

ENVIRONMENTAL PROTECTION AGENCY OFFICE OF RE-  
SEARCH AND DEVELOPMENT AND SCIENCE ADVISORY  
BOARD AUTHORIZATION ACT OF 1999

MARCH 6, 2000.—Ordered to be printed

Mr. SENSENBRENNER, from the Committee on Science,  
submitted the following

REPORT

[To accompany H.R. 1742]

[Including cost estimate of the Congressional Budget Office]

The Committee on Science, to whom was referred the bill (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, having considered the same, report favorably thereon with amendments and recommend that the bill as amended do pass.

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## I. AMENDMENT

The amendments are as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

### SECTION 1. SHORT TITLE.

This Act may be cited as the “Environmental Protection Agency Office of Research and Development and Science Advisory Board Authorization Act of 1999”.

### SEC. 2. DEFINITIONS.

For the purposes of this Act—

- (1) the term “Administrator” means the Administrator of the Agency;
- (2) the term “Agency” means the Environmental Protection Agency; and
- (3) the term “Assistant Administrator” means the Assistant Administrator for Research and Development of the Agency.

### SEC. 3. OFFICE OF RESEARCH AND DEVELOPMENT.

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

(b) **LIMITATION.**—None of the amounts authorized under subsection (a) may be obligated until 30 days after the Administrator submits to the Committee on Science and the Committee on Appropriations of the House of Representatives, and the Committee on Environment and Public Works and the Committee on Appropriations of the Senate, a report detailing, for fiscal year 2000 and each of the 2 previous fiscal years, for all Office of Research and Development environmental research and development and scientific research, development, and demonstration programs, projects and activities, by appropriation goal and objectives—

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

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

### SEC. 4. SCIENTIFIC RESEARCH REVIEW.

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

- (1) developing a strategic plan for environmental research and development and scientific research, development, and demonstration programs throughout the Agency;
- (2) integrating that strategic plan into ongoing Agency environmental research and development and scientific research, development, and demonstration planning activities; and
- (3) reviewing all Agency environmental research and development and scientific research, development, and demonstration programs to ensure the research, development, and demonstration—
  - (A) is of high quality; and
  - (B) does not duplicate any other environmental research and development and scientific research, development, and demonstration programs being conducted by the Agency.

(b) **REPORT.**—The Assistant Administrator shall transmit annually to the Administrator and to the Committee on Science and the Committee on Appropriations of the House of Representatives, and to the Committee on Environment and Public Works and the Committee on Appropriations of the Senate, a report detailing—

(1) all Agency environmental research and development and scientific research, development, and demonstration programs the Assistant Administrator finds is not of sufficiently high quality; and

(2) all Agency environmental research and development and scientific research, development, and demonstration programs the Assistant Administrator finds duplicate other Agency environmental research and development and scientific research, development, and demonstration programs.

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

In carrying out the Science To Achieve Results (STAR) Graduate Student Fellowship Program, the Administrator shall ensure that any fellowship award to a student selected after the date of the enactment of this Act is used only to support scientific research that would further missions of the Office of Research and Development.

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

(a) **ANNUAL REPORT.**—The Science Advisory Board shall submit to Congress and to the Administrator an annual report that contains the views of the Science Advisory Board on proposed environmental research and development and scientific research, development, and demonstration programs as described in the Agency's budget. Such report shall be submitted to Congress as soon as practicable after the submission of the Agency's budget to Congress. The Administrator shall cooperate with the Chairperson of the Science Advisory Board, particularly with respect to the timely provision of budget information to the Science Advisory Board, to allow the Science Advisory Board to carry out its duties under this subsection.

(b) **EVALUATION.**—The Science Advisory Board shall conduct periodic evaluations of selected areas of the current and planned environmental research and development and scientific research, development, and demonstration programs 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 Development or the Science Advisory Board under this Act—

(1) up to the lesser of \$250,000 or 5 percent of the total funding for a fiscal year of an environmental research or development or scientific research, development, or demonstration program, project or activity of the Office of Research and Development or the Science Advisory Board; or

(2) after the expiration of 60 days after transmitting to the Committee on Science and the Committee on Appropriations of the House of Representatives, and to the Committee on Environment and Public Works and the Committee on Appropriations of the Senate, a report described in subsection (b), up to 25 percent of the total funding for a fiscal year of an environmental research or development or scientific research, development, or demonstration program, project or activity of the Office of Research and Development or the Science Advisory Board.

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

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

(c) **LIMITATIONS.**—In no event may funds be used pursuant to subsection (a) for an environmental research or development or scientific research, development, or

demonstration program, project or activity for which funding has been requested to the Congress but which has not been funded by the Congress.

(d) **ANNUAL OPERATING PLAN.**—The Administrator shall provide simultaneously to the Committee on Science and the Committee on Appropriations of the House of Representatives, and to the Committee on Environment and Public Works and the Committee on Appropriations of the Senate, any annual operating plan or other operational funding document, including any additions or amendments thereto, provided to any committee of Congress.

(e) **COPY OF REPORTS.**—In addition to the documents required under subsection (d), the Administrator shall provide copies simultaneously to the Committee on Science and the Committee on Appropriations of the House of Representatives, and to the Committee on Environment and Public Works and the Committee on Appropriations of the Senate, of any report relating to the environmental research or development or scientific research, development, or demonstration programs, projects or activities of the Office of Research and Development or the Science Advisory Board prepared at the direction of any committee of Congress.

(f) **NOTICE OF REORGANIZATION.**—The Administrator shall provide notice to the Committee on Science and the Committee on Appropriations of the House of Representatives, and to the Committee on Environment and Public Works and the Committee on Appropriations of the Senate, not later than 15 days before any major reorganization of any environmental research or development or scientific research, development, or demonstration programs, projects or activity of the Office of Research and Development or the Science Advisory Board.

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

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

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

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

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

(a) **TRAVEL.**—Not more than 1 percent of the funds authorized by this Act may be used either directly or indirectly to fund travel costs of the Agency or travel costs for persons awarded contracts or subcontracts by the Agency. As part of the Agency's annual budget request submission to the Congress, the Administrator shall submit a report to the Committee on Science and the Committee on Appropriations of the House of Representatives, and to the Committee on Environment and Public Works and the Committee on Appropriations of the Senate, that identifies—

- (1) the estimated amount of travel costs by the Agency and for persons awarded contracts or subcontracts by the Agency for the fiscal year of such budget submission, as well as for the 2 previous fiscal years;
- (2) the major purposes for such travel; and
- (3) the sources of funds for such travel.

(b) **TRADE ASSOCIATIONS.**—No funds authorized by this Act may be used either directly or indirectly to fund a grant, contract, subcontract, or any other form of financial assistance awarded by the Agency to a trade association on a noncompetitive basis. As part of the Agency's annual budget request submission to the Congress, the Administrator shall submit a report to the Committee on Science and the Committee on Appropriations of the House of Representatives, and to the Committee on Environment and Public Works and the Committee on Appropriations of the Senate, that identifies—

- (1) the estimated amount of funds provided by the Agency to trade associations, by trade association, for the fiscal year of such budget submission, as well as for the 2 previous fiscal years;
- (2) the services either provided or to be provided by each such trade association; and
- (3) the sources of funds for services provided by each such trade association.

(c) **KYOTO PROTOCOL.**—None of the funds authorized by this Act may be used to propose or issue rules, regulations, decrees, or orders for the purpose of implementation, or in preparation for implementation, of the Kyoto Protocol which was adopted on December 11, 1997, in Kyoto, Japan, at the Third Conference of the Parties to the United Nations Framework Convention on Climate Change, which has not been submitted to the Senate for advice and consent to ratification pursuant to article II, section 2, clause 2 of the United States Constitution, and which has not entered into force pursuant to article 25 of the Protocol.

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

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

The Agency shall provide funding for scientific demonstration projects of the Office of Research and Development or the Science Advisory Board only for technologies or processes that can be reasonably expected to yield new, measurable benefits to the cost, efficiency, or performance of the technology or process.

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

(a) **REQUIREMENT.**—None of the funds authorized to be appropriated by this Act may be used to award, amend, or modify a contract of the Office of Research and Development or the Science Advisory Board in a manner that deviates from the Federal Acquisition Regulation, unless the Administrator grants, on a case-by-case basis, a waiver to allow for such a deviation. The Administrator may not delegate the authority to grant such a waiver.

(b) **CONGRESSIONAL NOTICE.**—At least 60 days before a contract award, amendment, or modification for which the Administrator intends to grant such a waiver, the Administrator shall submit to the Committee on Science and the Committee on Appropriations of the House of Representatives, and to the Committee on Environment and Public Works and the Committee on Appropriations of the Senate, a report notifying the committees of the waiver and setting forth the reasons for the waiver.

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

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

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

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

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

(a) **IN GENERAL.**—The Administrator shall exclude from consideration for grant agreements made after fiscal year 1999 by the Office of Research and Development or the Science Advisory Board, under the programs, projects and activities for which funds are authorized under this Act, any person who received funds, other than those described in subsection (b), appropriated for a fiscal year after fiscal year 1999, under a grant agreement from any Federal funding source for a project that was not subjected to a competitive, merit-based award process, except as specifically authorized by this Act. Any exclusion from consideration pursuant to this section shall be effective for a period of 5 years after the person receives such Federal funds.

(b) **EXCEPTION.**—Subsection (a) shall not apply to the receipt of Federal funds by a person due to the membership of that person in a class specified by law for which assistance is awarded to members of the class according to a formula provided by law or under circumstances permitting other than full and open competition under the Federal Acquisition Regulation.

(c) **DEFINITION.**—For purposes of this section, the term “grant agreement” means a legal instrument whose principal purpose is to transfer a thing of value to the recipient to carry out a public purpose of support or stimulation authorized by a law

of the United States, and does not include the acquisition (by purchase, lease, or barter) of property or services for the direct benefit or use of the United States Government. Such term does not include a cooperative agreement (as such term is used in section 6305 of title 31, United States Code) or a cooperative research and development agreement (as such term is defined in section 12(d)(1) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a(d)(1))).

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

The Administrator shall make available through the Internet home page of the Environmental Protection Agency the abstracts relating to all research grants and awards made with funds authorized by this Act. Nothing in this section shall be construed to require or permit the release of any information prohibited by law or regulation from being released to the public.

Amend the title so as to read:

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.

**II. PURPOSE OF THE BILL**

The purpose of H.R. 1742 is to authorize appropriations for fiscal years (FYs) 2000 and 2001 for environmental research and development (R&D) and scientific research, development, and demonstration (RD&D) programs of the Office of Research and Development and the Science Advisory Board (SAB) of the Environmental Protection Agency (EPA).

**III. BACKGROUND AND NEED FOR THE LEGISLATION**

EPA was established in the Executive Branch on December 2, 1970, as an independent agency pursuant to President Nixon's Reorganization Plan No. 3 of July 9, 1970 (5 U.S.C. app.) to "integrate environmental management activities involving pollution control into a coordinated and comprehensive program."<sup>1</sup>

EPA's statutory mandate for R&D has grown piecemeal from provisions of many environmental protection laws as enacted or amended over the years. Congress has conferred EPA the authority to conduct basic and applied research, to develop and demonstrate new technologies, to monitor the ambient environment, and to conduct diverse special studies in two ways: (1) in the context of at least 12 different environmental protection laws;<sup>2</sup> and (2) in the Environmental Research, Development, and Demonstration Authorization Act (ERDDA).

Given the diverse R&D program activities mandated by the various statutes, the establishment of a coherent and coordinated

<sup>1</sup>Library of Congress. Congressional Research Service. Environmental Protection: An Historical Review of Legislation and Programs of the Environmental Protection Agency, Report No. 83-34 ENR, March 3, 1983, p. 1 (hereafter referred to as CRS 84-34).

<sup>2</sup>Library of Congress. Congressional Research Service. Environmental Laws: Summaries of Statutes Administered by the Environmental Protection Agency, RL30022, January 12, 1999 (hereafter referred to as CRS RL30022), p. 107. These 12 statutes include: (1) the Clean Air Act, especially sections 103, 104, 153, and 319; (2) the Clean Water Act, especially title I, sections 104-11; (3) the Safe Drinking Water Act, especially sections 1442 and 1444; (4) the Marine Protection, Research and Sanctuaries Act (Ocean Dumping Act), especially Title II and Title IV; (5) the Solid Waste Disposal Act/Resource Conservation and Recovery Act, subtitle H, sections 8001-8007; (6) the Federal Insecticide, Fungicide, and Rodenticide Act, section 20; (7) the Pesticide Research Act; (8) the Toxic Substances Control Act, especially section 10; (9) the Noise Control Act, section 14; (10) the National Environmental Policy Act, section 204(5); (11) the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (Superfund), section 311 as amended by the Superfund Amendments and Reauthorization Act of 1986 section 209; and (12) the Acid Precipitation Act of 1980.

