

Union Calendar No. 316

106TH CONGRESS
2D SESSION

H. R. 1742

[Report No. 106–512, Part I]

A BILL

To authorize appropriations for fiscal years 2000 and 2001 for the environmental and scientific research, development, and demonstration programs, projects, and activities of the Office of Research and Development and Science Advisory Board of the Environmental Protection Agency, and for other purposes.

APRIL 11, 2000

Committee on Commerce discharged; committed to the Committee of the Whole House on the State of the Union and ordered to be printed

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IN THE HOUSE OF REPRESENTATIVES

MAY 10, 1999

Mr. CALVERT introduced the following bill; which was referred to the
Committee on Science

MARCH 6, 2000

Reported with amendments and referred to the Committee on Commerce for a period ending not later than April 7, 2000, for consideration of such provisions of the bill and amendment as fall within the jurisdiction of that committee pursuant to clause 1(f), rule X

[Strike out all after the enacting clause and insert the part printed in *italic*]

APRIL 7, 2000

Referral to the Committee on Commerce extended for a period ending not
later than April 11, 2000

APRIL 11, 2000

Committee on Commerce discharged; committed to the Committee of the
Whole House on the State of the Union and ordered to be printed

A BILL

To authorize appropriations for fiscal years 2000 and 2001 for the environmental and scientific research, development, and demonstration programs, projects, and activities of the Office of Research and Development and Science Advisory Board of the Environmental Protection Agency, 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 “Environmental Protec-*
5 *tion Agency Office of Research and Development and*
6 *Science Advisory Board Authorization Act of 1999”.*

7 **SEC. 2. DEFINITIONS.**

8 *For the purposes of this Act—*

9 (1) *the term “Administrator” means the Admin-*
10 *istrator of the Agency;*

11 (2) *the term “Agency” means the Environmental*
12 *Protection Agency; and*

13 (3) *the term “Assistant Administrator” means*
14 *the Assistant Administrator for Research and Devel-*
15 *opment of the Agency.*

1 **SEC. 3. OFFICE OF RESEARCH AND DEVELOPMENT.**

2 (a) *IN GENERAL.*—There are authorized to be appro-
3 priated to the Administrator for the Office of Research and
4 Development for environmental research and development
5 and scientific research, development, and demonstration
6 programs for which specific sums are not authorized under
7 other authority of law \$504,022,100 for fiscal year 2000
8 and \$519,940,600 for fiscal year 2001, to remain available
9 until expended, of which \$2,000,000 for fiscal year 2000
10 and \$2,000,000 for fiscal year 2001 shall be for the Mickey
11 Leland Urban Air Toxics Research Center, and of which
12 \$5,000,000 for fiscal year 2000 and \$5,000,000 for fiscal
13 year 2001 shall be for the Gulf Coast Hazardous Substance
14 Research Center.

15 (b) *LIMITATION.*—None of the amounts authorized
16 under subsection (a) may be obligated until 30 days after
17 the Administrator submits to the Committee on Science and
18 the Committee on Appropriations of the House of Rep-
19 resentatives, and the Committee on Environment and Pub-
20 lic Works and the Committee on Appropriations of the Sen-
21 ate, a report detailing, for fiscal year 2000 and each of the
22 2 previous fiscal years, for all Office of Research and Devel-
23 opment environmental research and development and sci-
24 entific research, development, and demonstration programs,
25 projects and activities, by appropriation goal and
26 objectives—

- 1 (1) a description of, and funding requested or al-
 2 located for, each such program, project and activity;
 3 (2) an identification of all recipients of funds to
 4 conduct such programs, projects and activities; and
 5 (3) an estimate of the amounts to be expended by
 6 each recipient of funds identified under paragraph
 7 (2).

8 (c) *EXCLUSION.*—In the computation of the 30-day pe-
 9 riod described in subsection (b), there shall be excluded any
 10 day on which either House of Congress is not in session
 11 because of an adjournment of more than 3 days to a day
 12 certain.

