. However, there are no provisions in the Senate bill that would restrict a transit agency from using its funds to purchase such buses. Both bills would reauthorize the High Occupancy Vehicle (HOV) lane

exemptions, allowed under TEA-21, for single-occupant "Inherently Low Emission Vehicles" and expand the exemption to include hybrid vehicles. Also, the Senate bill's proposed Volumetric Ethanol Excise Tax Credit would eliminate the current excise tax exemption for ethanol-blended gasoline and replace it with a tax credit. (For more information on these topics, see CRS Issue Brief IB10128, *Alternative Fuels and Advanced Technology Vehicles: Issues in Congress*, by Brent Yacobucci.)

With regard to NEPA, both the House and Senate bills include provisions intended to expedite the environmental review process required for highway and transit projects. Some Members of Congress have expressed concerns that the environmental review process, particularly for large, complex highway projects, can be inefficient, leading to significant delays. To address this concern, both H.R. 3550 and S. 1072 would repeal "environmental streamlining" provisions included in TEA-21 and create new environmental review procedures. Elements common to each bill include the designation of DOT as the lead agency to define a project's purpose and need and to determine the range of alternatives considered; the creation of a dispute resolution process to address issues of concern between agencies; and amendments to current statutory requirements that prohibit the use of certain public lands or historic sites for transportation projects. For further discussion, refer to CRS Report RL32032, *Streamlining Environmental Reviews of Highway and Transit Projects: Analysis of SAFETEA and Recent Legislative Activities*, and CRS Report RL32024, *Background on NEPA Implementation for Highway Projects: Streamlining the Process*.

Additional provisions in the House and/or Senate bills, related to the environment, include funding for environmental research and development activities; funding for a highway stormwater discharge program (only in the Senate bill); and an expansion in eligibility for certain highway funds to include environmental restoration and pollution abatement activities and the control of invasive species and establishment of native species. (For further background discussion of these and other key issues for reauthorization, refer to CRS Report RL32057, *Highway and Transit Program Reauthorization: An Analysis of Environmental Protection Issues*, by David Bearden).

Defense Environmental Cleanup and Other Issues

(by David Bearden, Environmental Policy Analyst, 7-2390)

The Department of Defense (DOD) administers five programs to address environmental and conservation needs on 25 million acres of land located on military installations. In addition to DOD's programs, the Department of Energy (DOE) is responsible for managing defense nuclear waste and cleaning up contaminated nuclear weapons sites. EPA and the states provide oversight of these activities to ensure that DOD and DOE comply with applicable requirements. Over the past decade, Congress has appropriated about $10 billion in annual funding to support these programs. Some of the major issues associated with defense-related environmental activities are the adequacy, cost, and pace of cleanup; whether DOD and DOE sufficiently comply with environmental laws; and the adequacy of existing environmental exemptions to preserve military readiness capabilities.

The first session of the 108th Congress enacted legislation to authorize and appropriate funding for national defense programs, including funding for DOD and DOE's defense-related environmental activities. This legislation includes the National Defense Authorization Act for FY2004 (P.L. 108-136, H.R. 1588), Department of Defense Appropriations Act for FY2004 (P.L. 108-87, H.R. 2658), Military Construction

Appropriations Act for FY2004 (P.L. 108-132, H.R. 2559), and Energy and Water Development Appropriations Act for FY2004 (P.L. 108-137, H.R. 2754). In addition to authorizing funding, the final FY2004 defense authorization bill included modified versions of waivers that DOD had requested from specific requirements under the Endangered Species Act and the Marine Mammal Protection Act, which had been controversial. (For further discussion, refer to CRS Report RL32183, *Defense Cleanup and Environmental Programs: Authorization and Appropriations for FY2004.*)

Attention in the second session has turned to the President's request for FY2005. The President's budget includes $3.82 billion for DOD's environmental programs, $17 million more than appropriated in FY2004. In addition to funding, DOD submitted a military readiness proposal to Congress for FY2005 that would provide targeted exemptions for training activities from the Clean Air Act, Resource Conservation and Recovery Act (RCRA), and Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA). DOD proposed the exemptions stating that they are necessary to preserve training capabilities and that they would have a minimal impact on the environment. Members of Congress, numerous states, and environmental organizations argue that DOD has provided insufficient evidence of the need for the exemptions to permit necessary training activities. They also argue that the exemptions would be broader than DOD has characterized, resulting in weaker protections for human health and the environment.