EPA-wide environmental R&D program proved to be no easy task in the early years of the EPA's existence. One of the principal reasons that has been cited as causing the early difficulties was that "Congressional oversight was fragmented because of the diverse committee jurisdictions over the authorizing statutes."<sup>3</sup> This lack of Congressional focus changed, however, when the House of Representatives centralized jurisdiction for environmental R&D in the Committee on Science and Technology (now the Committee on Science, hereafter referred to as the Committee) in the 94th Congress.<sup>4</sup>

The Committee first sponsored legislation to authorize EPA's environmental RD&D programs in 1975, and the first ERDDA was enacted in 1976.<sup>5</sup> The ERDDA was reauthorized four times—in 1977,<sup>6</sup> in 1978,<sup>7</sup> in 1979,<sup>8</sup> and in 1980.<sup>9</sup> All of these statutes, which were originated by legislation introduced by a member of the Committee and which were solely referred in the House to the Committee, authorized specific sums for environmental RD&D activities under specific statutes, such as the Clean Air Act, the Clean Water Act, the Safe Drinking Water Act, etc.

Subsequent attempts to reauthorize the ERDDA after 1980 failed for various reasons,<sup>10</sup> but the Committee's jurisdiction over the original ERDDA and all subsequent ERDDA reauthorization legislation was never in question. This changed in 1997 when the Committee reported H.R. 1276, the ERDDA of 1997. H.R. 1276 was referred sequentially to the House Committee on Commerce and was never acted on by the House because the two Committees could not resolve their jurisdictional differences.

The Commerce Committee expressed three principal concerns about H.R. 1276:<sup>11</sup>

(1) H.R. 1276 contained "a significantly broader scope of programs than in previous Science Committee EPA R&D bills";

(2) many of the provisions were "unnecessary due to other statutory authorities"; that "[a] number of the separate statutory provisions authorizing EPA research and development activities fall within the jurisdiction of the Commerce Com-

<sup>3</sup> CRS 84-34, p. 132.

<sup>4</sup> *Ibid.*

<sup>5</sup> P.L. 94-475, the Environmental Research, Development, and Demonstration Act (ERDDA) of 1976.

<sup>6</sup> P.L. 95-155, the ERDDA of 1978, which also created the EPA SAB.

<sup>7</sup> P.L. 95-477, the ERDDA of 1979.

<sup>8</sup> P.L. 96-229, the ERDDA of 1980.

<sup>9</sup> P. L. 96-569, the ERDDA of 1981.

<sup>10</sup> In 1982, Congress passed S. 2577, which would have reauthorized the ERDDA for FYs 1983 and 1984, but the measure was vetoed by President Reagan, primarily because it required certain groups to be represented on the EPA Science Advisory Board. In 1984, the House passed H.R. 2899, which would have reauthorized the ERDDA for FYs 1984 and 1985, but the Senate did not act on the measure. In 1986, the Committee reported H.R. 2319, which would have reauthorized the ERDDA for FY 1986, but the House did not act on the measure. In 1984, the House passed H.R. 2355, which would have reauthorized the ERDDA for FYs 1988 and 1989, but the Senate did not act on the measure. In 1990, the Committee reported H.R. 2319, which would have reauthorized the ERDDA for FYs 1991, 1992, and 1993, but the House did not act on the measure. In 1991, the Committee reported H.R. 2404, which would have reauthorized the ERDDA for FYs 1992, 1993, and 1994, but the House did not act on the measure. In 1993, the House passed H.R. 1994, which would have reauthorized the ERDDA for FY 1994, but the Senate did not act on the measure. In 1995, the Committee reported H.R. 1814, which would have reauthorized the ERDDA for FY 1996; the text of this measure was incorporated as Title V of H.R. 2405, which passed the House in 1995, but the Senate did not act on the measure. And in 1996, the House passed H.R. 3322, which included as Title V, the ERDDA of 1996, which would have reauthorized the ERDDA for FY 1997, but the Senate did not act on the measure.

<sup>11</sup> H. Rept 105-99, Part 2, pp. 5-7.

mittee,” such as the Safe Drinking Water Act Amendments of 1999 and the Food Quality Protection Act of 1996; and

(3) the bill contained “a number of other provisions which are redundant of, and potentially inconsistent with, existing authorizations provided by the Commerce Committee,” such as the Clean Air Act, the Clean Water Act, etc.

The Commerce Committee made a valid point that H.R. 1276 contained a broader scope of programs than did previous Science Committee EPA RD&D bills. Previous ERDDA legislation had been limited to the R&D activities of EPA’s ORD, which is responsible for the R&D needs of the Agency’s operating programs and the conduct of an integrated R&D program from the Agency. However, Congress recognized that the EPA Office of Air and Radiation (OAR) and other EPA Offices also perform significant R&D when it created the Science and Technology (S&T) appropriation account in 1996 to fund the operating programs of the ORD, the OAR Office of Mobile Sources, and the Program Office laboratories.<sup>12</sup>

EPA’s OAR conducts not environmental R&D, but also scientific and energy RD&D and commercial application of energy technology programs. In particular, OAR Climate Change Technology Initiative (CCTI) programs are energy RD&D and commercial application of energy technology programs. Under Rule X, clause (n)(1) of the Rules of the House, the Committee on Science has jurisdiction over “all bills, resolutions, and other matters relating to \* \* \* [all] energy research, development, and demonstration, and projects therefor, \* \* \*” [emphases added]. Similarly, under Rule X, clause 1(n)(4), the Committee has jurisdiction over environmental R&D; under Rule X, clause 1(n)(6), the Committee has jurisdiction over the commercial application of energy technology; and under Rule X, clause 1(n)(14), the Committee has jurisdiction over scientific RD&D.

In the spirit of cooperation to address the Commerce Committee’s first concern, the Science Committee has divided the programs contained in H.R. 1276 into two bills: (1) this bill, H.R. 1742, which authorizes the environmental R&D and scientific RD&D programs of the ORD and the EPA SAB; and (2) H.R. 1743, which authorizes the environmental R&D and scientific and energy RD&D and commercial application of energy technology programs for the OAR, including the energy RD&D and commercial application of energy technology OAR CCTI programs. To address the Commerce Committee’s second concern, this bill limits the authorized appropriations to such environmental R&D and scientific RD&D programs “for which specific sums are not authorized under other authority of law.”

And finally, in order to address the Commerce Committee’s third concern, references to specific environmental statutes have been deleted.<sup>13</sup>

The Committee believes that the fact that most of EPA’s environmental R&D and scientific RD&D programs have not been author-

<sup>12</sup>P.L. 104-204, the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1997.

<sup>13</sup>The Committee on Science still believes that reference to the authorization of appropriations for environmental R&D under specific statutes, such as the Clean Air Act, the Clean Water Act, etc., is both consistent with its jurisdiction under the Rules of the House and with the precedential patterns of referral of identical legislation dating back to the 94th Congress.



ized for specific sums since 1981 demonstrates the need for such legislation. Further evidence of the need for such legislation is the large number of unauthorized Congressional directives contained in annual appropriation legislation, as well as EPA's continuing inability—whether by design or ineptitude—to provide the Congress and the American people with the basic and fundamental budget information required to analyze its budget.

#### IV. SUMMARY OF HEARINGS

The Subcommittee on Energy and Environment of the Committee on Science held hearings on March 18, 1999 to hear testimony on the Administration's FY 2000 budget request for the environmental R&D and scientific RD&D programs of the EPA's ORD and SAB.

Appearing as witnesses before the Subcommittee hearing on March 18, 1999, titled "The FY 2000 EPA R&D Budget Authorization," were Dr. Norine E. Noonan, Assistant Administrator for Research and Development, U.S. Environmental Protection Agency (EPA); Dr. William Randall Seeker, Chair, Research Strategies Advisory Committee, U.S. Environmental Protection Agency Science Advisory Board (SAB); and Mr. David G. Wood, Associate Director, Environmental Protection Issues, Resources, Community, and Economics Development Division, U.S. General Accounting Office (GAO).

Dr. Noonan testified that EPA's total FY 2000 request in the S&T appropriation account—which was created in 1996 and funds the operating programs of the Office of Research and Development (ORD), the Office of Air and Radiation's (OAR's) Office of Mobile Sources, and the Program Office laboratories—is \$642.5 million and 2,456 total work years—a decrease of \$17.5 million and 97 work years from FY 1999. ORD's total FY 2000 request is \$534.8 million and 2,004 work years. Of this total, ORD's FY 2000 request in the S&T appropriation account is \$495.9 million and 1,876 work years; the remaining \$38.9 million and 128 work years are in accounts other than the S&T account to support the Superfund, Leaking Underground Storage Tank, and Oil Spills research programs.

Dr. Seeker noted that the SAB's RSAC had conducted a formal review of the entire FY 2000 EPA S&T budget request for the first time, and as part of the review process, has responded to six charge questions:

1. *Can the objectives of the research and development program in ORD and the broader science and technology programs in EPA be achieved at the resource levels requested?*—RSAC found the funding request priorities to be appropriate based on the environmental goals established in the Agency Strategic Plan, but continues to have reservations about the adequacy of the funding level given the increasing complexity and cost of environmental problems.

2. *Does the budget request reflect priorities identified in the EPA and ORD Strategic Plan?*—RSAC found that the ORD and Program Office Science and Technology budgets do set priorities aligned with the Agency with ORD strategic plans and Government Performance and Results Act (GPRA) goals, but had some reservations about the decreases and some omissions in the overall priorities. It concluded that the budgets proposed in several areas were not like-

ly to be sufficient to meet the goals established by the Agency and ORD in their Strategic Plans.

3. *Does the budget request reflect coordination between ORD and the Program Offices?*—RSAC commended the Agency for significant improvements in the coordination between ORD projects and the needs of the program offices and found that the Agency needs to continue to build on its strategic planning process for science across the Agency and across environmental goals.

4. *Does the budget request support a reasonable balance in terms of attention to core research on multimedia capabilities and issues and to media-specific problem-driven topics?*—RSAC found that the ORD budget request does appear to provide a balance between core research and media-specific, problem-driven science needs, but noted that the overall S&T budget request is more weighted to media-specific, problem-driven activities.

5. *Does the budget request balance attention to near-term and to long-term research and science and technology issues?*—RSAC found that, in general, the Agency has given serious consideration to both long-term and short-term research and science and technology issues, but that there is still no overall explicit approach to incorporate the requirements of longer-term research programs within the short-term budgetary process.

6. *How can EPA use or improve upon the Government Performance and Results Act (GPRA) structure to communicate research plans, priorities, research requirements, and planned outcome?*—RSAC found that the EPA had used the GPRA goals structure to organize its FY 2000 budget request, and welcomed such a structure as an organizing principle. However, RSAC also found that most of the science milestones were process (or “output”) oriented rather than results (or “outcome”) oriented; and that the ORD and Agency process for prioritizing potential research programs is not completely transparent.

Mr. Wood discussed the findings from GAO’s recent on EPA’s S&T appropriation account funds requested for FY 1999<sup>14</sup> and on its limited review of EPA’s FY 2000 budget justification, including: (1) difficulties experienced in comparing EPA’s S&T appropriation account budget justification for FY 1999 with those of previous years; and (2) actions that EPA planned and implemented to improve the clarity and comparability of the FY 2000 justification and items that need further clarification. In summary, GAO found the following:

- EPA’s budget justification for FY 1999 could not be readily compared to amounts requested or enacted for FY 1998 and prior years because the justification did not show how the budget would be distributed among program offices or program components—information needed to link to the prior years’ justifications.

- EPA implemented several changes to its FY 2000 justification to solve problems experienced in comparing the 1998 and 1999 budget justifications. While the budget justification followed the basic format reflecting the agency’s strategic goals and objectives, EPA made changes to the objectives without explanations or docu-

<sup>14</sup>*Environmental Protection: EPA’s Science and Technology Funds* (GAO/RCED-99-12, Oct. 30, 1998).

mentation to link the changes to the FY 1999 budget justification. As a result, the FY 2000 budget justification cannot be completely compared with the FY 1999 justification without supplemental information.

#### V. COMMITTEE ACTIONS

As summarized above, the Subcommittee on Energy and Environment of the Committee on Science heard testimony relevant to the programs authorized in H.R. 1742 at a hearing held on March 18, 1999.

On May 10, 1999, Mr. Ken Calvert, Chairman of the Subcommittee on Energy and Environment, introduced H.R. 1742, the Environmental Protection Agency Office of Air and Radiation Authorization Act of 1999, a bill to authorize appropriations for FY 2000 and FY 2001 for the environmental R&D and scientific RD&D programs, projects, activities of the EPA ORD and the SAB.

The Committee on Science met to consider H.R. 1742 on Tuesday, May 25, 1999, and Wednesday, May 26, 1999, and entertained the following amendments and report language.