13 **SEC. 4. SCIENTIFIC RESEARCH REVIEW.**

14 (a) *IN GENERAL.*—The Administrator shall assign to
 15 the Assistant Administrator the duties of—

- 16 (1) developing a strategic plan for environmental
 17 research and development and scientific research, de-
 18 velopment, and demonstration programs throughout
 19 the Agency;
 20 (2) integrating that strategic plan into ongoing
 21 Agency environmental research and development and
 22 scientific research, development, and demonstration
 23 planning activities; and
 24 (3) reviewing all Agency environmental research
 25 and development and scientific research, development,

1 *and demonstration programs to ensure the research,*
2 *development, and demonstration—*

3 *(A) is of high quality; and*

4 *(B) does not duplicate any other environ-*
5 *mental research and development and scientific*
6 *research, development, and demonstration pro-*
7 *grams being conducted by the Agency.*

8 *(b) REPORT.—The Assistant Administrator shall*
9 *transmit annually to the Administrator and to the Com-*
10 *mittee on Science and the Committee on Appropriations of*
11 *the House of Representatives, and to the Committee on En-*
12 *vironment and Public Works and the Committee on Appro-*
13 *priations of the Senate, a report detailing—*

14 *(1) all Agency environmental research and devel-*
15 *opment and scientific research, development, and*
16 *demonstration programs the Assistant Administrator*
17 *finds is not of sufficiently high quality; and*

18 *(2) all Agency environmental research and devel-*
19 *opment and scientific research, development, and*
20 *demonstration programs the Assistant Administrator*
21 *finds duplicate other Agency environmental research*
22 *and development and scientific research, development,*
23 *and demonstration programs.*

1 **SEC. 5. SCIENCE TO ACHIEVE RESULTS (STAR) GRADUATE**
 2 **STUDENT FELLOWSHIP PROGRAM.**

3 *In carrying out the Science To Achieve Results*
 4 *(STAR) Graduate Student Fellowship Program, the Ad-*
 5 *ministrators shall ensure that any fellowship award to a stu-*
 6 *dent selected after the date of the enactment of this Act is*
 7 *used only to support scientific research that would further*
 8 *missions of the Office of Research and Development.*

9 **SEC. 6. SCIENCE ADVISORY BOARD.**

10 *(a) ANNUAL REPORT.—The Science Advisory Board*
 11 *shall submit to Congress and to the Administrator an an-*
 12 *nual report that contains the views of the Science Advisory*
 13 *Board on proposed environmental research and develop-*
 14 *ment and scientific research, development, and demonstra-*
 15 *tion programs as described in the Agency's budget. Such*
 16 *report shall be submitted to Congress as soon as practicable*
 17 *after the submission of the Agency's budget to Congress. The*
 18 *Administrator shall cooperate with the Chairperson of the*
 19 *Science Advisory Board, particularly with respect to the*
 20 *timely provision of budget information to the Science Advi-*
 21 *sory Board, to allow the Science Advisory Board to carry*
 22 *out its duties under this subsection.*

23 *(b) EVALUATION.—The Science Advisory Board shall*
 24 *conduct periodic evaluations of selected areas of the current*
 25 *and planned environmental research and development and*
 26 *scientific research, development, and demonstration pro-*

grams of the Agency. The areas of evaluation shall be selected by the Administrator, in consultation with the Science Advisory Board, the Office of Research and Development, and other Agency programs, or by the appropriate committees of the Congress in consultation with the Science Advisory Board. Reports containing the Science Advisory Board's evaluations and recommendations shall be filed with such committees and the Administrator. The Administrator shall provide to such committees a written response to the Science Advisory Board's evaluation and recommendations within 60 days after the Science Advisory Board's report has been submitted.

(c) *SUBMISSION TO CONGRESS.*—The Administrator shall submit to the Congress any report required by law to be submitted to the Administrator by the Science Advisory Board. The Administrator shall make any such submission not later than 60 days after the Administrator receives the report from the Science Advisory Board.

(d) *AUTHORIZATION.*—There are authorized to be appropriated to the Administrator \$2,636,200 for fiscal year 2000 and \$2,768,000 for fiscal year 2001 for activities of the Science Advisory Board.

SEC. 7. NOTICE.