The budget request includes $6.95 billion for DOE's management and cleanup of defense nuclear waste, $350 million more than the FY2004 appropriation. The increase requested for DOE would be used to implement a "High-level Waste Proposal" intended to speed the closure of waste storage tanks at the Hanford and Savannah River sites and at the Idaho National Engineering and Environmental Laboratory (INEEL). Tank closure would be accelerated by leaving some of the wastes in place and sealing it with a "grout." This proposal has been controversial due to concern about the long-term reliability of the grout to prevent the waste from leaking and migrating through groundwater. Legal issues have also been raised, as a U.S. district court ruled in 2003 that DOE does not have the authority to leave some of the wastes in the tanks. DOE has asked Congress to enact legislation that would provide this authority.

Consideration of legislation is underway to authorize national defense programs for FY2005, including DOD and DOE's environmental activities. As passed by the House, H.R. 4200 (H.Rept. 108-491) would authorize $1.31 billion for cleanup at active and former military installations, the same as requested. As reported by the Senate Armed Services Committee, S. 2400 (S.Rept. 108-260) would authorize $1.35 billion for cleanup at these sites. This increase would be devoted to the cleanup of Formerly Used Defense Sites (FUDS) that were decommissioned prior to the first round of base closings in 1988. Both bills would authorize $246 million for base closure activities, including environmental cleanup, the same as requested. Neither bill includes specific funding levels for DOD's other environmental programs, as there are no line-item accounts for these activities. Rather, funding would be authorized for them mostly under the Operation and Maintenance Accounts. Neither bill includes DOD's military readiness proposal for expanded environmental exemption authority.

As passed, H.R. 4200 would also authorize $6.91 billion for DOE's management and cleanup of defense nuclear waste, including funding for activities specified in DOE's tank waste proposal that are "not prevented by the federal district court ruling or are not otherwise

deemed inappropriate due to the legal uncertainty resulting from the court ruling." As reported, S. 2400 would authorize $6.95 billion for DOE's management and cleanup of defense nuclear waste, and would provide targeted authority for grouting some of the tank wastes in South Carolina (i.e., at the Savannah River site), but not in other states. Floor consideration of S. 2400 began on May 18, 2004. Senator Graham proposed an amendment that passed by voice vote, clarifying that $350 million of the authorization would be available for implementing the targeted authority for grouting some of the tank wastes in South Carolina, and for tank management and cleanup activities other than the grouting of wastes at Hanford and the INEEL. Senator Cantwell proposed an amendment that failed to pass, which would have stricken the targeted authority for South Carolina and not made any funding available for the grouting of tank wastes at any site.

In addition to authorization legislation, consideration of appropriations for DOD and DOE has also begun. As reported by the House Appropriations Committee, the Department of Defense Appropriations Act for FY2005 (H.R. 4613, H.Rept. 108-553) would provide $1.31 billion for cleanup at current and former military installations, $3 million more than the House authorized and the Administration requested. The increase would be allocated to cleanup at "defense-wide" sites that are under the broad jurisdiction of DOD, rather than a branch of military service (i.e., Army, Navy, or Air Force). As in defense authorization legislation, the amounts that would be appropriated for DOD's other environmental programs are not specified in the bill, as there are no line-items for these activities. Rather, DOD would allocate funding for them primarily out of appropriations for the Operation and Maintenance Accounts. As reported, H.R. 4613 does not include the environmental exemptions that DOD had proposed for military readiness activities.

As reported by the House Appropriations Committee, the Energy and Water Development Appropriations Act for FY2005 (H.R. 4614, H.Rept. 108-554) would provide $6.89 billion for DOE's defense nuclear waste management and cleanup activities. Of this amount, $274 million would be provided for tank waste management and cleanup activities at the Hanford and Savannah River sites and the INEEL, which are not "precluded" by the 2003 district court ruling. In report language, the committee specified that it "supports resolution of this issue through the judicial appeals process or through comprehensive legislation that would address the problem in a consistent manner nationwide," rather than only in selected states. The committee also expressed concern about the feasibility of DOE's overall plans to accelerate cleanup and lower costs across the 114 sites that make up the former defense nuclear weapons complex, due to recent delays in cleanup schedules and cost overruns of certain projects.