*Amendments 1 and 8.*—Mr. Calvert, Chairman of the Science Committee's Subcommittee on Energy and Environment, asked and received unanimous consent to offer a manager's amendment (Amendment 1) and a title change amendment (Amendment 8) simultaneously on behalf of himself and Mr. Costello, Ranking Minority Member of the Subcommittee on Energy and Environment. The manager's amendment made: (1) technical and conforming changes to H.R. 1742, as introduced; (2) clarifications of the "Science to Achieve Results (STAR) Graduate Student Fellowship Program," "Limitations on Demonstrations," and "Eligibility of Awards" provisions; and (3) changes in language—including the deletion of references to specific environmental statutes—resulting from bipartisan consultation with the Committee on Commerce that strengthen the Committee on Science's jurisdictional claims for the bill's provisions. The manager's amendment also streamlined the section on the SAB, and struck the prohibition on the use of funds for EPA's High Performance Computing and Communications (HPCC) program, with the understanding that it would be addressed in report language and subsequent legislation.

*Amendment 2.*—On behalf of Ms. Jackson-Lee, Mr. Lampson offered an amendment making available, within funds authorized for ORD, \$2.0 million for FY 2000 and 2.0 million for FY 2001 for the Mickey Leland Urban Air Toxics Research Center. The amendment was adopted by voice vote.

*Amendment 3.*—Mr. Lampson offered an amendment making available, within funds authorized ORD, \$5.0 million for FY 2000 and \$5.0 million for FY 2001 for the Gulf States Hazardous Substance Research Center. The amendment was adopted by voice vote.

*Amendment 4.*—Mr. Lofgren's amendment, which was withdrawn, would have stricken subsection 9(c) of the bill, which prohibited any of the funds authorized by the Act to be used either directly or indirectly for the purpose of implementation of, or in preparation for implementation of, the Kyoto Protocol, unless it has

been ratified by the Senate and has entered into force pursuant to article 25 of the Protocol.

*Amendment 5.*—Ms. Lofgren offered an amendment providing that none of the funds authorized by this Act may be used to propose or issue rules, regulations, decrees, or orders for the purpose of implementation of, or in preparation for implementation of, the Kyoto Protocol which was adopted on December 11, 1997, in Kyoto, Japan, at the Third Conference of the Parties to the United Nations Framework Convention on Climate Change, which has not been submitted to the Senate for advise and consent to ratification pursuant to article II, section 2, clause 2 of the United Constitution and which has not entered into force pursuant to article 25 of the Protocol. The amendment was adopted by voice vote.

*Amendment 6.*—Mr. Etheridge's amendment, which was withdrawn, would have stricken subsection 9(d) of the bill, which prohibited any of the funds authorized by the Act to be used for EPA's HPCC program.

*Amendment 7.*—On behalf of Ms. Biggert, Mr. Sensenbrenner offered an amendment requiring the EPA Administrator to make available thorough EPA's Internet home page abstracts relating to all research grants and awards made with funds authorized by this Act, with the proviso that nothing in the amendment shall be construed to require or permit the release of any information prohibited by law or regulation from being released to the public. The amendment was adopted by voice vote.

*Report Language 1.*—Mr. Lampson offered report language regarding the Gulf Coast Hazardous Substance Research Center. The report language was adopted by voice vote.

*Report Language 2.*—Mr. Etheridge offered report language concerning EPA's HPCC program. The report language was adopted by voice vote.

*Report Language 3.*—Mr. Calvert asked and received unanimous consent that: (1) the budget table for H.R. 1742 be included in the bill's report language; (2) staff be permitted to make technical corrections to the table; (3) the minority be given the opportunity to examine the table in detail and negotiate over its content; and (4) upon completion of negotiation a final version be signed by a majority of the Committee, and thereafter the minority have two subsequent days to file any minority supplemental or additional views.

With a quorum present, Mr. Costello moved that the Committee favorably report the bill, H.R. 1742, as amended, to the House with the recommendation that the bill, as amended, do pass; that the staff be instructed to prepare the legislative report and make necessary technical and conforming changes; and that the Chairman take all necessary steps to bring the bill before the House for consideration. The motion was approved by voice vote.

Mr. Sensenbrenner asked and received unanimous consent that: (1) Members have two subsequent calendar days in which to submit supplemental, minority or additional views on the measure; (2) pursuant to clause 1 of Rule XXII of the Rules of the House of Representatives, the Chairman may offer such motions as may be necessary in the House to go to conference with the Senate on H.R. 1742 or a similar Senate bill; (3) staff be given authority to make technical and conforming changes; and (4) the bill be reported in

the form of a single amendment in the nature of a substitute reflecting amendments adopted.

#### VI. SUMMARY OF MAJOR PROVISIONS OF THE BILL

As shown in the Table below, H.R. 1742 authorizes to be appropriated to the EPA Administrator for ORD environmental R&D and scientific RD&D programs \$504,022,100 for FY 2000 and \$519,940,600 for FY 2001, to remain available until expended, of which—(1) \$2,000,000 for FY 2000 and \$2,000,000 for FY 2001 shall be for the Mickey Leland Urban Air Toxics Research Center; (2) \$5,000,000 for FY 2000 and \$5,000,000 for FY 2001 shall be for the Gulf Coast Hazardous Substance Research Center, and (3) \$1,000,000 for FY 2000 shall be for a field-scale environmental R&D project at an existing site for remediation of soils contaminated by recalcitrant hydrocarbon and lead contaminants. In addition, the bill also authorizes to be appropriated to the EPA Administrator for SAB activities \$2,636,200 for FY 2000 and \$2,768,000 for FY 2001, to remain available until expended.

The bill also:

- Establishes the EPA Assistant Administrator for ORD as EPA's chief scientific official in charge of the Agency's environmental R&D and scientific RD&D strategic planning.
- Requires the EPA Assistant Administrator for ORD to review all EPA environmental R&D and scientific RD&D programs to ensure that the RD&D is of high quality and does not duplicate other Agency programs, and to report annually to Congress on such programs that are not of high quality or that duplicate other programs.
- Ensures that fellowship awards to students selected under the STAR Graduate Student Fellowship Program are used to support only scientific research that furthers the mission of the ORD.
- Strengthens and institutionalizes the role of the SAB in analyzing and evaluating EPA's current and planned environmental R&D and scientific RD&D programs and associated budgets.
- Limits the amounts of funds that may be reprogrammed.
- Prohibits EPA from using of any funds authorized by the bill for the purpose of proposing or issuing rules, regulations, decrees, or orders for the purpose of implementing, or in preparation for implementing, the Kyoto Protocol which has not been submitted to the Senate for advise and consent to ratification and which has not entered into force.
- Limits EPA funding for scientific demonstration projects of the ORD or SAB to technologies and processes that can reasonably be expected to yield new, measurable benefits to the cost, efficiency, or performance of the technology or process.

Prohibits EPA from using of any funds authorized by the bill to: (1) Award, amend, or modify a contract of the ORD or SAB in a manner that deviates from the Federal Acquisition Regulation, unless the EPA Administrator grants a case-by-case waiver and reports to Congress; (2) prepare to initiate Requests for Proposals (RFPs) for unauthorized programs, projects or activities; or (3) produce or provide articles or services for the purpose of selling them to a person outside the Federal Government, unless the EPA

Administrator determines that comparable articles or services are not available from a commercial source in the U.S.

- Excludes from consideration for grant agreements made after 1999 by the ORD or the SAB for a period of five years—under the programs, projects and activities for which funds are authorized under the bill—any person who received funding for a project not subject to a competitive, merit-based award process, except as specifically authorized by the bill.

- Requires the EPA Administrator to make available through EPA's Internet home page the abstracts relating to all research grants and awards made with funds authorized by the bill.

TABLE. H.R. 1742—ENVIRONMENTAL PROTECTION AGENCY OFFICE OF RESEARCH AND DEVELOPMENT AND SCIENCE ADVISORY BOARD AUTHORIZATION ACT OF 1999:  
SUMMARY  
[In Dollars]

Office/program/activity	FY 1999 appropriation	FY 2000 request	FY 2000 recommendation	FY 2000 recommendation compared with (+ or -) FY 1999 approp- riation	FY 2001 recommendation	FY 2001 recommendation compared with (+ or -) FY 2000 approp- riation
Office of Research and Development:						
Gulf Coast Hazardous Substance Research Center .....	2,500,000	2,500,000	5,000,000	+2,500,000	5,000,000	0
Mickey LeLand Urban Air Toxics Research Center .....	2,000,000	0	2,000,000	0	2,000,000	0
Field-State Environmental Research and Development Soil Remediation Project .....	0	0	1,000,000	+1,000,000	0	-1,000,000
High Performance Computing and Communication (HPCC) Program .....	4,200,000	4,200,000	0	-4,200,000	0	0
Congressional Directives (P.L. 105-276) .....	66,600,000	0	0	-66,600,000	0	0
Other Office of Research and Development Environmental and Scientific Re- search, Development and Demonstration Programs, Projects and Activities ..	484,851,000	528,115,100	522,615,000	+37,764,000	539,533,600	+16,918,600
Subtotal, Office of Research and Development Budget Authority .....	560,151,000	534,815,100	530,615,000	-29,536,000	546,533,600	+15,918,600
Less Existing Safe Drinking Research Authority/Authorization (P.L. 104-182 and P.L. 105-276) .....	-47,728,100	-26,593,000	-26,593,000	+21,135,100	-26,593,000	0
Total, Office of Research and Development Budget Authorization .....	512,422,900	508,222,100	504,022,000	-8,400,900	519,940,600	+15,918,600
Science Advisory Board Budget Authority/Authorization .....	2,486,700	2,636,200	2,636,200	+149,500	2,768,000	+131,800
Total, H.R. 1742 Budget Authorization .....	514,909,600	510,858,300	506,658,200	-8,251,400	522,708,600	+16,050,400
Safe Drinking Research Authority/Authorization (P.L. 104-182 and P.L. 105-276) .....	47,728,100	26,593,000	26,593,000	-21,135,100	26,593,000	0
Total, H.R. 1742 Budget Authority .....	562,637,700	537,451,300	533,251,200	-29,386,500	549,301,600	+16,050,600

<sup>1</sup> Excluded from this authorization legislation is EPA's High Performance Computing and Communications (HPCC) Program, which will be authorized under separate legislation. This lack of authorization for EPA's HPCC program in H.R. 1742 should not be construed as a lack of endorsement for the program. It is the Chairman's intention for the Committee to act on separate legislation that will authorize appropriations for the HPCC Program—including EPA's portion—as well as the proposed Information Technology for the 21st Century (IT2) Initiative and further Next Generation Internet (NGI) activities for those agencies under the Committee's jurisdiction.

## VII. SECTION-BY-SECTION ANALYSIS AND COMMITTEE VIEWS

*Section 1. Short title*

Section 1 cites the Act as the “Environmental protection Agency Office of Research and Development and Science Advisory Board Authorization Act of 1999.”

*Section 2. Definitions*

Section 2 defines: (1) the “Agency” as the Environmental Protection Agency; (2) the “Administrator” as the Administrator of Environmental Protection Agency’ and (3) “Assistant Administrator” as the Assistant Administrator for Research and Development.

*Section 3. Office of Research and Development*

Subsection 3(a) authorizes to be appropriated to the EPA Administrator for the ORD for environmental R&D and scientific RD&D program \$504, 022,100 for fiscal year (FY) 2000 and \$519,940,600 for FY 2001, to remain available until expended, of which—(1) \$2,000,000 for FY 2000 and \$2,000,000 for FY 2001 shall be for the Mickey Leland Urban Air Toxics Research Center; and (2) \$5,000,000 for FY 2000 and \$5,000,00 for FY 2001 shall be for the Gulf Coast Hazardous Substance Research Center.

Subsection 3(b) prohibits the obligation of any amounts authorized under subsection 3(a) until 30 days after the Administrator submits to the Committee on Science and the Committee on Appropriations of the House and the Committee on Environment and Public Works and the Committee on Appropriations of the Senate, a report detailing for all ORD environmental R&D and scientific RD&D programs, projects and activities, by appropriation goal and objectives, for FY 2000 and each of the previous two FYs—(1) a description of, and funding requested or allocated for, each such program, project and activity; (2) an identification of all recipients of funds to conduct such programs, projects and activities; and (3) an estimate of the amounts to be expended by each recipient of funds identified in (2).

Subsection 3(c) provides that the 30 days described in subsection 3(b) will not include any day on which either House of Congress is not in session because of an adjournment of more than three days to a day certain.

*Committee views*

With the few exceptions identified in bill language and the EPA’s HPCC program, the Committee’s recommendations for FY 2000 are consistent with the Administration’ request; and for FY 2001—again with the few exceptions identified in bill language and the EPA’s HPCC program—the Committee’s recommendations provide a 3-percent increase above the FY 2000 recommended levels. These levels are recommended to provide a stable and predictable funding pattern in which to conduct this important research.

As noted in the footnote to the budget table provided above, the EPA’s HPCC has been excluded from this authorization legislation and will be authorized under separate legislation. This lack of endorsement for EPA’s HPCC program in H.R. 1742 should not be construed as a lack of endorsement for the program. It is the



Chairman's intention for the Committee to act on separate legislation that will authorize appropriations for the HPCC Program—including EPA's portion—as well as the proposed Information Technology for the 21st Century (IT2) Initiative and further Next Generation Internet (NGI) activities for those agencies under the Committee's jurisdiction.