(a) *REPROGRAMMING.*—The Administrator may use for any authorized activities of the Office of Research and

1 *Development or the Science Advisory Board under this*
2 *Act—*

3 (1) *up to the lesser of \$250,000 or 5 percent of*
4 *the total funding for a fiscal year of an environ-*
5 *mental research or development or scientific research,*
6 *development, or demonstration program, project or*
7 *activity of the Office of Research and Development or*
8 *the Science Advisory Board; or*

9 (2) *after the expiration of 60 days after trans-*
10 *mitting to the Committee on Science and the Com-*
11 *mittee on Appropriations of the House of Representa-*
12 *tives, and to the Committee on Environment and*
13 *Public Works and the Committee on Appropriations*
14 *of the Senate, a report described in subsection (b), up*
15 *to 25 percent of the total funding for a fiscal year of*
16 *an environmental research or development or sci-*
17 *entific research, development, or demonstration pro-*
18 *gram, project or activity of the Office of Research and*
19 *Development or the Science Advisory Board.*

20 (b) *REPORT.—(1) The report referred to in subsection*
21 *(a)(2) is a report containing a full and complete statement*
22 *of the action proposed to be taken and the facts and cir-*
23 *cumstances relied upon in support of such proposed action.*

24 (2) *In the computation of the 60-day period under sub-*
25 *section (a)(2), there shall be excluded any day on which*

1 *either House of Congress is not in session because of an*
2 *adjournment of more than 3 days to a day certain.*

3 (c) *LIMITATIONS.*—*In no event may funds be used pur-*
4 *suant to subsection (a) for an environmental research or*
5 *development or scientific research, development, or dem-*
6 *onstration program, project or activity for which funding*
7 *has been requested to the Congress but which has not been*
8 *funded by the Congress.*

9 (d) *ANNUAL OPERATING PLAN.*—*The Administrator*
10 *shall provide simultaneously to the Committee on Science*
11 *and the Committee on Appropriations of the House of Rep-*
12 *resentatives, and to the Committee on Environment and*
13 *Public Works and the Committee on Appropriations of the*
14 *Senate, any annual operating plan or other operational*
15 *funding document, including any additions or amendments*
16 *thereto, provided to any committee of Congress.*

17 (e) *COPY OF REPORTS.*—*In addition to the documents*
18 *required under subsection (d), the Administrator shall pro-*
19 *vide copies simultaneously to the Committee on Science and*
20 *the Committee on Appropriations of the House of Rep-*
21 *resentatives, and to the Committee on Environment and*
22 *Public Works and the Committee on Appropriations of the*
23 *Senate, of any report relating to the environmental research*
24 *or development or scientific research, development, or dem-*
25 *onstration programs, projects or activities of the Office of*

1 *Research and Development or the Science Advisory Board*
2 *prepared at the direction of any committee of Congress.*

3 (f) *NOTICE OF REORGANIZATION.*—*The Administrator*
4 *shall provide notice to the Committee on Science and the*
5 *Committee on Appropriations of the House of Representa-*
6 *tives, and to the Committee on Environment and Public*
7 *Works and the Committee on Appropriations of the Senate,*
8 *not later than 15 days before any major reorganization of*
9 *any environmental research or development or scientific re-*
10 *search, development, or demonstration program, project or*
11 *activity of the Office of Research and Development or the*
12 *Science Advisory Board.*

13 ***SEC. 8. BUDGET REQUEST FORMAT.***

14 *The Administrator shall provide to the Congress, to be*
15 *transmitted at the same time as the Agency's annual budget*
16 *request submission, a detailed justification for budget au-*
17 *thorization for the programs, projects and activities for*
18 *which funds are authorized by this Act. Each such docu-*
19 *ment shall include, for the fiscal year for which funding*
20 *is being requested and for the 2 previous fiscal years—*

21 (1) *a description of, and funding requested or al-*
22 *located for, each such program, project and activity;*

23 (2) *an identification of all recipients of funds to*
24 *conduct such programs, projects and activities; and*

1 (3) *an estimate of the amounts to be expended by*
2 *each recipient of funds identified under paragraph*
3 (2).

