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EPA [Environmental Protection Agency] - International Activities Amendment Section 102

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EPA -- INTERNATIONAL ACTIVITIES

Sec. 102. FINDINGS

The Congress finds that --

(1) recent concern with Federal environmental policy has highlighted the necessity of assigning to protection of the domestic and international environment a priority which is at least equal to that assigned to other functions of the Federal government;

(2) protection of the environment increasingly involves cooperation with foreign states, including the most highly industrialized states all of whose top environmental officials have ministerial status;

Sec. 103. ESTABLISHMENT OF THE DEPARTMENT OF THE ENVIRONMENT

(f) International Responsibilities of the Secretary -- (1) The Secretary, in addition to exercising his international responsibilities under existing provisions of law, is authorized and encouraged to --

(A) cooperate with the Secretary of State in carrying out the latter's primary responsibility for the negotiation of international agreements, representation of the United States in international organizations, and coordination of international activities, on matters within the purview of the Secretary; and

(B) ensure the domestic implementation of matters primarily within the purview of the Secretary that are provided for in international agreements; and

(C) with the concurrence of the Secretary of State, participate in international agreements and other arrangements with foreign governments and international organizations or other bodies of foreign states on matters within the purview of the Secretary; and

(D)

(i) conduct research on and apply existing research capabilities to the nature and impacts of international environmental problems and develop responses to such problems; and

(ii) With the concurrence of the Secretary of State and in cooperation with such Federal Agencies as may be appropriate, improve the quality of the environment through:

-- the use of contracts, assistance agreements, ~~interagency~~ ~~agreements~~, international agreements, other arrangements for supporting or conducting activities such as education, training,

monitoring, research, development, investigations, experiments, demonstrations, surveys, studies, and emergency response;

-- the provision of technical, financial, legal and other assistance; and

-- cooperation with other foreign governments and international organizations;

(iii) on request from or with the concurrence of a foreign government or international organization, and with the consent of the employee concerned and with the concurrence of the Secretary of State, to arrange for the assignment or detail of an employee of the Department to a foreign government or international organization (with or without reimbursement to the United States government) or notwithstanding any other provision of law to arrange for the assignment or detail, of an employee of a foreign government or international organization to the Department (with or without compensation by the Department); and

(iv) upon compliance with all statutory requirements and Executive Branch directives concerning staffing at U.S. posts abroad, and with the consent of the employee concerned, assign an employee of the Department to and U.S. post abroad.

(2) The Secretary of State shall consult with the Secretary, on matters primarily within the purview of the Secretary, and such other persons as he determines appropriate on the activities described under paragraph (1) (A).



**U.S. ENVIRONMENTAL PROTECTION AGENCY
OFFICE OF GENERAL COUNSEL**

International Activities Division

TELECOPY TRANSMITTAL

TO: Katie McGinty

Fax #: 456-6231

Phone:

Office: Environmental Policy

FROM: Daniel Magraw *DM*
Associate General Counsel

Fax: 202 260-3828

Phone: 202 260-7616

DATE: February 17, 1993

Number of pages (including transmittal sheet): 7

MESSAGE: Thank you for sending us new language regarding EPA's international authorities. The new language, however, does not remove our concerns with the earlier version, and in some cases raises new problems because it would further reduce EPA's international role. Attached are a mark-up of the new language and a clean version of how the mark-up would look without the line-in/line-out. As I mentioned in my note to you earlier today, I discussed your language with Carol Browner; and the attached draft reflects her views. Alan Hecht and I request that we meet with you to explain EPA's concerns at your earliest convenience.

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EPA -- INTERNATIONAL ACTIVITIES

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Sec. 103. ESTABLISHMENT OF THE DEPARTMENT OF THE ENVIRONMENT

(f) International Responsibilities of the Secretary -- (1) Recognizing the primary responsibility of the Secretary for the protection of the environment Secretary of State for the conduct of foreign policy, the Secretary, in addition to exercising his international responsibilities under existing provisions of law and under this Act, is authorized and encouraged to --

(A) cooperate with the Secretary of State in carrying out the latter's responsibilities for the coordination and negotiation of international agreements and representation of the United States in international organizations, and coordination of international activities, on matters relevant to environmental protection within the purview of the Secretary; and

(B) ensure the domestic and international implementation of international agreements with respect to matters primarily within the purview of the Secretary that are provided for in international agreements; and

(C) in consultation with with the concurrence of the Secretary of State, participate in international agreements and other arrangements with foreign governments and international organizations or other bodies of foreign states on matters within the purview of the Secretary; and

(D)

(i) conduct research on and apply existing research capabilities to the nature and impacts of international environmental problems and develop responses to such problems; and

(ii) ~~With the concurrence of the Secretary of State and in cooperation with other such Federal agencies as may be appropriate, improve the quality of the environment through:~~

~~-- the use of contracts, assistance agreements, interagency agreements, international agreements and other arrangements for supporting or conducting activities such as education, training, monitoring, research, development, investigations, experiments, demonstrations, surveys, studies and emergency response;~~

~~-- the provision of technical, financial, legal and other assistance; and~~

~~-- cooperation with other foreign governments and international organizations;~~

~~provide assistance, through contracts, assistance agreements, interagency agreements, international agreements and other arrangements to improve the quality of the environment. Such assistance may include, but is not limited to, provision of public information, education, training, monitoring, research, investigations, experiments, demonstrations, surveys, studies, technical assistance, financial assistance, and emergency responses; and~~

(iii) ~~on request from or with the concurrence of a foreign government or international organization, and with the consent of the employee concerned and in consultation with the concurrence of the Secretary of State, to arrange for the assignment or detail of an employee of the Department to a foreign government or international organization (with or without reimbursement to the Department United States government) or notwithstanding any other provision of law, to arrange for the assignment or detail of an employee of a foreign government or international organization to the Department (with or without compensation by the Department); and~~

(iv) ~~upon compliance with all statutory requirements and Executive Branch directives concerning staffing at U.S. posts abroad, and in consultation with the Secretary of State and with the consent of the employee concerned, assign an employee of the Department to and U.S. post abroad; and~~

(v) ~~provide benefits and allowances to all employees stationed outside the United States to the same extent authorized for members of the Foreign Service for comparable grade.~~

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(2) The Secretary of State shall consult with the Secretary, ~~on matters primarily within the purview of the Secretary,~~ and such other persons as he determines appropriate on the activities described under paragraph (1)(A).

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(B) ensure the domestic and international implementation of international agreements with respect to matters primarily within the purview of the Secretary ;

(C) in consultation with the Secretary of State, participate in international agreements and other arrangements with foreign governments and international organizations or other bodies of foreign states on matters within the purview of the Secretary; and

(D)

(i) conduct research on and apply existing research capabilities to the nature and impacts of international environmental problems and develop responses to such problems; and

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(iii) on request from or with the concurrence of a foreign government or international organization, and with the consent of the employee concerned and in consultation with the Secretary of State, to arrange for the assignment or detail of an employee of the Department to a foreign government or international organization (with or without reimbursement to the Department) or notwithstanding any other provision of law, to arrange for the assignment or detail of an employee of a foreign government or international organization to the Department (with or without compensation by the Department);

(iv) in consultation with the Secretary of State and with the consent of the employee concerned, assign an employee of the Department to a U.S. post abroad; and

(v) provide benefits and allowances to all employees stationed outside the United States to the same extent authorized for members of the Foreign Service for comparable grade.

(2) The Secretary of State shall consult with the Secretary and such other persons as he determines appropriate on the activities described under paragraph (1)(A).