The Committee has included an authorization of \$5.0 million in each of FYs 2000 and 2001 for environmental R&D and scientific RD&D at the Gulf Coast Hazardous Substance Research Center (GCHSRC). The Committee recognizes the expertise of the GCHSRC can also be used to support other related environmental R&D and scientific RD&D to address problems of concern to the Gulf region. The authorization included in this Act is sufficient to support ongoing work at the GCHSRC and to expand its work to develop a cooperative environmental R&D and scientific RD&D program on air quality, which will be a new cooperative effort between the GCHSRC and its member universities—Louisiana State University, the University of Alabama, Mississippi State University, Texas AM University, the University of Central Florida, the University of Houston, the University of Texas, Rice University, and Lamar University.

In spite of repeated discussions and meetings with the EPA over a period of years about the inadequacy of its budget information, the Agency has proved unwilling or unable to provide the Congress and the American people with the basic and fundamental information required to analyze its budget. In fact, the situation has worsened since the Agency reformulated its budget in a format it claims is consistent with both the letter and spirit of the Government Performance and Results Act of 1993.<sup>15</sup> The Committee respectfully disagrees with the EPA and has included a provision that prohibits the obligation of any amounts authorized in the bill until 30 days after the Administrator submits to the Committee on Science and the Committee on Appropriations of the House and the Committee on Environment and Public Works and the Committee on Appropriations of the Senate, a detailed report for FY 2000 and each of the previous two FYs, for all ORD environmental R&D and scientific RD&D programs, projects and activities, by appropriation goal and objectives authorized under this Act, which shall include (1) a description of, and funding requested or allocated for, each such program, project and activity; (2) an identification of all recipients of funds to conduct such programs, projects and activities; and (3) an estimate of the amounts to be expended by each recipient of funds identified in (2). The Committee must take this action because the Agency's long-standing and continuing refusal to comply with Committee requests for budget information leaves no alternative.

#### *Section 4. Scientific research review*

Subsection 4(a) requires the Administrator to assign to the Assistant Administrator the duties of—(1) developing a strategic plan for environmental R&D and scientific RD&D programs, projects and activities throughout the agency; (2) integrating that strategic

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<sup>15</sup>P.L. 103-62.

plan into ongoing Agency planning activities; and (3) reviewing all Agency environmental R&D and scientific RD&D programs, projects and activities to ensure the RD&D—(A) is of high quality; and (B) does not duplicate any other environmental R&D and scientific RD&D programs, projects and activities being conducted by the Agency.

Subsection 4(b) requires the Assistant Administrator to transmit an annual report to the Administrator and to the Committee on Science and the Committee on Appropriations of the House and the Committee on Environment and Public Works and the Committee on Appropriations of the Senate detailing—(1) all Agency environmental R&D and scientific RD&D programs, projects and activities, and (2) all Agency environmental R&D and scientific RD&D programs, projects and activities the Assistant Administrator finds duplicates other Agency environmental R&D and scientific RD&D programs, projects and activities.

*Section 5. Science To Achieve Results (STAR) Graduate Student Fellowship Program*

Section 5 requires the Administrator to ensure that any fellowship award to a student selected under the STAR Graduate Student Fellowship Program after the date of enactment of this Act is used only to support scientific research that furthers the mission of the ORD.

*Section 6. Science Advisory Board*

Subsection 6(a) requires the SAB to submit to Congress and to the Administrator an annual report containing the views of the SAB on proposed environmental R&D and scientific RD&D programs as described in the Agency's budget as soon as practicable after submission of the budget to Congress.

Subsection 6(b) requires the SAB to conduct periodic evaluations of selected areas of the Agency's current and planned environmental and scientific R&D programs. The areas of evaluation are to be selected by the Administrator in consultation with the SAB, the ORD, and other Agency programs, or by the appropriate committees of Congress in consultation with the SAB. Reports containing SAB evaluations and recommendations shall be filed with such committees and the Administrator. The Administrator shall respond to the findings in writing within 60 days and provide a copy of that response to the Administrator and to such committees.

Subsection 6(c) requires the Administrator to submit to the Congress any report required by law to be submitted to the Administrator by the SAB not later than 60 days after such submission to the Administrator.

Subsection 6(D) authorizes to be appropriated to the Administrator \$2,636,200 for FY 2000 and \$2,768,000 for FY 2001 for SAB activities.

*Section 7. Notice*

Subsections 7 (a) and (b) would allow the Administrator to reprogram funds for any authorized activities of the ORD or the SAB—(1) up to the lesser of \$250,000 or 5 percent of the total funding for a fiscal year of an environmental research or development or

scientific research, development, or demonstration program, project or activity of the ORD or the SAB; or (2) up to 25 percent of the total funding for a fiscal year for such program, project or activity of the ORD or the SAB after the Administrator has transmitted a report containing a full and complete statement of the action proposed to be taken and the facts and circumstances that support such proposed action to the Committee on Science and the Committee on Appropriations of the House, and to the Committee on Environment and Public Works and the Committee on Appropriations of the Senate and a period of 60 days has elapsed after the date on which the report is received (excluding any day on which either House of Congress is not in session because of an adjournment of more than 3 days to a day certain).

Subsection 7(c) prohibits the use of reprogrammed funds for an environmental research or development or scientific research, development, or demonstration program, project or activity for which funding has been requested to the Congress but which has not been funded by the Congress.

Subsection 7(d) requires the Administrator to provide simultaneously to the Committee on Science and the Committee on Appropriations of the House, and to the Committee on Environment and Public Works and the Committee on Appropriations of the House, and to the Committee on Environment and Public Works and the Committee on Appropriations of the Senate, any annual operating plan or other operational funding document, including any additions or amendments thereto, provided to any committee of Congress.

Subsection 7(e) also requires the Administrator to provide copies simultaneously to the Committee on Science and the Committee on Appropriations of the House, and to the Committee on Environment and Public Works and the Committee on Appropriations of the Senate, of any report relating to the environmental R&D or scientific RD&D programs, projects or activities of the ORD or SAB prepared at the direction of any committee of Congress.

Subsection 7(f) requires the Administrator to provide notice to the Committee on Science and the Committee on Appropriations of the House, and to the Committee on Environment and Public Works and the Committee on Appropriations of the Senate, not later than 15 days before any major reorganization of an environmental R&D or scientific RD&D program, project or activity of the ORD or SAB.

#### *Section 8. Budget request format*

Section 8 requires the Administrator to provide to the Congress at the same time as the budget request submission a detailed budget justification for programs, projects and activities authorized by this Act. Each such document shall include, for the FY requested and for two previous FYs—(1) a description and funding requested levels for each program, project and activity; (2) identification of all recipients of these funds; and (3) an estimate of the amount to be expended by each recipient in paragraph (2). In addition, Section 5 stipulates that the document required by this section shall be presented in the format employed by, and with the level of detail included in, the document entitled “Department of Energy FY 2000

Congressional Budget Request, DOE/CR-0062, Volume 3", dated February 1999.

*Committee views*

As noted above, the Committee must take this action because the Agency's long-standing and continuing refusal to comply with Committee requests for budget information leaves no alternative.

*Section 9. Limits on use of funds*

Subsection 9(a) provides that not more than 1 percent of the funds authorized by this Act may be used either directly or indirectly to fund travel costs of the Agency or travel costs for persons awarded grants, contracts, subcontracts, or any other form of financial assistance by the Agency. As part of the Agency's annual budget request submission to the Congress, the Administrator must submit a report to the Committee on Science and Committee on Appropriations of the House, and to the Committee on Environment and Public Works and Committee on Appropriations of the Senate that identifies—(1) the estimated amount of travel costs by the Agency and for persons awarded grants, contracts, subcontracts, or any other form of financial assistance by the Agency for the fiscal year of such budget submission, as well as for the two previous first years; (2) the major purposes for such travel; and (3) the sources of funds for such travel.

Subsection 9(b) provides that no funds authorized by the Act may be used either directly or indirectly to fund a grant, contract, subcontract or any other form of financial assistance awarded by the Agency to a trade association on a noncompetitive basis. As part of the Agency's annual budget request submission to the Congress, the Administrator shall also submit a report to the Committee on Science and Committee on Appropriations of the House, and to the Committee on Environment and Public Works and Committee on Appropriations of the Senate that shall identify—(1) the estimated amount of funds provided by the Agency to trade associations, by trade association, for the fiscal year of such budget submission, as well as for the two previous fiscal years; (2) the services either provided or to be provided by each such trade association; and (3) the sources of funds for services provided by each such trade association.

Submission 9(c) provides that none of the funds authorized by this Act may be used to propose or issue rules, regulations, decrees, or orders for the purpose of implementation of, or in preparation for implementation of, the Kyoto Protocol which was adopted on December 11, 1997, in Kyoto, Japan, at the Third Conference of the Parties to the United Nations Framework Convention on Climate Change, which has not been submitted to the Senate for advise and consent to ratification pursuant to article II, section 2, clause 2 of the United States Constitution and which has not entered into force pursuant to article 25 of the Protocol.

Subsection 9(b) provides that of the amounts authorized under section 3(a)(1), \$1,000,000 for FY 2000 shall be for a field-scale environmental RD&D project at an existing site for remediation of soils contaminated by recalcitrant hydrocarbon and lead contaminants using technologies and processes capable of homogenizing

soil while injecting both oxidizers and catalysts to the degree necessary for chemical oxidation to occur and that would render lead contaminants essentially inert.

*Committee views*

The subsection 9(c) prohibition on the use of funds authorized by this Act to propose or issue rules, decrees, or orders for the purpose of implementation of, or in preparation for implementation of, the Kyoto Protocol, is virtually identical to that contained in Public Law 105-276, the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1999. It is the Committee's view that Kyoto Protocol should not be implemented prematurely.

*Section 10. Limitation on demonstrations*

Subsection 10 requires that the Agency only provide funding for scientific demonstration projects for the ORD or the SAB for technologies or processes that can be reasonably expected to yield new, measurable benefits to the cost, efficiency, or performance of the technology or process.

*Section 11. Federal acquisition regulation*

Subsection 11(a) prohibits the use of funds authorized by this Act may be used to award, amend, or modify a contract of ORD or SAB in a manner that deviates from the Federal Acquisition Regulation unless the Administrator grants, on a case-by-case basis, a waiver to allow for such a deviation. The Administrator may not delegate the authority to grant such a waiver.

Subsection 11(b) requires that at least 60 days before a contract award, amendment, or modification for which the Administrator intends to grant such a waiver, the Administrator shall submit to the Committee on Science and the Committee on Appropriations of the House, and to the Committee on Environment and Public Works and the Committee on Appropriations of the Senate, a report notifying the committees of the waiver and setting forth the reasons for the waiver.

*Section 12. Requests for proposals*

Subsection 12 prohibits the Agency from using funds authorized by this Act to prepare or initiate RFPs for a program, project or activity if the program, project or activity has not been specifically authorized by Congress.

*Section 13. Production of provision of articles or services*

Section 13 prohibits the use of funds authorized under this Act by any program, project or activity of ORD or SAB to produce or provide articles or services for the purpose of selling to a person outside the Federal Government, unless the Administrator determines that comparable articles or services are not available from a commercial source in the U.S.

*Section 14. Eligibility for awards*

Subsection 14(a) requires the Administrator to exclude from consideration for grant agreements made after FY 1999 by the ORD

or the SAB, under the programs, projects and activities for which funds are authorized under this Act, any person who received funds, other than those described in subsection 14(b), appropriated for a fiscal year after FY 1999, under a grant agreement from any Federal funding source for a project that was not subjected to a competitive, merit-based award process, except as specifically authorized by this Act. Any exclusion from consideration pursuant to this section shall be effective for a period of 5 years after the person receives such Federal funds.

Subsection 14(b) provides that subsection 14(a) shall not apply to the receipt of Federal funds by a person due to the membership of that person in a class specified by law for which assistance is awarded to members of the class according to a formula provided by law.

Subsection 14(c) defines the term "grant agreement" to mean a legal instrument whose principal purpose is to transfer a thing of value to the recipient to carry out a public purpose of support or stimulation authorized by a law of the United States, and does not include the acquisition (by purchase, lease, or barter) of property or services for the direct benefit or use of the United States Government. Such term also does not include a cooperative agreement (as such term is used in section 6305 of title 31, United States Code) or a cooperative research and development agreement (as such term is defined in section 12(d)(1) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a(d)(1))).

#### *Committee views*

The Committee has a long-standing position that awards should be based on a competitive, merit-based process. Merit review allows taxpayers' dollars to be spent in the most cost-effective manner.

#### *Section 15. Internet availability of information*

Section 15 requires the Administrator to make available through EPA's Internet home page the abstracts relating to all research grants and awards made with funds authorized by this Act. Nothing in this section shall be construed to require or permit the release of any information prohibition by law or regulation from being released to the public.

#### *Committee views*

The Committee believes that by giving public access to information about how tax dollars are spent, it is acting as a responsible steward of taxpayer resources. Such information can also stimulate additional public and private sector research by informing the research community.

