

108TH CONGRESS
2D SESSION

S. 2233

To amend the Environmental Research, Development, and Demonstration Authorization Act of 1979 to establish in the Environmental Protection Agency the position of Deputy Administrator for Science and Technology.

IN THE SENATE OF THE UNITED STATES

MARCH 25, 2004

Mr. VOINOVICH (for himself and Mr. CARPER) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

A BILL

To amend the Environmental Research, Development, and Demonstration Authorization Act of 1979 to establish in the Environmental Protection Agency the position of Deputy Administrator for Science and Technology.

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 Re-
5 search Enhancement Act”.

1 **SEC. 2. ENVIRONMENTAL PROTECTION AGENCY RESEARCH**
 2 **ACTIVITIES.**

3 (a) IN GENERAL.—Section 6 of the Environmental
 4 Research, Development, and Demonstration Authorization
 5 Act of 1979 (42 U.S.C. 4361c) is amended by adding at
 6 the end the following:

7 “(e) DEPUTY ADMINISTRATOR FOR SCIENCE AND
 8 TECHNOLOGY.—

9 “(1) ESTABLISHMENT.—There is established in
 10 the Environmental Protection Agency (referred to in
 11 this section as the ‘Agency’) the position of Deputy
 12 Administrator for Science and Technology.

13 “(2) APPOINTMENT.—

14 “(A) IN GENERAL.—The Deputy Adminis-
 15 trator for Science and Technology shall be ap-
 16 pointed by the President, by and with the ad-
 17 vice and consent of the Senate.

18 “(B) CONSIDERATION OF RECOMMENDA-
 19 TIONS.—In making an appointment under sub-
 20 paragraph (A), the President shall consider rec-
 21 ommendations submitted by—

22 “(i) the National Academy of
 23 Sciences;

24 “(ii) the National Academy of Engi-
 25 neering; and

1 “(iii) the Science Advisory Board es-
 2 tablished by section 8 of the Environ-
 3 mental Research, Development, and Dem-
 4 onstration Authorization Act of 1978 (42
 5 U.S.C. 4365).

6 “(3) RESPONSIBILITIES.—

7 “(A) OVERSIGHT.—The Deputy Adminis-
 8 trator for Science and Technology shall coordi-
 9 nate and oversee—

10 “(i) the Office of Research and Devel-
 11 opment of the Agency (referred to in this
 12 section as the ‘Office’);

13 “(ii) the Office of Environmental In-
 14 formation of the Agency;

15 “(iii) the Science Advisory Board;

16 “(iv) the Science Policy Council of the
 17 Agency; and

18 “(v) scientific and technical activities
 19 in the regulatory program and regional of-
 20 fices of the Agency.

21 “(B) OTHER RESPONSIBILITIES.—The
 22 Deputy Administrator for Science and Tech-
 23 nology shall—

24 “(i) ensure that the most important
 25 scientific issues facing the Agency are

1 identified and defined, including those
2 issues embedded in major policy or regu-
3 latory proposals;

4 “(ii) develop and oversee an Agency-
5 wide strategy to acquire and disseminate
6 necessary scientific information through in-
7 tramural efforts or through extramural
8 programs involving academia, other gov-
9 ernment agencies, and the private sector in
10 the United States and in foreign countries;

11 “(iii) ensure that the complex sci-
12 entific outreach and communication needs
13 of the Agency are met, including the
14 needs—

15 “(I) to reach throughout the
16 Agency for credible science in support
17 of regulatory office, regional office,
18 and Agency-wide policy deliberations;
19 and

20 “(II) to reach out to the broader
21 United States and international sci-
22 entific community for scientific knowl-
23 edge that is relevant to Agency policy
24 or regulatory issues;

1 “(iv) coordinate and oversee scientific
 2 quality-assurance and peer-review activities
 3 throughout the Agency, including activities
 4 in support of the regulatory and regional
 5 offices;

6 “(v) develop processes to ensure that
 7 appropriate scientific information is used
 8 in decisionmaking at all levels in the Agen-
 9 cy; and

10 “(vi) ensure, and certify to the Ad-
 11 ministrator of the Agency, that the sci-
 12 entific and technical information used in
 13 each Agency regulatory decision and policy
 14 is—

15 “(I) valid;

16 “(II) appropriately characterized
 17 in terms of scientific uncertainty and
 18 cross-media issues; and

19 “(III) appropriately applied.

20 “(f) ASSISTANT ADMINISTRATOR FOR RESEARCH
 21 AND DEVELOPMENT.—

22 “(1) TERM OF APPOINTMENT.—Notwith-
 23 standing any other provision of law, the Assistant
 24 Administrator for Research and Development of the
 25 Agency shall be appointed for a term of 6 years.

1 “(2) APPLICABILITY.—Paragraph (1) applies to
 2 each appointment that is made on or after the date
 3 of enactment of this subsection.

4 “(g) SENIOR RESEARCH APPOINTMENTS IN OFFICE
 5 OF RESEARCH AND DEVELOPMENT LABORATORIES.—

6 “(1) ESTABLISHMENT.—The head of the Of-
 7 fice, in consultation with the Science Advisory Board
 8 and the Board of Scientific Counselors of the Office,
 9 shall establish a program to recruit and appoint to
 10 the laboratories of the Office senior researchers who
 11 have made distinguished achievements in environ-
 12 mental research.

