

106TH CONGRESS
1ST SESSION

H. R. 1742

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.

IN THE HOUSE OF REPRESENTATIVES

MAY 10, 1999

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

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”.

1 **SEC. 2. DEFINITIONS.**

2 For the purposes of this Act—

3 (1) the term “Administrator” means the Ad-
4 ministrator of the Agency;

5 (2) the term “Agency” means the Environ-
6 mental Protection Agency; and

7 (3) the term “Assistant Administrator” means
8 the Assistant Administrator for Research and Devel-
9 opment of the Agency.

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

11 (a) IN GENERAL.—There are authorized to be appro-
12 priated to the Administrator for the Office of Research
13 and Development for environmental and scientific re-
14 search, development, and demonstration programs,
15 projects, and activities for which specific sums are not au-
16 thorized under other authority of law \$504,022,100 for
17 fiscal year 2000 and \$519,940,600 for fiscal year 2001,
18 to remain available until expended, of which—

19 (1) \$37,300,000 for fiscal year 2000 and
20 \$38,419,000 for fiscal year 2001 shall be for envi-
21 ronmental and scientific research, development, and
22 demonstration programs, projects, and activities re-
23 lated to the Comprehensive Environmental Re-
24 sponse, Compensation, and Liability Act of 1980,
25 subject to section 9(e) of this Act;

1 (2) \$1,000,000 for fiscal year 2000 and
2 \$1,030,000 for fiscal year 2001 shall be for environ-
3 mental and scientific research, development, and
4 demonstration programs, projects, and activities re-
5 lated to oil spills;

6 (3) \$600,000 for fiscal year 2000 and \$618,000
7 for fiscal year 2001 shall be for environmental and
8 scientific research, development, and demonstration
9 programs, projects, and activities related to leaking
10 underground storage tanks; and

11 (4) \$491,715,100 for fiscal year 2000 and
12 \$506,466,600 for fiscal year 2001 shall be for other
13 environmental and scientific research, development,
14 and demonstration programs, projects, and activities
15 of the Office of Research and Development.

16 (b) LIMITATION.—None of the amounts authorized
17 under subsection (a) may be obligated until 30 days after
18 the Administrator submits to the Committee on Science
19 and the Committee on Appropriations of the House of
20 Representatives, and the Committee on Environment and
21 Public Works and the Committee on Appropriations of the
22 Senate, a report detailing, for fiscal year 2000 and each
23 of the 2 previous fiscal years, for all Office of Research
24 and Development environmental and scientific research,

1 development, and demonstration programs, projects, and
2 activities, by appropriation goal and objectives—

3 (1) a description of, and funding requested or
4 allocated for, each such program, project, and activ-
5 ity;

6 (2) an identification of all recipients of funds to
7 conduct such programs, projects, and activities; and

8 (3) an estimate of the amounts to be expended
9 by each recipient of funds identified under para-
10 graph (2).

11 (c) EXCLUSION.—In the computation of the 30-day
12 period described in subsection (b), there shall be excluded
13 any day on which either House of Congress is not in ses-
14 sion because of an adjournment of more than 3 days to
15 a day certain.

16 **SEC. 4. SCIENTIFIC RESEARCH REVIEW.**

17 (a) IN GENERAL.—The Administrator shall assign to
18 the Assistant Administrator the duties of—

19 (1) developing a strategic plan for environ-
20 mental and scientific research, development, and
21 demonstration programs, projects, and activities
22 throughout the Agency;

23 (2) integrating that strategic plan into ongoing
24 Agency planning activities; and

1 (3) reviewing all Agency environmental and sci-
2 entific research, development, and demonstration
3 programs, projects, and activities to ensure the re-
4 search, development, and demonstration—

5 (A) is of high quality; and

6 (B) does not duplicate any other environ-
7 mental and scientific research, development,
8 and demonstration programs, projects, and ac-
9 tivities being conducted by the Agency.

10 (b) REPORT.—The Assistant Administrator shall
11 transmit annually to the Administrator and to the Com-
12 mittee on Science and the Committee on Appropriations
13 of the House of Representatives, and to the Committee
14 on Environment and Public Works and the Committee on
15 Appropriations of the Senate, a report detailing—

16 (1) all Agency environmental and scientific re-
17 search, development, and demonstration programs,
18 projects, and activities the Assistant Administrator
19 finds is not of sufficiently high quality; and

20 (2) all Agency environmental and scientific re-
21 search, development, and demonstration programs,
22 projects, and activities the Assistant Administrator
23 finds duplicate other Agency environmental and sci-
24 entific research, development, and demonstration
25 programs, projects, and activities.