## VIII. COST ESTIMATE

Rule XIII, clause 3(d)(2) of Rules of the House of Representatives requires that each report of a committee on a public bill or public joint resolution contain: (A) An estimate by the committee of the costs that would be incurred in carrying out the bill or joint resolution in the fiscal year in which it is reported, and in each of the five fiscal years following that fiscal year (or for the authorized duration of any program authorized by such bill or joint resolution,

if less than five years); (B) a comparison of the estimate of costs described in subdivision (A) made by the committee with any estimate of such costs made by a Government agency and submitted to such committee; and (C) when practicable, a comparison of the total estimated funding level for the relevant programs with the appropriate levels under current law. However, House Rule XIII, clause 3(d)(3)(B) provides that this requirement does not apply when a cost estimate and comparison prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974 has been included in the report pursuant to House Rule XIII, clause 3(c)(3). A cost estimate and comparison prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974 has been timely submitted to the Committee on Science prior to the filing of this report and is included in Section IX of this report pursuant to House Rule XIII, clause 3(c)(3).

Rule XIII, clause 3(c)(2) of the Rules of the House of Representatives requires that the report of a committee on a measure that has been approved by the committee providing new budget authority (other than continuing appropriations), new spending authority, or new credit authority, or changes in revenues or tax expenditures include the statement required by section 308(a) of the Congressional Budget Act of 1974, except that an estimate of new budget authority shall include, when practicable, a comparison of the total estimated funding level for the relevant programs to the appropriate levels under current law. H.R. 1742 does not contain any new budget authority, new spending authority, or new credit authority, or changes in revenues or tax expenditures. Assuming that the sums authorized under the bill are appropriated, H.R. 1742 does authorize additional discretionary spending, as described in the Congressional Budget Office report on the bill, which is contained in Section IX of this report.

#### IX. CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

Rule XIII, clause 3(c)(3) of the Rules of the House of Representatives requires that the report of a committee on a measure that has been approved by the committee include an estimate and comparison prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974 if timely submitted to the committee before the filing of the report. The Committee on Science has received the following cost estimate for H.R. 1742 from the Director of the Congressional Budget Office.

U.S. CONGRESS,  
CONGRESSIONAL BUDGET OFFICE,  
*Washington, DC, June 8, 1999.*

Hon. F. JAMES SENSENBRENNER, Jr.,  
*Chairman, Committee on Science,  
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 1742, the Environmental Protection Agency Office of Research and Development and Science Advisory Board Authorization Act of 1999.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contacts are Kim Cawley (for federal costs) and Lisa Cash Driskill (for the state and local impact).  
Sincerely,

BARRY B. ANDERSON  
(For Dan L. Crippen, Director).

Enclosure.

*H.R. 1742—Environmental Protection Agency Office of Research and Development and Science Advisory Board Authorization Act of 1999*

Summary: H.R. 1742 would authorize the appropriation of \$504 million in fiscal year 2000 and \$520 million in fiscal year 2001 for the Environmental Protection Agency’s (EPA’s) Office of Research and Development to conduct environmental and scientific research, development, and demonstration activities. In addition, the bill would authorize the appropriation of \$3 million for each of fiscal years 2000 and 2001 for the activities of EPA’s Science Advisory Board.

CBO estimates that appropriation of the authorized amounts would result in additional discretionary spending of \$1,030 million over the 2000–2003 period. The bill would not affect direct spending or receipts; therefore, pay-as-you-go procedures would not apply. H.R. 1742 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform act (UMRA) and would impose no costs on state, local, or tribal governments.

Estimated cost to the Federal Government: The estimated budgetary impact of H.R. 1742 is shown in the following table. For purposes of this estimate, CBO assumes that the amounts authorized will be appropriated by the beginning of each fiscal year and that outlays will occur at rates similar to those of past appropriations for EPA research and development (R&D) activities. The costs of this legislation fall within budget function 300 (natural resources and environment).

	By fiscal year, in millions of dollars—					
	1999	2000	2001	2002	2003	2004
SPENDING SUBJECT TO APPROPRIATION						
EPA R&D spending under current law:						
Budget authority <sup>1</sup> .....	702	0	0	0	0	0
Estimated outlays .....	650	311	107	4	2	0
Proposed changes:						
Authorization level .....	0	507	523	0	0	0
Estimated outlays .....	0	205	438	310	78	0
EPA R&D spending under current H.R. 1742:						
Authorization level <sup>1</sup> .....	702	507	523	0	0	0
Estimated outlays .....	650	516	545	314	80	0

<sup>1</sup>The 1999 level is the total amount appropriated for EPA’s Science and Technology account, including transfers from other accounts, and funds provided for EPA’s Science Advisory Board.

Pay-as-you-go consideration: None.

Intergovernmental and private-sector impact: H.R. 1742 contains no intergovernmental or private-sector mandates as defined in UMRA and would impose no costs on state, local, or tribal govern-



ments. Some of the funds authorized in the bill would be used for research at academic institutions, including public universities.

Estimate prepared by: Federal Costs—Kim Cawley; impact on State, local, and tribal governments—Lisa Cash Driskill.

Estimate approved by: Robert A. Sunshine, Deputy Assistant Director for Budget Analysis.

#### X. COMPLIANCE WITH PUBLIC LAW 104–4

H.R. 1742 contains no unfunded mandates.

#### XI. COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

Rule XIII, clause 3(c)(1) of the Rules of the House of Representatives requires that the report of a committee on a measure that has been approved by the committee include oversight findings and recommendations under clause 2(b)(1) of rule X. The Committee on Science's oversight findings and recommendations are reflected in the body of this report.

#### XII. OVERSIGHT FINDINGS AND RECOMMENDATIONS BY THE COMMITTEE ON GOVERNMENT REFORM

Rule XIII, clause 3(c)(4) of the Rules of the House of Representatives requires that the report of a committee on a measure that has been approved by the committee include a summary of oversight findings and recommendations made by the Committee on Government Reform under clause 4(c)(2) of rule X if such findings and recommendations have been submitted to the reporting committee in time to allow it to consider such findings and recommendations during its deliberations on the measure. The Committee on Science has received no such findings or recommendations from the Committee on Government Reform.

#### XIII. CONSTITUTIONAL AUTHORITY STATEMENT

Rule XIII, clause 3(d)(1) of the Rules of the House of Representatives requires that each report of a committee on a public bill or public joint resolution contain a statement citing the specific powers granted to the Congress in the Constitution to enact the law proposed by the bill or joint resolution. Article I, section 8 of the Constitution of the United States grants Congress the authority to enact H.R. 1742.

#### XIV. FEDERAL ADVISORY COMMITTEE STATEMENT

H.R. 1742 does not establish or authorize the establishment of any advisory committee.

#### XV. CONGRESSIONAL ACCOUNTABILITY ACT

The Committee finds that H.R. 1742 does not relate to the terms and conditions of employment or access to public services or accommodations within the meaning of section 102(b)(3) of the Congressional Accountability Act (Public Law 104–1).

## XVI. CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

This legislation does not amend any existing Federal statute.

## XVII. COMMITTEE RECOMMENDATIONS

On May 26, 1999, a quorum being present, the Committee favorably reported H.R. 1742, the Environmental Protection Agency Office of Research and Development and Science Advisory Board Authorization Act of 1999, as amended, by a voice vote, and recommended its enactment.

## XVIII. PROCEEDINGS OF COMMITTEE ON SCIENCE MARKUP

PROCEEDINGS OF THE COMMITTEE ON SCIENCE FULL COMMITTEE MARKUP ON H.R. 1742, ENVIRONMENTAL PROTECTION AGENCY OFFICE OF RESEARCH AND DEVELOPMENT AND SCIENCE ADVISORY BOARD AUTHORIZATION ACT OF 1999, MAY 25–26, 1999

MAY 25, 1999

Chairman SENSENBRENNER. So, pursuant to notice, I call up H.R. 1742. Without objection, the bill is read a third time and will be open for amendment at any point. I recognize myself for five minutes.

[The information follows:]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the “Environmental Protection Agency Office of Research and Development and Science Advisory Board Authorization Act of 1999”.

**SEC. 2. DEFINITIONS.**

For the purposes of this Act—

- (1) the term “Administrator” means the Administrator of the Agency;
- (2) the term “Agency” means the Environmental Protection Agency; and
- (3) the term “Assistant Administrator” means the Assistant Administrator for Research and Development of the Agency.

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

(a) **IN GENERAL.**—There are authorized to be appropriated to the Administrator for the Office of Research and Development for environmental and scientific research, development, and demonstration programs, projects, and activities for which specific sums are not authorized under other authority of law \$504,022,100 for fiscal year 2000 and \$519,940,600 for fiscal year 2001, to remain available until expended, of which—

- (1) \$37,300,000 for fiscal year 2000 and \$38,419,000 for fiscal year 2001 shall be for environmental and scientific research, development, and demonstration programs, projects, and activities related to the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, subject to section 9(e) of this Act;
- (2) \$1,000,000 for fiscal year 2000 and \$1,030,000 for fiscal year 2001 shall be for environmental and scientific research, development, and demonstration programs, projects, and activities related to oil spills;
- (3) \$600,000 for fiscal year 2000 and \$618,000 for fiscal year 2001 shall be for environmental and scientific research, development, and demonstration programs, projects, and activities related to leaking underground storage tanks; and
- (4) \$491,715,100 for fiscal year 2000 and \$506,466,600 for fiscal year 2001 shall be for other environmental and scientific research, development, and demonstration programs, projects, and activities of the Office of Research and Development.

(b) **LIMITATION.**—None of the amounts authorized under subsection (a) may be obligated until 30 days after the Administrator submits to the Committee on Science

and the Committee on Appropriations of the House of Representatives, and the Committee on Environment and Public Works and the Committee on Appropriations of the Senate, a report detailing, for fiscal year 2000 and each of the 2 previous fiscal years, for all Office of Research and Development environmental and scientific research, development, and demonstration programs, projects, and activities, by appropriation goal and objectives—

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

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

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

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

- (1) developing a strategic plan for environmental and scientific research, development, and demonstration programs, projects, and activities throughout the Agency;
- (2) integrating that strategic plan into ongoing Agency planning activities; and
- (3) reviewing all Agency environmental and scientific research, development, and demonstration programs, projects, and activities to ensure the research, development, and demonstration—
  - (A) is of high quality; and
  - (B) does not duplicate any other environmental and scientific research, development, and demonstration programs, projects, and activities being conducted by the Agency.

(b) REPORT.—The Assistant Administrator shall transmit annually to the Administrator and to the Committee on Science and the Committee on Appropriations of the House of Representatives, and to the Committee on Environment and Public Works and the Committee on Appropriations of the Senate, a report detailing—

- (1) all Agency environmental and scientific research, development, and demonstration programs, projects, and activities the Assistant Administrator finds is not of sufficiently high quality; and
- (2) all Agency environmental and scientific research, development, and demonstration programs, projects, and activities the Assistant Administrator finds duplicate other Agency environmental and scientific research, development, and demonstration programs, projects, and activities.

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

In carrying out the Science To Achieve Results (STAR) Graduate Student Fellowship Program, the Administrator shall ensure that any fellowship award to a student selected after the date of the enactment of this Act is used only to support scientific research that would further missions of the Office of Research and Development in fields in which there exists or is projected to exist a shortage in the number of scientists.

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

(a) ANNUAL REPORT.—The Science Advisory Board shall submit to Congress and to the Administrator an annual report that contains the views of the Science Advisory Board on proposed environmental and scientific research, development, and demonstration programs, projects, and activities as described in the Agency's budget. Such report shall be submitted to Congress as soon as practicable after the submission of the Agency's budget to Congress. The Administrator shall cooperate with the Chairperson of the Science Advisory Board, particularly with respect to the timely provision of budget information to the Science Advisory Board, to allow the Science Advisory Board to carry out its duties under this subsection.

(b) EVALUATION.—The Science Advisory Board shall conduct periodic evaluations of selected areas of the current and planned environmental and scientific research, development, and demonstration programs, projects, and activities of the Agency. The areas of evaluation shall be selected by the Science Advisory Board in consultation with the Administrator, the Office of Research and Development, other Agency programs, and appropriate committees of the Congress. 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 commit-

tees 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) REVIEW OF CERTAIN PROGRAMS, PROJECTS, AND ACTIVITIES.—The Science Advisory Board shall annually review the environmental and scientific research, development, and demonstration programs, projects, and activities of the Agency and shall include the results of such review in the annual report required by subsection (a).

(d) 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.

(e) 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 Development or the Science Advisory Board under this Act—

(1) up to the lesser of \$250,000 or 5 percent of the total funding for a fiscal year of an environmental or scientific research, development, or demonstration program, project, or activity of the Office of Research and Development or the Science Advisory Board; or

(2) after the expiration of 60 days after transmitting to the Committee on Science and the Committee on Appropriations of the House of Representatives, and to the Committee on Environment and Public Works and the Committee on Appropriations of the Senate, a report described in subsection (b), up to 25 percent of the total funding for a fiscal year of an environmental or scientific research, development, or demonstration program, project, or activity of the Office of Research and Development or the Science Advisory Board.