Alternative Fuels and Advanced Technology Vehicles

(by Brent Yacobucci, Environmental Policy Analyst, 7-9662)

The development of alternative fuels and advanced technology vehicles have emerged as a key issue in the 108th Congress. Advanced technology vehicles, such as gasoline- or diesel-electric hybrids and fuel cell vehicles, have the potential to significantly increase passenger vehicle fuel economy and reduce vehicle emissions. However, mass-production of these vehicles is currently cost-prohibitive, and for alternative fuels there are many technical and cost barriers associated with producing, storing, and delivering the fuel. Therefore, there is interest in Congress and the Administration to support vehicle and fuel development, and promote their entry into the marketplace.

Hydrogen fuel and fuel cell vehicles have received special attention. On January 28, 2003, the Administration announced the President's Hydrogen Fuel Initiative, which aims to increase funding for hydrogen fuel and fuel cell research by $720 million over the next five years. This initiative complements the FreedomCAR partnership, announced in January 2002, which focuses on cooperative research and development of fuel cell passenger vehicles. Funding for research on hydrogen research funding and fuel cells is contained in the FY2004 Energy and Water Development appropriations (P.L. 108-137) and the FY2004 Interior and Related Agencies appropriations (P.L. 108-108). For FY2004, the Administration requested a total of $257 million for these activities; $237 million was appropriated. For FY2005, the Administration has requested a total of $264 million. However, the House Appropriations Committee has recommended $227 million — nearly $40 million less than requested and $10 million less than was appropriated for FY2004.

In addition to appropriations bills, Congress is currently considering comprehensive energy legislation. The conference report on H.R. 6 (H.Rept. 108-375) would authorize hydrogen and fuel cell funding at slightly more than Administration's requested levels — a total of $2.1 billion over five years. The conference committee removed a provision from the Senate version of H.R. 6 that would have established the goal of producing 100,000 fuel cell vehicles by 2010 and 2.5 million by 2020. However, this bill has stalled in the Senate. As an alternative to H.R. 6, S. 2095 was introduced in the Senate. S. 2095 would authorize similar fuel cell funding. Floor consideration of S. 2095 began on April 5, 2004. It is unclear when further action will be taken on the bill. In the House, on June 15, 2004, H.R. 4503 was passed. This bill is identical to the H.R. 6 conference report. H.R. 4503 has been referred to the Senate, but no action has been taken as of this writing.

Another key component of the energy bill would be a renewable fuels standard (RFS). All versions of the bill would require the use of 5 billion gallons of renewable fuel by 2012. Further, H.R. 6 and H.R. 4503 would exempt blenders of renewable fuels and MTBE (another gasoline additive) from defective product liability; S. 2095 does not contain this exemption. All three bills would also provide tax credits for the purchase of advanced technology and alternative fuel vehicles.

The 108th Congress is also in the process of reauthorizing the highway authorization bill, TEA-21 (see above discussion on Environmental Issues and Surface Transportation). Among other provisions, the House and Senate bills (H.R. 3550 and S. 1072) would eliminate the existing tax exemption for ethanol-blended gasoline and replace it with a refundable tax credit. (For further discussion, see CRS Report RS21442, *Hydrogen and Fuel Cell Vehicle R&D: FreedomCAR and the President's Hydrogen Fuel Initiative*, and CRS Issue Brief IB10128, *Alternative Fuels and Vehicles: Issues in Congress*.)