4 *The document required by this section shall be presented*
5 *in the format employed by, and with the level of detail in-*
6 *cluded in, the document entitled “Department of Energy FY*
7 *2000 Congressional Budget Request, DOE/CR-0062, Vol-*
8 *ume 3”, dated February 1999.*

9 **SEC. 9. LIMITS ON USE OF FUNDS.**

10 (a) *TRAVEL.*—*Not more than 1 percent of the funds*
11 *authorized by this Act may be used either directly or indi-*
12 *rectly to fund travel costs of the Agency or travel costs for*
13 *persons awarded contracts or subcontracts by the Agency.*
14 *As part of the Agency’s annual budget request submission*
15 *to the Congress, the Administrator shall submit a report*
16 *to the Committee on Science and the Committee on Appro-*
17 *priations of the House of Representatives, and to the Com-*
18 *mittee on Environment and Public Works and the Com-*
19 *mittee on Appropriations of the Senate, that identifies—*

20 (1) *the estimated amount of travel costs by the*
21 *Agency and for persons awarded contracts or sub-*
22 *contracts by the Agency for the fiscal year of such*
23 *budget submission, as well as for the 2 previous fiscal*
24 *years;*

25 (2) *the major purposes for such travel; and*

1 (3) *the sources of funds for such travel.*

2 (b) *TRADE ASSOCIATIONS.—No funds authorized by*
3 *this Act may be used either directly or indirectly to fund*
4 *a grant, contract, subcontract, or any other form of finan-*
5 *cial assistance awarded by the Agency to a trade associa-*
6 *tion on a noncompetitive basis. As part of the Agency’s an-*
7 *nual budget request submission to the Congress, the Admin-*
8 *istrator shall submit a report to the Committee on Science*
9 *and the Committee on Appropriations of the House of Rep-*
10 *resentatives, and to the Committee on Environment and*
11 *Public Works and the Committee on Appropriations of the*
12 *Senate, that identifies—*

13 (1) *the estimated amount of funds provided by*
14 *the Agency to trade associations, by trade association,*
15 *for the fiscal year of such budget submission, as well*
16 *as for the 2 previous fiscal years;*

17 (2) *the services either provided or to be provided*
18 *by each such trade association; and*

19 (3) *the sources of funds for services provided by*
20 *each such trade association.*

21 (c) *KYOTO PROTOCOL.—None of the funds authorized*
22 *by this Act may be used to propose or issue rules, regula-*
23 *tions, decrees, or orders for the purpose of implementation,*
24 *or in preparation for implementation, of the Kyoto Protocol*
25 *which was adopted on December 11, 1997, in Kyoto, Japan,*

1 *at the Third Conference of the Parties to the United Nations*
2 *Framework Convention on Climate Change, which has not*
3 *been submitted to the Senate for advice and consent to rati-*
4 *fication pursuant to article II, section 2, clause 2 of the*
5 *United States Constitution, and which has not entered into*
6 *force pursuant to article 25 of the Protocol.*

7 (d) *ENVIRONMENTAL RESEARCH, DEVELOPMENT, AND*
8 *DEMONSTRATION PROJECT.—Of the amounts authorized*
9 *under section 3(a), \$1,000,000 for fiscal year 2000 shall be*
10 *for a field-scale environmental research and development*
11 *project at an existing site for remediation of soils contami-*
12 *nated by recalcitrant hydrocarbon and lead contaminants*
13 *using technologies and processes capable of homogenizing*
14 *soil while injecting both oxidizers and catalysts to the degree*
15 *necessary for chemical oxidation to occur and that renders*
16 *lead contaminants essentially inert.*

17 **SEC. 10. LIMITATION ON DEMONSTRATIONS.**

18 *The Agency shall provide funding for scientific dem-*
19 *onstration projects of the Office of Research and Develop-*
20 *ment or the Science Advisory Board only for technologies*
21 *or processes that can be reasonably expected to yield new,*
22 *measurable benefits to the cost, efficiency, or performance*
23 *of the technology or process.*

1 **SEC. 11. FEDERAL ACQUISITION REGULATION.**

2 (a) *REQUIREMENT.*—None of the funds authorized to
3 be appropriated by this Act may be used to award, amend,
4 or modify a contract of the Office of Research and Develop-
5 ment or the Science Advisory Board in a manner that devi-
6 ates from the Federal Acquisition Regulation, unless the Ad-
7 ministrator grants, on a case-by-case basis, a waiver to
8 allow for such a deviation. The Administrator may not dele-
9 gate the authority to grant such a waiver.