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 ministrator shall ensure that any fellowship award to a
6 student selected after the date of the enactment of this
7 Act is used only to support scientific research that would
8 further missions of the Office of Research and Develop-
9 ment in fields in which there exists or is projected to exist
10 a shortage in the number of scientists.

11 **SEC. 6. SCIENCE ADVISORY BOARD.**

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

25 (b) EVALUATION.—The Science Advisory Board shall
26 conduct periodic evaluations of selected areas of the cur-

1 rent and planned environmental and scientific research,
2 development, and demonstration programs, projects, and
3 activities of the Agency. The areas of evaluation shall be
4 selected by the Science Advisory Board in consultation
5 with the Administrator, the Office of Research and Devel-
6 opment, other Agency programs, and appropriate commit-
7 tees of the Congress. Reports containing the Science Advi-
8 sory Board's evaluations and recommendations shall be
9 filed with such committees and the Administrator. The
10 Administrator shall provide to such committees a written
11 response to the Science Advisory Board's evaluation and
12 recommendations within 60 days after the Science Advi-
13 sory Board's report has been submitted.

14 (c) REVIEW OF CERTAIN PROGRAMS, PROJECTS, AND
15 ACTIVITIES.—The Science Advisory Board shall annually
16 review the environmental and scientific research, develop-
17 ment, and demonstration programs, projects, and activi-
18 ties of the Agency and shall include the results of such
19 review in the annual report required by subsection (a).

20 (d) SUBMISSION TO CONGRESS.—The Administrator
21 shall submit to the Congress any report required by law
22 to be submitted to the Administrator by the Science Advi-
23 sory Board. The Administrator shall make any such sub-
24 mission not later than 60 days after the Administrator
25 receives the report from the Science Advisory Board.

1 (e) AUTHORIZATION.—There are authorized to be ap-
2 propriated to the Administrator \$2,636,200 for fiscal year
3 2000 and \$2,768,000 for fiscal year 2001 for activities
4 of the Science Advisory Board.

5 **SEC. 7. NOTICE.**

6 (a) REPROGRAMMING.—The Administrator may use
7 for any authorized activities of the Office of Research and
8 Development or the Science Advisory Board under this
9 Act—

10 (1) up to the lesser of \$250,000 or 5 percent
11 of the total funding for a fiscal year of an environ-
12 mental or scientific research, development, or dem-
13 onstration program, project, or activity of the Office
14 of Research and Development or the Science Advi-
15 sory Board; or

16 (2) after the expiration of 60 days after trans-
17 mitting to the Committee on Science and the Com-
18 mittee on Appropriations of the House of Represent-
19 atives, and to the Committee on Environment and
20 Public Works and the Committee on Appropriations
21 of the Senate, a report described in subsection (b),
22 up to 25 percent of the total funding for a fiscal
23 year of an environmental or scientific research, de-
24 velopment, or demonstration program, project, or ac-

1 tivity of the Office of Research and Development or
2 the Science Advisory Board.

3 (b) REPORT.—(1) The report referred to in sub-
4 section (a)(2) is a report containing a full and complete
5 statement of the action proposed to be taken and the facts
6 and circumstances relied upon in support of such proposed
7 action.

8 (2) In the computation of the 60-day period under
9 subsection (a)(2), there shall be excluded any day on
10 which either House of Congress is not in session because
11 of an adjournment of more than 3 days to a day certain.

12 (c) LIMITATIONS.—In no event may funds be used
13 pursuant to subsection (a) for an environmental or sci-
14 entific research, development, or demonstration program,
15 project, or activity for which funding has been requested
16 to the Congress but which has not been funded by the
17 Congress.

18 (d) ANNUAL OPERATING PLAN.—The Administrator
19 shall provide simultaneously to the Committee on Science
20 and the Committee on Appropriations of the House of
21 Representatives, and to the Committee on Environment
22 and Public Works and the Committee on Appropriations
23 of the Senate, any annual operating plan or other oper-
24 ational funding document, including any additions or

1 amendments thereto, provided to any committee of Con-
2 gress.