Table 1. Action on Environmental Legislation in the 108th Congress

Bill	Status	Purpose
Energy and Environment / MTBE		
H.R. 6 Energy Policy Act of 2003	Passed House April 11, 2003 (H.Rept. 108-65). Amended and passed Senate July 31, 2003 (with language from H.R. 4, 107th Cong.). House approved Conference Report Nov. 18, 2003 (H.Rept. 108-375).	Among environmental provisions, amends the Clean Air Act's reformulated gasoline (RFG) program, and includes provisions for R&D, energy tax incentives, MTBE cleanup, underground storage tank regulation and establishes a renewable fuels standard. Includes "safe harbor" from product liability lawsuits for MTBE and renewable fuel producers.
H.R. 4503 Energy Policy Act of 2004	Passed House June 15, 2004	Identical to conference version of H.R. 6. Among environmental provisions, amends the Clean Air Act's reformulated gasoline (RFG) program, and includes provisions for R&D, energy tax incentives, MTBE cleanup, underground storage tank regulation and establishes a renewable fuels standard
S. 14 Energy Policy Act of 2003	H.R. 6 as amended passed in lieu of S. 14 (see above).	Energy and environmental provisions included R&D and production incentives; text from S. 791 incorporated as an amendment bans MTBE in motor fuels, except in states that specifically authorize its use, and increases production and use of renewable fuels.
S. 195 Underground Storage Tank Compliance Act of 2003	Passed Senate May 1, 2003 (S.Rept. 108-13).	Among other provisions, establishes a renewable fuels standard, bans MTBE, authorizes renewable energy programs, and establishes a greenhouse gas database.
S. 791 Reliable Fuels Act of 2003	Reported by Senate Environment and Public Works Committee June 3, 2003 (S.Rept. 108-57).	Bans MTBE in motor fuels, except in states that specifically authorize its use, addresses MTBE contamination, and increases production and use of renewable fuels. Similar provisions incorporated in S. 14, June 5 (S.Amdt. 850), and the Senate version of H.R. 6, July 31, 2003.
S. 1637 Jumpstart Our Business Strength (JOBS) Act	Passed Senate May 11, 2004	Contains tax provisions from H.R. 6, including incentives for renewable energy, alternative fuels, and petroleum and natural gas development.
S. 2095 Energy Policy Act of 2003	Introduced February 11, 2004.	Among environmental provisions, amends the Clean Air Act's reformulated gasoline (RFG) program, and includes provisions for R&D, energy tax incentives, MTBE cleanup, underground storage tank regulation and establishes a renewable fuels standard. Does not include "safe harbor" provisions.
Water Quality		
H.R. 866, Wastewater Treatment Works Security Act of 2003	Passed House May 7, 2003 (H.Rept. 108-33).	Authorizes funds to wastewater utilities for vulnerability assessments.
H.R. 1560 The Water Quality Financing Act of 2003	Approved by House Transportation and Infrastructure Subcommittee on Water Resources and Environment July 17, 2003.	Authorizes appropriations for Clean Water Act state water pollution control revolving funds (SRFs).
S. 1039, Wastewater Treatment Works Security Act of 2003	Reported by Senate Environment and Public Works Committee May 15, 2003 (S.Rept. 108-149).	Authorizes funds to wastewater utilities for vulnerability assessments.
Superfund / Brownfields		
H.R. 239 Brownfields Redevelopment and Enhancement Act	Reported by House Financial Services Committee March 5, 2003 (H.Rept. 108-22).	Makes HUD brownfield grants more accessible to small communities.