(b) REPORT.—(1) The report referred to in subsection (a)(2) is a report containing a full and complete statement of the action proposed to be taken and the facts and circumstances relied upon in support of such proposed action.

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

(c) LIMITATIONS.—In no event may funds be used pursuant to subsection (a) for an environmental or scientific research, development, or demonstration program, project, or activity for which funding has been requested to the Congress but which has not been funded by the Congress.

(d) ANNUAL OPERATING PLAN.—The Administrator shall provide simultaneously to the Committee on Science and the Committee on Appropriations of the House of Representatives, and to the Committee on Environment and Public Works and the Committee on Appropriations of the Senate, any annual operating plan or other operational funding document, including any additions or amendments thereto, provided to any committee of Congress.

(e) COPY OF REPORTS.—In addition to the documents required under subsection (d), the Administrator shall provide copies simultaneously to the Committee on Science and the Committee on Appropriations of the House of Representatives, and to the Committee on Environment and Public Works and the Committee on Appropriations of the Senate, of any report relating to the environmental or scientific research, development, or demonstration programs, projects, or activities of the Office of Research and Development or the Science Advisory Board prepared at the direction of any committee of Congress.

(f) NOTICE OF REORGANIZATION.—The Administrator shall provide notice to the Committee on Science and the Committee on Appropriations of the House of Representatives, and to the Committee on Environment and Public Works and the Committee on Appropriations of the Senate, not later than 15 days before any major reorganization of any environmental or scientific research, development, or demonstration program, project, or activity of the Office of Research and Development or the Science Advisory Board.

#### SEC. 8. BUDGET REQUEST FORMAT.

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

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

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

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

(a) **TRAVEL.**—Not more than 1 percent of the funds authorized by this Act may be used either directly or indirectly to fund travel costs of the Agency or travel costs for persons awarded grants, contracts, subcontracts, or any other form of financial assistance by the Agency. As part of the Agency's annual budget request submission to the Congress, the Administrator shall submit a report to the Committee on Science and the Committee on Appropriations of the House of Representatives, and to the Committee on Environment and Public Works and the Committee on Appropriations of the Senate, that identifies—

- (1) the estimated amount of travel costs by the Agency and for persons awarded grants, contracts, subcontracts, or any other form of financial assistance by the Agency for the fiscal year of such budget submission, as well as for the 2 previous fiscal years;
- (2) the major purposes for such travel; and
- (3) the sources of funds for such travel.

(b) **TRADE ASSOCIATIONS.**—No funds authorized by this Act may be used either directly or indirectly to fund a grant, contract, subcontract, or any other form of financial assistance awarded by the Agency to a trade association on a noncompetitive basis. As part of the Agency's annual budget request submission to the Congress, the Administrator shall submit a report to the Committee on Science and the Committee on Appropriations of the House of Representatives, and to the Committee on Environment and Public Works and the Committee on Appropriations of the Senate, that identifies—

- (1) the estimated amount of funds provided by the Agency to trade associations, by trade association, for the fiscal year of such budget submission, as well as for the 2 previous fiscal years;
- (2) the services either provided or to be provided by each such trade association; and
- (3) the sources of funds for services provided by each such trade association.

(c) **KYOTO PROTOCOL.**—None of the funds authorized by this Act may be used either directly or indirectly for the purpose of implementation, or in preparation for implementation, of the Kyoto Protocol which was adopted on December 11, 1997, in Kyoto, Japan, at the Third Conference of the Parties to the United Nations Framework Convention on Climate Change, unless it has been ratified by the Senate and has entered into force pursuant to article 25 of the Protocol.

(d) **HIGH PERFORMANCE COMPUTING AND COMMUNICATIONS (HPCC) PROGRAM.**—None of the funds authorized by this Act may be used for the Agency's High Performance Computing and Communications (HPCC) Program.

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

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

The Agency shall provide funding for environmental or scientific demonstration programs, projects, or activities of the Office of Research and Development or the Science Advisory Board only for technologies or processes that are substantially new, and not for incremental improvements to technologies that exist in the marketplace, except as specifically authorized by this Act.

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

(a) **REQUIREMENT.**—None of the funds authorized to be appropriated by this Act may be used to award, amend, or modify a contract of the Office of Research and Development or the Science Advisory Board in a manner that deviates from the Federal Acquisition Regulation, unless the Administrator grants, on a case-by-case

basis, a waiver to allow for such a deviation. The Administrator may not delegate the authority to grant such a waiver.

(b) CONGRESSIONAL NOTICE.—At least 60 days before a contract award, amendment, or modification for which the Administrator intends to grant such a waiver, the Administrator shall submit to the Committee on Science and the Committee on Appropriations of the House of Representatives, and to the Committee on Environment and Public Works and the Committee on Appropriations of the Senate, a report notifying the committees of the waiver and setting forth the reasons for the waiver.

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

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

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

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

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

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

(b) EXCEPTION.—Subsection (a) shall not apply to the receipt of Federal funds by a person due to the membership of that person in a class specified by law for which assistance is awarded to members of the class according to a formula provided by law.

(c) DEFINITION.—For purposes of this section, the term “grant agreement” means a legal instrument whose principal purpose is to transfer a thing of value to the recipient to carry out a public purpose of support or stimulation authorized by a law of the United States, and does not include the acquisition (by purchase, lease, or barter) of property or services for the direct benefit or use of the United States Government. Such term does not include a cooperative agreement (as such term is used in section 6305 of title 31, United States Code) or a cooperative research and development agreement (as such term is defined in section 12(d)(1) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a(d)(1))).

Chairman SENSENBRENNER. This bill authorizes \$506.7 million for Fiscal Year 2000 and \$522.7 million for Fiscal Year 2001 for the EPA’s Office of Research and Development and the Science Advisory Board.

For Research and Development Office, the bill supports the administration’s request for EPA’s or the programs, projects, and activities, It is an increase of \$15.9 million above the current appropriated level.

For the Science Advisory Board, the administration’s request is also supported. There is a 3 percent increase there. There are some other provisions in the bill, and I would ask unanimous consent that my opening statement be placed in the record at this point.

[The information follows:]

OPENING STATEMENT OF CHAIRMAN F. JAMES SENSENBRENNER, JR., COMMITTEE ON  
SCIENCE

H.R. 1742 authorizes \$506.7 million for fiscal year (FY) 2000 and \$522.7 million for FY 2001 for Environmental Protection Agency's (EPA's) Office of Research and Development and Science Advisory Board (SAB). Highlights of the bill's authorizations for fiscal years 2000 and 2001 include:

- Office of Research and Development—H.R. 1742 supports the Administration's request for EPA's Office of Research and Development (ORD) programs, projects and activities. The bill recommends \$504.0 million in FY 2000 and \$519.9 million in FY 2001, an increase of \$15.9 million, or 3.0 percent above the amount recommended for FY 2000.

- Science Advisory Board—H.R. 1742 also supports the Administration's request for EPA's Science Advisory Board. The bill recommends \$2.64 million in FY 2000—the Administration's request—and \$2.72 million for FY 2001, an increase of \$0.1 million, or 3.0 percent above the amount recommended for FY 2000.

Other provisions of the bill include the following:

- Establishes the EPA Assistant Administrator for ORD as EPA's chief scientific official in charge of the Agency's environmental and scientific RD&D strategic planning;

- Ensures that fellowship awards to students selected under the Science To Achieve Results (STAR) Graduate Student Fellowship Program are used only to support scientific research that furthers the mission of the ORD in fields in which there exists or will exist a shortage of scientists;

- Strengthens and institutionalizes the role of the Science Advisory Board in analyzing, evaluating, and reviewing EPA's current and planned environmental and scientific RD&D programs, projects, and activities and associated budgets;

- Requires EPA to submit its budget requests in a format that is transparent and in sufficient detail so that it is understandable;

- Prohibits the use of any funds in the bill for EPA's High Performance Computing and Communications (HPCC) Program, which will be authorized in separate legislation, or for the purpose of implementing or in preparation of implementing the Kyoto Protocol until the Protocol has been ratified by the Senate and entered into force;

- Limits wasteful travel by EPA and its contractors;
- Prohibits noncompetitive awards of grants, contracts, subcontracts, or any other forms of financial assistance to trade associations;

- Sets limits on amounts of funds that may be reprogrammed;
- Limits demonstrations to technologies and processes that are substantially new, and not for incremental improvements for technologies or processes that exist in the marketplace; and

- Prohibits EPA and its contractors from competing with the private section.

Chairman SENSENBRENNER. And who would like to give the opening statement on the Democratic side?

The gentleman from Illinois.

Mr. COSTELLO. Mr. Chairman, thank you. I want to thank you for working with us to incorporate the changes included in the manager's amendment. The numbers contained in this authorization are generally consistent with the President's request for these accounts for Fiscal Year 2001. And the inclusion of 3 percent increase in funds for Fiscal Year 2001, provides a reasonable level of increase for these programs next year.

I would have preferred to see more specific allocations of funding to program areas in the bill. I hope we will include some guidance on funding priorities for EPA's research programs in the report accompanying this bill. We cannot develop cost-effective environmental protection strategies without good scientific information. It is essential that the research programs at EPA be focused on generating the information necessary for us to make wise decisions that balance our need for a healthy environment with our need for a healthy economy.

I believe we share a desire to see the Agency's budget request presented in a more detailed format than they have yet accomplished since switching to the goal-based format directed by the Government Performance and Results Act.

I hope that we can work together with the Agency and come to some agreement on the future format that will be coming to accommodate all of our needs. In general, this seems to be a reasonable bill. We do have a few outstanding issues that will require further discussion.

I hope that we can continue to perfect the bill today before proceeding to the floor.

Mr. Chairman, I thank you.

Chairman SENSENBRENNER. Without objection, all members' opening statements will be placed in the record at this point.

[The information follows:]

STATEMENT OF CHAIRMAN KEN CALVERT, ENERGY AND ENVIRONMENT SUBCOMMITTEE

Today we mark up H.R. 1742, the Environmental Protection Agency Office of Air and Radiation Authorization Act of 1999.

Over the last three months, my subcommittee has held oversight hearings on EPA's science and technology and Climate Change Technology Initiative accounts (CCTI). Today we are discussing the budget authority for large portion of the S&T account, the Office of Research and Development.

I have some serious questions about the Agency's R&D priorities, but first I would like to comment on what I see as a real problem in this year's budget: insufficient detail. It is impossible to determine where EPA intends to use their funding down to specific programs, projects and activities. The Agency explains that they are complying with the Government Performance and Results Act (GPRA) which calls for the budget to be aligned with broad strategic goals and objectives. This, they claim, means that they no longer need to provide a budget justification by program. Yet other budget requests, including the Department of Energy's—which is on the agenda today—contain detail down to the program and activity level. If DOE provides these numbers within a Results Act structure, I don't see why EPA cannot.

I continue to be a strong proponent of sound science at the EPA, and, therefore am very concerned about EPA's fogginess in their R&D budget priorities. The committee cannot determine with any great certainty who is doing what, where, and why. We are requesting that EPA perform a survey of Agency science in all of its program offices as part of this authorization bill.

Because of these difficulties, we are doing something a little unusual this year. We will authorize the EPA R&D account, but make the authorization contingent upon the presentation of credible and detailed budget figures to the committee. The authorization bill also requires the Agency to do a more precise job in preparing their budget submission for next year.

I hope that the provisions and funding levels contained in this authorization indicate the seriousness we place on science at the EPA, and how important it is for this committee to receive adequate budget information from the Agency. I would like to conclude my statement by noting that if this authorization bill is signed by the president, it will be the first time since 1981 that we have authorized the R&D budget at EPA. With that, I ask for your support on this important authorization bill.

Mr. Chairman, I thank you for your time.

Chairman SENSENBRENNER. The first amendment on the roster is an en bloc amendment by the gentleman from California, Mr. Calvert, and the gentleman from Illinois, Mr. Costello.

For what purpose does the gentleman from California seek recognition?

Mr. CALVERT. Mr. Chairman, I have an amendment at the desk, and I would ask unanimous consent that amendment number one and amendment number 8 be considered en bloc.



Chairman SENSENBRENNER. Without objection, so ordered. Without objection, amendment number one is an en bloc amendment and will be considered en bloc. And the gentleman is recognized for five minutes.

[The information follows:]

AMENDMENT TO H.R. 1742 OFFERED BY MR. CALVERT AND MR. COSTELLO

Strike “environmental and scientific” each place it appears in the bill and insert “environmental research and development and scientific”.

Strike “environmental or scientific” each place it appears in the bill and insert “environmental research or development or scientific”.

Page 2, lines 18 and 19, strike “, projects, and activities”.

Page 2, line 22, through page 3, line 18, strike “, of which” and all that follows through “Research and Development”.

Page 4, line 23, strike “, projects, and activities”.