3 (e) COPY OF REPORTS.—In addition to the docu-
4 ments required under subsection (d), the Administrator
5 shall provide copies simultaneously to the Committee on
6 Science and the Committee on Appropriations of the
7 House of Representatives, and to the Committee on Envi-
8 ronment and Public Works and the Committee on Appro-
9 priations of the Senate, of any report relating to the envi-
10 ronmental or scientific research, development, or dem-
11 onstration programs, projects, or activities of the Office
12 of Research and Development or the Science Advisory
13 Board prepared at the direction of any committee of Con-
14 gress.

15 (f) NOTICE OF REORGANIZATION.—The Adminis-
16 trator shall provide notice to the Committee on Science
17 and the Committee on Appropriations of the House of
18 Representatives, and to the Committee on Environment
19 and Public Works and the Committee on Appropriations
20 of the Senate, not later than 15 days before any major
21 reorganization of any environmental or scientific research,
22 development, or demonstration program, project, or activ-
23 ity of the Office of Research and Development or the
24 Science Advisory Board.

1 **SEC. 8. BUDGET REQUEST FORMAT.**

2 The Administrator shall provide to the Congress, to
3 be transmitted at the same time as the Agency's annual
4 budget request submission, a detailed justification for
5 budget authorization for the programs, projects, and ac-
6 tivities for which funds are authorized by this Act. Each
7 such document shall include, for the fiscal year for which
8 funding is being requested and for the 2 previous fiscal
9 years—

10 (1) a description of, and funding requested or
11 allocated for, each such program, project, and activ-
12 ity;

13 (2) an identification of all recipients of funds to
14 conduct such programs, projects, and activities; and

15 (3) an estimate of the amounts to be expended
16 by each recipient of funds identified under para-
17 graph (2).

18 The document required by this section shall be presented
19 in the format employed by, and with the level of detail
20 included in, the document entitled “Department of Energy
21 FY 2000 Congressional Budget Request, DOE/CR-0062,
22 Volume 3”, dated February 1999.

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

24 (a) TRAVEL.—Not more than 1 percent of the funds
25 authorized by this Act may be used either directly or indi-
26 rectly to fund travel costs of the Agency or travel costs

1 for persons awarded grants, contracts, subcontracts, or
2 any other form of financial assistance by the Agency. As
3 part of the Agency's annual budget request submission to
4 the Congress, the Administrator shall submit a report to
5 the Committee on Science and the Committee on Appro-
6 priations of the House of Representatives, and to the
7 Committee on Environment and Public Works and the
8 Committee on Appropriations of the Senate, that
9 identifies—

10 (1) the estimated amount of travel costs by the
11 Agency and for persons awarded grants, contracts,
12 subcontracts, or any other form of financial assist-
13 ance by the Agency for the fiscal year of such budg-
14 et submission, as well as for the 2 previous fiscal
15 years;

16 (2) the major purposes for such travel; and

17 (3) the sources of funds for such travel.

18 (b) TRADE ASSOCIATIONS.—No funds authorized by
19 this Act may be used either directly or indirectly to fund
20 a grant, contract, subcontract, or any other form of finan-
21 cial assistance awarded by the Agency to a trade associa-
22 tion on a noncompetitive basis. As part of the Agency's
23 annual budget request submission to the Congress, the
24 Administrator shall submit a report to the Committee on
25 Science and the Committee on Appropriations of the

1 House of Representatives, and to the Committee on Envi-
2 ronment and Public Works and the Committee on Appro-
3 priations of the Senate, that identifies—

4 (1) the estimated amount of funds provided by
5 the Agency to trade associations, by trade associa-
6 tion, for the fiscal year of such budget submission,
7 as well as for the 2 previous fiscal years;

8 (2) the services either provided or to be pro-
9 vided by each such trade association; and

10 (3) the sources of funds for services provided by
11 each such trade association.

12 (c) KYOTO PROTOCOL.—None of the funds author-
13 ized by this Act may be used either directly or indirectly
14 for the purpose of implementation, or in preparation for
15 implementation, of the Kyoto Protocol which was adopted
16 on December 11, 1997, in Kyoto, Japan, at the Third
17 Conference of the Parties to the United Nations Frame-
18 work Convention on Climate Change, unless it has been
19 ratified by the Senate and has entered into force pursuant
20 to article 25 of the Protocol.

21 (d) HIGH PERFORMANCE COMPUTING AND COMMU-
22 NICATIONS (HPCC) PROGRAM.—None of the funds au-
23 thorized by this Act may be used for the Agency’s High
24 Performance Computing and Communications (HPCC)
25 Program.