H.R. 2535, Economic Development Administration Reauthorization Act	Passed House Oct. 21, 2003 (H.Rept. 108-242, Part I).	Among other things, makes brownfields eligible for certain EDA grants and establishes a demonstration program for "brightfields" (brownfields redeveloped using solar energy technologies).
Environmental Protection Agency		
P.L. 108-199 (H.R. 2673) Consolidated (Omnibus) Appropriations Act FY2004	Enacted January 23, 2004 Conf. Report filed Nov. 25, 2003 (H.Rept. 108-401).	Funds EPA at $8.4 billion in FY2004.
H.R. 2861, VA-HUD Appropriations FY2004	Passed House July 25, 2003 Passed Senate Nov. 18, 2003 Included in P.L. 108-199.	House version would have funded EPA at $8.0 billion; Senate version at $8.1 billion.
P.L.108-7 (H.J.Res. 2) Omnibus FY2003	Enacted Feb. 20, 2003 Conf. Report filed Feb. 13, 2003 (H.Rept. 108-10)	Funded EPA at $8.1 billion in FY2003.
S. 515, Ombudsman Reauthorization Act	Passed Senate May 21, 2003 (S.Rept. 108-50)	Expands Ombudsman's authority and independence.
Defense and Environment		
P.L. 108-136 (H.R. 1588) National Defense Authorization Act for FY2004	Enacted Nov. 24, 2003. Passed House Nov. 7, 2003 Passed Senate Nov. 11, 2003	Among major environmental provisions, authorizes funding for environmental cleanup, provides greater compliance flexibility for DOD under the Endangered Species Act and Marine Mammal Protection Act, requires a report on the impact of the Clean Air Act, Solid Waste Disposal Act, and CERCLA on military installations, and requires a study of exposure to perchlorate (used in munitions propellents) on human health.
P.L. 108-132 (H.R. 2559) Military Construction Appropriations Act FY2004	Enacted Nov. 22, 2003 Passed House Nov. 5, 2003 Passed Senate Nov. 12, 2003	Provides funding for the cleanup of environmental contamination at base closure sites.
P.L. 108-132 (H.R. 2658) Department of Defense Appropriations Act for FY2004	Enacted Sept. 30, 2003 Passed House Sept. 24, 2003 Passed Senate Sept. 25, 2003	Provides funding for the cleanup of environmental contamination on active military installations and Formerly Used Defense Sites (FUDS), which were decommissioned prior to the base closure rounds that began in 1988.
P.L. 108-137 (H.R. 2754) Energy and Water Appropriations Act FY2004	Enacted Dec. 1, 2003 Passed House Nov. 18, 2003 Passed Senate Nov. 11, 2003	Provides funding for the management and cleanup of defense nuclear waste.
H.R. 4200 National Defense Authorization Act for FY2005	Reported by House Armed Services Committee May 14, 2004 (H.Rept. 108-491) Passed House May 20, 2004	Would authorize funding for cleanup and other environmental activities at defense sites. Does not include exemptions from the Clean Air Act, RCRA and CERCLA that DOD had requested.
H.R. 4613 Department of Defense Appropriations Act for FY2005	Reported by House Appropriations Committee June 18, 2004 (H.Rept. 108-553)	Provides funding for the cleanup of environmental contamination on active military installations and Formerly Used Defense Sites (FUDS), which were decommissioned prior to the base closure rounds that began in 1988.
H.R. 4614 Energy and Water Development Appropriations Act for FY2005	Reported by House Appropriations Committee June 18, 2004 (H.Rept. 108-554)	Provides funding for the management and cleanup of defense nuclear waste.
S. 2400, National Defense Authorization Act for FY2005	Reported by Senate Armed Services Committee May 11, 2004 (S.Rept. 108-260)	Would authorize funding for cleanup and other environmental activities at defense sites. Does not include exemptions from the Clean Air Act, RCRA and CERCLA that DOD had requested.
Transportation and Environment		
P.L. 108-88 (H.R. 3087) Surface Transportation Extension Act of 2003	Enacted Sept. 30, 2003. Passed House Sept. 24, 2003. Passed Senate Sept. 26, 2003.	Extends funding for federal highway and transit programs, including air and water quality projects and other environmental activities, through February 29, 2004.
P.L. 108-202 (H.R. 3850) Surface Transportation	Enacted Feb. 29, 2004 Passed House Feb 26, 2004	Extended funding for federal highway and transit programs, including air and water quality projects and other environmental

Extension Act of 2004	Passed Senate Feb. 27, 2004	activities, through April 30, 2004.
P.L. 108-224 (H.R. 4219) Surface Transportation Extension Act of 2004 Part II	Enacted April 30, 2004 Passed House April 28, 2004 Passed Senate April 29, 2004	Extended funding for federal highway and transit programs, including air and water quality projects and other environmental activities, through June 30, 2004.
H.R. 3550, Transportation Equity Act: A Legacy for Users	Reported by House Transportation and Infrastructure Committee March 29, 2004 (H.Rept. 108-452) Passed House April 2, 2004	Would authorize funding for federal highway and transit programs, including air and water quality projects and other environmental activities from FY2004 through FY2009.
S. 1072 Safe, Accountable, Flexible and Efficient Transportation Equity Act of 2003	Reported by Senate Environment and Public Works Committee January 9, 2004 (S.Rept. 108-222) Passed Senate Feb. 12, 2004	Would authorize funding for federal highway and transit programs, including air and water quality projects and other environmental activities, from FY2004 through FY2009.
Other		
S. 994 Chemical Facilities Security Act	Reported by Senate Environment and Public Works Committee May 11, 2004 (S.Rept. 108-261)	Requires vulnerability assessments and security plans for facilities handling large quantities of hazardous chemicals.
S. 1486 POPs, LRTAP POPs and PIC Implementation Act of 2003	Reported by the Senate Environment and Public Works Committee April 29, 2004 (S.Rept. 108-256)	Amends Toxic Substances Control Act and Federal Insecticide, Fungicide and Rodenticide Act to authorize implementation of three international agreements limiting manufacture, use, trade and disposal of certain persistent organic pollutants (POPs).