13 “(2) AWARDS.—

14 “(A) IN GENERAL.—The head of the Of-
 15 fice shall make awards to the senior researchers
 16 appointed under paragraph (1)—

17 “(i) to support research in areas that
 18 are rapidly advancing and are related to
 19 the mission of the Agency; and

20 “(ii) to train junior researchers who
 21 demonstrate exceptional promise to con-
 22 duct research in such areas.

23 “(B) SELECTION PROCEDURES.—The head
 24 of the Office shall establish procedures for the
 25 selection of the recipients of awards under this

1 paragraph, including procedures for consulta-
 2 tion with the Science Advisory Board and the
 3 Board of Scientific Counselors of the Office.

4 “(C) DURATION OF AWARDS.—Awards
 5 under this paragraph shall be made for a 5-year
 6 period and may be renewed.

7 “(3) PLACEMENT OF RESEARCHERS.—Each
 8 laboratory of the Office shall have not fewer than 1
 9 senior researcher appointed under the program es-
 10 tablished under paragraph (1).

11 “(4) AUTHORIZATION OF APPROPRIATIONS.—
 12 There are authorized to be appropriated such sums
 13 as are necessary to carry out this subsection.

14 “(h) OTHER ACTIVITIES OF OFFICE OF RESEARCH
 15 AND DEVELOPMENT.—

16 “(1) ACTIVITIES OF THE OFFICE.—The Office
 17 shall—

18 “(A) make a concerted effort to give re-
 19 search managers of the Office a high degree of
 20 flexibility and accountability, including empow-
 21 ering the research managers to make decisions
 22 at the lowest appropriate management level
 23 consistent with the policy of the Agency and the
 24 strategic goals and budget priorities of the Of-
 25 fice;

1 “(B) maintain, to the maximum extent
 2 practicable, an even balance between core re-
 3 search and problem-driven research;

4 “(C) develop and implement a structured
 5 strategy for encouraging, and acquiring and ap-
 6 plying the results of, research conducted or
 7 sponsored by other Federal and State agencies,
 8 universities, and industry, both in the United
 9 States and in foreign countries; and

10 “(D) substantially improve the documenta-
 11 tion and transparency of the decisionmaking
 12 processes of the Office for—

13 “(i) establishing research and tech-
 14 nical-assistance priorities;

15 “(ii) making intramural and extra-
 16 mural assignments; and

17 “(iii) allocating funds.

18 “(2) ACTIVITIES OF THE ADMINISTRATOR.—

19 The Administrator of the Agency shall—

20 “(A) substantially increase the efforts of
 21 the Agency—

22 “(i) to disseminate actively the re-
 23 search products and ongoing projects of
 24 the Office;

1 “(ii) to explain the significance of the
2 research products and projects; and

3 “(iii) to assist other persons and enti-
4 ties inside and outside the Agency in ap-
5 plying the results of the research products
6 and projects;

7 “(B)(i) direct the Deputy Administrator
8 for Science and Technology to expand the
9 science inventory of the Agency by conducting,
10 documenting, and publishing a more com-
11 prehensive and detailed inventory of all sci-
12 entific activities conducted by Agency units out-
13 side the Office, which inventory should include
14 information such as—

15 “(I) project goals, milestones, and
16 schedules;

17 “(II) principal investigators and
18 project managers; and

19 “(III) allocations of staff and finan-
20 cial resources; and

21 “(ii) use the results of the inventory to en-
22 sure that activities described in clause (i) are
23 properly coordinated through the Agency-wide
24 science planning and budgeting process and are
25 appropriately peer reviewed; and

1 “(C) change the peer-review policy of the
2 Agency to more strictly separate the manage-
3 ment of the development of a work product
4 from the management of the peer review of that
5 work product, thereby ensuring greater inde-
6 pendence of peer reviews from the control of
7 program managers, or the potential appearance
8 of control by program managers, throughout
9 the Agency.”.

10 (b) DEPUTY ADMINISTRATOR FOR POLICY AND MAN-
11 AGEMENT.—

12 (1) IN GENERAL.—The position of Deputy Ad-
13 ministrator of the Environmental Protection Agency
14 is redesignated as the position of “Deputy Adminis-
15 trator for Policy and Management of the Environ-
16 mental Protection Agency”.

17 (2) REFERENCES.—Any reference in a law,
18 map, regulation, document, paper, or other record of
19 the United States to the Deputy Administrator of
20 the Environmental Protection Agency shall be
21 deemed to be a reference to the Deputy Adminis-
22 trator for Policy and Management of the Environ-
23 mental Protection Agency.

24 (c) EXECUTIVE SCHEDULE LEVEL III.—Section
25 5314 of title 5, United States Code, is amended by strik-

1 ing the item relating to the Deputy Administrator of the
2 Environmental Protection Agency and inserting the fol-
3 lowing:

4 “Deputy Administrator for Policy and Manage-
5 ment of the Environmental Protection Agency.

6 “Deputy Administrator for Science and Tech-
7 nology of the Environmental Protection Agency.”.

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