Page 5, line 2, insert “environmental research and development and scientific research, development, and demonstration” after “ongoing Agency”.

Page 5, line 5, strike “, projects, and activities”.

Page 5, lines 10 and 11, strike “, projects, and activities”.

Page 5, lines 19 and 20, strike “, projects, and activities”.

Page 5, lines 23 and 24, strike “, projects, and activities”.

Page 6, line 2, strike “, projects, and activities”.

Page 6, lines 11 and 12, strike “in fields in which” and all that follows through “number of scientists”.

Page 6, lines 18 and 19, strike “, projects, and activities”.

Page 7, lines 6 and 7, strike “, projects, and activities”.

Strike “programs, projects, and activities” each place it appears in the bill and insert “programs, projects and activities”.

Strike “programs, projects, or activities” each place it appears in the bill and insert “programs, projects or activities”.

Strike “program, project, and activity” each place it appears in the bill and insert “program, project and activity”.

Strike “program, project, or activity” each place it appears in the bill and insert “program, project or activity”.

Page 7, lines 7 through 11, strike “The areas of evaluation” and all that follows through “committees of the Congress.” and insert “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.”.

Page 7, lines 18 through 23, strike subsection (c).

Page 7, line 24, and page 8, line 5, redesignate subsections (d) and (e) as subsections (c) and (d), respectively.

Page 12, lines 5 and 6, strike “grants, contracts, subcontracts, or any other form of financial assistance” and insert “contracts or subcontracts”.

Page 12, lines 15 through 17, strike “grants, contracts, subcontracts, or any other form of financial assistance” and insert “contracts or subcontracts”.

Page 13, line 24, through page 14, line 3, strike subsection (d).

Page 14, line 4, redesignate subsection (e) as subsection (d).

Page 14, line 6, strike “(1)”.

Page 14, lines 7 and 8, strike “research, development, and demonstration” and insert “research and development”.

Page 14, lines 15 through 22, amend section 10 to read as follows:

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

The Agency shall provide funding for scientific demonstration projects of the Office of Research and Development or the Science Advisory Board only for technologies or processes that can be reasonably expected to yield new, measurable benefits to the cost, efficiency, or performance of the technology or process.

Page 17, line 2, insert “or under circumstances permitting other than full and open competition under the Federal Acquisition Regulation” after “provided by law”.

TITLE AMENDMENT TO H.R. 1742 OFFERED BY MR. CALVERT AND MR. COSTELLO

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.”.

Mr. CALVERT. Thank you, Mr. Chairman. I offer this management amendment on behalf of myself and my friend, the Ranking Minority Member of the Subcommittee on Energy and Environment, the gentleman from Illinois, Mr. Costello.

The bipartisan management amendment makes technical and conforming changes to H.R. 1742 as introduced, better clarifies the intent of the Science To Achieve Results, STAR, graduate student fellowship program section, streamlines the section on the Science Advisory Board, and also better clarifies the intent of the limitations on demonstrations and eligibility of awards provisions.

Finally, after bipartisan consultations with the Commerce Committee, this amendment makes clarifications in language and provisions that strengthen the Committee’s jurisdictional claims for the bill’s provisions.

I want to thank my good friend for his cooperation in crafting this bipartisan management amendment and ask my colleagues for their support.

For that, I would like to yield the balance of my time to my friend, Mr. Costello.

Mr. COSTELLO. Mr. Chairman, I thank Chairman Calvert for working with the Minority to craft this amendment and urge my colleagues to support it.

Chairman SENSENBRENNER. Does the gentleman yield back his time?

Further discussion on the amendment?

[No response.]

Hearing none, all those in favor will signify—

Ms. RIVERS. Mr. Chairman?

Chairman SENSENBRENNER. The gentlelady from Michigan.

Ms. RIVERS. Thank you, Mr. Chairman, I just wanted to take this opportunity to thank both the Chairman and the Chairman of the Subcommittee for the new language in the en bloc amendment that clarifies the intent of the language relative to research demonstrations. I was concerned initially that the language in the bill would have limited research demonstration only to technologies and processes that are substantially new.

I feel that that concern was listened to, that the new language was negotiated, and that the new language addresses my concerns. And I am grateful to all of the people who were involved with it.

Thank you.

Chairman SENSENBRENNER. Question is on the adoption of the amendment. Those in favor will signify by saying aye.

Opposed, no.

The ayes appear to have it. The ayes have it. And amendments number one and number none are agreed to.

The next amendment is by the gentlewoman from Texas, Ms. Jackson-Lee. Is she here?

Mr. LAMPSON. No, Mr. Chairman. May Lampson speak in her behalf?

Chairman SENSENBRENNER. That’s a tall order, but the gentleman is—for what purpose do you arise? [Laughter.]

Mr. LAMPSON. There is an amendment at the desk, Mr. Chairman.

Chairman SENSENBRENNER. The clerk will report the amendment.

The CLERK. Amendment to H.R. 1742, offered by Ms. Jackson-Lee of Texas.

Mr. LAMPSON. May we consider it read, Mr. Chairman?

Chairman SENSENBRENNER. Without objection, the gentleman from Texas, Mr. Lampson, is recognized for five months.

[The information follows:]

AMENDMENT TO H.R. 1742 OFFERED BY MS. JACKSON-LEE OF TEXAS

Page 2, line 22, insert “, of which \$2,000,000 for fiscal year 2000 and \$2,000,000 for fiscal year 2001 shall be for the Mickey Leland Urban Air Toxics Research Center” after “available until expended”.

Mr. LAMPSON. Thank you, Mr. Chairman. I would like to offer this amendment in behalf of Ms. Jackson-Lee to this bill to get funds authorized for a center named for the late and well-respected Member of Congress, Mickey Leland.

The Mickey Leland Urban Air Toxic Research Center was established under the 1996 amendments to the Clean Air Act with the mandate that it research in environmental health research programs that would look at the risks posed by air toxins in urban atmospheres.

In this research, the Center takes a multi-disciplinary approach to public health. The staff utilizes oncology, epidemiology, toxicology, pulmonary science, pathology, and bio-statistics to further their goals to—of helping all of us who come from urban districts breathe easier and live longer.

Specifically, the Center’s research program is focused on measuring the actual quantities of exposures that people have every day with air toxins, using bio-markers to protect susceptible populations, like those that my own wife, Susan, suffers from, asthma, from poor air quality, and from researching the chemical effects of exposure to toxins.

So this is important research for urban areas all over the country. Just this week we learned that if we were able to meet the national air standards for just two key air pollutants that we would avert over 435 early deaths and prevent emission-related illnesses and symptoms in the Houston area alone.

We would save 1.1 million children from asthmatic symptoms, even though many of them do not suffer from asthma. Imagine how each of those numbers would translate into each of your districts.

This research is vital for public health, and I urge each of you to support this authorization so that this part of the research can continue—

Chairman SENSENBRENNER. Will the gentleman yield?

Mr. LAMPSON. Yes, Mr. Chairman.

Chairman SENSENBRENNER. I am happy to support the amendment. I hope nobody else wants to debate it so we can get it adopted before we have to go and vote.

Mr. LAMPSON. I yield back, and thank you, sir.

Chairman SENSENBRENNER. Okay. Any further discussion on the Jackson-Lee by proxy amendment?

[No response.]

Hearing none. All those in favor will signify by saying aye.

Opposed, no.

The ayes appear to have it. The ayes have it. The amendment is agreed to.

The Committee will stand in recess. There are two votes scheduled. Please be back promptly so we can continue working because we are going to get all these bills done today.

The Committee stands in recess.

[Recess.]

Chairman SENSENBRENNER. The Committee will be in order.

The next amendment—excuse me. When the Committee recessed, the Committee was considering the bill H.R. 1742, the Environmental Protection Agency Office of Research and Development and Science Advisory Board Authorization Act of 1999. The bill has been read a first time. Open for amendment at any point. The first three amendments and the ninth amendment on the amendment roster had been disposed of. The next amendments are by the gentlewoman from California, Ms. Lofgren.

For what purpose does she seek recognition?

Mr. LAMPSON. Mr. Chairman? Can we take amendment number three?

Chairman SENSENBRENNER. We did.

Mr. LAMPSON. Number two. I spoke for someone else. I would like to speak for me.

Chairman SENSENBRENNER. I stand corrected. The gentleman from Texas, Mr. Lampson would like to speak for himself. For what purpose does he arise?

Mr. LAMPSON. I have an amendment at the desk, Mr. Chairman.

Chairman SENSENBRENNER. The clerk will report the amendment.

The CLERK. Amendment to H.R. 1742 offered by Mr. Lampson.

Chairman SENSENBRENNER. Without objection, the amendment is considered as read.

[The information follows:]

AMENDMENT TO H.R. 1742 OFFERED BY MR. LAMPSON

Page 2, line 22, insert “, of which \$5,000,000 for fiscal year 2000 and \$5,000,000 for fiscal year 2001 shall be for the Gulf Coast Hazardous Substance Research Center” after “available until expended”.

Chairman SENSENBRENNER. The gentleman is recognized for five minutes.

Mr. LAMPSON. Thank you, Mr. Chairman. My amendment would authorize \$5 million in both Fiscal Year 2000 and Fiscal Year 2001 for the Gulf Coast Hazardous Substance Research Center. The Center was authorized in 1986, has been appropriated funds each year since, but this amount of money would be set aside out of the EPA’s Office of Research and Development budget.

The Gulf Coast region of the United States faces some of the most challenging air quality problems in the Nation. Its meteorology and climatology is dominated by the Western Gulf with the extremes in humidity, precipitation, and coastal air mass movements, in addition to an unusual mix of large industrial emission

sources, extensive transportation sources, significant biogenic emissions, and a complex coastal meteorology.

These sources and the meteorology interact to produce ozone, hazardous air pollutants and fine particulate matter. Emission sources in the Gulf Coast region and the chemistry of hazardous air pollutants and fine particulate matter emitted by these sources are poorly understood. The influence of the high humidities commonly encountered along the Gulf Coast is unknown and a transport of pollutants driven by the coastal meteorology is not well characterized. Emission rates must be related to air quality, which requires good science, engineering, modeling, information management, and decision making.

As the air problem is mainly a local to regional problem that is related to the local and regional sources and atmospheric conditions, the solution lies in studies conducted by local and regional research cooperatives. The Gulf Coast Hazardous Substance Research Center authorized by Congress in 1986, and made up of the Texas A&M University system, the University of Texas, Rice University, the University of Houston, Lamar University, Louisiana State University, Mississippi State University, the University of Alabama, and the University of Central Florida, has had over a decade of experience in studying Gulf Coast environmental problems. It is expedient that the Center take the lead in mounting a coordinated and integrated air research effort.

The Gulf Coast Center has formed a Gulf Coast Air Research Cooperative, whose main objective is to focus on three major concerns, critical data gaps, unique Gulf Coast air chemistry and characterization, and control of emissions that contributed to Gulf Coast air quality problems. Pollution prevention which is a recognized strength of the Center, will be emphasized throughout the effort. The research will involve diagnostic, prognostic, and control studies in cooperation with laboratories within the Gulf Coast Hazardous Substance Research Center, and among its member university researchers.

The benefits which will flow from the improved understanding will be numerous, improved air quality, better environmental and regulatory decision making, better and more focused monitoring, better applications of resources, improved regional economics, increased competitiveness, and reduced health risks, with the bottom line being the improvement of the quality of life in the region and its continued economic health.

Mr. Chairman, with that, I yield back the balance of my time.

Chairman SENSENBRENNER. Will the gentleman yield? This is a constructive amendment. It is a set-aside, and I am pleased to support it.

Mr. LAMPSON. Thank you very much, Mr. Chairman.

Mr. ROHRBACHER. Mr. Chairman?

Chairman SENSENBRENNER. The gentleman from California, Mr. Rohrabacher. For what purpose do you seek recognition?

Mr. ROHRBACHER. I strike the requisite number of words.

Chairman SENSENBRENNER. The gentleman is recognized for five minutes.

Mr. ROHRBACHER. I support this amendment and would like to commend my colleague. What we are talking about here is research

that's coming out of research money. I mean what you are doing is trying to designate the research money for exactly what it was intended. Plus, how you are directing it, I might also compliment you. The fact that you are directing it at air quality rather than on some other—trying to disprove or prove some theory, scientific theory, you are actually trying to direct this money towards air quality in your region. As I say, this is not adding on extra money. This is trying to direct the money the way it was intended, and I support the amendment.

Chairman SENSENBRENNER. Further discussion on the Lampson amendment?

[No response.]

If not, all those in favor will signify by saying aye.

Opposed, no.

The ayes appear to have it. The ayes have it. The amendment is agreed to.

Before recessing the Committee, the Chair is going to attempt to find out if we are going to be rudely interrupted every 10 minutes from now on in. If that's the case, I am about ready to wave the flag of surrender.

The Committee rules require us to recess while the vote is going on. Members will please come back promptly after this vote. I will make inquiry if we are going to be voting on a Coburn amendment every 10 minutes. But please come back. We will try to finish this bill under the most difficult of circumstances. The Committee is recessed.