1 (e) ENVIRONMENTAL RESEARCH, DEVELOPMENT,
2 AND DEMONSTRATION PROJECT.—Of the amounts au-
3 thorized under section 3(a)(1), \$1,000,000 for fiscal year
4 2000 shall be for a field-scale environmental research, de-
5 velopment, and demonstration project at an existing site
6 for remediation of soils contaminated by recalcitrant hy-
7 drocarbon and lead contaminants using technologies and
8 processes capable of homogenizing soil while injecting both
9 oxidizers and catalysts to the degree necessary for chem-
10 ical oxidation to occur and that renders lead contaminants
11 essentially inert.

12 **SEC. 10. LIMITATION ON DEMONSTRATIONS.**

13 The Agency shall provide funding for environmental
14 or scientific demonstration programs, projects, or activi-
15 ties of the Office of Research and Development or the
16 Science Advisory Board only for technologies or processes
17 that are substantially new, and not for incremental im-
18 provements to technologies that exist in the marketplace,
19 except as specifically authorized by this Act.

20 **SEC. 11. FEDERAL ACQUISITION REGULATION.**

21 (a) REQUIREMENT.—None of the funds authorized to
22 be appropriated by this Act may be used to award, amend,
23 or modify a contract of the Office of Research and Devel-
24 opment or the Science Advisory Board in a manner that
25 deviates from the Federal Acquisition Regulation, unless

1 the Administrator grants, on a case-by-case basis, a waiver
2 to allow for such a deviation. The Administrator may not
3 delegate the authority to grant such a waiver.

4 (b) CONGRESSIONAL NOTICE.—At least 60 days be-
5 fore a contract award, amendment, or modification for
6 which the Administrator intends to grant such a waiver,
7 the Administrator shall submit to the Committee on
8 Science and the Committee on Appropriations of the
9 House of Representatives, and to the Committee on Envi-
10 ronment and Public Works and the Committee on Appro-
11 priations of the Senate, a report notifying the committees
12 of the waiver and setting forth the reasons for the waiver.

13 **SEC. 12. REQUESTS FOR PROPOSALS.**

14 None of the funds authorized to be appropriated by
15 this Act may be used by the Agency to prepare or initiate
16 Requests for Proposals (RFPs) for a program, project, or
17 activity if the program, project, or activity has not been
18 specifically authorized by Congress.

19 **SEC. 13. PRODUCTION OR PROVISION OF ARTICLES OR**
20 **SERVICES.**

21 None of the funds authorized to be appropriated by
22 this Act may be used by any program, project, or activity
23 of the Office of Research and Development or the Science
24 Advisory Board to produce or provide articles or services
25 for the purpose of selling the articles or services to a per-

1 son outside the Federal Government, unless the Adminis-
2 trator determines that comparable articles or services are
3 not available from a commercial source in the United
4 States.

5 **SEC. 14. ELIGIBILITY FOR AWARDS.**

6 (a) IN GENERAL.—The Administrator shall exclude
7 from consideration for grant agreements made after fiscal
8 year 1999 by the Office of Research and Development or
9 the Science Advisory Board, under the programs, projects,
10 and activities for which funds are authorized under this
11 Act, any person who received funds, other than those de-
12 scribed in subsection (b), appropriated for a fiscal year
13 after fiscal year 1999, under a grant agreement from any
14 Federal funding source for a project that was not sub-
15 jected to a competitive, merit-based award process, except
16 as specifically authorized by this Act. Any exclusion from
17 consideration pursuant to this section shall be effective for
18 a period of 5 years after the person receives such Federal
19 funds.

20 (b) EXCEPTION.—Subsection (a) shall not apply to
21 the receipt of Federal funds by a person due to the mem-
22 bership of that person in a class specified by law for which
23 assistance is awarded to members of the class according
24 to a formula provided by law.

1 (c) DEFINITION.—For purposes of this section, the
2 term “grant agreement” means a legal instrument whose
3 principal purpose is to transfer a thing of value to the
4 recipient to carry out a public purpose of support or stim-
5 ulation authorized by a law of the United States, and does
6 not include the acquisition (by purchase, lease, or barter)
7 of property or services for the direct benefit or use of the
8 United States Government. Such term does not include
9 a cooperative agreement (as such term is used in section
10 6305 of title 31, United States Code) or a cooperative re-
11 search and development agreement (as such term is de-
12 fined in section 12(d)(1) of the Stevenson-Wydler Tech-
13 nology Innovation Act of 1980 (15 U.S.C. 3710a(d)(1))).

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