10 (b) *CONGRESSIONAL NOTICE.*—At least 60 days before
11 a contract award, amendment, or modification for which
12 the Administrator intends to grant such a waiver, the Ad-
13 ministrator shall submit to the Committee on Science and
14 the Committee on Appropriations of the House of Rep-
15 resentatives, and to the Committee on Environment and
16 Public Works and the Committee on Appropriations of the
17 Senate, a report notifying the committees of the waiver and
18 setting forth the reasons for the waiver.

19 **SEC. 12. REQUESTS FOR PROPOSALS.**

20 None of the funds authorized to be appropriated by this
21 Act may be used by the Agency to prepare or initiate Re-
22 quests for Proposals (RFPs) for a program, project or activ-
23 ity if the program, project or activity has not been specifi-
24 cally authorized by Congress.

1 **SEC. 13. PRODUCTION OR PROVISION OF ARTICLES OR**
2 **SERVICES.**

3 *None of the funds authorized to be appropriated by this*
4 *Act may be used by any program, project or activity of*
5 *the Office of Research and Development or the Science Advi-*
6 *sory Board to produce or provide articles or services for*
7 *the purpose of selling the articles or services to a person*
8 *outside the Federal Government, unless the Administrator*
9 *determines that comparable articles or services are not*
10 *available from a commercial source in the United States.*

11 **SEC. 14. ELIGIBILITY FOR AWARDS.**

12 *(a) IN GENERAL.—The Administrator shall exclude*
13 *from consideration for grant agreements made after fiscal*
14 *year 1999 by the Office of Research and Development or*
15 *the Science Advisory Board, under the programs, projects*
16 *and activities for which funds are authorized under this*
17 *Act, any person who received funds, other than those de-*
18 *scribed in subsection (b), appropriated for a fiscal year*
19 *after fiscal year 1999, under a grant agreement from any*
20 *Federal funding source for a project that was not subjected*
21 *to a competitive, merit-based award process, except as spe-*
22 *cifically authorized by this Act. Any exclusion from consid-*
23 *eration pursuant to this section shall be effective for a pe-*
24 *riod of 5 years after the person receives such Federal funds.*

25 *(b) EXCEPTION.—Subsection (a) shall not apply to the*
26 *receipt of Federal funds by a person due to the membership*

1 of that person in a class specified by law for which assist-
 2 ance is awarded to members of the class according to a for-
 3 mula provided by law or under circumstances permitting
 4 other than full and open competition under the Federal Ac-
 5 quisition Regulation.

6 (c) *DEFINITION.*—For purposes of this section, the
 7 term “grant agreement” means a legal instrument whose
 8 principal purpose is to transfer a thing of value to the re-
 9 cipient to carry out a public purpose of support or stimula-
 10 tion authorized by a law of the United States, and does
 11 not include the acquisition (by purchase, lease, or barter)
 12 of property or services for the direct benefit or use of the
 13 United States Government. Such term does not include a
 14 cooperative agreement (as such term is used in section 6305
 15 of title 31, United States Code) or a cooperative research
 16 and development agreement (as such term is defined in sec-
 17 tion 12(d)(1) of the Stevenson-Wydler Technology Innova-
 18 tion Act of 1980 (15 U.S.C. 3710a(d)(1))).

19 **SEC. 15. INTERNET AVAILABILITY OF INFORMATION.**

20 The Administrator shall make available through the
 21 Internet home page of the Environmental Protection Agency
 22 the abstracts relating to all research grants and awards
 23 made with funds authorized by this Act. Nothing in this
 24 section shall be construed to require or permit the release

- 1 *of any information prohibited by law or regulation from*
- 2 *being released to the public.*

Amend the title to read as follows: “A bill to authorize appropriations for fiscal years 2000 and 2001 for the environmental research and development and scientific research, development, and demonstration programs of the Office of Research and Development and Science Advisory Board of the Environmental Protection Agency, and for other purposes.”.