

107TH CONGRESS
1ST SESSION

S. 1176

To strengthen research conducted by the Environmental Protection Agency,
and for other purposes.

IN THE SENATE OF THE UNITED STATES

JULY 12, 2001

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

A BILL

To strengthen research conducted by the Environmental
Protection Agency, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Environmental Re-
5 search Enhancement Act of 2001”.

6 **SEC. 2. ENVIRONMENTAL PROTECTION AGENCY RESEARCH**
7 **ACTIVITIES.**

8 (a) IN GENERAL.—Section 6 of the Environmental
9 Research, Development, and Demonstration Authorization

1 Act of 1979 (42 U.S.C. 4361c) is amended by adding at
 2 the end the following:

3 “(e) DEPUTY ADMINISTRATOR FOR SCIENCE AND
 4 TECHNOLOGY.—

5 “(1) ESTABLISHMENT.—There is established in
 6 the Environmental Protection Agency (referred to in
 7 this section as the ‘Agency’) the position of Deputy
 8 Administrator for Science and Technology.

9 “(2) APPOINTMENT.—

10 “(A) IN GENERAL.—The Deputy Adminis-
 11 trator for Science and Technology shall be ap-
 12 pointed by the President, by and with the ad-
 13 vice and consent of the Senate.

14 “(B) CONSIDERATION OF RECOMMENDA-
 15 TIONS.—In making an appointment under sub-
 16 paragraph (A), the President shall consider rec-
 17 ommendations submitted by—

18 “(i) the National Academy of
 19 Sciences;

20 “(ii) the National Academy of Engi-
 21 neering; and

22 “(iii) the Science Advisory Board es-
 23 tablished by section 8 of the Environ-
 24 mental Research, Development, and Dem-

1 onstration Authorization Act of 1978 (42
2 U.S.C. 4365).

3 “(3) RESPONSIBILITIES.—

4 “(A) OVERSIGHT.—The Deputy Adminis-
5 trator for Science and Technology shall coordi-
6 nate and oversee—

7 “(i) the Office of Research and Devel-
8 opment of the Agency (referred to in this
9 section as the ‘Office’);

10 “(ii) the Office of Environmental In-
11 formation of the Agency;

12 “(iii) the Science Advisory Board;

13 “(iv) the Science Policy Council of the
14 Agency; and

15 “(v) scientific and technical activities
16 in the regulatory program and regional of-
17 fices of the Agency.

18 “(B) OTHER RESPONSIBILITIES.—The
19 Deputy Administrator for Science and Tech-
20 nology shall—

21 “(i) ensure that the most important
22 scientific issues facing the Agency are
23 identified and defined, including those
24 issues embedded in major policy or regu-
25 latory proposals;

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

8 “(iii) ensure that the complex sci-
9 entific outreach and communication needs
10 of the Agency are met, including the
11 needs—

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

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

22 “(iv) coordinate and oversee scientific
23 quality-assurance and peer-review activities
24 throughout the Agency, including activities

1 in support of the regulatory and regional
2 offices;

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

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

12 “(I) valid;

13 “(II) appropriately characterized
14 in terms of scientific uncertainty and
15 cross-media issues; and

16 “(III) appropriately applied.

17 “(f) ASSISTANT ADMINISTRATOR FOR RESEARCH
18 AND DEVELOPMENT.—

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

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

1 “(g) SENIOR RESEARCH APPOINTMENTS IN OFFICE
2 OF RESEARCH AND DEVELOPMENT LABORATORIES.—

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

10 “(2) AWARDS.—

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

14 “(i) to support research in areas that
15 are rapidly advancing and are related to
16 the mission of the Agency; and

17 “(ii) to train junior researchers who
18 demonstrate exceptional promise to con-
19 duct research in such areas.

20 “(B) SELECTION PROCEDURES.—The head
21 of the Office shall establish procedures for the
22 selection of the recipients of awards under this
23 paragraph, including procedures for consulta-
24 tion with the Science Advisory Board and the
25 Board of Scientific Counselors of the Office.

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

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

8 “(4) AUTHORIZATION OF APPROPRIATIONS.—
9 There are authorized to be appropriated such sums
10 as are necessary to carry out this subsection.

11 “(h) OTHER ACTIVITIES OF OFFICE OF RESEARCH
12 AND DEVELOPMENT.—

13 “(1) ACTIVITIES OF THE OFFICE.—The Office
14 shall—

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

23 “(B) maintain approximately an even bal-
24 ance between core research and problem-driven
25 research;

“(C) develop and implement a structured strategy for encouraging, and acquiring and applying the results of, research conducted or sponsored by other Federal and State agencies, universities, and industry, both in the United States and in foreign countries; and

“(D) substantially improve the documentation and transparency of the decisionmaking processes of the Office for—

“(i) establishing research and technical-assistance priorities;

“(ii) making intramural and extramural assignments; and

“(iii) allocating funds.

“(2) ACTIVITIES OF THE ADMINISTRATOR.—

The Administrator of the Agency shall—

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

“(i) to disseminate actively the research products and ongoing projects of the Office;

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

“(iii) to assist other persons and entities inside and outside the Agency in ap-

plying the results of the research products
and projects;

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

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

“(II) principal investigators and
project managers; and

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

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

“(C) change the peer-review policy of the
Agency to more strictly separate the manage-
ment of the development of a work product
from the management of the peer review of that

1 work product, thereby ensuring greater inde-
2 pendence of peer reviews from the control of
3 program managers, or the potential appearance
4 of control by program managers, throughout
5 the Agency.”.

6 (b) DEPUTY ADMINISTRATOR FOR POLICY AND MAN-
7 AGEMENT.—

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

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

20 (c) EXECUTIVE SCHEDULE LEVEL III.—Section
21 5314 of title 5, United States Code, is amended by strik-
22 ing the item relating to the Deputy Administrator of the
23 Environmental Protection Agency and inserting the fol-
24 lowing:

1 “Deputy Administrator for Policy and Manage-
2 ment of the Environmental Protection Agency.

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

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