[Recess.]

Chairman SENSENBRENNER. There are in excess of 100 Coburn amendments, and we are going to be voting every 10 minutes. So rather than try and finish today, the Committee is now adjourned, subject to the call of the Chair.

[Whereupon, at 3:41 p.m., the Committee was adjourned, to reconvene Wednesday, May 26, 1999, at 2:00 p.m.]

WEDNESDAY, MAY 26, 1999

The committee met, pursuant to notice, at 3:05 p.m., in room 2318, Rayburn House Office Building, Hon. F. James Sensenbrenner, Jr. (chairman of the committee) presiding.

Chairman SENSENBRENNER [presiding]. The Committee on Science will be in order.

When the Committee recessed yesterday, the Committee was considering the bill H.R. 1742, the Environmental Protection Agency Office of Research and Development and Science Advisory Board Authorization Act of 1999. The bill had been read a first time and was open for amendment at any point.

Amendments number 1, 2, 3, and 8 on the roster were adopted. The next amendments up are 4 and 5 by the gentlewoman from California, Ms. Lofgren.

For what purpose does she seek recognition?

Ms. LOFGREN. Mr. Chairman, I am not going to offer number 4, but I would like to offer number 5.

Chairman SENSENBRENNER. The clerk will report amendment number 5.

The CLERK. Amendment to H.R. 1742 offered by Ms. Lofgren.  
Chairman SENSENBRENNER. Without objection, the amendment is considered as read.

[The information follows:]

AMENDMENT TO H.R. 1742 OFFERED BY MS. LOFGREN

Page 13, lines 15 through 23, amend subsection (c) to read as follows:

(c) KYOTO PROTOCOL.—None of the funds authorized by this Act may be used to propose or issue rules, regulations, decrees, or orders for the purpose of implementation, or in preparation for implementation, of the Kyoto Protocol which was adopted on December 11, 1997, in Kyoto, Japan, at the Third Conference of the Parties to the United Nations Framework Convention on Climate Change, which has not been submitted to the Senate for advice and consent to ratification pursuant to article II, section 2, clause 2 of the United States Constitution, and which has not entered into force pursuant to article 25 of the Protocol.

Chairman SENSENBRENNER. The gentlewoman from California is recognized for five minutes.

Ms. LOFGREN. Thank you, Mr. Chairman. This amendment replaces the language in section 9(c) of the act with language identical to that which was included in the EPA section of P.L. 105–276, the law making appropriations for the Veterans Administration, Department of Housing and Urban Development and Independent Agencies for 1999.

Implementation refers to the issuance of rules, regulations, orders of decrees. There is no other way to implement a law or a treaty. My amendment specifically reiterates the ban contained in the appropriations law and makes clear that no funds may be used for those specific activities which implement the Kyoto Treaty. The issuance of proposed rules, regulations, decrees, or orders by the Agency.

Since our bill is restricted to the authorization of EPA's research and development programs, neither the language in the bill nor the language of my amendment should be necessary. Research and development programs are not tools of implementation. I assume the language was included because we wish to be very clear about Congress' view that the Kyoto Protocol not be implemented prematurely.

If clarity is our goal, it would be best to adhere to the language that has been agreed to by both the House and the Senate, and that already exists in law, the language in my amendment.

The language in section 9 of the bill is unclear. The phrase which pertains to the use of funds authorized by this act—

Chairman SENSENBRENNER. Would the gentlewoman yield?

Ms. LOFGREN. I certainly will, Mr. Chairman.

Chairman SENSENBRENNER. I believe that this amendment is a constructive addition to the bill. I am pleased to accept it with one proviso. That is, is that the language henceforth will be referred to as the Knollenberg Lofgren language. Each of you can explain to the other how this marriage got together.

Ms. LOFGREN. That would be certainly acceptable if it is with Mr. Knollenberg, and I am sure it would be.

Chairman SENSENBRENNER. Further discussion on amendment number 5 by the gentlewoman from California? Hearing none, all those in favor will signify by saying aye.

Opposed, no.

The ayes appear to have it. The ayes have it. The amendment is agreed to.

Ms. LOFGREN. Point of clarification, Mr. Chairman.

Chairman SENSENBRENNER. The gentlewoman from California.

Ms. LOFGREN. I have the identical language in an amendment to be offered in the next EPA measure. Since this is now the Knollenberg-Lofgren language, and I have an Ethics Committee meeting that began 10 minutes ago, I would ask that Mr. Knollenberg offer this measure.

Chairman SENSENBRENNER. Well unfortunately, he is not a member of the Committee. But the Chair will take you up on that, and he will offer it himself.

Ms. LOFGREN. All right. Thank you very much, sir.

Chairman SENSENBRENNER. Okay. The next amendment up is the amendment number 6, by the gentleman from North Carolina, Mr. Etheridge.

For what purpose do you seek recognition?

Mr. ETHERIDGE. Thank you, Mr. Chairman. Mr. Chairman, I believe—I have an amendment at the desk, but I believe this language was taken care of in a manager's amendment, if I'm not incorrect on that.

Chairman SENSENBRENNER. The answer to your question is yes, it was taken care of. So you are not going to offer it?

Mr. ETHERIDGE. I will withdraw that, Mr. Chairman. But Mr. Chairman, I do have report language. If appropriate, I would offer it now or wait until the end of the bill. Which would be——

Chairman SENSENBRENNER. For the report language, wait until the end of the bill.

Mr. ETHERIDGE. Okay.

Chairman SENSENBRENNER. Next amendment is amendment number 7 by the gentlewoman from Illinois, Mrs. Biggert. The Chair on behalf of Mrs. Biggert offers the amendment.

The clerk will report the amendment.

The CLERK. Amendment to H.R. 1742 offered by Mrs. Biggert.

Chairman SENSENBRENNER. Without objection, the amendment is considered as read.

[The information follows:]

AMENDMENT TO H.R. 1742 OFFERED BY MRS. BIGGERT

Page 17, after line 15, insert the following new section:

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

The Administrator shall make available through the Internet home page of the Environmental Protection Agency the abstracts relating to all research grants and awards made with funds authorized by this Act. Nothing in this section shall be construed to require or permit the release of any information prohibited by law or regulation from being released to the public.

Chairman SENSENBRENNER. The Chair is recognized for five minutes. This is the same language on the Internet availability of information that Mrs. Biggert has offered to other authorization bills. It has been non-controversial, and I yield back the balance of my time.

Mr. COSTELLO. Mr. Chairman?

Chairman SENSENBRENNER. The gentleman from Illinois?



Mr. COSTELLO. We have no objection to the amendment. Support it, and would move its adoption.

Chairman SENSENBRENNER. Further discussion on the Sensenbrenner-Biggert amendment? Hearing none, all those in favor will signify by saying aye.

Opposed, no.

The ayes appear to have it. The ayes have it and the amendment is agreed to.

Are there further amendments to this bill? If not, it is time for report language. The gentleman from Texas, Mr. Lampson, has report language.

For what purpose does he seek recognition?

Mr. LAMPSON. Report language at the desk.

Chairman SENSENBRENNER. The clerk will report the report language.

The CLERK. Report language offered by Congressman Nick Lampson to H.R. 1742.

Chairman SENSENBRENNER. Without objection, the report language is considered as read.

[The information follows:]

#### REPORT LANGUAGE OFFERED BY CONGRESSMAN NICK LAMPSON

The Committee has included an authorization of \$5 million dollars for research at the Gulf Coast Hazardous Substance Research Center (GCHSRC). The GCHSRC was originally authorized in the Superfund Amendments and Reauthorization Act of 1986 to carry out a program of research, evaluation, testing, development, and demonstration of technologies to aid in more effective hazardous substance response and waste management throughout the Gulf Coast region. The consortium, which includes Louisiana State University, the University of Alabama, Mississippi State University, Texas A&M University, the University of Central Florida, University of Houston, University of Texas, Rice University, and Lamar University continues to work in areas related to hazardous water management.

The Committee recognizes the expertise of the Center can also be used to support other related environmental research and development to address problems of concern to the Gulf region including those related to hazardous air pollutants, ozone, and fine particulate matter. The authorization included in this Act is sufficient to support on-going work at the Center and to expand the Center's work to develop a cooperative program on air quality research. The Air Research Cooperative would focus on studies to better understand: the physical dynamics of the atmosphere that influence regional meteorology and climatology, characterization of the constituents and dynamics of Gulf Coast atmospheric chemistry, the characterization of emissions that contribute to Gulf Coast air quality problems, and the development and testing of emission control strategies to improve regional air quality. Pollution prevention, which is a recognized strength of the Center, will be emphasized throughout the effort. The new air research program will be a cooperative effort between the laboratories of the GCHSRC and its member Universities.

Chairman SENSENBRENNER. The gentleman from Texas is recognized for five minutes.

Mr. LAMPSON. Thank you, Mr. Chairman. I just wanted to make that available. I look forward to trying to resolve any questions that the Chairman might have, and look forward to working with the Committee to resolve them. I yield back.

Chairman SENSENBRENNER. The gentleman from California?

Mr. CALVERT. Yes, Mr. Chairman. I would ask unanimous consent that the budget tables—

Chairman SENSENBRENNER. Let's dispose of Mr. Lampson's report language and Mr. Etheridge has some. Then we will get to the tables.

Further discussion on the Lampson report language? If not, all those in favor will signify by saying aye.

Opposed, no.

The ayes appear to have it. The ayes have it. The report language is agreed to.

Report language by the gentleman from North Carolina, Mr. Etheridge. For what purpose do you seek recognition?

Mr. ETHERIDGE. Mr. Chairman, I have report language at the desk.

Chairman SENSENBRENNER. The clerk will report the report language.

The CLERK. Offered by Mr. Etheridge of North Carolina, suggested report language for EPA HPCC. Language for EPA HPCC—

Chairman SENSENBRENNER. Without objection, the report language is considered as read.

[The information follows:]

OFFERED BY MR. ETHERIDGE OF NORTH CAROLINA

SUGGESTED REPORT LANGUAGE FOR EPA HPCC

Excluded from this authorization legislation is EPS's High Performance Computing and Communications (HPCC) Program which will be authorized under separate authorization legislation. The lack of authorization for EPA's HPCC program in H.R. 1742 should not be construed as a lack of endorsement of the program. It is the Chairman's intention for the Committee to act on separate legislation that will authorize appropriations for the HPCC Program—including EPA's portion—as well as the proposed Information Technology for the 21st Century (IT2) Initiative and further Next Generation Internet (NGI) activities for those agencies under the Committee's jurisdiction.

Chairman SENSENBRENNER. The gentleman from North Carolina is recognized for five minutes.

Mr. ETHERIDGE. Thank you, Mr. Chairman. Mr. Chairman, this is identical to the language that we adopted on the energy bill, just saying that the competing material that will come in a later bill, it was not intending the Committee to exclude that from it, and it would be included as a part of it.

Chairman SENSENBRENNER. The Chair is prepared to accept this as constructive. Any further discussion on the Etheridge report language? If not, all those in favor will signify by saying aye.

Opposed, no.

The ayes appear to have it. The ayes have it. The report language is agreed to.

Now tables by the Subcommittee Chair, the gentleman from California, Mr. Calvert.

Mr. CALVERT. Thank you, Mr. Chairman. I ask unanimous consent that the budget tables for H.R. 1742 be included in the bill's report language, and the staff be permitted to make technical corrections. This is consistent with Mr. Hall's unanimous consent offered yesterday on H.R. 1655. I ask my colleagues to support its adoption. I thank the Chair.

Chairman SENSENBRENNER. Is there any objection to the unanimous consent request of the gentleman?

Mr. CALVERT. And I would be happy to yield to my friend from Illinois.

Mr. COSTELLO. We have no objection, and support the amendment.

Chairman SENSENBRENNER. Okay. Without objection, the tables referred to by the gentleman from California are agreed to.

Is there further report language?

[No response.]

If not, it is time for a motion to report the bill favorably. The gentleman from Illinois, Mr. Costello.

Mr. COSTELLO. Mr. Chairman, I move that the Committee favorably report H.R. 1742 as amended to the House with recommendation that the bill as amended do pass. Furthermore, I move that the staff be instructed to prepare the legislative report and make necessary technical and conforming amendments, and that the Chairman take all necessary steps to bring the bill before the House for consideration.

Chairman SENSENBRENNER. The question is on the motion to report favorably by Mr. Costello. The Chair notes the presence of a reporting quorum, barely, but it's still there.

Those in favor of the motion will signify by saying aye.

Opposed no.

The ayes appear to have it. The ayes have it, and the bill is favorably reported. Members will have two subsequent calendar days in which to submit supplemental Minority additional or dissenting views on the measure. Pursuant to clause 1 of rule 22 of the rules of the House, with unanimous consent, the Committee authorizes the Chairman to offer such motions as may be necessary to go to conference with the Senate on the bill. Without objection, also the staff is given authority to make technical and conforming changes.

That concludes our consideration of this legislation.

